

Considering Colonialism and Oppression: Aboriginal Women, Justice and the "Theory" of Decolonization

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This paper examines the relationship between colonialism and the law through the experiences of one Aboriginal woman academic. In this way, the discussion is true to the knowledge systems of Indigenous nations in that they have story-telling as one of their foundations. The discussion also examines the strategies for ending colonial patterns in both academic and legal institutions in Canada. It provides a rethinking of strategies such as resistance that are not transformational instruments of true change.

La considération du colonialisme et de l'oppression: les femmes autochtones, la justice et la "théorie" de la décolonisation

Ce document examine la relation entre le colonialisme et la loi par l'intermédiaire des expériences d'une femme autochtone académique. De cette façon, la discussion reste fidèle aux systèmes de connaissances des Nations autochtones, car ces nations sont fondées sur des histoires et récits racontés. La discussion examine aussi les stratégies mettant fin au colonialisme dans les institutions et milieux académiques et légaux au Canada. Cette discussion offre l'occasion pour repenser aux stratégies telle que la résistance qui n'est pas un instrument transformationnel du changement réel.

Personal Reflections on Academia

When I was a little girl, what I wanted most in life was to grow up to be a writer. This is the first career aspiration I can remember having. I did not want to be a talker – actually, I did not talk very much when I was younger (which some people are never going to believe). I think one of the reasons why I like writing so much is that the process of writing is generally a private one – though I know writing eventually gets shared.

Unlike talking, I am fully in control of my writing up unto the point I decide to share it. I like that world of thought and ideas. I like being alone and I like being alone with my computer. Many nights the light from my computer screen glows softly as I sit and tap away on the keys when the rest of the family sleeps.

As the time for this talk approached, I realized that I was very tired of the boundaries of academic thought. Maybe it is because it is March and another academic year is grinding down to an end.² But maybe it is not the fault of March. I am tired of the way that I am confined in the university, as well as in my justice work. It is sometimes very hard for me and I feel lonely. I feel isolated. I feel difficult. I am left to response not action. Attempts are made to force me to feel like a (sometimes *the*) problem. I recognize this strategy of isolating as one aimed at silencing. It can be quite effective. It takes a lot of my energy to neutralize it. It was worse in the law school classroom. There I felt fully alienated. Unfortunately, my move from law to Native Studies has not made the isolation fully disappear. The more I learn about Native Studies, sadly, the more isolated I feel.

Sometimes I wonder if I got a little bit off track going to law school. I spent a good five years of my life as a student of law and another five years as a law professor. What I now understand about that period of my life is that my fascination with law was partly a fascination with words. I was also interested in the process by which legal rules were defined. This leads to a further obvious concern about who gets to do the defining. A preliminary examination clearly identifies that there are certain "groups" that have not had an equal opportunity to participate in the process of defining social and state relations (including the law). Women, Aboriginal people and other so-called minorities have not shared in the power to define the relationships of the institutions in this country (including the university).

What I see now is that that little girl's dream to write was being carried out underneath my fascination with law. I did, however, find that law part of my life to be full to overflowing with empty talk. That is not to say that I regret that I went to law school. I would not say that. I would not discourage any person or any Aboriginal person from going to law school. I am just saying that I did not learn what I thought it was I needed to learn when I went there. By the time I reached law school, I understood that much of my identity was shaped on the recognition that I was oppressed. I was oppressed as an "Indian."³ I was oppressed as a woman. I was oppressed as an "Indian" woman. I do not experience these categories,

"Indian" and "woman," as singular and unrelated experiences. The experience of being an Indian and a woman is layered. My choice to go to law school was premised on my desire to fight back. Looking back, I understand both why "Flint Woman" emerged during my last years at law school and why a few years after leaving law school I wanted to move beyond the image I had created. "Flint Woman" is the one who fights back.

A decade ago, I thought that ending my personal oppression only required the ability to fight back. I then saw that the best place for me to fight oppression Canadian-style was in law. I wanted to be a criminal defence counsel. What I learned during my law school years – and it has been a lesson frequently reinforced in the last few years – is that I am just too impatient for this kind of fighting back. Fighting back frequently only perpetuates the oppression because all your energy is directed at a "problem" you did not construct. When all your energy is consumed fighting back, real change remains elusive. This means that I now understand that oppression is not of unitary character. I experience it as both personal and collective (that is, directed at me not just as an individual but as part of a people). I also experience oppression as layered. I now understand the way I looked at the world back then was naive or overly simple.

When I finished law school, I quite often described the feeling at graduating as the same feeling of relief combined with fear I had after leaving an abusive man. It felt like I had been just so battered for so long. Finishing law school is an accomplishment, yet I did not feel proud of myself – I just felt empty. This feeling forced me to begin considering why I felt the way I did. It was through this process that the ways in which law is fully oppressive to Aboriginal people began to be revealed. It is important to understand this process of self-reflection as an obligation that I have as a First Nations person trying to live according to the teachings and ways of my people. However, it is much more than a personal obligation: It is a fundamental concept essential to First Nations epistemology. It is, in fact, also a methodology.

I went to law school believing that it was the access route to justice and fairness. I went to law school believing that it was an answer not only for First Nations people but for the many people that I grew up with on the streets. I was tired of seeing people abused by the mainstream justice system. I thought law was *the* answer. I was naive. Law was not (and is not) the answer. Law was, and remains, a significant obstacle for Aboriginal people and Aboriginal nations.

This recognition was a difficult one for me to fully accept because it

made the three years I had struggled through law school seem without purpose. I did not want to believe it. Think about everything that First Nations people have survived in this country – the taking of our land; the taking of our children; residential schools; the current criminal justice system; the outlawing of potlatches, sundances and other ceremonies; as well as the stripping of Indian women of their status. Everything that we survived as individuals or as "Indian" peoples, how was it delivered? The answer is simple, through law. Every single one of the oppressions I named, I can take you to the law library and I can show you where they wrote it down in the statutes and in the regulations. Sometimes the colonial manifestation is expressed on the face of the statute books; other times it is hidden in the power of bureaucrats who take their authority from those same books. Still, so many think law is the answer.

I did not just learn lessons about oppression at law school. I also learned a lot about English words and the process of defining them. I learned that words were important, essential. Learning to critically examine words helped me to learn something about the art of writing and the science of oppression. I started to care about the words I chose equally as much as I cared about the world of thinking and ideas. This skill was never taught consciously at the law school nor was it taught as a writing skill, but I think attending law school helped me to become a better writer.

It was not until December 1993, with the publication of a poem I had written, that I finally felt like a writer. That is a number of years after 1988 when I first published an academic article. Publishing a series of academic articles (even though I recognize that my academic writing style is closer to narrative) did not leave me feeling like a "real" writer. This is only one of the many reasons that I have always resisted being a "legal academic." I have never looked at the process of standard or conventional academic writing as one that encouraged creativity; rather I have experienced it as one of intellectual and spiritual confinement. The biggest difference in my writing over the years appears to me to be the degree to which I am confident in sharing spirit.

Resisting: A Personal Strategy of Surviving

I published a poem in December 1993. This is the first time I felt like I had really written. Thus far, I have only managed to publish one. I do hope to change that some day. I want to share with you the poem that I wrote about my little boy. He is now the middle child, but at the time the poem was written he was my baby. The poem is important to me for a number of reasons. It is important tonight because it is about resistance.

ohkwa:ri ta:re tenhanonniiahkwe

"The Bear Will Come Dance with You"

pamper below breech cloth
bustle of hawk feathers
bear shield firmly clasped in brown boy fingers
tiny braids wrapped in red felt
bear claws dangle on bone breast plate
moccasins well-worn with hole in left toe
big brown eyes drawing all into your spirit circle

mother knows the bears dance with you
the bears of your father's clan

round, round, round you go
tiny feet move to drumbeat
never seeing the crowd watching you
smiling for you
round, round, you go
following the beat of the nation drum
listening only of your spirit beat
healing those who watch with every tiny spirit step you take

in your shadow walks the eagle – the old woman told me

sang indian songs before you talked
danced at one – right after you walked
eagle feather presented – you just turned two
father's pride – mother's tears
for elder smiles you made as you danced sneak-up

you were born on Columbus Day, 1990
irony of birth
day reclaimed for celebration
of you – tiny spirit dancer¹

There is a single reason I share that poem. This poem speaks indirectly about colonialism and resistance. However, for me, it is not so much about resistance. It is about a value that is fundamental to this discussion but is often forgotten. The poem is also about reclaiming. We never did celebrate

Columbus Day in my family. I never saw much in the (mis)theory of discovery to celebrate. However, we now celebrate on Columbus Day but we celebrate Blake's birthday.

To merely resist is not enough for me any more. I am interested in having a place that feels right and fits right. That requires a place free from oppression. I cannot accomplish that through acts of (or a life of) mere resistance. The place I seek would not only allow me the space⁶ and place to be a Mohawk woman, but encourage me to be all that I am capable of being. This is my dream, but it is necessary to share the exact reasons why I am no longer satisfied with resistance.

What is resistance? I was trying to figure that out in my office the day this talk was first given. I decided I would read the Oxford dictionary. I know dictionary reading is not a very sound academic pursuit or research methodology. But I thought it just might prove interesting (or an act of resistance/rebellion) and therefore would be a really good place to start. Maybe I just wanted or needed the idea of resistance to be simple. I have lived resistance for a long time. I have a lot of complicated thoughts, ideas and feelings conjured up by that word because so much of my life experiences are about resisting. I have often understood my life in terms of resistance. A lot of what I do in the university is about resistance.

The *Concise Oxford Dictionary* provided me with four beautifully simple definitions of resistance:

1. refusing to comply.
2. hindrance.
3. impeding or stopping.
4. opposition.⁷

These definitional standards of "refusing to comply," "hindrance," "impeding" or "opposition" are not the concepts on which I want to build my life. They are not the concepts I would choose, if I had choice. I know I deserve more than refusing, hindering or opposing. Mere resistance is not transformative. It acts to reinforce colonial and oppressive relationships, not to destroy them. This is because resistance can be no more than a response to the power someone else holds. Responding to that colonial power affirms and entrenches it.

Sometimes resistance is a necessary part of the First Nations' bag of survival tricks in the 1990s. I am not disputing that. But resistance only gains mere survival. I cannot, and I suppose will not, believe that the Creator gave us the walk, gave us life, to have nothing more than mere resistance. In my mind resistance is only the first step, and it is a small step in recovering who we are as original peoples. Resistance is only a first step

away from being a victim.

I have a particular understanding of being victim and of being victimized. Like too many other Aboriginal people I have been a victim. I was a victim of child sexual abuse, of a battering relationship, of rape. In the First Nations women's community that does not make me special. In a way it makes me "usual." That is a sad comment. I can tell you the name of only one Aboriginal woman in this country that I know for sure has not survived incest, child sexual abuse, rape *or* battering. It is worse than that because most of us do not survive just one single incident of abuse or violence. Our lives are about the experience of violence from birth to death, be it overt physical violence or be it psychological or emotional violence. (I also understand racism to be psychological and emotional violence.⁸) The violence that Aboriginal women face is not experienced as single incidents.⁹ It is cyclical. All too often, violence describes most of our lives. Even when we manage to create a safe environment in which to live our individual lives, the violence still surrounds us. Our friends, sisters, aunties and nieces still suffer. The violence is inescapable.

I was a victim. I led part of my life as a victim. I used drugs and alcohol to hide from how I felt. In a way, for part of my life, I agreed to be a victim. Then I learned how to resist that violence that surrounded me just a little. Eventually I moved beyond the victim place and learned how to be a survivor. It is a gradual process, moving from victim to survivor. Unfortunately, there are still moments when racism, sexism and/or colonialism continues to have the power to turn me into a victim again.

Several years ago, maybe a little more, I got really tired of being a survivor. Just like I got tired of being a victim. I wondered for a long time, "Isn't there something more to life than victimization? Do I always have to be a survivor?" Just as I am not satisfied with resistance being the most I can expect from life, with fighting back being the only mode of my existence, I was not satisfied with being a survivor.¹⁰ And I guess I was whining around a bit to a girlfriend about "can I get past this, is there something beyond victim and survivor?" She looked at me, smiled and said, "When you get past surviving you are warrior."¹¹ She said it so simply. One of my Indian teachers always used to say to me, "in its vast complexity it is profoundly simple."¹² I am always certain that truth resides in those simple words and ideas that just seem to fit. I knew as soon as I heard them spoken, my friend's words fit. I move from victim to survivor to warrior. I know this is not a linear process. Movement is not from one stage to the next with no going back. There is no graduation ceremony where the robes of victimization are shed for life. In my mind,

I see it as a medicine wheel (with the fourth element yet undisclosed).¹³

Many of the women that I know in my life are warriors. There are some men, fewer than the women (in my experience), who are "true" warriors. That statement is not meant to amaze or anger. It is the truth as I see it. It is with a great hesitation that I even use this word, *warrior*. I have used the word because I have not been able to find one in English that is better. At the same time I realize that in my language there is no word for "warrior." In 1990, in the *Indian Times* published in the Mohawk territory of Akwesasne, the following was said (and I sadly do not know the woman's word in the language):

We do not have a word for warrior [in the Mohawk language]. The men are called *Hodiskengehdah*. It means "all the men who carry the bones, the burden of their ancestors, on their backs."¹⁴

For me, warrior is both an image of responsibility and commitment. Warriors live to protect, yes, but more importantly to give honour to the people.

"Warrior" is a loaded word. It is culturally loaded as well as loaded with violent images. It is not a word that can be exactly said in the Mohawk language. I fear a particular and narrow image is imprinted in our minds when I use that word, "warrior." It is a stereotype of barricades, combat, scarves over your face, Oka, Gustafsen Lake, Ipperwash Beach.¹⁵ This is not the first image of warrior I mean to conjure up. Warrior is a proud thing for me to wear.

"Warrior" in my mind is not a man's word. It is not a fighting word. It is not a war word. It is a knowing your place in your community, being able to share your gift, being proud of who you are word. "Warrior," in the way I intend it, is not merely a resistance word. The way I have come to understand the warrior is someone who is beyond resisting. Survivors resist. Resistance is one of many skills that a warrior might use. It is not their only way. Warriors also have vision. They dream for their people's future.

Resisting: Moving Beyond the Self

The *Indian Act* is a really good thing to resist.¹⁶ As long as the *Indian Act* remains in force, then colonialism remains a vibrant force in Indian communities and I have the need for strategies of resistance. The *Indian Act* can never define who I am as a Mohawk woman, nor can it ever define who my children are as Mohawk and Cree. There is no identity in the *Indian Act*, only oppression. There are a lot of things that flow from the *Indian Act* that also need to be resisted, if not completely rejected. I have a little list.

In a similar fashion, I want to reject and resist Bill C-31.¹⁷ I think the next time that somebody tells me that they are a Bill C-31 "Indian"¹⁸ I am going to scream. There is no such thing as a Bill C-31 Indian. Once a bill passes into law it is not a bill any more (maybe this is just a little quirk I have as a result of my legal education). Everyone running around calling themselves Bill C-31 Indians are saying (technically and legally) I am something that does not exist. If we have to be "Indians" then let's all just be "Indians." I would prefer if we could be Mohawk, or Cree, or Tlingit, or Mi'kmaq or Saulteaux. That is who we really are (albeit not all expressed in our language). That is the truth. It is important to reclaim who we are at least in our thoughts.

I want to reject the ideology of reserves as something "ours" and as something "Indian." Reserves were not dreamed up by Indians. Reserves were a step, a rather long step in my opinion, down the colonial trail. What really troubles me about this one is we as Indian people respect that piece of postage stamp silliness. We need to ask ourselves (and then remember the answer), where did that reserve come from? When the Creator, in her¹⁹ infinite wisdom, put us down in our territories, did she say: "O.K., here's your postage stamp, Trish. You get to go live at the Six Nations 'reserve'." The Creator did not do that. She gave us territories. I am now living in Cree territory, territory that is shared with the Métis people. An Elder back home at Six Nations told me more than a decade ago to stop thinking and talking in terms of "reserves." Instead, he said, think about your territory.

Nowadays, the *Indian Act* also allows for this clever little distinction between those who live on this little square piece of land called a "reserve" and those "Indians" who do not. You get certain "rights" if you live on the reserve and only if you live on the reserve. You can be tax-free. You can have health benefits. You are eligible for education benefits. Even Indians now also measure "Indian-ness" based on the on-reserve/off-reserve criteria created by the *Indian Act*. When we think this way we are bought and paid for with those few trivial "rights" found in the legislation. If you live on 12th Street East in Saskatoon, forget it. You are not going to get any "rights" under the *Indian Act* because you do not live on the reserve.

It is even more disturbing to me that some Indians are going to see you as less "Indian," as less "authentic." This is incredibly narrow thinking, legally, socially and politically. It is one of the absolute seeds of oppression I must survive. We are mesmerized away from seeing our oppression in our efforts to ensure access to the nominal "rights" we have. In my mind this means that the cost far outweighs the benefits under the *Indian Act* system. We spend untold amounts of energy (and money) fighting in political arenas

and Canadian courts for a few "tax-free" and other assorted crumbs rather than spending our energy shedding the shackles of our colonial oppression.²⁰

When my family made the decision to move to my partner's reserve, I do not recall considering one of these "rights" or benefits as a reason to settle ourselves on the reserve. We moved to Thunderchild so our children would be raised with more family than just a mom and a dad. We wanted our children to have a chance to learn the language. We moved to the reserve to free the children from the racism in the city so that they would have a place to be free and to be who they are. We moved back to the reserve to be in a relationship with our community in an effort to step away from the pattern of colonialism embedded in our life.

There is something else I want to resist and reject. I want to reject the thinking that says the Métis do not have any rights. They do not have the *Indian Act* and its colonized (twisted) form of thinking that a federal statute is the source of their rights. Rather, I think the Métis are legally "fortunate" because they do not have all that written colonization to hold them down. They at least theoretically have a clean "statutory" slate. The Métis have neither treaty²¹ nor the *Indian Act* to confine them. Whatever traditions the Métis (re)claim, the Métis can assert as their legal rights.²² Their legal rights have not been as whittled away by Canadian laws under the guise of granting rights or becoming civilized. But we "Indians" do not think that way. We think: "I am more Indian because I am a 6(1)(a). You are just a 6(2) and you Métis are just half" (and here Métis must be sneered slowly with just the right condescending tone). This bickering amongst ourselves should be condemned. But it is not my people I blame. It is the shortage of Canadian political will to fix the circumstances that our various enclaved²³ nations face. It is much too easy to control a people divided.²⁴ This is a central strategy of colonialism.

I do not want to spend my entire life merely resisting. Sometimes we do not resist when we should. Sadly, some of us never learn how to resist or reject beyond resisting or rejecting ourselves (that is, the suicides, alcohol and drug addiction, and so on). Other times we resist each other because it is safer (such as the way Indians treat Métis people as lesser people). The *Indian Act* way of thinking is one place where I think we should be at least resisting and hopefully learning how to reject. Thinking in terms of our territories rather than reserves is one good (but small) way to begin resisting pieces of the *Indian Act* way of thinking that hurts us on a daily basis.²⁵ There are a number of ways, small ways, we "Indian" people can change our reality by learning to think and label the world in a decolonized fashion. It is important to note the meaning of decolonization. It is not a state that

makes colonialism disappear. It is a state of being free from *responding* to colonial forces. Removing the obligation to respond (that is, being decolonized), does not erase the colonialism inflicted prior to achieving a decolonized space.

My Struggle to Shed Colonial Shackles

I find that it is very difficult for me to think around the colonialism words – *decolonized* and *post-colonialism* in particular. Some people would suggest that the experience of colonialism/oppression in Canada has advanced to a post-colonial era. Although I recognize this as an intellectual development, I have little use for a theory that bares no resemblance to my reality. I see around me many of the historic instruments and artifacts that gave rise to the various conditions of colonialism. The *Indian Act* is only the most obvious. It has not been repealed. Instead, the *Indian Act* is only continuously (and monotonously) revised and amended (most frequently without meaningful participation and consent of Indian nations or leaders).²⁶ In my mind, as long as Indian people are forced to live under *Indian Act* rule, it is nonsensical to consider that we have approached post-colonial times.

The *Indian Act* is clear evidence of the relationship Canada intends toward Indian people. This perpetual fetish to tinker with the *Indian Act* does not demonstrate a desire to move away from colonial relations on the part of the federal government. Repeatedly revising the *Indian Act* accomplishes very little in the struggle against colonial relations. Repealing the *Indian Act* would be only the first small step.²⁷ More than 120 years of *Indian Act* rule²⁸ has had extreme consequences in our communities. This is seen in the all-too-often quoted statistics of suicide, poverty, child welfare apprehensions, lack of educational attainment, criminal justice contacts and so on. The “problems” in our communities are systemic and the “problems” are largely a result of colonialism. Colonialism must be seen as something done to collectives (nations) as well as individuals. No mechanism exists for collective redress. This is a large problem. When someone is arrested for minor alcohol-related offenses (or other more serious offenses), there is no way to contextualize the behaviour in the courtroom to the legacy of oppression (remembering that is also intergenerational) that Indian people have endured. This is a perplexing problem of monumental consequence for Aboriginal lawyers. A key characteristic of colonial relations is the contradiction as seen clearly in this last example.

The *Indian Act* is only the most obvious of the colonial relations presently survived. Other familiar examples are the child welfare system and the criminal justice systems. The presumptions in which education

systems are cloaked (that is, the definitions of truth and the ways people learn) are equally troublesome. The education system is an excellent example of the position I take about the embedded nature of colonialism in the present era. In 1980, Ward Churchill had this to say:

As currently established, the university system in the United States offers little more than the presentation of "White Studies" to students, mainstream and minority alike. This is to say that university curriculum (required course content) all but monolithically focuses on European conceptual modes as being the "natural" formation of knowledge/means of perceiving reality. In the vast bulk of curriculum content, Europe is not only the subject conceptual mode (which is to say the very process of "learning to think"), but the object of investigation as well.

Consider a typical introductory (freshman-sophomore level) philosophy course. It will, in all probability, explore the Greek philosophers, the fundamentals of Descartes and Spinoza, dabble in Hegel, cover a chapter or two of Nietzsche and, in a good course, end with a bit of "adventurous" summarization of the existentialism extended by Sartre or Camus.²⁹

No where in a university calendar have I ever seen a course described as "White Studies." This is because this concept is implicit in everything done at the university except in sites such as Native Studies and Black Studies where the *difference* must be expressly labelled.

I see around me many other practices, instruments and institutions of colonialism that are still fully operational. Chronic underfunding and under-resourcing³⁰ in our communities perpetuates infighting and favouritism (this is the basis of the accountability problems in many of our communities coupled with the lack of effective mechanisms in the *Indian Act* system that promote accountability or even allow for it). No sufficient instruments of accountability exist in our communities. These conditions perpetuate our oppression because they step on our hopes that things may change.

My understanding is that colonialism has come in a series of "waves." Expressed a little differently, colonialism has different forms. It re-creates as well as reinvents itself. Unfortunately, the result is always the same, the oppression of the people defined as inferior. The most recent form of colonialism is the kind we do internally to ourselves as individuals and to those we have relationships with. This is the most devastating form of colonialism because of the invisibility of the colonizer. When you cannot see clearly the relations of colonialism as the source of oppression, colonialism

becomes that much more difficult to eradicate. In this generation, I think a few individuals have succeeded in overcoming their individual colonialism and oppression. Those few people can now dream individually about post-colonialism. But that is all it is presently, the dream of a few.

The present wave is not best characterized by post-colonialism but by understanding how colonialism has become internalized. The very worst part of colonialism is when Aboriginal people start doing it to each other. That is what many have been doing. Sometimes I wonder if there even has to be colonizers external to our communities any more. It took me a long time to understand that there no longer remains the need to have colonizers to perpetuate colonization. Paulo Freire provides this description of the process of internal colonialism:

In this situation the oppressed do not see the "new man" as the person to be born from the resolution of this contradiction, as oppression gives way to liberation. For them, the new man or woman themselves become oppressors. Their vision of the new man or woman is individualistic, because their identification with the oppressor, they have no consciousness of themselves as persons or as members of an oppressed class. It is not to become free that they want agrarian reform, but in order to acquire land and thus become landowners – or, more precisely, bosses over other workers. It is a rare peasant who, once "promoted" to overseer, does not become more of a tyrant towards his former comrades than the owner himself. *This is because the context of the peasant's situation, that is, oppression, remains unchanged.* In this example, the overseer, in order to make sure of his job, must be as tough as the owner – and more so. This is illustrated in our previous assertion that during the initial stage of their struggle the oppressed find in the oppressor their model of "manhood."³¹

The question I have been forced to address lately is not what to do about "White" colonizers. Generally, all Euro-Americans have to do to perpetuate colonialism today is to ignore that colonialism is a vibrant fibre in the texture of this society. Given that privilege (in its various forms) is very infrequently expressed (or examined) by those who possess it, perpetuating colonialism now occurs without their further energy and investment.

Colonialism is difficult to discuss and fully understand because it has come to us in so many forms. When I started editing this text I thought I needed a new word. I thought colonialism was a relationship that belonged in the history books. I thought (or hoped) that continuing to use the word

colonialism was inappropriate today. I realized that seeking decolonization and speaking decolonization was in some ways futile. As I seek my personal decolonization, I continually run into the artifacts, instruments and institutions of colonialism. I, therefore, continue to presently experience it. I cannot eradicate colonial thought that originates outside of myself. Nor can I control when I experience colonialism. I see nothing around me that indicates that we have moved beyond the individual level of undoing colonialism (that is, that some of us can see and detect colonial thought and relations). Perhaps it is this accomplishment (and in my experience the collection of a few of these individuals within the university) that allows those few to image that post-colonialism is around the corner.

I can remember the confusion I felt when I first ran into the word *colonialism* in my undergraduate studies. I know that then I thought of colonialism as an historic fact only. What I now understand is that the need to colonize no longer exists. This in itself does not mean that colonialism is also a relationship of the past. I thought we (both Canada and Indians) were past inventing colonial relations. Since *colonialism* remains my word of choice (almost by default), it is very important to consider its meaning. There is a further level of examining the meaning of colonialism beyond what it means to me personally. Most important, how does this concept get constructed in the world? This is where I picked up the *Concise Oxford Dictionary* again. Here is Oxford's concise definition of colonialism: "an *alleged* policy of exploitation of *backward* or *weak* peoples."³² I had to catch my breathe after reading this.

Imagine the privilege you have in your life to imagine colonialism as an "alleged" policy. I have never experienced colonialism as anything other than hard, like running full speed into a brick wall. Imagine considering colonialism as a "maybe." Perhaps those who wrote the dictionary were simply trying to be non-political. I do not believe that such a state of being exists. In fact, I see the assertion that such a contradiction exists as an act of Euro-American privilege. It seems to me that *alleged* is a word we use when we want to soften what we are saying. *Alleged*³³ means that maybe what I am thinking or saying is not true, but I want to test it out and see how you respond. Imagine the privilege of being able to live a life where colonialism is not a daily reality, but a concept and experience you can sit back in your easy chair and contemplate on a quiet evening or afternoon. About the only place where Oxford and I agree is on "exploitation."

I cannot move along in this discussion without commenting on the perpetual idea that Aboriginal people are "backward," "weak" and so on. It is not just Oxford's idea. Oxford just presents an accessible point of entry

into the privileged circle of discourse where words gain meaning. The list of derogatory labels attached to Aboriginal people is a long one (and I presume there is no need to painfully repeat them here). If Aboriginal peoples were truly backward or weak, we would not be here. If we were not creative, intelligent, strong, wise, vibrant, clever people, we would have been done as Aboriginal people (that is "distinct") a long time ago. The superiority complexes of Euro-American nations (and the institutions they built that are based on this notion of self-aggrandizement) are cornerstones in the colonialist movement that continues to be perpetuated in this country. This inferiority stereotype is ever-present in my daily existence. I see this superiority theme reproduced in every experience or discussion of equity (affirmative action or access) I have ever had at the university. I have never experienced equity in the university as anything more than "equity literacy" (that is, someone can write good things down in a policy but no one can live that policy). People presume equity means access to the institution. This is not what I am talking about. I am talking about gaining acceptance (and respect) within the university for the idea that there are different ways of knowing and being. And that difference does not equal inferiority.

As I indicated earlier, I realize that looking up words in the dictionary is not sound academic method. I also indicated that this is one of those times that I do not care much about being academic. I admit quite freely that this entire idea of the dictionary was dreamed up in a playful way. But I am not playing without purpose. There is a point nestled behind my playfulness. The point is language. I have been busy for years trying to fit my good brown ideas and ways of being into a language that cannot possibly express the experiences of life that I have. Colonialism is a process, or a state of being, that continually invades my experiences. Yet, when I look up the word in the dictionary, a word that I feel more than a little possessive about, I discover that the definition presented does not parallel any of the experiences I have. That is the profound realization hidden amongst my playfulness.³⁴

I need a revised definition of colonialism, one in which I can participate. After reading Oxford, this was not hard to determine. I need a label to conceptualize and organize the experiences I have had at the university as an "Indian" (or Aboriginal) person. Maybe I just understand things differently from the people at Oxford. I understand that colonialism creates a relationship which leaves one side dependent on the other (and exploitation is just one of the motives for establishing such a relationship). This dependency in the case of Aboriginal Peoples is based in the stereotype that we are "weaker" and "backwards" and "uncivilized" and "non-human" and so on. This stereotype recreates continuously the justification (past and present) for the

colonial movement, for colonial instruments and artifacts as well as for the colonizer. This is why I am so bothered and angered by those stereotypes. They are harmful as they are the foundation on which colonialism is built and has been perpetuated. The stereotype carries with it the personal pain of many individuals. This makes it wrong.

This is still just the periphery of the problems with the practice and ideology of colonialism. Colonialism is really about power. It is about the way power gets exercised. Colonialism is about "one group" of people who have the power to define the world to the exclusion of all others. The power to define also carries with it the power to make invisible the parts of the world that do not support your distribution of who deserves or receives what. I also understand that the focus on groups is misleading. Belonging to "the group" is ascribed by virtue of skin colour and nationality/ethnicity. Those who are ascribed with these traits never have to stop to consider what group they belong to. The traits of belonging are not entrenched but they can shift, change and be reordered. These qualities include white skin privilege, first language of English (but in some cases this shifts to French), male, Christian, educated, professional, moneyed, heterosexual and so on. What is essential to note is that belonging to privilege never needs to be made express nor is it necessary to examine (or admire) your privilege for it to be effectively used. It is not necessarily conscious, conspicuous or conspired. Privilege is invisible.

I see privilege clearly because I was not born belonging. Here then, there is a parallel to the process I used to identify the problem with the way Oxford defined colonialism. Oxford's definition of colonialism captures only the experience of the colonizer. It is only the colonizer who can really assert in a convincing way that colonialism is alleged and not real. This is the privilege that accrues to individuals of the powerful defining group. The privilege is a luxury of such magnitude that I cannot quite fully contemplate it.

Equally important to note is the understanding that the privilege vests in both the individual and in their group (in a way that is similar to my layered experiences of oppression, both personal and collective). The immediate presence of the group is not a necessary condition of an individual's ability to exercise the privilege of "belonging." This is one of the ways colonialism has been modified over time. It is one way to distinguish privilege from legitimate authority.

There is a myth, most frequently advanced by non-Aboriginal people, that Aboriginal cultures³⁵ are lost. (Not true!) More recently I have heard a number of Aboriginal people suggest that we cannot return to pre-

contact times. ("Stop romanticizing!" they say.) Such statements are firmly grounded in the stereotype of superiority. Aboriginal cultures are not lost just because you cannot see them or have not seen them (that is the privilege of who gets to define). The cultures are not lost any more than they are static. There have been repeated attempts made to destroy them but these attempts have never been fully successful. Our cultures have not been destroyed,³⁶ they have been oppressed. This difference is essential.

It is a privilege not to have to be aware that there are other ways of doing, being and knowing. This is one of the ways power is exercised and stereotypes are reinforced, perpetuated and justified. A person (Aboriginal or not) needs to know how to look, where to look, and even when to look for "culture." It is even more complex. Freezing Aboriginal people (and Aboriginal nations) and our cultures in time is a mechanism of colonialism that justifies continued attempts at assimilation. I should be or become like you because Aboriginal cultures are either dead or so old and outdated they cannot possibly be of any assistance in the present decade. Aboriginal cultures are seen as so simplistic (it is the inferior people syndrome again) that they could not possibly adapt, evolve and advance as all other cultures have. Aboriginal culture(s) are not accorded this space. More damaging is the idea that if any evolution might have possibly occurred in Aboriginal cultures somehow it makes it less Aboriginal, less authentic.

By necessity, I have become an expert in non-Aboriginal people. I know how your systems go. I know generally how they work, some better than others. I questioned whether I was going to resist having to learn a second culture (which is not to say I live it or that I am bicultural). I gave in. It was not really a matter of choice. I had to learn that because my survival depended on it. Now, I can see your road and I can walk mine (although mine is clearly easier to walk and therefore preferred). I have a preference about which road I would walk, and how I would conduct all my relationships, but I do not get to exercise that preference. This last discussion is presented to provide a stark comparison to the way in which the privilege of belonging to the "group" operates. There are conditions of privilege that never need to be expressed. However, my experience is that not only am I obligated to my culture but survival dictates that I am required to at least learn how to manoeuvre through/within the privileged culture(s). Ironically, my ability to approach this bicultural state is often interpreted as assimilation (which it is not). It is rolled over against me and used as another demonstration of the inferiority of Aboriginal culture(s) or to demonstrate that those of us who live in both cultures are not authentic. Worse yet, the "double" work that this all requires is never

acknowledged or accredited.

There is one last thing about colonialism that requires attention although it generally receives little. It is obvious that colonialism requires a targeted population to be colonized. That is me and my relations and their relations. We study those people(s) and culture(s). People, both Aboriginal and non-Aboriginal, write about them. Aboriginal Peoples are objects for academic discourse even in departments like Native Studies in much the same way that we are an object of Canadian constitution law.³⁷

This other often forgotten part of the relationship of colonialism is the colonizer. I use the word *relationship* purposefully because colonialism is now, in the 1990s, more the "stuff" between people(s) than it is a policy or practice. It is impossible to have the historic and present-day colonized without having those who have the will (and the perceived right) to continue to create colonial relations. Where are the studies (in equivalent numbers and volumes³⁸) on the colonizers? Some people would want to call that history, but history is supposed to be objective study. History carries with it a credibility, a cloak of truth-telling, that hides the privilege of the discourse and who has done the telling. Aboriginal Peoples do not have history, we have "oral history." It is at variance or some slice of what is real (that is, history). Oral history is not seen as a complete thing (that is, that inferiority stereotype again).³⁹ There has been very little rigorous examination of the conditions and consequences (the emotional impact and all other effects) on the colonizer. I see this denial as one significant source of the problem (and why Canada has never been able to successfully eradicate the "Indian problem"). There needs to be a commitment to truth and truth-teaching.

I have made a commitment to try to live my life in a decolonized way, to try to think in a decolonized way. This means that I must sometimes rely on acts of resistance. However, I must always remember resistance alone is not enough. Resistance means the only choice I have is to respond to colonization. I do not have free choice about what it is I am going to do. I can only react. I am not given the space in which to initiate. Resistance means I have one choice. It means I cannot choose either freedom or independence.

The commitment to live my life in a decolonized way is larger than just wanting to decolonize. Aspiring to being a decolonized thinker is a healthy commitment for me to make. It is next to impossible to achieve a decolonized personal state of being when one is still immersed in a daily battering of colonialism (imperialism, sexism, racism and so on). The commitment – or maybe it is more accurately described as a dream, because I am only one

person – that I have is to create a decolonized state. I think that is a possibility. However, it requires the commitment of many people (both the colonized and the colonizer as well as those from both sides who are aware) to live in a decolonized way.

Colonialism in Practice: The Justice Example

I think it is always important to put theory back on the ground. How does what I am thinking influence what it is that I am doing? Understanding the nature of the problem of colonialism and all its repercussions is insufficient to cause real change in our communities. Justice is the prism through which I most frequently reflect on what is and what ought to be. As both the idea of justice and the Canadian system(s) of justice are so vast, I think it is important to identify how and where I am involved in justice work.

I see clearly two and perhaps three ways in which I am involved in justice work. I am a justice “philosopher.” By that I only mean to say I think and write a lot about justice relations. I think about ways in which individuals and communities can reclaim justice traditions. I write about justice and reclaiming. Second, I am a justice teacher (which is different from being a professor). Some of my students will go on to work in institutions of “mainstream” justice. Others will return to Aboriginal communities once their education is complete. I see my role as teacher is to build confidence, reinforce healing, and plant the seeds of change.

The third character of my justice involvement is a little different. It is not a “role” that I can describe. I have for more than a decade been involved directly with the individuals who carry the consequences of the Canadian justice system. Currently, I visit the men at the cultural centre at Saskatchewan Penitentiary in Prince Albert. In the past, I have maintained a relationship with the Native Brotherhood at Kingston Penitentiary and the Native Sisterhood at Prison for Women. I have also visited at each of the federal institutions in the Ontario region. I want to say very clearly that it is my involvement with prisoners that both shapes and sustains my work in the justice field. It keeps me honest. It is the lives of “prisoners” that I hope my work will change. I have a responsibility (and they have a fundamental human right) to have a say in the changes to the system because it directly affects their lives.

The three ways I am involved with justice keep me very busy. My three commitments have resulted in my involvement with two federal correctional task forces.⁴⁰ I have also delivered more justice talks than I can count. There are some things that I do not do with respect to facilitating change in justice relations. I do not do cross-cultural education because it does not change the

"big picture." It does not help our people reclaim. I am not involved in policing reforms (although I did sit on the Ontario Civilian Commission on Police Services for three years). I do not defend or prosecute people in court. I do not possess the patience or strength this work requires. I will no longer participate actively in the "politics" of justice reform.

I have no respect for the Indian political leadership currently involved in leading us to new justice paradigms. In my involvement in Saskatchewan, I experienced very directly the abuse by men of women. I saw no vision, perhaps because justice dreams are clouded by conversations about money. Too often the change is cosmetic only, changing brown faces for white ones. Indigenization of policing, courts and corrections is not the answer I seek. I have chosen to stand outside these kinds of politically organized justice initiatives for this reason (and perhaps just for the time being).

The increasing rate of over-representation of Aboriginal people in institutions of criminal justice must be a cause for concern. Between 1976–77 and 1992–93, the rate of male Aboriginal admissions to provincial correctional facilities increased by 48%. Female Aboriginal admissions increased by 107% during the same period. Saskatchewan's correctional population has been increasing during this period. Aboriginal admission account for 77% of the total increase.⁴¹ If, as the desire of those who now create justice models based on the principle of indigenization (same system, different coloured faces), then the conclusion must be that the problem with the Canadian system is the people staffing it, *not* the system itself.

I do not fully believe this. Report after report on the impact of the justice system on Aboriginal people has demonstrated that this is not so. The commissioners of the Aboriginal Justice Inquiry of Manitoba noted: "The focus on past changes has been upon improving the manner of processing the Aboriginal people within it, rather than understanding the inadequacies of the system itself."⁴² Sadly, reforms to the Canadian criminal justice system have focused on changing Aboriginal people to better fit the system. Too many of the reforms (such as court workers, legal access programs and information kits and videos) presume that Aboriginal people will accept that system if they only understand it better. The reform problem is simple. Reform initiatives have failed to look at ways in which the system itself has failed Aboriginal people.⁴³ This is one of the central criticisms on the current state of justice relations coming out of the Aboriginal Justice Inquiry of Manitoba in 1991 and the Royal Commission on Aboriginal People's justice report in 1995. It is difficult to see where this realization has significantly impacted on the majority of ongoing reforms in the "mainstream" justice system.

The pace of change in the Canadian justice system (and the lack of systemic change as Aboriginal people take over) must be a concern. In particular, I am concerned about the lack of structural change. The obvious question is why there is so little change. I think part of the explanation is that there is not enough pressure for change coming from within the "mainstream" justice system. This is largely a result of the inability of that system to attract Aboriginal people who will make long term commitments to working within the system as judges, lawyers, police officers or correctional employees (and this is the only value or hope I can find in recent Aboriginal led attempts to indigenize). The majority of changes that operate within the system are spearheaded by non-Aboriginal people (such as sentencing circles). The majority of the call for change is external to the system and is insufficient to promote revolutionary change (that is, reform to the system itself). These observations then lead to the conclusion that *power* is a necessary variable in understanding the situation we are presently in.

The strategies that we are presently adopting with the belief that the justice experiences of Aboriginal people will be changed must be carefully considered. One strategy that is advocated in the struggle against oppression is resistance. Resisting, however, offers no hope to people who are presently engaged in the Canadian criminal justice system. Go down to court with me some day and tell me how any act of resistance is going to keep any charged individual out of the reach of the long arm of the law. It is not. In fact, his (or less frequently her) resistance may have gotten them there in the first place.

This example points not only to the futility of resistance in some circumstances, but that resistance as a strategy is contradictory. Resistance is a strategy that may in some circumstances be personally freeing. However, in other circumstances it will only draw the person deeper into individual struggles with colonialism and oppression. Resistance is not a structural (collective) solution that ends colonialism and oppression. This is the magic of the criminal justice system and why it must be seen as a present-day relation of colonialism. The criminal justice system is fully equipped to deal with Aboriginal resistance.

Early on in my career with the law, I thought that the problem that Aboriginal people face that resulted in the high rates of representation in the criminal justice system was poverty. I now recognize that as wrong. Poverty is not the *source* of our problems with the criminal justice system (which is not to say that the overwhelming poverty in our communities is not an issue). Poverty, like alcohol and drug abuse, is just a symptom of what is wrong

within the communities. Poverty is merely the symptom of oppression and the consequence of more than a century of colonial relations. If poverty were the source, then money is the solution. But funnelling fast money into First Nations communities causes more problems, as seen in the situation of the Hobbema First Nation, where arrests, sudden deaths, suicide, wife battering, child apprehensions and so on increased dramatically with the influx of oil royalties.

We now talk in many of our communities about "justice as healing." I have quit talking about healing as a solution because it has become too much of a quick fix. Healing must be understood as a process. Talking to non-Aboriginal people, I have noticed that they often see roses popping up around us when Aboriginal people speak about healing. Healing is not a program but a way of life. It is hard work. It is not pretty when an individual begins to step outside their various forms of denial. Denial keeps our pain, anger and memories pushed down. When you pull the cork out of your memory and let loose the pain and horror of your life, you are not a "rosy" person. You are angry. You lash out. This first period of healing is not pleasant. Most people do not have a very realistic picture of what healing is.⁴⁴ It is not a program. It is not a treatment. It is a life long commitment to a way of being. Healing means stepping up to your responsibilities.

I think that we have become too full of this buzz we call healing. Healing is hard work. It is not magic. Consider for a moment all of the abuses that Indian people have survived. Do you think an eight-, twenty- or forty-eight-week substance abuse program is going to fix it? What about an eight week "don't hit your wife course"? I doubt it. Most of the healing initiatives in our communities change us, as though we were the source of the problem. They address only the consequences of our colonization and not the fact of our continued colonization.

Let me share with you why I do not like the idea of "healing" to describe the process that Aboriginal people and communities must go through. I do not like it because it puts all of the responsibility on Aboriginal people. This is not to suggest that Aboriginal people should not be in control of that change – we should. It denies, or at least obscures, the fact that colonialism is largely responsible for the fact that our communities are not healthy places. Generally, our communities do not understand colonialism. Colonialism is a condition you survive. Because you are surviving, you have little time for the luxury of contemplating the very conditions you are preoccupied with surviving. Few of us can talk in detail about what it is. That is the wonder of colonial relations. They are structural and not everyone sees them.

I am also worried by what is being passed off as "ours" under the label of "Aboriginal Justice." Just as we deconstructed that image warrior, when I say "Aboriginal Justice System," what does that conjure up? Police, courts, jails, sentences? Aboriginal people are doing just that. We are passing Indian policing acts, we are building healing lodges that are really prisons and I take full culpability for that, I was part of that.⁴⁵ In Indian languages you cannot directly translate the word *justice*. Why am I running around trying to create something that does not and did not exist for my people? I do not believe that indigenization is the solution. At most it is a very small step toward the solution. In fact, I fear that setting up brown justice mechanisms that mimic the Canadian system will be even harder to remove from our communities once we see that they do not work.

I have no doubt that Aboriginal societies had mechanisms for social control in our communities because we did not have chaos. Aboriginal people did not have jails, not because we were a backward or a primitive people. We did not have jails because we did not need them. But that was not about "justice systems," it was not about all those "formal"⁴⁶ trappings (police, courts and jails and so on) that Canadians expect us to have if we are going to have our own justice system. Justice, as I understand, it must be a process. I see the contours of colonialism being reinvented as I write and work in the justice sphere.

The number of Aboriginal people presently incarcerated in places of confinement serves a purpose. It is the very foundation of those institutions of justice. Not only does that system keep us oppressed, but it keeps a lot of non-Aboriginal people employed: lawyers, judges, jailers, police, parole workers, support staff, commissioners of inquiries, members of task forces. Correctional Services of Canada (the federal system of prisons where anyone serving more than two years serves their sentence) alone employs some 11,000 people. If Aboriginal people were successful in minimizing our contact with the criminal justice system(s), it means a large number of non-Aboriginal jobs will be lost (this recognition must be counterbalanced – or contradicted – by the savings to the taxpayer). However, it is people employed by the system that are the negotiators of change in that system. Many of them realize that "reforming" the system will likely result in a significant loss of jobs (perhaps their own). No wonder it is sometimes difficult to get federal, provincial or territorial governments to engage in a real conversation about justice reform that extends beyond mere indigenization of the existing trappings of justice. I also suspect that it is the lure of jobs in our communities that pulls many Aboriginal people into the fast answer of indigenization. It breaks my

heart knowing the number of Aboriginal people who engage in this exercise of indigenization believing that a significant change is being realized. I fear the consequences in real human suffering that this solution holds.

Consider what would happen if close to half of the federal (and Aboriginal) inmate population were released home to their Aboriginal communities. It would not have a major impact on the unemployment rates of Aboriginal people. Not many of those justice jobs go to Aboriginal people in the first place.⁴⁷ I am not suggesting that they should: I am reminded of Paulo Freire who cautions us that mimicking the colonizer is not the road to freedom. Aboriginal people are also underrepresented as drastically if not more drastically as lawyers, as police officers, as prison guards and so on and so on.⁴⁸ The loss of jobs will not significantly impact Aboriginal people's jobs.

I want to be very clear that I am not against the efforts to accommodate people within the existing justice system. My point is that we, as Aboriginal people, need to understand clearly that this is not the final solution. Ameliorating the conditions of hardship in the lives of Aboriginal prisoners is important. My point is that we must stop seeing sentencing circles, Elder-assisted parole board hearings or Aboriginal jails disguised as healing lodges as larger accomplishments than they really are.

I have been trying to understand how to move justice forward. Part of the plan is obvious. It is necessary to "shut off the tap." Faster than Aboriginal people get out of prison, more are arriving. A lot of energy can be spent on getting people out of jail. Why bother, when in effect, we are just filling up those places with other warm bodies?

Turning off the tap should not be a major problem. If we would just stop acting colonized. When something happens, we all rush to the phone and call the police. "I have just been beaten up." "I have just been robbed." "Someone broke into my house." "Someone slashed my tires." "Indian" people call the Canadian criminal justice system in more often than not to mediate our disputes. What if we started taking responsibility for our relations? What if we just started caring about why that person just beat me up, robbed me, stole from me, broke into my house? What was wrong with that person that they did that? What if we remembered how to forgive? What we need to start thinking about and talking about is the choices that are presently available to us *before* the police become involved. Once the police are involved, the likelihood is that the control will be taken away from members of the community. In our ways, as I understand them, justice (and law) was largely a relationship of

responsibility. This is the ultimate contradiction within the mire that has become justice in some Aboriginal communities.

In the writing that I have done on Aboriginal justice I have concluded that women must play a central role in defining what justice is. This is for two significant reasons. First, the abuse that women experience in First Nations communities is a crisis. It is, perhaps, unparalleled in any other Canadian community. Women, or more accurately stopping the abuse against women, must be the litmus test of any justice project's success. Second, I have heard from people all over the country, people I respect for their knowledge in the old ways that "Grandmother made the rules, Grandfather enforced them." This telling has crossed many nation lines. I believe it is a fairly common "norm" in the social organization of our communities. Women, then, must be central in defining how justice relations get restored.

As I thought about the conclusion of this paper and what I was saying about justice, I was a bored writer. I have said it all before so many times. I deleted the original conclusion, which again returned to women. This paper hung for days without a conclusion. I could not think of one. The writing, my thoughts, keep going and going. It did not seem to have an end. Then two things dawned on me. It does not have a clear end because I am writing a circle. The answer to the colonization questions I have been asking also rests with the women (and this is the second thing that dawned on me). Women are the nurturers in our community. Women offer the first teaching to every child who comes into this world. This is our traditional responsibility (and I have a plea for you to read this without putting it through any "mainstream" or White feminist filters). Our gendered roles in our social structures were not oppressive to women in the same way that is found in Canadian society. In the same way I answer the justice question, with clear responsibilities for both men and women, I now understand that the "de-colonization" question must be answered in the same way.

I also understand that the words we choose to talk about the issues and consequences of First Nations oppression are essential. I have used words such as *colonialism*, *decolonization* and *oppression*. However, these words are limited and can only describe the harsh consequences of what has happened to Aboriginal people in the country. I grow weary of talking about the pain, the statistics, the crisis. I understand that hope will not be built with these words. A step forward for me, a step away from mere decolonization, is to begin to imagine humanity, freedom and independence. Rather than decolonizing my mind, I think I will opt for revolutionizing my thoughts.

Notes

1 This paper was prepared from the oral transcript of the talk given at the University of Saskatchewan in March 1995. The original talk was advertised as "Women, Justice and Decolonization." It was given in the oral tradition of my people. This paper is a reconstruction as well as a recreation of that talk. This paper was revised early in 1997 and finalized in January 1998. I would like to especially thank the students and faculty who attended my talks at St. Thomas University, Native Studies Program and the University of New Brunswick Law School in January 1997. Your questions and comments have helped me challenge my own thinking. I would like to thank Andrea Bear Nicholas for creating a talking space for me that also allowed for the opportunity to have meaningful discussion as well as the opportunity to begin to build new relationships.

I would like to thank my friend Debra Laliberte for providing an excellent first written draft of this paper from the audio tape. I would also like to thank Dr. Ron Marken and Professor Denise McConney for their helpful comments on an earlier draft.

2 It is again March, as I revise this paper for the last time, two years since the talk was first given. Ironically, I find myself feeling very much the same way – alienated, isolated and tired. This is ironic because for Indian people spring is the season of renewal. It is also ironic because if any space in the university should belong to Aboriginal people it is in Native Studies. It seems with every spring I am resistance-weary from my university experiences and a process of renewal is not even within my contemplation. Spring, in academia, is about struggling to maintain mere survival. The academic cycle is contradictory to the cycle I know as an Indian person. This makes me tired twice over.

3 Elsewhere I have explained:

I tell this story about naming because it is symbolic. Growing up "Indian" in this country is very much about not having the power to define yourself or your own reality. It is being denied the right to say, "I am!" – instead, always finding yourself saying, "I am not!" In some places in the book, I have chosen to use the word Indian or First Nations, even recognizing that they can be viewed as excluding others. My experience is the experience of a person entitled to be registered under the *Indian Act*. Further, I have never been denied that right. These facts shape how I understand life, law and politics." [Patricia A. Monture-Angus, *Thunder in my Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995), p. 3]

4 Patricia A. Monture-Okancee, in *Gatherings: The En'owkin Journal of First North American Peoples*, vol. 4, *Regeneration: Expanding the Web to Claim Our Future* (Penticton: Theytus Books, 1993), p. 152.

5 Sounds like "myth."

6 I am not talking about a "safe space." That presumes that there is space outside the safe space that is not safe. Conceding that much space is not an acceptable parameter for me.

7 H.W. Fowler & F. G. Fowler (eds.), *The Concise Oxford Dictionary* (Oxford: Clarendon Press, 1974), p. 1059.

8 See Patricia Monture-Okanee, "The Violence We Women Do," in Geraldine Finn (ed.), *Limited Edition: Voices of Women, Voices of Feminism* (Halifax: Fernwood Publishing, 1993).

9 This is an important concept and my hope is that it will be understood contextually. I offer this long quotation for this purpose from The Task Force on Federally Sentenced Women:

This survey report was prepared by two Aboriginal women (Lana Fox and Fran Sugar) who have been through the Canadian prison system. They gathered information for the study through interviews with 39 federally sentenced Aboriginal women in the community.

The women spoke of violence, of racism, and of the meaning of being female, Aboriginal and imprisoned. They spoke of systematic violence throughout their lives by those they lived with, those they depended on and those they loved and trusted. Twenty-seven of the thirty-nine women interviewed described experiences of childhood violence, rape, regular sexual abuse, the witnessing of a murder, watching their mothers repeatedly beaten, and beatings in juvenile detention centers at the hands of staff and other children.

For many of the women, this childhood violence became an ongoing feature of life, and continued through adolescence into adulthood. Twenty-one had been raped or sexually assaulted either as children or as adults. Twenty-seven of the thirty-nine had experienced violence during adolescence. However to these experiences were added the violence of tricks, rape and assaults on the streets. In addition, thirty-four of the thirty-nine had been the victims of tricks who had beaten and/or raped them (twelve of thirty-nine had shared this experience and nine had been violent toward tricks), some from police or prison guards. The violence experienced by these women is typically at the hands of men.

The women also spoke of living with racism. Racism and oppression are the preconditions of the violence these women experience throughout their lives.

See *Creating Choices: Report of the Task Force on Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1990), pp. 63-64. It is not my intention to appropriate the experience of Aboriginal women who are federally sentenced. This study is the only comprehensive study that collects and gives voice to the stories of Aboriginal women and what they have survived. Further, I do not see a lot of difference between the lives of Aboriginal prisoners who are women and my life when the measure is what we survived growing up. Therefore, I do not judge their present circumstances nor allow it to be an obstacle in creating friendships.

10 I have explained this frustration elsewhere. Please see, *Thunder in My Soul*, pp. 53-70.

11 My regards to Debra Hanly.

- 12 My regards to Dr. Art Solomon.
- 13 Given the time that it has taken for this paper to be finalized, I now understand a little better the fourth phase to be that of "teacher" (in the "Indian" sense).
- 14 Cited in Bruce E. Johansen, *Life & Death in Mohawk Country* (Golden, Colorado: North American Press, 1993), p. 66. It is essential to note that although Dr. Johansen is not a Mohawk nor is he Aboriginal the people of the community have supported his work. Douglas M. George (*Kanentiio*) states: "What was sorely lacking in previous books was a command of the facts as the Mohawk people saw them. Until Professor Johansen began his research, no author had the trust and confidence of the Mohawk people necessary to write about the events that are as sensitive as they are terrifying" (p. x, emphasis added). This criteria is far too infrequently considered in academia and the research generated on Aboriginal Peoples. It is indeed on the people, it is on our backs as it is without our consent, knowledge and participation. Very few academics are even cognizant that their relationship with Aboriginal people and Aboriginal nations is a fact which must be considered. It is not as simple as returning the research to the community. This does nothing to displace the appropriation. Even well-intentioned researchers do not develop sustaining relationships because the relationships are not in and of the community.
- 15 I mean no disrespect for the individuals who stood in a good way to protect the land. My reference is intended to focus on the idea that the warrior is used as a negative stereotype. This stereotype is the result of applying one cultures idea of warrior upon Aboriginal culture(s). This is at least ethnocentrism.
- 16 In the first oral presentation of this paper I shared a poem written by Lenore Keeshig-Tobias. Her poem is called "(a found poem)." This poem was borrowed (in part) from the *Indian Act* and creatively reconstructs former sections 11 and 12(1)(b). These two sections contained the gender discriminatory provision that disenfranchised women on "marriage out." The poem can be found in the collection by Beth Brant, Degonwadonti (ed.), *A Gathering of Spirit: Writing and Art by Native American Indian Women* (Berkeley: Sinister Wisdom, 1983), pp. 123-24.
- 17 Bill C-31 became law in 1985. It contains the provision that allows for the reinstatement of individuals who were disenfranchised (including the women who married out) and creates the ability for bands to assume some level of control over their membership.
- 18 Since this discussion focuses on the *Indian Act*, I adopt the language ("Indian") of that Act in this section of the paper. The *Indian Act* applies only to those entitled to be registered under section 6.
It should also be noted the way I am using the quotation marks around words. It is not the intended grammatical usage (but I find I have to get a little creative with English to get it to do what I want). I use quotation marks to identify words I use with a healthy texture of cynicism.

- 19 Careful! This is not evidence that I have embraced feminist critiques of the English language (and it is a lesson in presumptions). I use the female pronoun because, as one Elder taught me, the word for Creator in our languages is neither male or female. Since so many people use the male pronoun when talking about the Creator, I have elected to always use the female in an effort to restore some balance into how we talk about the spiritual realm. Nia:wen Art Solomon.
- 20 I do not "blame" Indians for this as the central experience of colonial oppression is the fight for daily survival. When you are busy trying to feed your children and just to make it to the next day, it is very difficult to see the "big picture" painted by our collective and individual oppression. This is one of the "privileges" I have in my life: I am no longer fighting for daily survival.
- 21 I mean no disrespect to the sacred nature of these alliances called treaties. However, with one look at the situation of treaties in Canadian law it becomes obvious why I hold such a view.
- 22 I do not believe that the individualized process for issuing scrip extinguished any "collective" land rights of the Métis. The scrip documents themselves are silent regarding extinguishment. In Canadian law this is insufficient to create the extinguishment of land rights. With respect to our nation "lines," I will leave any further discussion for Métis citizens to write. To go further is to speak for the Métis (a distinct nation) and that is both unnecessary and improper.
- 23 I realize that enclave is a noun and I have just used it as a verb. I am on a mission to "verbalize" the English language. I do this in respect of the understanding that Indian languages are verb-based. Sometimes it is necessary to become a little creative, break a few English language rules, to achieve my goal of having the English language speak for my "Indian" thoughts.
- 24 This is not an argument in support of pan-Indianism. I have long believed we must organize around nation status (and/or perhaps treaty territories – although I worry that treaty boundaries might also be colonial boundaries).
- 25 I am not totally naive and I do realize that the *Indian Act* system is essential to the way our communities are governed and, more important, funded. The funding regime creates a false compliance with colonial rule in the form of the *Indian Act*. There is no choice for leaders elected under that system because that system is the very system that establishes their authority. To challenge the *Indian Act* system as an elected leader has two possible and probable consequences. First, the community loses its funding. Second, you challenge and give away your own authority since people will not continue to support you if you cannot bring new money and resources to the community. These are two fundamental contradictions that stand as obstacles to progress toward true independence.
- 26 This standard, participation and consent, is more onerous than mere consultation.

- 27 As a lawyer, I am a little amazed at the properties that the *Indian Act* has acquired. Many people, as they focus on the so-called rights in the legislation, treat it with the paramour due to a constitution. It is only a statute. It can be amended or repealed with ease by the federal government acting unilaterally. The same power does not exist for any chief and council to abolish the legislation.
- 28 The first *Indian Act* was passed in 1876 (although it was predated by other pieces of legislation affecting the lives of Indians). It is now one hundred and eleven years later.
- 29 "The Relevancy of Indian Studies in Higher Education," cited in American Indian Studies Center, *American Indian Issues in Higher Education* (Los Angeles: American Indian Studies Center, 1980), pp. 19-20.
- 30 It's that noun-to-verb issue again.
- 31 *Pedagogy of the Oppressed*, revised 20th anniversary edition (New York: Continuum, 1996), p. 28 (emphasis added).
- 32 *Concise Oxford Dictionary*, p. 237 (emphasis added).
- 33 My friends at Oxford have this to say about the meaning of *allege*: "affirm, advance as argument or excuse"; and about *allegedly*: "used in statements for which author disclaims responsibility" (p. 32).
- 34 I realized the same thing about racism a few years back. See *Thunder in my Soul*, chapter 2, "Reflecting on Flint Woman," pp. 26-43:
- What I am attempting to do is to re-claim racism, as a word, and as a concept, and as an experience. I want it to speak to me, of me, for me. I am tired of it defining someone else's experience who has the luxury of not living racism. Racism, both as a concept and as an experience, creates a subject outside of me and leaves me being object. The fact is that racism creates an unnatural inversion. It is therefore a neat little trick which oppresses the individual or collective who is already struggling to overcome their oppression. This is the neat little trick. As soon as I point out to most people, "HEY, that's racist," it is distancing. You become defensive. Perhaps you blame me for calling you names or maybe you distance yourself by calling me angry. I feel guilty as I had never intended to hurt you. That is not my way. I have the responsibility to be kind. Kindness is one of my original responsibilities. The power to define my own experience is then taken away from me because racism is a bad word! [p. 38]
- 35 I do not mean by culture what you would find were you to look the word up in a dictionary. Instead, I mean the bundle of characteristics, responsibilities, teachings and ways (and so on) that define my life as a person of the people (in my case of the Mohawk people). In the way of my people, this might be understood by making reference to the "gus-wen-qah" (the Two Row Wampum as it is known in English). I refer to all the things that Mohawk people agreed to keep in our canoe.

- 36 I want to share with you an interesting typographic error that appeared in an earlier draft of this paper (and was pointed out to me with the appropriate amount of flare, by Dr. Ron Marken). Rather than typing *destroyed* (as I at least consciously intended), I typed *destoryed*. This error might in fact be a more appropriate comment.
- 37 It is only "Indians and our lands" that are reserved a place in section 91 or 92 of the constitution. No other "peoples" are enumerated.
- 38 At a 1980 conference, Russell Thornton reported these research results:
I researched the scholarly journal literature of the social science disciplines and included all journal articles in the history of the disciplines. I found that anthropology possessed thousands of papers on American Indians, and history about 1500 papers. But there are only about three hundred in sociology, one hundred in geography, one hundred in American studies and ethnic studies combined, and a mere few dozen in economics and political science. ["American Indian Studies as an Academic Discipline: A Revisit," cited in American Indian Studies Center, *American Indian Issues in Higher Education*, p. 7]
- 39 This reminds me about a similar pattern that I have seen develop in the justice sphere. As Aboriginal justice has gained popularity, it is described as an "alternative." This marginalizes Aboriginal justice ways. As I came with the land, I do not believe Aboriginal people are truly the "alternative."
- 40 I was a member of the working group for the Task Force on Federally Sentenced Women from 1989 to 1990 and the Task Force Reviewing Administrative Segregation during 1996 and early 1997.
- 41 John H. Hylton, "Financing Aboriginal Justice" in Richard Gosse, James Youngblood Henderson, Roger Carter (eds.), *Continuing Poundmaker and Riel's Quest: Presentations Made at a Conference on Aboriginal Peoples and Justice* (Saskatoon: Purich Publishing, 1994), p. 155.
- 42 A.C. Hamilton and C.M. Sinclair (Commissioners), *Report of the Aboriginal Justice Inquiry of Manitoba: The Justice System and Aboriginal People* (Winnipeg: Queen's Printer, 1991), p. 254.
- 43 See for example the comments of Associate Chief Judge Murray Sinclair, "Aboriginal Peoples, Justice and the Law" in Gosse Henderson and Carter (eds.), *Continuing Poundmaker and Riel's Quest*, p. 175.
- 44 See Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (Toronto: Penguin Books, 1996).
- 45 From 1989 to 1990, I was a member of the Task Force on Federally Sentenced Woman, Working Group. Correctional Service of Canada: *Creating Choices: Report of the Task Force on Federally Sentenced Women* (Ottawa: Supply and Services Canada, 1990). This task force recommended the construction of a "healing lodge" for Aboriginal women. This institution is now in operation near Maple Creek, Saskatchewan.

46 I am not sure that the mechanisms for maintaining social order in Aboriginal communities were not in fact formal. For example, from what little I understand of Cree protocols for the ceremonies from my participation in the Thunderchild First Nations justice project "*Wihtamatoona*" (which translates to "sacred information that people tell each other"), I think the systems were very formal. The implication that Aboriginal mechanisms were informal sounds too much like the idea that Aboriginal people are inferior.

47 *Aboriginal Justice Inquiry*, pp. 663 and 667.

There are no comprehensive national statistics available. There is no reason to believe that statistics for any other province are "better" than the comprehensive statistics available for Manitoba.

48 *Ibid.*, pp. 667-670; 216-220 (court personnel); 452 (prisons); 467 (parole board); 470 (parole supervision); 601-602 and 620-623 (policing).