A COMPARATIVE ANALYSIS OF CORRECTIONAL IDEOLOGY

OF THE CORRECTIONAL SERVICE OF CANADA AND

NATIVE IDEOLOGY AT STONY MOUNTAIN PENITENTIARY

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ABSTRACT

The analysis of social policy and theories of deviancy has to take into account social values and, as well, the social and political ideas of the policy makers or the theorists. The analysis must explain how policy implementers perceive the world and why, in order to assess the objectives and implementation of the policy and its subsequent programs.

This study considers a "new" correctional model, the Opportunities Model, presently operating within Stony Mountain Penitentiary and analyzes and compares this model and its programs with the former Individual Treatment Model. This research employs normative theory and a modified form of John Horton's paradigm to interpret specific ideological elements and demonstrate that the two correctional models, although claiming to be different, are in fact similar and share a consensus perspective of society.

The culture of Central North American Natives is explored and the native world view is presented. The concepts of colonialism and native oppression are examined in this analysis, as one cannot divorce these concepts within the native interpretation of the ideological elements and the native view of the world. Using normative theory, this thesis will prove native ideology to be in conflict with that of Correctional Services of Canada. This raises a number of questions regarding the appropriateness, possible effects, and the latent objectives of this correctional model and its programs, for native inmates.

Areas of possible future research topics are presented and discussed.

ABBREVIATIONS

A.A.	Alcoholics Anonymous
A.F.M.	Alcohol Foundation of Manitoba
C.P.S.	Canadian Penitentiary Service
C.S.C.	Correctional Service of Canada
I.P.P.	Individualized Program Planning
I.T.M.	Individual Treatment Model
OPMOD	Opportunities Model
L.U.	Living Unit or Living Unit Officer
L.U.D.O.	Living Unit Development Officer
L.U.P.	Living Unit Program
N.P.B.	National Parole Board
N.P.S.	National Parole Service
S.M.I.	Stony Mountain Institution
T.A.	Temporary Absence

CHAPTER I

INTRODUCTION

Sociological responses to deviancy, as defined by our present Canadian legal and judicial system, have generally focussed upon the individual law-breaker and his behaviour rather than upon societal forces affecting these actions.[1] Given this interpretation of deviancy, most practitioners in criminology develop prison programs which basically consider methods directed at "changing" the individual.

In the fall of 1973, the then Solicitor-General of Canada appointed a Task Force [2] to re-examine and analyze the role of federal corrections in order to develop an integrated correctional service for Canada which would encompass the Canadian Penitentiary Service and the National Parole Service. The Task Force rejected the concept of the "medical model" operating within Canadian penitentiaries during the 1950's and 1960's, because it implied that the correctional agency was somehow "directly responsible for the 'success' or 'failure' of the offender."[3] The Task Force considered this unrealistic as corrections could not work "magic" and return the offender to the community as a "socially responsible individual." The medical model assumed only "experts" capable of "rehabilitating" offenders, and the Task Force perceived that this belief resulted in the tendency of the community to evade its responsibility. The Task Force considered continued emphasis on rehabilitation would mislead not only the public but the offender as well in terms of the actual capacity of corrections. The Task Force concluded that, as a result,

> "We will continue to draw the accusation of
> failure arising from unrealistic expectations, and
> will hinder the development of effective relationships
> between corrections and the public."[4]

In other words, it proposed that if corrections was to maintain good

public relations, it had to shift responsibility back onto the

offender.

The Opportunities Model

Rather than continue to draw the "accusations of failure" upon

the corrections system, the Task Force saw the "opportunities model" as

an alternative:

> "In order to meet the reality of today's
> correctional environment, Federal Corrections must
> provide correctional opportunities, opportunities
> designed to assist the offender in the development of
> daily living skills, confidence to cope with his
> personal problems and social environment and the
> capacity to adopt more acceptable conduct norms.
> The opportunities principle is based on the
> assumption that the offender is ultimately
> responsible for his behaviour. This approach
> further recognizes that the offender is convicted
> and sentenced on the basis of his criminal
> behaviour, not on the basis of some underlying
> personality disorder or deprived socio-economic
> condition."[5]

The opportunities model acknowledges the inmate to be responsible and

accountable for his deviant behaviour and proposes that change can be

accomplished only by the inmate himself by availing himself of the

"opportunities" presented to him by the corrections system.

Relationship Between the Individual Treatment Model and the Opportunities Model

Talk of prison reform frequently includes a plethora of "pilot projects," "demonstration programs," and "new philosophical models." This thesis intends to demonstrate that, in reality, the so-called "new" approach to the problem of deviancy as proposed in the opportunities model is a reflection of previous criminological thought. As well, it will be demonstrated that both the Individual Treatment Model (I.T.M.) and the Opportunities Model (OPMOD) reflect a consensus perspective of society. They have both tended to focus upon the individual and methods to change him.

Classical School of Criminology

Classical theory of criminology flourished at the end of the 18th century and its principles were typified in the writings of Becarria. Although not used in its pure form, classical theory is nevertheless one of the pillars of our contemporary system of corrections.[6] Becarria's principles of the classical school reflected the social contract theories of Hobbes, Locke, Montesquieu and Rousseau.[7] Laws were perceived as the conditions under which individuals, naturally independent, voluntarily united themselves to evolve a "civil society" because they feared living in continual war. The individual, possessing free will, voluntarily consented to bind himself to society.

Individuals were perceived as being rationally oriented towards the pursuit of pleasure and the avoidance of pain.[8] This

essentially Hobbesian principle saw a person as being individually

oriented, each seeking his own ends, and therefore each being capable of

committing crimes. Classical theorists assumed consensus in society as

to the desirability of protecting private property and personal

welfare.[9] Man's social contract with the state implied that the

state was to preserve the peace and terms of this consensus. The

individual, perceived as a rational being, was thus responsible for his

behaviour and subsequently amenable to a rational system of social

control.[10] Punishment was therefore a legitimate right to be

exercised by the state by virtue of the above principles. It was

determined that punishment should be utilized as a deterrent for not

only the offender but, as well, should serve as a warning to others.

Punishment was to be a tool in the hands of the legislator whereby "the

greatest happiness for the community could be achieved." This

utilitarian concept of "the greatest happiness for the greatest number"

was the foundation for the role of the state and its application of

punishment.[11]

In addition, classical theory of criminology proposed

punishments to be proportional to the interests violated by the

offence.[12] Punishments should not be excessive nor should

punishment be used as a method of reformation. According to classical

criminology, this would suggest encroachment on the rights of the

individual and, as well, would violate the social contract. Classical

criminology perceived the rule of the law to be such that the law,

rather than the judge, should determine the punishment. Thus, classical

criminology advocated that equal punishment should be applied for the

same crime regardless of other conditions or circumstances. In the eyes

of the law, all individuals were considered equal.

Classical theorists considered restricted use of the law to be the most satisfactory, and felt the implementation of the laws should be circumscribed by due process. Inherent in classical interpretation was consideration of proportionality of punishment, i.e. let the punishment fit the crime.

Implicit within classical theory were, however, two apparent contradictions. The image of man was such that the individual was perceived as a rational being who consented to the legitimacy of the beneficial social contract with society while at the same time he was perceived as unthinking and self-interest seeking. As well, punishment was to deter the individual but, when his reason failed, his passions tempted him to criminality.

However, the model of man within classical criminology considered the individual to be responsible for his actions and mitigating circumstances were not to be considered. Man's free will implied equality of responsibility.

Motivation and extenuating circumstances were not considered in the classical interpretation of deviancy. These contradictions with the classical model's interpretation of the nature of crime led to inherent confusion, as crime was perceived as either an irrational act, a product of passion, or the result of factors negatively influencing a person's freedom to exercise a rational choice.

Neo-Classical School

Reaction to these contradictions, as well as the concept of equal punishment, gave birth to the neo-classical school of criminology. Although the individual was still considered sane, accountable, and responsible for his actions, an allowance was made for mitigating circumstances. All individuals were still perceived as being capable of crime. Only children and the aged were seen to be less capable of making responsible and accountable decisions and a small group, such as the insane or feeble minded, were perceived as incapable of freedom of action.[13]

Within neo-classical criminology however, the person became a more "rounded" individual, having a past and a future. Man was still rational and had free will, but now the circumstances of the offender, his physical and social environment, his past offences and his "degree" of responsibility were to be considered. Other mitigating factors including incompetence, pathology, insanity and impulsive behaviour could be considered as affecting the ability of the individual to exercise his free will.

Judicial discretion became relevant, and it was recognized that a given sentence would have differing effects for individual offenders dependent upon their personal characteristics. As well, neo-classical criminology recognized that imprisonment itself could affect the offender's propensity for future criminal behaviour.

Neo-classical criminology attempted to phrase punishment in relation to rehabilitation.

> "The criminal had to be punished in an
> environment conducive to his making the correct
> moral decisions. Choice was (and still is) seen
> to be a characteristic of the individual actor--but
> there is now a recognition that certain structures
> are more conducive to free choice than others."[14]

Correct moral decisions were those which reflected the moral standards

of the given society. This was based upon the premise that the

individual was a rational human being, with free will, who entered the

social contract with society and thereby agreed to the "accepted" roles,

norms and methods of society.

Positivist Criminology

Positivism rejected harsh legalism and substituted the

doctrine of determinism for free will.[15] Positivism saw man as

being propelled by forces of which he himself was unaware and he could

therefore not exercise free will nor be held accountable and responsible

for his actions. The concept of determinism, therefore, foreshortened

human choice.

Positivism assumed the existence of social and moral consensus

in society. Liberal positivism interpreted the law to be the

crystallization of this consensus and thus, by definition, crime was

extreme deviance. It was believed that laws could be reformed to

represent this moral consensus.[16] Radical positivism also assumed

that moral consensus was embodied in the criminal law, but believed that

deviancy reflected ineffectiveness in the administration of social

control. It was believed that the administrators of justice, police,

social workers, the judiciary, etc., exercised non-scientific criteria

in their dispositions, and that reforms were necessary to ensure
scientific effectiveness of the administration of social control to
reflect the objective interests of the consensus view. The scientific
method was a central concept in positivist criminology.

It is important to note that both liberal and radical
positivism perceived a social and moral consensus in society. Values,
norms and morality were perceived as neutral objects of the social
system. They were a "given" within the system. This assumption,
however, presented a contradiction as it implied that the legal system
reflected "freely chosen contracts between rational men and liberal
society."[17]

Positivism saw society consisting of predominantly "normal"
people who represented the consensus. Deviants represented only a
minority and existed at the margins of society. Social reaction against
the deviant was only considered in terms of the scientific effectiveness
of the criminal justice system in their role of representing the
collectivity. Social reaction was of no consequence in the explanation
of deviance since, by definition, deviants were individuals having no
free will, were under-socialized or pathological, and therefore they
could not take their place in healthy society.[18]

Consequently, deviance was, by definition, "that which is
reacted against--by, and on behalf of, the majority of (right-minded)
men."[19] Positivism emphasize the "actor" rather than the "act,"
and focussed on the criminal, his physical being, psychological make-up
and his environment. Most biological, psychological, sociological and
economic studies of crime have tended to be conducted within the
concepts of positivist criminology. Prevailing criminological studies

still tend to view criminal behaviour as "descriptive of a kind of
person rather than a kind of state."[20]

Lombroso was convinced that the criminal was a biological
throwback (atavism) who had the body and mind of primitive man. This
individual, acting in a "natural" way (for him), exhibited deviant
behaviour and consequently broke the laws of present society. This
individual had to be removed and needed restraints to prevent him from
committing further crimes.

Other positivists argued that the primary concern of the penal
system ought to be treatment rather than punishment. They contended
that efforts should be concentrated in ameliorating conditions which
produce crime and not upon punishing those convicted.

Positivists contended that it was the responsibility of the
state to ensure that appropriate treatment was made available to cure
the offenders. They argued that the administration of the criminal
justice system should be dealt with on a scientific basis; jurists
should be replaced by experts having knowledge of the science of human
behaviour. They suggested that there should be a system of
indeterminate sentences which would allow sufficient time for a "cure"
to be effected. As well, positivists argued the abolition of
punishment, as they believed it to be inappropriate.

Durkheimian Criminology

In addition to the three previously mentioned criminological
schools of thought, the influence of Emile Durkheim is evident within
our Canadian correctional system as well. Durkheim presented a

dualistic view of human nature: the body and its needs, and the soul.

> "The instincts of men are organically given;
> and the control and constraint of men is the task of
> social sentiment acting through the 'soul.' It is
> evident that passions and egoistic tendencies derive
> from our individual constitutions, while our
> rational activity--whether theoretical or
> practical--is dependent on social causes."[21]

Durkheim's "homo duplex" needed repression of the biological

predispositions as they could otherwise lead to anomic normlessness.

The body and soul would be out of phase.

Durkheim interpreted society from a political-sociological

perspective, taking into consideration the society's productive

relations as well as social facts. He perceived society's productive

relations and morality as external to the individual but, nevertheless,

constraining him. He also saw society as having its own nature,

different from the nature of individuals.

> "It's (society's) requirements are different
> from those of our own nature as individuals: the
> interests of the whole are not necessarily those of
> the parts. therefore, society cannot be formed
> without our being required to make perpetual and
> costly sacrifices."[22]

Durkheim perceived individuals capable of accepting moral authority

"only to the extent that authority was relevant to men's real, material

situation."[23]

Traditional society, according to Durkheim, was characterized

by relationships of mechanical solidarity consisting of homogenous,

interdependent systems. The law in traditional society reflected the

collective conscience. It consisted of general moral agreement on the

nature of sanctionable behaviour and there was agreement on punishment.

Punishment did not need to stress rehabilitation since this was not necessary; everyone was aware of the obligations to society as they were specified in the strong collective conscience.[24]

According to Durkheim, individuals had natural inequalities and these were reflected in social inequalities. Spontaneous division of labour occurred as a result of these natural inequalities. Roles were distributed in accordance with biological merit and the state judged all values at their true worth.

Durkheim's analysis of social problems was premised on the concept of anomie. He perceived three types of deviancy. The biological deviant resulted when individual consciences varied from the collective conscience as a result of genetic inheritance and situational factors. The functional rebel acted out the "true" collective conscience as it was in the process of emerging. The skewed deviant was an inappropriately socialized individual in a sick society. Durkheim saw two possible sources resulting in skewed deviant behaviour: anomie and egoism. Weakened social control, inadequate institutionalization of goals, inadequate means to achieve system goals, or inadequate socialization were all reflected in anomie and social problems.[25] Egoism represented the egoistic desires of the individual in a way that would be incompatible with the social order and inappropriate with their given biological abilities.

The state, according to Durkheim, had the responsibility to intercede in order that individuals could be re-socialized or provided with appropriate means and opportunities to meet the maintenance needs of the system. Solutions to deviancy should consider re-socialization of the individual to "accept and obey the customs of society"[26] to

be of primary importance. The means and opportunities provided by the

state for the individual to achieve goals, and thereby meet the needs of

the system, appeared in the form of skills, training and education.

> "Education must inculcate a spirit of
> self-discipline and obedience to the social
> order..."[27]

The expansion of opportunities for mobility within the society was of

prime importance.

Mertonian Criminology

Another major influence upon Canadian corrections has been the

theory presented by Robert Merton. He expanded Durkheim's theory of

deviancy and attempted to explore social explanations of egoism and

anomie.

Merton depicted individuals as capable of making meaningful

choices, accepting or rejecting cultural goals, and the

institutionalized means to achieve these goals. Merton perceived

choices made by individuals to be dependent on the specific positions

occupied by individuals within the social structure. He believed the

ideal society to be one where there would be an accord between merit and

its consequences.

> "The means for achieving success would be
> respected, and the opportunities open to all those
> of sufficient merit. The motivation to compete and
> the opportunities to succeed would be in proportion
> to the degree of individual stratification necessary
> for the society to function."[28]

He identified two central elements of the cultural structure; the

culturally defined goals and the institutionalized means to achieve

these goals.[29] Thus competition was accepted and desirable by

members of society. Merton interpreted that a consensus on values

existed in society, that there was a "realization of values that men

respect."[30]

However, although Merton recognized that "people are not

equally placed at birth in the competition for success,"[31] he

claimed that system needs had to be maintained. He attributed the

meritocratic ideology to the progress of the division of labour and to

the placement of individuals in positions appropriate to their

aptitude.

Merton interpreted deviancy to be the result of

> "strain generated when persons are encouraged to
> structure their aspirations around a set of cultural
> goals, yet are denied access to the legitimate
> institutionalized means or avenues for goal
> achievement."[32]

In other words, the cultural goals which they have internalized cannot

legitimately be realized, and the adaptations they make will likely

constitute deviance.[33] His typology of deviant adaptations

included innovation, ritualism, retreatism, and rebellion.

Merton maintained that any ameliorative action to deviancy

would need to consider a number of factors. Among these would be

inadequate socialization, the development of coping mechanisms to enable

members to deal with personal tensions, and the provision of structures

within the system to allow members to attain agreed upon system goals.

As well, ameliorative action might need to consider the development of

relations between members to maintain appropriate social cohesion in

order to carry on consensually agreed upon activities.

It was the role of the state to provide the necessary
opportunities for individuals to legitimately achieve system goals.
Merton believed that, although success had to be based upon merit, in
order to implement this, the state had to ensure the existence of ample
opportunities.

The Ideological Roots of the I.T.M. and OPMOD

While the Task Force rejected the individual treatment model
and considered the opportunities model as an alternative, the two
models, although having some differences, are in fact ideologically
similar. It will be demonstrated that the "Medical Model" or
"Individual Treatment Model" had its roots in the positivist philosophy
of criminology. It defined the individual as being ill and assumed only
"treatment" could rehabilitate the individual to become a contributing
member of society.

The Opportunities Model, presented as the alternative by the
Task Force, reflected predominantly neo-classical criminology. However,
as will be demonstrated in the analysis of the OPMOD, considerable
confusion and inconsistency exists within the OPMOD as some policies and
programs reflect classical thought, some positivist criminology, while
others reflect Durkheimian and Mertonian criminological thought.
However, neo-classical philosophy dominates the OPMOD criminological
perspective.

Positivist Criminology and I.T.M.

Positivism perceived the person as not responsible for his behaviour. The individual was seen as being propelled by forces of which he was himself unaware. Positivism believed social life should be explained by more profound causes which were unperceived by consciousness. Individuals had no free will but rather their choices were influenced by other forces, i.e. they were coerced in their behaviour.

Deviancy, therefore, according to the positivist perspective, may be in part a product of society or genetics. Positivism considered basically three factors influencing deviancy. Environmental factors included such issues as ecology, culture, composition of population and economic determinism. Biological factors included areas such as morphological considerations, "born criminals," and feeble-mindedness. Psychological factors took into consideration psychopathy, psychoses, epilepsy and insanity.

Any ameliorative action for deviancy therefore had to consider biological make-up, environmental factors, and personality. It will be demonstrated that the I.T.M. attempted to address these areas. It will be shown that institutional programs attempted to consider these factors and emphasized specific "deficiencies"--both personal and societal. Programs within the I.T.M. included aversion therapy for sexual offenders, psychological assessments, psychiatric counselling, individual casework, group therapy and, as well, the various "learning programs"--upgrading, trades, shops, self-awareness, A.A.;'s and drug treatment programs.

Neo-Classical Criminology and the OPMOD

Neo-classicists perceived individuals to be capable of making rational, responsible decisions and individuals were, therefore, to be held accountable for their actions. Certain mitigating circumstances could be taken into consideration however. Neo-classicism perceived most individuals to be fully responsible for their actions, with the exception of children and the aged. Motivational patterns (e.g. psychological types) or structural circumstances (e.g. poverty) were not recognized and were perceived as excuses for individuals to evade their responsibility. Individuals were perceived as having free will and being capable of free choice in determining behaviour. The OPMOD reflects this criminological philosophy.

Deviancy, therefore, was perceived as a rational act and the person was held responsible and accountable for the action. Utilitarianism could be seen to operate within the neo-classical philosophy. All beings were perceived to be capable of crime precisely because man was by nature self-seeking and imperfect. Deviancy was thus seen as an act against the good order and consensus of what was defined as "good" and "proper" by society as a whole. Basically this assumed that consensus existed among rational human beings on the morality and permanence of the present distribution of property.

These theoretical principles are taken into consideration by the correctional system, therefore, when developing the ameliorative responses to deviancy--correctional policies, and subsequent institutional programs. It will be demonstrated that our present Canadian correctional system and the OPMOD with its L.U.P. and I.P.P.

case management process, reflect the neo-classical perspective, but
deterministic explanations of behaviour are employed when
"appropriate."

How the Opportunities Model Works

Within the opportunities model, the institution provides the
opportunities while "the inmate bears the responsibility for planning
and carrying out a program designed to allow him to return to the
community as a responsible citizen."34 The opportunities provided
by the institution include programs, resources and staff. The offender
will have the "opportunity" to make decisions concerning the nature and
manner in which his time of imprisonment will be served, and this will
thereby allow him to demonstrate "responsible" conduct. Thus the inmate
has free will to take advantage of institutional opportunities
available.

The institutional "opportunities" an inmate may wish to
consider could include any or all of the following:
upgrading--from basic elementary to University level,
life skills--learning how to look for work, attend interviews, use
community resources, budget finances,
trades training--welding, auto body, carpentry,
alcohol treatment--courses presented by the Alcoholism Foundation of
Manitoba, A.A. meetings,
impulse control--through discussions with the institutional
psychologist,
marriage counselling--with the appropriate religious advisor within the
institution.

It is the responsibility of the inmate to avail himself of resources and thereby facilitate his rehabilitation.

The Living Unit Concept

An integral component of the OPMOD is the living unit concept. The living unit program was designed to facilitate assisting the offender "in the development of daily living skills" which would allow him to return to the community as a contributing member of society. The living unit program traced its origins to Dr. Maxwell Jones and his concept of the "therapeutic community." This program attempted to create a community atmosphere with a treatment orientation.

Role of Living Unit Program Staff

The staff are perceived as "resocialization agents" in this program and their role includes helping inmates understand and accept restrictions. The theory is that this knowledge would then be transferable to the community and would ultimately help the inmate understand and accept his responsibility "in and to the community to which he returns."[35]

Individual Program Plan

A very essential part of the living unit program and the
opportunities model, is the "Individual Program Plan" (I.P.P.) case
management process. One of the rationales for the introduction of
I.P.P. was to

> "operationalize the opportunities model through
> ensuring individual consideration of every inmate
> with respect to his needs and the resources
> available."[36]

I.P.P. has been described as a "case management process" rather than a
new "program". It was set up to provide effective utilization of all
case management components of the federal correctional services. I.P.P.
co-ordinated "the efforts of institutional and community (parole)
resources from sentencing to warrant expiry date." As well, I.P.P.
would allow the changes contained in the "Peace and Security"
legislation to be integrated into the Correctional Service of Canada
case management system. It was hoped that I.P.P. would provide the data
base to plan new and/or recommend changes to existing institutional
programs.

The Correctional Service of Canada (C.S.C.) determined that
programs previously did not consider all aspects of the inmate's needs,
with the result being that fragmentation of services often occurred.
I.P.P. would involve institutional staff, parole staff, and the Parole
Board, with the inmate's "program plan" to meet his needs from the time
of entry into the institution. This would allow the development of a
co-ordinated case management process.

I.P.P. is based upon a "team" approach which includes the inmate, the L.U. officer, the L.U.D.O. or living unit development officer, formerly referred to as the counsellor or classification officer, as well as the parole officer. Other "resource" people such as the psychologist, shop instructors or community organizations (John Howard Society, Alcoholics Anonymous member) could be included on the team as well.

I.P.P. is a case management process which takes the entire sentence into account. Black et al stated that if the correctional system demanded change on the part of the client, then such change should be continually promoted and reinforced from the moment the inmate enters the system. The goal of I.P.P. is to

> "design, implement and monitor an individual
> program plan for every inmate possible in which he
> selects the program activities he and his case
> management team feel are appropriate to his needs,
> in conformity with the program opportunities that
> exist."[37]

There is no option; all inmates are involved in I.P.P. because it is a "regionally applied case management process."[38] Methods of prison reform have generally been applied to everyone, without distinction, who has been defined as deviant and who has been incarcerated within Canadian penitentiaries. The opportunities model, living unit program and I.P.P. case management process presented as the "new" approach to corrections and presently operating in S.M.I. resemble previous prison reform approaches; they are applied to everyone in the institution, are directed at changing the individual, and, it will be demonstrated, reflect an order or consensus perspective of society.

S.M.I. Inmate Profile
_____

The inmate population within the S.M.I. includes a distinct

percentage of individuals of native origin.[39] For the purpose of

this paper, the term native includes all individuals of North American

Indian origin. These individuals of indigenous origin employ

self-identification and espouse those values which incorporate an Indian

view of the world. This definition could therefore encompass status

Indians, non-status Indians, treaty Indians, non-treaty Indians as well

as Metis.

This research acknowledges that natives have been subjected to

continual efforts by the white dominant group to either change or

eliminate their cultural lifestyle. Consequently, some natives have

been adequately socialized within the majority society and have

internalized and accepted the values of the Protestant Ethic.

Traditionalists refer to these natives as "apples."[40] Wuttunee has

been referred to as such a native. He does not agree with the existence

of a native "culture" per se and advocates native assimilation to the

white dominant culture. He feels that the

> "cause of the problem is not so much what the
> white man has done to him, but what the Indian does
> to himself through his interpretation of what
> transpired in the past."[41]

The term "native" may be used by some researchers to include

everyone from status or treaty Indian to someone who is second

generation Metis and who considers himself "French-Canadian." Some past

research has employed "appearance" as the sole criteria in the

identification of "natives" for a particular study. Thus the term

"native" or "Indian" may be defined and interpreted in various ways.

This thesis employs the concept of self-identification and a commitment of the individual to embrace an Indian view of the world as the major components in the definition of "native." It permits flexibility yet recognizes the existence of a variety of legal and societal definitions of the term "native."

Thus someone defined as "Treaty Indian" by virtue of the Indian Act, may not necessarily be perceived as a "native" for the purpose of this study if this individual does not espouse those traditional values which incorporate an Indian view of the world.[42]

This thesis proposes that Canadian prison policies and programs are based on a common ideology. When this common ideological approach is applied to everyone within a correctional institution, it may be appropriate for that segment of the population sharing this ideology, but it may not be appropriate for another part of the population, which espouses a differing ideology. Thus, two critical questions are raised: can the present ameliorative response to deviancy presented by the C.S.C., which espouses a specific ideology, be appropriate for the native who espouses a differing ideology, and what effect does exposure to the C.S.C. ideological framework over a (sometimes) lengthy period of time have on native inmates?

The intent of this thesis is to subject the I.T.M. and OPMOD of C.S.C. to normative analysis. The paradigm used in this ideological analysis is a modified form of that presented by John Horton, the order or consensus perspective of society and conflict perspective.[43]

The Consensus Perspective

The central idea of the consensus perspective is that members of a society share a common perspective, and strive toward sameness or consensus around the major goals and methods in society. It infers that members share common social norms. Social norms are

> "Rules of conduct which specify what human beings in a given culture should or should not do as members of the group."[44]

The key element is "should." Behaviour is judged according to the standards accepted by the groups with which the individual associates. The consensual perspective of society stresses stability, integration and functional relationships. Order is perpetuated through the basic social processes of socialization and social control. Members are socialized to accept dominant-subordinate roles, specific social positions in society and "necessary," consensually agreed upon, restrictions. Social control refers to the social force employed by the dominant group to counteract deviations from norms considered "vital to the effective functioning of the group."[45] In the consensual perspective individuals are perceived as equal, in the sense that each can make use of his different talents, and the equality of opportunity exists for each to develop these differing talents to his full potential. Society's social structure is perceived as a functional necessity, and includes society's economic system, ownership of property and social power, such as wealth, status, position, knowledge, skills and influence within society. The consensus perspective perceives society's social structure as a natural outcome based upon conribution, merit and need, and is a necessary component for maintenance of the status quo.

The Conflict Perspective

The conflict perspective of society challenges this interpretation and perceives socialization and social control as the strategy of the ruling group to justify their values and motivations, to maintain social inequality and an illegitimate status quo. The conflict paradigm maintains that a society's social, economic and political structure must be analyzed to define power and understand how inequality is perpetuated. The conflict paradigm recognizes that freedom and equality are inseparable from economic and political equality. Thus, equality of opportunity does not imply or lead to equality of condition.

Propositions

This thesis will present the deductive argument that the C.S.C.'s former I.T.M. and present OPMOD, the living unit program and the I.P.P. case management process, although reflecting different schools of criminological thought, all espouse a consensual perspective of society.

It will also be demonstrated that there is an ideological conflict for the native inmate with the ideology reflected in the institutional policies and programs.

In addition, this thesis suggests that, given this conflicting ideology, the present OPMOD, the L.U. program and I.P.P. case management

process are not appropriate for native people, and represents the
continuation of an on-going process of oppression and attempts of
assimilation as part of the colonial system which has dominated
native-white relationships in Canada

It is hoped that this study, an ideological analysis, will
provide insight into the social administration process in the Canadian
Correctional system, and may suggest areas of possible future research
to explore native criminological perspective.

Footnotes (Chapter I)

[1]Various authors have observed this phenomenon. Thorstein Sellin noted that criminology traditionally concerned itself with violations of the criminal law, the causes and preventions, and specifically concentrated upon those individuals who commit these violations. Austin Turk observed that to direct criminological studies predominantly at the "criminal" fails to consider other impeding social factors, specifically political and legal power within society. Lynn McDonald, as well as Steve Brickey and Bill Greenaway, demonstrated that it is the holders of power who have generally defined as criminal the behaviour of other segments in society.

[2]A five man Task Force was appointed in the fall of 1973 by the Solicitor-General of Canada for the purpose of analyzing various recommendations and findings of previous reports, commissions and related studies to develop and implement an integrated Canadian Corrections Service. Task Force members included: A. Wakabayaski, J. Braithwaite, L. Pisapio, H. Meredith.

[3]Solicitor-General of Canada, The Role of Federal Corrections in Canada, A Report of the Task Force, 1977, pp. 25-28.

[4]Ibid., p. 26.

[5]Ibid. pp. 30-31.

[6]Donald R. Cressey, "Sources of Resistance to Innovation in Corrections," in Correctional Institutions, ed. by Robert M. Carter, Daniel Glasser, and Leslie Wilkins, (Toronto: J.B. Lipincott, Co., 1972), p. 439.

[7]Ian Taylor, Paul Walton and Jack Young, The New Criminology, (London, England: Routledge and Kegan Paul Ltd., 1973), p. 1.

[8]Graeme Newman, "Theories of Punishment Reconsidered: Rationalization for Removal," in International Journal of Criminology and Penology, 1975, 3, p. 166.

[9]Taylor et al., New Criminology, p. 2.

[10]Terrence Morris, Deviance and Control: The Secular Heresy, (London, England: Hutchinson and Co. [Publishers] Ltd., 1976), p. 79.

[11]Newman, p. 165.

[12]Taylor et al., p. 2.

[13]Ibid., p. 8.

[14]Ibid., p. 9.

[15]Sue Titus Reid, Crime and Criminology, (Hinsdale, Illinois: The Dryden Press, 1976), p. 127.

[16]Taylor et al., p. 12.

[17]Ibid., p. 12.

[18]Ibid., p. 20.

[19]Ibid., p. 21.

[20]Joan Smith and William Fried, The Uses of the American Prison: Political Theory and Penal Practice, (Toronto: Lexington Books, D.C. Heath and Company, 1974), p. xiv.

[21]Taylor et al., p. 73.

[22]Ibid., p. 74.

[23]Ibid., p. 75.

[24]Ibid., p. 76.

[25]John Horton, "Order and Conflict Theories of Social Problems as Competing Ideologies," in The American Journal of Sociology, 71, (May, 1966), p. 703.

[26]Reid, p. 201.

[27]Robert Pinker, Social Theory and Social Policy, (London: Heinemann Educational Books, Ltd., 1971), p. 18.

[28]Taylor et al., p. 95.

[29]Ibid., p. 92.

[30]Ibid., p. 102.

[31]Ibid., p. 102.

[32]Anthony L. Guenther, Criminal Behaviour and Social Systems: Contributions of American Sociology, ed. by A.L. Guenther (Chicago: Rand McNally and Co., 1970), p. 5.

[33]William K. Greenaway and Stephen Brickey, Law and Social Control in Canada, (Scarborough, Ontario: Prentice-Hall of Canada, Ltd., 1978), p. 3.

[34]Russ McGill, Information pamphlet given to inmates at S.M.I., July 1978, p. 8. The medical model is also referred to as the "Individual Treatment Model."

[35]Information Services, Canadian Penitentary Service, (Ottawa: 340 Laurier Avenue West), p. 9.

[36]Douglas Black, et al., "Individualized Program Planning Study," July 1976, Canadian Penitentiary Service/National Parole Board Study Paper, Introduction.

[37]Ibid., Introduction.

[38]Abraham Deurloo, Memo re Phase II of Individualized Program Planning Implementation Schedule, with Appendices, Oct. 1976, App. I, p. 4.

[39]Native population varies from year to year, but approximates 30%.

[40]Laurence French, "Corrections and the North American Client," in The Prison Journal, Vol. LIX, No. 1, 1979, p. 51.

[41]William Wuttunee, Ruffled Feathers: Indians in Canadian Society, (Calgary: Bell Books Ltd. 1971), p. 109.

[42]An example would be a Treaty Indian who has expressed a desire, and who has actively lobbied (politically) to be appointed to the Prairie Regional Parole Board as their "native representative." There has been no expressed desire to help native people in jail; rather the approximate $60,000.00 per year salary - plus expenses - has been cited by this individual as the motivating force.

[43]Horton, pp. 701-713.

[44]Elmer Johnson, Crime, Correction and Society, (Georgetown, Ontario: Irwin-Dorsey, Ltd., 1974), p. 68.

[45]Ibid., p. 69.

CHAPTER II

STUDY DESIGN AND METHODOLOGY

Horton, Titmuss, Pinker and Taylor, Walton and Young argue
that the making of social policy and the explanation of social problems
and deviancy are normative and involve the making of value judgements.
These explanations define and interpret behaviour from socially situated
value positions. Hence they are ideological in nature and can be
analyzed using normative theory.[1] Horton explains normative theory as
a theory which seeks to explain social policies employing "values,
ideologies, or whatever one may care to call the subjective categories
of our thinking about society."[2] Values are defined as the feelings
one has about

> "events that are basic to one's life: religious
> and political values, values about child rearing,
> marriage and others. They shape the individual's
> response to the everyday events that impinge on
> him."[3]

They are the standards or measures of goodness or desirability for the
particular culture.

The object of this thesis is to subject the C.S.C., the former
I.T.M., the present OPMOD and its L.U. program and I.P.P. case
management process to a critical examination employing normative theory
to demonstrate that when these programs and this ideology are applied to
one-third of the institution's population--native inmates--it is not
appropriate, because natives view the world from a contrary perspective.
In other words, native ideology is in conflict with that of the C.S.C.
and its policies and programs.

The data base to deductively argue this proposition will include a literature review of theoretical knowledge available on the consensus perspective of society and, as well, on the different schools of criminological thought, namely classical, neo-classical, positivist, Durkheimian and Mertonian. This data will be used to demonstrate how the consensus perspective of society interprets the following specific ideological elements: human nature, operant values, image of the individual and society, interpretation of deviancy, and ameliorative response to deviancy. It will then be demonstrated that, although the various schools of criminology interpret these ideological elements differently, they are still consistent with a consensus perspective of society.

A second data source which includes government documents, briefs, government memos, policy statements and internal reviews and studies of the I.T.M. and OPMOD will be used to outline the interpretation of the identified ideological elements as presented by the C.S.C.'s I.T.M., OPMOD, L.U.P. and I.P.P. case management process. It will then be demonstrated that the I.T.M. reflects predominantly the philosophy of positivist criminology while the OPMOD presents an inconsistent philosophy which emphasizes neo-classical but as well reflects positivism, and some Durkheimian and Mertonian theory.

The position of native people in society will be presented with specific reference to the impact of colonialism and racial oppression upon native culture and the native view of the world. Specific ideological elements identified earlier will be interpreted from the native world view. Data to be utilized has been obtained from

the following sources: literature review, native studies, government

documents, native briefs, newspaper and magazine articles and

information obtained by the writer form native speakers and workshops

attended. From this analysis, it will be demonstrated that the native

values and view of the world are in direct conflict with those of the

C.S.C. administration.

Although this study is directed to a particular program in a

particular institution, the implications for native people go beyond

this specific program alone. Social policies directed toward native

people by the dominant white culture, who adhere to a consensus

perspective, affect native people in many areas of social services.

Social workers involved in the policy making process at times

forget to acknowledge the impact of ideology and values upon policy

development and program implementation. In particular, the ideological

analysis of the consensus perspective is relevant as this ideology

prevails within social policies and programs in Canada. The data within

this analysis can thus be utilized in further research where social

policies require critical examination with reference to the consensus

perspective of society.

This evaluative study will hopefully provide insight into the

social policy administration process for policy implementers generally

and present correctional policy implementers specifically, as well as

the native population. It may also present questions for further native

criminological research.

Flow Chart of Study Design and Methodology

Consensus Perspective of Society

General interpretation of ideological elements

    1. Human Nature
    2. Operant values
    3. Image of individual and society
    4. Interpretation of deviancy
    5. Ameliorative action to deviancy

Schools of Criminology

Positivist Criminology
Interpretation of ideological
   elements

Neo-classical Criminology
Interpretation of ideological
   elements
   - also reference to be made to:
       -classical
       -Durkheimian
       -Mertonian

Native View of World

Position of native people
   in society

Native interpretation of
   ideological elements

   1. Human Nature
   2. Operant values
   3. Image of individual
      and society
   4. Interpretation of
      deviancy
   5. Ameliorative action
      to deviancy

Correctional Service of Canada

I.T.M. (1950's and 1960's)
Interpretation of ideological
   elements as reflected in:
Programs
   - classification
   - casework
   - psychiatric/psychological
      counselling
   - training, trades, education-
     al programs

OPMOD
Interpretation of ideo-
   logical elements as
   reflected in:
   - C.S.C. philosophy
      statements
   - L.U.P.
   - I.P.P.
   - case management "team
      approach"
   - training, trades
     and educational
     programs
   - counselling

Footnotes (Chapter II)

[1]Horton, p. 713.
 Pinker, p. 17.
 Richard M. Titmuss, Commitment to Welfare , (London, England:
 Allen and Unwin, 1968)
 Richard M. Titmuss, Social Policy, (London, England: Allen and
 Unwin, 1974)
 Taylor, Walton and Young.

[2]Horton, p. 713.

[3]Scott G. McNall, The Sociological Experience: A Modern
Introduction to Sociology, (Boston: Little, Brown and Company, [Canada]
Ltd., 1969), p. 59.

CHAPTER III

THEORETICAL FRAMEWORK: CONSENSUS THEORY

Contemporary sociological theories of deviation and social conflict are adaptations of two perspectives of society founded in nineteenth century history and social thought. These are the order, or consensus perspective of society, and the conflict perspective of society.[1] Order theories perceive society as a system of action unified at the most general level by shared culture, and by agreement on values of communication and political organization. Individuals committed to the maintenance of the status quo, employ the order perspective. Consensus theory is synonymous with a structural-functional analysis of society. Society consists of systems which may be analyzed in terms of 1) statics, i.e. classification of structural regularities in social relations, such as dominant roles, status clusters, and institutions and 2) dynamics, i.e. the study of intra-systems processes such as strategies of goal definition, socialization processes and functions maintaining system balance.

Consensus theory has its foundation in the philosophy based upon those theories of society expounded by 17th century theorists Thomas Hobbes and John Locke, and it is generally associated with the writings of the early twentieth century theorist, Emile Durkheim and those of Talcott Parsons more recently. Consensus theory and its interpretation of deviancy has been both applied and analyzed in recent times by writers such as Morris, Horton, Chambliss and others.[2]

By utilizing the writings of consensus theorists, this chapter will explain the ideological elements, previously identified, as interpreted from the consensus perspective of society. A summary, in chart format, will be presented to identify the salient universals inherent in consensus theory employing a modified form of John Horton's paradigm.

Interpretation of Ideological Elements

1. **Human Nature**

Consensus theorists perceive three possible images of human nature. The "Homo Duplex" image sees the individual as half egoistic and half altruistic, ever in need of restraints for the common good. The "Tabula Rasa" image sees the individual born as a clean slate and the person is equated with the socialization process. The "Homo Damnatus" image perceives society divided into two distinct groups, those morally superior and those individuals morally inferior.[3]

Both Hobbes and Locke envisioned individuals capable of being both egoistic and altruistic, constantly requiring restraints for the "common good." They both considered human nature to be such that

> "men will always be evil, and however strict
> and complete their training may have been, it is
> never definitive. Human beings are liable.....to
> relapse into their evil passions."[4]

C.B. MacPherson, in his analysis of Hobbes' theory explains that Hobbes saw "natural man" as having a "passion for commodious

living." In the "natural state" of society, competition, diffidence and glory would not be held in check and there would be quarrels among men leading to a "brutish state of nature"--a state of war. Furthermore, in this state of nature, an individual would

> "lack all the good of civilized living,
> property, industry, commerce, the sciences and arts
> and letters, as well as security for his life."[5]

Hobbes argued that to be without these would be contrary to human nature. Therefore, individuals agreed "to transfer their natural powers at the same time as their natural rights,"[6] to a sovereign who then had authority and power over all.

It was the power of the sovereign that kept the masses in check as, otherwise, they could relapse into savagery and blindly destroy the foundations of the social order from which they themselves benefitted. Human nature, as described by Hobbes and Locke, is such that persons seek only self-interest and legal controls are necessary to "maintain social harmony and guarantee individual rights."[7]

Locke's distinction between the property owners and the labouring class reflected the perception of a distinct societal division into morally superior and morally inferior men.

Locke assumed labourers as necessary but claimed they were not full members of the body politic. He perceived them as not living a fully rational life. The state, therefore, was entitled to deal harshly with labourers and require of them to work because they would not live up to the moral standard required of rational men.[8] Locke assumed that the labouring class was to be managed by the state for the purpose of productive national gain. Locke felt that the labouring class required moral sanctions to compel its members to obedience.

> "His repeated emphasis on the necessity of the
> labouring class being brought to obedience by
> believing in divine rewards and punishment leaves no
> doubt about his main concern. The implication is
> plain: the labouring class, beyond all others, is
> incapable of living a rational life."[9]

Both Hobbes and Locke perceived man to have free will. They both emphasized the individual as proprietor of his own person and his own labour. Locke's explanation of a "civil society" that entered into commercial contracts of a market society was based upon the concept of free will.

Man's labour, being his own property, allowed man to use it, dispose of it, exchange it, or alienate it. A person could, therefore, sell his labour. His labour would then become the property of the owner who would be entitled to appropriate the produce of that labour. This relationship was entered into on a voluntary basis as man had free will.

Locke saw individuals created free and equal in the sense that they were "equally God's creatures." Parents were to govern children for the "children's good," until they could use reason, understand the law of nature and the laws of their country. Parents were to teach children the understanding of how to manage their "Property",

> "[i.e.] that Property which Men have in their
> Persons as well as Goods."[10]

There are thus the three images of human nature presented by the consensus perspective. However, as noted, there is a confusing image of the individual presented within the consensus perspective.

The individual is capable of being irrational, liable to relapse into evil passion, yet rational, by entering a "civil society." He is presented as having free will, yet at times he is "driven" to commit acts of evil and return to a "state of war." The individual is seen to be capable of pursuing pleasure for his own interest and thereby can be irresponsible, requiring restraints for the "common good," yet as often, he is seen as being capable of acting responsibly and accepting and understanding society's "natural law."

This confusion is evident, as will be demonstrated in the following chapters, in the different criminological schools and in correctional policies and programs.

2. Operant Values

The operant values of freedom and equality interpreted by the consensus perspective of society were premised on the individual's "right" to his own "property" (i.e. their persons, labour and subsequent appropriation of goods). This interpretation affected the individual's relationship with others and as well, within society.

Hobbes perceived "natural man" as having a "passion for commodious living," and he assumed individuals to have a natural drive to seek the power of honour, wealth and reputation. Hobbes treated power as a commodity because he assumed transfers of power to be so usual that there exists a "market" in power.[11] This formed the essential characteristics of the competitive market. Hobbes assumed that

"every man is in the market for power, either
as supplier or demander, for everyone has some power
to offer to others or wants to acquire the power of
some others."[12]

Hobbes claimed however that persons do not wish to acquire

more power, riches, knowledge or honour merely for their own sake or

pleasure, but rather "the innately moderate man in society must seek

more power simply to protect his present level."[13] This resulted

directly from society's "state of nature" in which "natural man"

continuously invades the property of others.

Hobbes was persuaded that there was a fundamental equality

among men: "equality of ability and equality of expectation of

satisfying their wants."[14] Since men were equal of ability, each

could invade the power of another and thus men were equal in insecurity.

This insecurity led to their agreement on the social contract with the

sovereign, and thereby enter a "civil society."

Equality for Hobbes was founded upon individual

proprietorship. Hobbes perceived individuals to be equal in the sense

that each was proprietor of his own capacities and what was acquired by

the exercise of these capacities. This was referred to as possessive

individualism by C.B. MacPherson. Hobbes also perceived individuals to

be free from the dependence on the wills of others and he interpreted

freedom as a function of possession. Thus, Hobbes logically concluded

that individuals could freely exchange their capacities, be it the

commodity of power or labour, with others in society. This possessive

market society thus allowed for a continual competitive market society

to be accomplished as an orderly relation of exchange because men had

agreed to a social contract with the sovereign to enter civil society.

The possessive market society is

> "a society in which men who want more may, and
> do, continually seek to transfer to themselves some
> of the powers of others, in such a way as to compel
> everyone to compete for more power, and this by
> peaceable and legal methods which do not destroy the
> society by open force....Only in a society in which
> each man's capacity of labour is his own property,
> is alienable, and is a market commodity, could all
> individuals be in this continual competitive power
> relationship."[15]

John Locke, in similar fashion to Hobbes, emphasized the

individual as proprietor of his own person, for which he owed nothing to

society. He too saw the purpose of "men's uniting into commonwealth and

putting themselves under government,"[16] resulting from men's need to

preserve their property. Locke concluded that the individual's natural

right to property was derived from the natural right to one's life and

labour. A person's labour was rightfully his and whatever he mixed with

his labour, became his property. This was rightful appropriation and

required no consent of others, "for God commanded man to labour the

earth."[17] However, a person could only appropriate that which he

could use; enough (and as good) had to be left for others.

Since one' labour was personal property, an individual could

exchange or sell his labour as desired. If labour was sold, it became

the rightful property of the owner who would then be entitled to

appropriate the product of that labour. According to Locke, this

relationship was entered into on a voluntary basis because the
individual has free will.

Locke concluded that money was introduced through the mutual
consent of members of society. C.B. MacPherson explains how Locke
concluded that persons have free will based upon their consent to accept
money as a valid institution of property and their agreement to enter
civilized society.

> "There are, then, two levels of consent in
> Locke's theory. One is the consent between free,
> equal, rational men in the state of nature, to put a
> value on money, which Locke treats as accompanied by
> conventional acceptance of the obligation of commercial
> contracts. This consent is given 'out of the bounds of
> Society, and without compact;' it leaves men still in the
> state of nature, and entitles them to larger possessions
> there than they could otherwise rightfully have had. The
> other level of consent is the agreement of each to hand
> over all his powers to the majority, this is the consent
> that establishes civil society. The first kind of
> consent is valid without the second. But although the
> institutions of property that are established in the
> state of nature by the first kind of consent are morally
> valid, they are practically difficult to enforce in the
> state of nature. This difficulty of enforcement is the
> main reason Locke finds for men moving to the second
> level of consent and entering civil society."[18]

Introduction of money made it possible for an individual to
appropriate more property and barter the excess, since money did not
spoil. Profits thus resulted from consent between unequals. Locke,
being mercantilist, saw money and profits as justifiable for commerce
and for furthering capital investments. Locke assumed the same goal for
both the individual and the nation, namely, consume less than the
revenue and accumulate capital.[19] The nation's wealth consisted of
the capital accumulated by its private industry and commerce.

The introduction of money through the consent of individuals
to put a value on money, allowed therefore for the accumulation of

capital. Locke's theory of property enabled him to justify the natural rights not only to unequal property but to unlimited appropriation. It should be noted that at times, Locke seems confused with the term "property." Although initially he defined property to consist of man's lives, liberties and estates, he later appears to alter this definition to mean possessions and capital specifically. As well, he initially defined property as resulting from the mixing of one's own labour with the land, while in his later explanation of money, he states that property may be accumulated by an owner, through the labour purchased.

Thus Locke attributed the wage relation to the state of nature. Civil society was agreed upon so that individuals could protect their "natural rights." However, civil society cannot over-rule natural law, and government is thereby limited "to the enforcement of natural law principles."[20] This allowed Locke to conclude that the right to unequal property is a right men bring with them into civil society, because it is individual consent in the state of nature, "that justifies property in excess of the initial natural limits."[21] Thus the right to unequal wealth and property was interpreted as a "natural law."

Man's "freedom" was equated with his free will to use his "property" appropriately, be that through the selling of his own labour or the purchase of labour of others to appropriate more goods. All men were born equal and the individual was free to use his capacities to attain his rightful appropriation provided enough and as good were left for others.

Human nature, as detailed by Hobbes and Locke, is such that individuals tend to be liable to relapse into their "natural state" and invade each others lives, liberty and property, were it not for the

social contract entered into with a sovereign who checks these natural
passions. Thus the individual develops an unique relationship with the
state. According to Hobbes, this social contract with a sovereign would
therefore allow man to

> "regulate the behaviour of his own species in
> terms of precepts and rules which form the foundation
> of a structure, orderly and predictable
> existence."[22]

The sovereign has legitimate authority to control men in society because
individuals freely consented to enter into the contract. The sovereign
in turn is restricted in his role by a body of laws deriving from
natural law and from the consent of those governed.

Locke perceived individuals to have consented to a social
contract to protect their "property." Locke attributed the wage
relation as part of the state of nature, and in turn relates this to
natural rights and natural law which encompass civil society.

> "The agreement to enter civil society does not
> create any new rights; it simply transfers to a civil
> authority the powers men had in the state of nature
> to protect their natural rights. Nor has the civil
> society the power to override natural law; the power
> of civil society and government is limited to the
> enforcement of natural law principles."[23]

The sovereign has therefore legitimate authority to maintain the social
good, order and stability.

The natural law principles detailed by Locke in his
interpretation of human nature entail the right to accumulate property.
Thus, although minorities might refuse to engage in such a contract,
Locke perceived them bound by the will of the majority. In this ideal
society, the sovereign may be removed if he "fails to govern so as to
protect equally the safety of all men."[24]

Therefore, individuals subjugate themselves to the state and consent to controls as these are perceived necessary to "maintain social harmony and guarantee individual rights."[25] Laws are "adjustment mechanisms" which maintain Hobbes' "civilized society." The state is perceived as a value neutral agency within the legal system. The consensus perspective assumes the implied consent of whole society to these laws which represent a codification of the major social values and beliefs of society.[26] Laws, according to consensual society, reflect the opinions and commitments of all members of the society.

Consensus theory therefore assumes that a common social will exists in society, and that order rests on legitimate authority and consensus on certain common values and goals. This assumption is embodied in the political structure by considering legislation to be the sole means of legitimizing the opportunity structure of society.

3.   Image of the Individual and Society

The consensus perspective of society sees society as a system with a shared culture and common values. Durkheim speaks of a "common conscience" which is "collective" and "without which society could not exist."[27] He states that there are "social facts general throughout the extent of a given society"[28] and institutions which entail all the beliefs and modes of conduct instituted by the collectivity. He proposed that man is naturally inclined to the political, domestic, and religious life, and as well to commerce, industry and so forth. Social organization is derived from these so-called "natural drives."[29]

These "social facts" general throughout a given society are,

as Locke interpreted, established by the just government, and consented

to by members of a given society. Individuals consent to government

precisely because they are capable of being rational beings, with free

will, capable of managing for themselves, who are "naturally" inclined

toward commerce and industry. The laws of the just government reflect,

therefore, the mutual consent of members of society to protect their

lives, liberty and property.[30] According to the consensus

perspective, society thus becomes a natural boundary maintaining system,

kept in check by both the moral laws of natural man and those laws set

up by the just government, through the consent of the majority, to

protect those values shared by society--life, liberty and property.

Similarly, the consensus perspective of society reflects a

positive attitude towards the maintenance of social institutions. The

various social institutions of society are perceived as reflecting the

just government's attempt to interpret the consensus of society in

maintaining balance, stability, authority and order. The government, in

turn, is perceived as knowing what action is in the best interest for

the "common good" of society and responding accordingly.

Locke proposed that it is because individuals can be rational,

with free will, and consent to live in a civil society, that they must

respect and accept the authority of all the laws of the just government.

He cites the taxation laws as an example:

> "....but every rational man will see that he
> must consent to whatever is acceptable to the
> majority, for without this there can be no adequate
> government revenue, hence no adequate protection of
> the institution of property. His self-interested rational
> will is to submit to the will of the majority of rational
> property-owners; by ellipsis his will is the will of the
> majority."[31]

Consensus theory emphasizes social conformity. "Divergent norms within the collectivity was not admitted."[32] Pluralism within a framework of consensus society is therefore not a reality. Pluralism, according to the consensus perspective, does not mean the co-existence of culturally different groups, with differing values, but rather these groups are seen as "separate but assimilated (contained) social structures."[33] Consensual society cannot tolerate the existence of distinct separate segments, but rather these different segments combine to form a new collectivity.

The consensus perspective therefore perceives this collectivity developing a new level of consciousness. This new society develops a shared and unified conscience which does not reflect any specific group but rather it encompasses a value system which seeks to incorporate the values of the "collective." Thus a transcendent nature of society develops, an entity "sui generis" which is greater than, yet different from the sum of its parts.[34]

Within the consensus frame of reference, individualism and equality are two concepts relevant to a person's relationship with others. Hobbes was persuaded that equality was based on "equality of ability and equality of expectation of satisfying their wants."[35] Equality of ability implied each could invade the power of another and thus men were equal in insecurity. This insecurity motivated men to enter the social contract and "civil society."

Consensus theory also perceived equality in that each individual was proprietor of his own capacities and what he acquired by the exercise of these capacities. C.B. MacPherson referred to this concept as possessive individualism. Men were free from the dependence

on the wills of others and freedom is a function of possession.[36]

Society was therefore perceived as a collectivity of individualistic and

atomistic persons.

Locke differed from Hobbes in maintaining that men were

capable of establishing moral laws independent of a sovereign. He

perceived men to be moved by appetite and aversion and thus men put

themselves into society and quit the state of nature to avoid a

continual state of war. Government is based on the consent of men

because men are created free and equal. They are "equally God's

creatures and so have equal rights.[37]

According to Locke, men are also equally rational in their

capacity to shift for themselves. Man is able to look after himself and

morally entitled to do so. Locke therefore interpreted individualism a

step further: individuals were morally obligated to look after

themselves. This image of the atomistic, rational, bourgeois man,

morally obligated to look after himself in the possessive market

society, allowed Locke to rationalize the "right" to wealth as well as

poverty.

> "If men are by nature equally rational, in the
> sense of equally capable of looking after
> themselves, those who have fallen permanently behind
> in the pursuit of property can be assumed to have
> only themselves to blame."[38]

Thus Locke basically had two conceptions of society and of the

relationships within society. One was the notion that society was

composed of equal undifferentiated beings, while on the other hand,

society was seen as being composed of two classes differentiated by

their level of rationality:

"Those who were 'industrious and rational' and
had property, and those who were not, who laboured
indeed, but only to live, not to accumulate."[39]

This allowed a "natural" social heirarchy to evolve based upon an

individual's abilities and motivation (i.e. rational behaviour) and the

accumulation of property.

This ideological interpretation forms the basis of consensus

theory's justification that social stratification and social inequality

arising from the division of labour is a "functional necessity and

inevitable."[40] The consensus perspective argues that because

stratification is found in all societies, it must therefore "serve some

function vital for social organization."[41] It is argued further

that the "basis for stratification arises from the need of all societies

to develop a division of labour."

However, individual social activities, although being

necessary, are not necessarily of equal worth or importance. Society

must apply its own standards and rank to these activities in accordance

to the value which that particular activity contributes to the total of

society. Resulting social classes are therefore necessary, inevitable

and functional in that people will be "motivated to occupy more

demanding positions."[42] This motivation ensures that the most

qualified people will fill these positions.[43] The consensus

perspective presents this judgment of worth, ideally, as a "natural

outcome" consensually agreed upon by members of society.

Several criticisms have been presented in response to this

interpretation of social stratification. Namely, ascribed or inherited

statuses are overlooked, and not all those who have equal ability will

have the equal opportunity to obtain training. Furthermore, not

everyone who has obtained equal training will have the equal opportunity
to acquire these demanding positions which produce prestige and esteem.
This interpretation also assumes individuals to be motivated to seek
material goods and prestige when in fact this depends upon the
individual's socialization process.[44]

The consensus perspective interprets relationships in society
as being structurally functional to maintain the status quo. Society is
perceived as an "integrated system of parts."[45] Social
stratification may create internal change, yet holds society together.
Social systems may exhibit quantitative growth which the consensus
perspective interprets as being in a state of "dynamic equilibrium."
Responses to outside changes are minimized in that change is
"adjustive."[46] Thus the tendency is towards stability. Change may
result from adjustment of the system to exogenous factors, as growth
through structural and functional differentiation, or through
innovations by groups or members within society. Change, however, is
gradual and adjustive.

4.   Interpretation of Deviancy

The interpretation of deviancy and its subsequent ameliorative
action according to the consensus perspective of society, is rooted in
the interpretation of the three previously discussed ideological
elements. The individual is capable of selfishness, greed and evil, and
is in need of restraints. However, he is also perceived as being
rational and having a free will. As a consequence, a person is able to
choose between right and wrong, mix his labour with property and thereby

possess the product, choose to accumulate "property" (i.e. money and commodities) and consent to live in a "civil society," where social stratification occurs as a "natural outcome." The individual possesses a "natural" tendency towards conformity and industry and respects authority and the implications of the social contract.

The theories of both Hobbes and Locke assume that consensus on societal values and goals exists among rational men who accept the morality and permanence of the present distribution of property in the possessive market society. Deviant behaviour is perceived as irrational because men have voluntarily consented to enter a social contract with a sovereign to establish a civil society. Deviation means the individual fails to acknowledge the authority inherent in the social contract of a civil society.

However, the consensus interpretation of human nature is such that man could be both rational and irrational, both responsible and irresponsible, have free will yet be coerced. Subsequent schools of criminology reflected these contradictions. Mertonian criminology, as an example, saw deviancy as a normal, rational response given the strain generated for individuals when denied access to legitimate institutionalized means to achieve culturally established goals.

Hobbes' interpretation of deviancy was premised on the belief that, in a possessive market society, all values and rules of conduct were determined by the operation of the market. He concluded that "all morality tends to be the morality of the market,"[47] and he believed that once the market society was established, it was so powerful that no one could escape from it. Hobbes perceived the market concept of justice to be, therefore, the only possible one.[48]

Hobbes and Locke differed in their interpretation of the necessity of a sovereign. Hobbes believed men had to have a sovereign to curb their "passions." Locke, in turn, believed individuals could live together by the "law of nature," which he perceived to be reason, without necessarily setting up a sovereign. Locke believed men themselves could be capable of setting up the necessary rules for a "civil society."

However, Locke also admitted that there are some men who "will not follow the law of nature." He saw these individuals as

> "dangerous to Mankind; a man who violates the law of nature 'becomes degenerate, and declares himself to quit the Principles of Human Nature and to be a noxious Creature.'"[49]

These deviants, although taught the law of nature, did not wish to consult with it. However, Locke considered these noxious, degenerate persons to be an "exceptional few" in society.

Locke assumed likewise that the possessive market society formed the basis of societal relations and that society's rules served to protect these essential relations. He perceived unemployment and poverty as the consequence of man's moral depravity.[50]

Durkheim's analysis of social problems was premised on the concept of anomie. Weakened social control, inadequate institutionalization of goals, inadequate means to achieve system goals, or inadequate socialization all reflect anomie and social problems.[51] The state, according to Durkheim, has the responsibility to intercede in order that individuals can be re-socialized or provided with the appropriate means and opportunities to meet the maintenance needs of the system.

5.   Ameliorative Response to Deviancy

Consensus theorists believe an appropriate response to deviancy to be the extension of social control. Social system values must be institutionalized more efficiently and individuals socialized appropriately. The consensus perspective's response is to have the individual adjust to meet the system's needs. Socialization is essential and is accomplished by expanding opportunities for mobility within the society—such as education and job training. The consensus response to deviancy is to work within the system, with no change in basic economic and political institutions.

Since Hobbes interpreted deviancy within the scope of the possessive market society, his response to deviancy was similarly based. He believed a sovereign to be necessary "to hold everyone within the limits of peaceful competition."[52] Deviation from the contractual rights inherent in the market society needed to be addressed by the sovereign:

> "Luxurious consumption must be discouraged, thrift and industry encouraged, the able-bodied 'are to be forced to work; and to avoid the excuse of not finding employment, there ought to be such Laws, as may encourage all manner of Arts; as Navigation, Agriculture, Fishing, and all manner of Manufacture that required labour.'"[53]

According to Hobbes, the sovereign had to ensure "essential relations of the possessive market society."[54]

Locke proposed strict measures to deal with those individuals who deviated from the values inherent in the possessive market society. He saw unemployment as the result of "nothing else but the relaxation of discipline and corruption of manners."[55] He interpreted poverty as

a moral shortcoming and his proposed ameliorative action to deviancy was

therefore severe.

> "Masters of workhouses ('houses of correction')
> were to be encouraged to make them into
> sweated-labour manufacturing establishments,
> justices of the peace were to be encouraged to make
> them into forced-labour establishments. The
> children of the unemployed 'above the age of three'
> were unnecessarily a burden on the nation; they
> should be set to work, and could be made to earn
> more than their keep. All this was justified on the
> explicit ground that unemployment was due not to
> economic causes but to moral depravity."[56]

Locke believed the state to be justified in these actions

because these deviants "would not live up to the moral standard required

of rational men."[57] The poor, although subject to the jurisdiction

of the political community, were "in" but not "part" of civil society.

The poor deserved to be helped but this had to be done "from a superior

moral footing."[58]

Solutions to deviancy considered by Durkheim included

re-socialization of the individual to "accept and obey the customs of

society"[59] to be of primary importance. The means of opportunities

for the individual to achieve goals, and thereby meet the needs of the

system, appear in the form of skills, training and education.

"Education must inculcate a spirit of self-discipline and obedience to

the social order..."[60] The expansion of opportunities for mobility

within the society was of prime importance and was the state's

responsibility. Consensus theorists argue crime to be more prevalent in

the lower classes because the agencies of socialization are less

effective. Furthermore, lower classes are arrested more often because

they commit more crimes. The consensus perspective accepts as a given

that the needs of the society must be met, and, therefore, emphasizes

resocialization, education and changes to the deviant to conform with
the dominant values of society.

Summary

The intepretation of the ideological elements by the consensus
perspective of society is summed up in the following chart:

Consensus Perspective of Society

1. Human Nature	(1) Homo Duplex	–Man half egoistic, half altruistic, and in need of restraint
	(2) Tabula Rasa	–Man born as a clean slate Man equated with the socialization process
	(3) Homo Damnatus	–Division of society into morally superior and morally inferior individuals
	(4) Contradictory image of man presented	– Man can be both rational (to enter civil society) and irrational (to be driven by passions and to invade the property of others) –Man can have both free will,(to use contracts, sell his labour, enter civil society) yet at times lack control over his passions (requiring restraints so there isn't a continual state of war) –Man can be both responsible and irresponsible
2. Operant Values	Equality	– based on equality of ability and equality of expectation of satisfying wants. – equality in terms of individual being proprietor of his own capacities.
	Freedom	–equated with man's free will to use his "property." (his person and his labour), to appropriate goods. Consequently individuals in society had a "right" to unequal wealth and property
	Belief in the Social Good	–Balance, stability, authority and order –Role of "sovereign" (laws); legitimate authority by virtue of social contract –Quantitative growth: "moving equilibrium"
3. Image of Individual and Society	Individualistic Social and Economic Stratification	–Image of society –a necessary and "natural" outcome based on individual capabilities, judgment of worth, and the need for the division of labour. – Society perceived as a natural boundary maintaining system – Positive attitude toward maintenance of social institutions – Transcendent nature of society, an entity "sui generis"
4. Interpretation of Deviancy		–Behaviour pathological to the functioning of the social system –Failure of individual to perform his legitimate social role –Failure to acknowledge the authority inherent in the social contract of a "civil society" –Anomie: disequilibrium, personal and/or societal, reflected by weakened social control, inadequate institutionalization of goals, inadequate means to achieve system goals or inadequate socialization
5. Ameliorative Response to Deviancy		–Extension of social control –More efficient institutionalization of social system values –Adjustment of individual to meet system needs –Re-socialization of individual: education, training, expansion of opportunities within society

Footnotes   (Chapter III)

[1]Horton, pp. 702 - 703.

[2]Terrence Morris, 1976.
        John Horton, "Order and Conflict Paradigms of Race Relations,"
Racial Conflict, Discrimination and Power, ed. by Wm. Barclay,
Krishna Kamar and Ruth Simms, (New York: AMS Press, 1976).
        Wm. Chambliss and Milton Mankoff, Whose Law, What Order?
(Toronto: John Wiley and Sons, Inc., 1976).
        Darlene Gail Kellough, Incarceration as a Response to
Political and Economic Conditions, MA Thesis, 1978.
        Greenaway and Brickey.

[3]Ibid. p. 705.

[4]Maurice Duverger, The Idea of Politics—The Uses of Power in
Society, (London: University Paperbacks by Methuen and Co., Ltd.,
1964), p. 186.

[5]C.B. MacPherson, The Political Theory of Possessive
Individualism, (London: Oxford University Press, 1962), pp. 28 - 29.

[6]Ibid., p. 71.

[7]Andrew T. Scull, Decarceration: Community Treatment and the
Deviant: A Radical View, (Englewood Cliffs, N.J.: Prentice-Hall, Inc.,
1977), p. 124.

[8]MacPherson, pp. 223 - 225.

[9]Ibid., p. 226.

[10]Ibid., p. 244.

[11]Ibid., p. 35.

[12]Ibid., p. 39.

[13]Ibid., p. 41.

[14]Ibid., p. 74.

[15]Ibid., p. 59.

[16]Ibid., p. 197.

[17]Ibid., p. 202.

[18]Ibid., p. 210.

[19]Ibid., p. 207.

[20]Ibid., p. 218.

[21]Ibid., p. 218.

[22]Morris, 1976, p. 40.

[23]MacPherson, p. 218.

[24]Melvin Tumin, <u>Social Stratification: The Forms and Functions of Inequality</u>, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1976), pp. 3 - 4.

[25]Scull, p. 124.

[26]Greenaway and Brickey, p. 84.

[27]Emile Durkheim, <u>The Division of Labour in Society</u>, (Glencoe, Ill: The Free Press, 1947), pp. 105 - 109.

[28]Emile Durkheim, <u>The Rules of Sociological Thought</u>, (Glencoe, Ill: The Free Press, 1938), p. xv.

[29]Ibid., p. 122.

[30]MacPherson, pp. 244 - 247.

[31]Ibid. p. 254.

[32]Lynn McDonald, <u>The Sociology of Law and Order</u>, (Montreal: Book Centre, Inc., 1976), p. 72.

[33]Horton, p. 709.

[34]Ibid., p. 705.

[35]MacPherson, p. 74.

[36]Ibid., p. 3.

[37]Ibid., p. 244.

[38]Ibid., p. 245.

[39]Ibid., p. 243.

[40]Sid Gilbert and Hugh McRoberts, "Differentiation and Stratification: The Issue of Inequality," in Dennis Forcese and Stephen Richer, <u>Issues in Canadian Society</u>, (Scarborough, Ont: Prentice-Hall of Canada, Ltd., 1975), p. 105.

[41]Leonard Reissman, "Social Stratification," in Neil J. Smelser, <u>Sociology: An Introduction</u>, (New York: Wiley and Sons, 1967), p. 225.

[42]William J. Chambliss, <u>Sociological Readings in the Conflict Perspective</u>, (Don Mills, Ont: Addison Wesley Publishing Co., 1973), p. 5.

[43]Gilbert and McRoberts, p. 105.

[44]Dennis Forcese and Stephen Richer, Issues in Canadian Society, (Scarborough, Ont. Prentice-Hall of Canada Ltd. 1975), p. 104 - 105.

[45]McNall, p. 9.

[46]Pierre L. Vanden Berghe, "Dialectic and Functionalism: Toward a Theoretical Synthesis," in William J. Chambliss, Sociological Readings in the Conflict Perspective, (Don Mills, Ont: Addison Wesley Publishing Co., 1973), p. 45.

[47]MacPherson, p. 86.

[48]Ibid., p. 86.

[49]Ibid., p. 240.

[50]Ibid., pp. 220 - 223.

[51]Horton, p. 703.

[52]MacPherson, p. 95.

[53]Ibid., p. 96.

[54]Ibid., p. 96.

[55]Ibid., p. 223.

[56]Ibid., p. 222.

[57]Ibid., p. 223.

[58]Ibid., p. 227.

[59]Reid, pp. 200 - 202.

[60]Pinker, p. 18.

CHAPTER IV

INTERPRETATION OF IDEOLOGICAL ELEMENTS BY THE

DIFFERENT SCHOOLS OF CRIMINOLOGY

The introductory chapter of this study suggested that correctional policies and programs tend to reflect specific criminological schools of thought. It is hypothesized that, in spite of the claims by administrators that "new" policies and programs are developed in response to deviancy, these "new" models, when analyzed, reflect previous schools of criminolgoy and as well, a consensual perspective of society.

This chapter will refer to the overview of the different schools of criminology presented in Chapter One, to summarize the interpretation of the identified ideological elements within particular schools of criminological thought and demonstrate the above proposition.

A. DESCRIPTION

1. Human Nature

Classical Criminology

Classical criminology perceived the individual as a being rationally-oriented to pursue pleasure and avoid pain. The individual, being rational, therefore accepted the legitimacy of the "beneficial"

social contract. Consequently, he was also responsible for any deviant behaviour.

However, classical criminology presented a confusing image of the individual. Man was rational, yet also capable of being irrational and unthinking when pursuing self-interests. Classical criminology perceived all individuals as capable of committing crimes.[1]

Neo-Classical Criminology

The neo-classical school of criminology likewise saw all individuals capable of committing crimes. Individuals were perceived as rational beings with free will and were thus held to be sane, accountable and responsible for their actions. Only the aged and children were seen as being less responsible, and a few, such as the insane or feeble-minded, were considered to be incapable of freedom of action.

However, neo-classical criminology likewise saw all individuals capable of committing crimes. Individuals were perceived as rational beings with free will and were thus held to be sane, accountable and responsible for their actions. Only the aged and children were seen as being less responsible, and a few, such as the insane or feeble-minded, were considered to be incapable of freedom of action.

However, neo-classical criminology made an allowance for mitigating circumstances; the offender's circumstances, his environment, his previous criminal history, his incompetence and any pathology or insanity were considered. Although the individual was still held

accountable for his actions, his past record and his present situation

were considered in relation to the likelihood of his ability and

potential to reform.[2]

Positivist Criminology

Positivism substituted the doctrine of determinism for free

will. Positivist criminology saw the individual propelled by forces of

which he himself was unaware. As Haskell and Yablonsky explain:

> "Determinism postulates that the socialization
> process and all the social factors that impinge on
> an individual determine his personality. In this
> framework an individual has no free will or
> individual choice. He is propelled by social forces
> and other conditions beyond his control."[3]

The individual was unable to exercise free will and therefore could not

be held accountable or responsible for his actions.

Lombroso perceived a "homo damnatus" image of human nature.

He was persuaded that

> "some individuals were born to be criminals, as
> a result of congenital, partly pathologic, factors
> which impelled them to a life of crime."[4]

He continued that

> "criminal types were knowable, measurable, and
> predictable, largely on the basis of cranial, facial, and
> bodily measurements."[5]

Positivism also acknowledged the effect of socialization upon

an individual's behaviour. This "tabula rasa" image of human nature

emphasized the effect of environmental influences affecting attitude and

behaviour.

> "The positive school of criminology maintains
> that it is not the criminal who wills; in order to
> be a criminal it is rather necessary that the
> individual should find himself permanently or

transitorily in such personal, physical and moral
conditions, and live in such an environment, which
become for him a chain of cause and effect,
externally and internally that disposes him toward
crime."[6]

Perhaps positivism's greatest influence in criminology has resulted from its belief that psychological factors affect criminal behaviour. This perception led to numerous psychiatric and psychological interpretations of deviant behaviour. The individual was perceived as "sick" and in need of treatment.

Eysenck developed various elaborate experiments to "prove" a relationship between various psychological factors and deviant behaviour. He suggested that among criminals there would be

"a high proportion of people who are strong on
emotionality or neuroticism and who, therefore, have
a very labile autonomic system."[7]

Although these psychological theories of deviancy, within positivist criminology, perceived individuals as "sick," it was also recognized that a need existed to restrain deviants for society's "common good" until such time as they were considered "cured." Positivism interpreted social order and society's moral sentiments as constants within the propertied society. Thus, the individual's dual nature needed controls in order to protect society from pathological behaviour.

Durkheimian Criminology

Durkheim presented a "homo duplex" image of man. He saw the instincts of man being organically given while the control of man's instincts was the responsibility of the social sentiment, acting through man's soul. Man may be driven to passion and egoistic tendencies on the

one hand, but he was also capable of rational activities dependent upon social causes and the recognition and acceptance of the collective conscience.[8]

Mertonian Criminology

Merton saw individuals capable of being both rational and capable of making meaningful choices. Individuals were therefore able to accept or reject cultural goals and the institutionalized means to achieve these goals. Individuals differed in their potential and abilities according to Merton, but within the ideal society meritocracy would assure opportunities, proportionate to the individual's capabilities, would be available.

2. Operant Values

Classical Criminology

Classical criminology perceived individuals to be rational and have free will. Man therefore voluntarily entered the social contract with society and bound himself to the laws of "civil society." Laws, in classical criminology, were perceived to reflect the consensus of society and were necessary for the social good. Man's free will implied equality of responsibility and individuals were perceived as "equals" before the law. This "equality" meant equal punishment was applied to the same crimes for everyone. Punishment was to serve as a deterrent to both the offender and others because man was rational and could understand and accept the legitimacy of punishment.

Neo-Classical Criminology

Neo-classical criminology saw most individuals as basically

rational and able to exercise free will. As noted previously, only a

certain group of individuals, such as the aged and feeble-minded, were

considered to be less capable of being rational and exercising free will

to act responsibly.

Neo-classical criminology perceived individuals to be equal

before the law, but certain mitigating circumstances could be considered

as these could affect the individual's ability to exercise his free

will. The offender's circumstances were relevant to punishment, as

punishment needed to deter not only the offender but others as well.

According to the neo-classical school, any punishment also needed to

consider the element of reform. The individual needed to be reformed

and resocialized to accept the legitimacy of the laws, and the authority

inherent in the laws. Neo-classical criminology perceived the need for

the offender to understand and accept that laws reflected agreed upon

societal values and existed for the "social good" to maintain order and

stability. Inequality and social stratification were perceived as

necessary and natural outcomes based on individual potential, ability

and capacity of the members within society.

Neo-classicism took the basic operant values of classical

criminology but qualified them with positivist exceptions.

Positivist Criminology

Positivism assumed a consensus within society on the nature of morality. Values, norms and morality were interpreted as "givens" within society; they were perceived as neutral objects of the social system.

Positivism perceived individuals to have no free will, but rather behaviour was determined. Positivism did not address freedom and equality per se. Rather, positivists separated the study of crime from the workings and theory of the state. Inequality was interpreted as present in society based on biological, psychological and environmental factors and influences.

The difficulty with determinism lies in the fact that total determinism does not "sit well" with people--particularly those in power. It is in direct contradiction with democratic ideology which assumes moral choice, free selection of employment and rational voting for political candidates. Determinism removes from individuals the sense of striving towards the "good" behaviour. Determinism tends to cancel out the distinction between "what is" and "what should be." The "experts" can change "what is" in the direction of what "should be" but the individual himself is not accountable. However, in all likelihood, change will occur only if there is change in determining factors, such as environmental or genetic. Neo-classicism attempts to resolve this contradiction by presenting a qualitative distinction between the majority who have free choice and the minority of deviants who are determined.[9]

Durkheimian Criminology

Durkheim perceived "natural inequalities" to be reflected in social and economic inequalities. He interpreted an ideal society to be one where roles would be distributed in accordance with biological merit and abilities. Spontaneous division of labour resulted from these "natural" inequalities. The state, as a "value neutral agency" would judge the worth and merit of individual positions and contributions.

Mertonian Criminology

Merton's perception of an ideal society was one where agreement existed between merit and its consequences. Merton perceived inequality to be a "natural" outcome given that individuals were not placed at birth equally in the competition for success. Merton interpreted the hastening of the progress of the division of labour to the meritocratic ideology of American society. Individuals attained positions appropriate to their aptitude. He supported the meritocratic ideology where, ideally, equality of opportunity would be available to all those of sufficient merit.

3. <u>Image of Individual and Society</u>

<u>Classical Criminology</u>

Classical criminology saw an isolated, atomistic individual within society. Persons were individually oriented and each sought to achieve their own ends. Classicism perceived social order to be willed; the rational man freely chose to uphold the distribution of property and the values inherent in the possessive market society through his social contract with society. Social order therefore reinforced the need to protect private property and personal welfare. Individualism and competition were valued by society as man had a right to appropriate goods and property.

<u>Neo-Classical Criminology</u>

Neo-classicism perceived the individual as a more "rounded" person. Man was no longer atomistic and isolated but, rather, neo-classicism took into account the individual's past and, as well, his future. Neo-classicism proposed that an individual's past could affect the likelihood of reform and his future could be affected as a consequence of the punishment imposed (i.e. incarceration could place him in with "hardened" criminals, and he could come out "worse" than when he went in).

Neo-classical criminology still perceived man to be rational and to have free will by virtue of his agreement to the social contract. Consequently, the individual agreed with the given societal distribution

of property, the existence and maintenance of social and economic
stratification and the competition and individualism necessary to
perpetuate this propertied society.

Positivist Criminology

Positivism perceived the individual in society not as an
autonomous being, but rather the person's behaviour was perceived to be
influenced by various biological, environmental and psychological forces
both personal and within society. The individual was perceived as
lacking in blameworthiness or any moral culpability, but likewise it was
suggested that the individual could not readily rise above his mental,
physical or environmental limitations without proper "treatment." He
had to be content to allow "experts" to assess his moral incapacity, and
to provide him with the appropriate treatment. Positivism confirmed
dominant-subordinate roles by this process.

Positivism assumed basic moral sensibilities existed in all
societies and that these were necessary for the co-existence of
individuals in society. The root of moral sensibilities were pity and
probity. Pity was interpreted as the natural scorn against the
voluntary infliction of pain or suffering on others. Probity was
defined as the respect for the property of others.[10] Positivism
assumed individuals in society would make the "morally right choice"
that would prove to be functional for society as a whole. This
functional behaviour would reflect those values inherent in the market
society, i.e. individualism, competition and acquisitiveness.

Positivist criminology justified incarceration as a response

to deviancy on the basis of social and legal responsiblity. The

individual exhibiting behaviour which was perceived as pathological must

be removed from society and "treated." Society must be protected from

such behaviour.

Positivists advocated social responsibility to mean that

society was not responsible for the commission of a crime but, rather,

the individual had a responsibility towards society and the state by the

mere fact that he was part of society. Likewise, legal responsibility

was interpreted by positivists to mean that

> "though it was not the business of criminal
> justice to assess and to measure the moral guilt of
> an offender, it was its function to determine whether
> he was the perpetrator of an act defined as an
> offence and, if so, to apply to him the measures of
> "social defence" calculated having regard to his
> personality and cirumstances, to restrain him from
> committing further crimes."[11]

In other words, the person must be removed to protect society.

Positivism therefore assumed that "common" and "shared" values and norms

exist in society and that these were accepted by everyone. Thus, an

individual exhibiting such "intolerable" behaviour had to have measures

of "social defence" applied against him and be restrained and "treated"

to prevent this negative behaviour from re-occurring. The treatment

would involve assisting the offender to internalize the system values

"appropriate" for society to function.

Durkheimian Criminology

Durkheim interpreted society from a political-sociological

perspective. Durkheim believed a transcendent nature of society

emerged. Man's biological drives were constantly constrained by the "collective conscience," which reflected the social morality of society.

Society was perceived as a homogenous, interdependent network of systems—a natural boundary—maintaining system. Social and economic stratification developed as "natural" outcomes in response to the "natural" inequalities and biological merit of individuals.

Mertonian Criminology

Merton perceived social stratification as a necessity for society to function. He too saw society as a natural boundary-maintaining system where competition was acceptable, desirable and an agreed upon value by members of the society. Merton believed society consensually agreed upon culturally defined goals and the institutionalized means to achieve these. Thus, competition was necessary to assure that the most competent individuals would fill positions. Merton proposed that, in an ideal society, opportunities would be commensurate with social possibilities and ability.[12]

4. Deviancy

Classical Criminology

Classical criminology interpreted laws to be conditions under which men voluntarily united themselves to form as civil society. Classicism saw laws reflecting the consensus in society as to the sanctity of property, personal well-being and the welfare of the state.

In a society where members have agreed upon a social contract, deviant behaviour was therefore perceived as being pathological or irrational. Deviants were perceived as individuals who, by virtue of personal inadequacies, were unable to enter social contracts.

Thus a deviant act was perceived to be either an irrational choice (i.e. a product of the passions), or it could be the result of certain factors preventing the individual from freely exercising his ability to make a rational choice. Deviancy represented a disequilibrium in society. It resulted when the individual failed to acknowledge the authority inherent in the social contract.[13]

Neo-Classical Criminology

Neo-classicism perceived most individuals to be rational, with free will, who freely entered the social contract and thereby agreed to the accepted roles, norms and methods of society.

Deviancy was either an irrational act or there were mitigating circumstances which interfered with the person's ability to exercise his free will and make a rational decision. Neo-classical criminology considered both the actor and the act, whereas classical criminology concentrated solely upon the deviant act. The offender's situation, his past, the "degree" of responsibility for the deviant act and his potential to respond to rehabilitation were all considered within the neo-classical school of criminology.

Positivist Criminology

Positivism assumed the existence of a social and moral consensus in society and that this consensus was embodied in societal laws. Deviancy was therefore considered to be pathological to the functioning of society.

Individuals were perceived as lacking free will and thus could not be held responsible for their actions. Other "forces" affected the individual's likelihood to commit acts of deviancy. An individual's biological make-up could predispose him to deviancy; psychological factors could motivate and affect his behaviour, or environmental influences could impinge upon him.

Positive criminology believed that the explanation of deviancy could be found in the motivational and behavioural systems of the offender and subsequent ameliorative responses to deviancy reflected this belief.[14]

Durkheimian Criminology

Durkheim believed there existed a general moral agreement by members of a society, on the nature of sanctionable behaviour and on subsequent appropriate punishment.

Deviancy created disequilibrium in society. Although Durkheim perceived three types of deviancy, the biological deviant, the functional rebel and the skewed deviant, his criminological theory centered on his interpretation of skewed deviancy.

The skewed deviant was perceived as an inappropriately

socialized individual. Durkheim saw two sources related to skewed deviancy: anomie and egoism. Anomie was reflected in weakened social control, inadequate institutionalization of goals, inadequate means to achieve system goals or inadequate socialization. Egoism was reflected in the egoistic desires of an individual being incompatible with the social order in society or inappropriate to the individual's biological abilities.[15]

Mertonian Criminology

Merton interpreted deviancy as the strain generated when persons are encouraged to structure their aspirations around a set of cultural goals yet are denied access to the legitimate institutionalized means to achieve these goals.

Although Merton saw deviance as a normal adaptation to an egoistic environment, he also saw it as creating disequilibrium in society. The ameliorative action proposed by Merton acknowledged the need to balance opportunities, merit and competition to the degree of stratification necessary for society to function.[16]

5. Ameliorative Response to Deviancy

Classical Criminology

Classical criminology perceived man to be rational, with free will. Since man was rational, he was therefore also amenable to a rational system of social control.[17]

Classical criminology interpreted punishment as a legitimate

right of the state because the state had legitimate authority by virtue
of the social contract. The state had to ensure punishment to be
appropriate and proportionate to the interests violated by the offence,
i.e. the punishment had to "fit" the crime. The law determined the
punishment and no mitigating circumstances were to be considered. The
purpose of the punishment was to deter the offender and others, not to
reform.

Neo-Classical Criminology

Neo-classical criminology, in considering mitigating
circumstances, also considered the effect of different types of
punishment. Neo-classicism recognized, for example, that imprisonment
could have different effects upon different offenders.

Ameliorative action to deviancy therefore had to be
appropriate to the rehabilitation of the offender. Neo-classicism
perceived the need for punishment to be conducive to the offender making
the "correct moral decisions."[18] Change had to come from within the
offender but it was recognized that structures conducive to assisting
him in making the appropriate moral choice should be provided.

Positivist Criminology

Positive criminology believed prevention and treatment to be
the appropriate responses to deviancy, not punishment. Punishment was
seen to be an inappropriate solution and positivism advocated its
abolition.

Positivism focused on the actor rather than the deviant act. The deviant was perceived as an individual who was undersocialized and who had not sufficiently internalized the "appropriate" (society's) morality. He needed "treatment" and positivists called for indeterminate sentences to allow enough time to facilitate a "cure."

The resocialization of the individual included more effective institutionalization of social system values. The "appropriate" morality would ensure the individual met the needs of the system.[19]

Although positivist criminologists attempted to interpret deviant behaviour through a social explanation, the problems inherent in society, as such, were in reality not addressed. The individual was re-socialized and trained to enable him to "fit" society, but no actual changes to society itself were ever considered. The status quo and system balance were therefore maintained.

Positivist criminology perceived the state as legitimate authority to address deviancy by virtue of the consensus on values that existed in society. Positivism interpreted the laws to represent that societal consensus. They were perceived to be necessary and legitimate to maintain social order and stability for the "good" of all society.

Positivist criminologists perceived a passive role for the state in advocating the principle of "socal responsibility." This principle maintained that society was not responsible for the commission of a crime, but instead considered the individual to be responsible to society by the mere implication of his being a member of society. When the individual committed a deviant act, he must then be removed from society in order to protect society.

An active role for the state was perceived by positivist

criminology in the principle of "legal responsiblity." Positivism

perceived the state to be legally responsible to properly assess the

criminal's personality and circumstances and build up his social

defence, either through medical, psychological, psychiatric, social or

vocational "rehabilitation," so that the person no longer would

participate in deviant behaviour but would become a "responsible" member

of society. Thus, positivism interpreted the state to have legal

responsiblity to address the three components of human nature,

biological, psychological or environmental, which possibly could have

resulted in the deviant behaviour.

Durkheimian Criminology

Durkheim believed that the conflict between general social

aptitudes and social roles under conditions of a "forced division of

labour," i.e. one in which the individual's natural faculties were not

being utilized, resulted in anomie and hence deviancy. It was society's

(the state's) responsibility to ensure the necessary learning of

specific social skills to meet the needs of society.

Social control was necessary to the extent that this

constraint corresponded to some social superiority, intellectual or

moral, based upon merit. Durkheim proposed that discontentment would

not exist if roles were distributed according to biological

merit.[20]

Mertonian Criminology

Merton's response to deviancy was premised on the belief that society must provide the necessary structures within the system to allow members to attain agreed upon system goals. Merton believed success must be based upon merit and ample opportunities had to exist and be accessible to everyone. The division of labour would assure individuals were placed in positions appropriate to their aptitude and merit. This assumed the existence of a consensual criterion of merit.

To assist individuals with strain, Merton proposed the state develop coping mechanisms to enable members to deal with personal tensions. As well, the state should develop relations between members in order to maintain the necessary cohesion to carry out consensually agreed upon activities.

The following chart identifies the major points within the interpretation of each ideological element for the various criminological schools.

Schools of Criminology

Ideological Elements	Classical	Neo-Classical	Positivist	Durkheimian	Mertonian
Human Nature	Man is -Rational/Irrational -Responsible/irresponsible -free will/coerced -pursues pleasure, avoids pain -everyone is capable of crime	-Everyone capable of crime -Man is: rational has free will responsible for actions -Mitigating circumstances -offender's circumstances -offender's environment -offender's previous record -any pathology -important to consider abovein terms of offenders potential to reform.	-Man has no free will -propelled by forces beyond his control (biological, psychological environmental) -man not responsible nor accountable for his actions -Image of man: Homo duplex Tabula rasa Homo damnatus	-Homo Duplex -Instincts of man are organically given -"Soul" controls man's instincts -Man can be both rational/irrational	-Man is rational -Able to accept/reject cultural goals and institutionalized means to accept those goals
Operant Values	-Man voluntarily entered social contract with society -Laws reflect societal consensus -Laws maintain social good -Individuals have equality of responsibility -Individuals are equal before the law -Equal punishment for the same crime	-Individual responsible for his actions -Persons equal before the law with mitigating circumstances considered -Punishment needed to deter and reform -Laws represented legitimate authority for the social good and stability of society	-Consensus in society on morality -Values,norms,morality are "givens" in society -Man has no free will -Inequality in society is based on biological, psychological and environmental differences	-"Natural" inequalities reflected in social and economic inequality -State is a value neutral agency	-Consequences should be based on merit -Inequality "natural"
Image of Individual and Society	Man is: -isolated,atomistic individual -individually oriented -self-seeking -Social order is willed by rational man who agreed to enter civil society -Individuals accept and uphold present(unequal) distribution of property -Important to protect private property and personal welfare -Individualism and competition valued -Man had right to appropriate goods,property	-"Rounded" person with a past and future -Past record would affect how punishment perceived by offender -Punishment affects future reform of the individual -Propertied society a "given" -Social/Economic stratification, competition and individualism necessary to perpetuate propertied society	-Individuals influenced by biological,psychological environmental factors -Individuals have no free will, thus can't be blamed for actions -Only "experts" can assess incapacity -Moral sensibilities exist in society based on pity and probity -Moral and social responsibility belongs to state -Acceptance of values inherent in market society:individualism, competition, acquisitiveness -Social and economic stratification and inequality "natural" in society(not questioned)	-Political-sociological perspective -Transcendent nature of society -Man's biological drives constrained by the collective conscience -Collective conscience reflects the social morality of society -Society made up of homogenous, interdependent systems -Social and economic stratification are natural and necessary in response to biological inequalities and merit	-Social stratification necessary -Society is a natural boundary-maintaining system -Society defined culturally goals and the institutionalized means to achieve those -Competition necessary -Opportunities should be commensurate with social possibilities and ability
Interpretation of Deviancy	-Deviant behaviour is either pathological and/or irrational -Individual unable to temporarily exercise his free will -Deviancy creates disequilibrium in society -Deviant failed to acknowledge authority of the social contract	-Rational act -An irrational act when: mitigating circumstances could have affected individual's ability to make rational decision -Considered both the act and the actor	-Laws reflect social and moral consensus in society -Deviancy is pathological to the functioning of society -Individual has no free will,but rather other forces affect his behaviour: biological, psychological, environmental -Deviancy could be explained by motivation and behaviour systems of offender	-Deviancy presents disequilibrium in society -Deviant is an inappropriately socialized individual -Anomie:reflected in weakened social control, inadequate institutionalized goals,means to achieve goals and inadequate socialization -Egoism: individual desires incompatible with social order and/or abilities	-Deviancy is strain generated when persons structure aspirations around culturally defined goals, but are denied access to these goals -Deviancy creates disequilibrium in society -Used to balance opportunities, merit, competition with degree of social stratification necessary for society to function
Ameliorative Response to Deviancy	-Man rational,therefore amenable to rational system of social control -State had "right" to inflict punishment -Punishment had to "fit" the crime -Law determined the punishment -Punishment to deter offender and others, not reform	-Mitigating factors considered in assessing "appropriate" punishment -Punishment had to be appropriate to the rehabilitation of the offender	-Emphasis on prevention and treatment -focused on actor, rather than act -offender under-socialized -offender had to internalize the appropriate morality -Required more effective institutionalization of social system values -Laws and state are legitimate authority	-Skills, learning to be provided by state to meet system needs -Social control necessary: reflected moral, intellectual superiority based on merit -Social roles should be based on biological merit	-Society to provide structures to allow members to attain agreed upon goals -Opportunities to be accessible to all of merit -Division of labour assures persons placed in positions appropriate to their aptitude and merit -State to assist members in coping withpersonal tensions -State to ensure maintenance of cohesion among its members to carry out agreed on activities

B.   COMPARATIVE ANALYSIS OF THE CRIMINOLOGICAL SCHOOLS TO THE CONSENSUS PERSPECTIVE

In comparing the chart presented at the end of Chapter Three (Consensus Perspective of Society) with the chart outlining the Criminological Schools, it becomes apparent that there is a consistent theme within the various schools. Although there are variations in the interpretation of the different ideological elements, there is consistency in that all the criminological schools affirm the existence of a social consensus and the need to maintain social balance and meet the maintenance needs of the system. Each school of criminology, however, reflects the consensus perspective of society.

Classical Criminology

Classical criminology's perception of human nature reflected a consensus perspective of society. Man was basically rational, with free will, and required restraints to control his desire to pursue pleasure. All individuals were seen to be capable of committing an "irrational" deviant act.

Classical criminology interpreted equality in terms of equality of responsibility and equality before the law. The individual, being proprietor of his own capacities had to therefore accept responsibility for his actions.

Societal consensus existed in society; according to classical criminology, laws reflected this consensus and were necessary to maintain the social good.

Classical criminology, in particular, presented an individualistic, self-seeking image of the individual in society. The right to "appropriate goods and property" was confirmed in classical criminology by accepting the importance of protecting private property and personal welfare.

Deviancy was interpreted as being either irrational or pathological, creating disequilibrium in society. Ameliorative response to deviancy involved extending social control since the individual was perceived as being rational and therefore amenable to a rational system of social control. Again, this interpretation of deviancy and the proposed ameliorative action was consistent with the consensus perspective of society.

Neo-Classical Criminology

Similarly, the neo-classical criminological school presented an interpretation consistent with the consensus perspective. The individual could be both rational and irrational—half egoistic and half altruistic. Individuals were equal in responsiblity for their actions except that certain mitigating factors, which could affect the individual's ability to exercise his free will, could be considered. Laws within neo-classicism represented legitimate authority to maintain the social good and stability in society.

Although neo-classicism made the person a more "rounded" individual, he was still individualistic, retaining the values inherent in a propertied society. Society was accepted as a natural boundary-maintaining system where social and economic stratification

were a "natural" outcome based on individual capabilities and merit.
Again, this interpretation reflects the consensus perspective.

Deviancy was pathological to the functioning of the social
system and required action which would not only punish the individual
but also "rehabilitate" him in order that he would be able to adjust to
meet the system needs (through training and/or education) and, as well,
acknowledge the "legitimate" authority of society's laws.

Positivist Criminology

Although positivism appears to stand in sharp contrast to the
other criminological schools, it nevertheless reflects the existence of
consensus in society.

Positivism perceived the individual to be "propelled" by
either internal or external forces, be they biological, psychological,
or environmental. The individual was not considered responsible for his
actions; he could, however, be re-socialized to internalize the
"appropriate" morality inherent in society, to be "treated" and "cured."
This treatment and cure were rooted in the belief that moral
sensibilities existed in society based on pity and probity, and that
laws reflected the social and moral consensus in society.

Thus, while positivism sought to explain deviancy through the
motivational and behaviour systems of the offender, it did not diverge
from the consensus perspective. The individual needed to change and the
appropriate response to deviancy required more effective
institutionalization of social system values.

Durkheimian Criminology

Durkheim's "homo duplex" man, who resided in a society where "natural" inequalities existed based on individual biological differences and merit, presented an image consistent with the consensus perspective of society.

Durkheim emphasized the existence of a collective conscience in a society made up of homogenous, interdependent systems, where social and economic stratification were "rational" and necessary.

His interpretation of anomie and the response to deviancy all reflect the consensual perspective. The individual needed to be resocialized; the individual needed to adjust to meet the system's needs.

Mertonian Criminology

Merton's interpretation of the ideological elements was also consistent with the consensus perspective. Although one may initially be led to believe that Merton questions the existing social order, he does not follow through his criticisms of the system.

Merton, as well, maintained social stratification to be necessary. He believed opportunities should be proportionate to social possibilities and abilty. The system had to ensure a balance between opportunities, merit and competition, and the degree of social stratification necessary for society to function. Opportunities should be accessible to all of merit. It was the system's responsibility to "control" this necessary balance for society to function.

Conclusion

In conclusion, the data presented in this analysis of the ideological elements as interpreted by the various criminological schools demonstrates that these different schools of criminology are ideologically similar and all reflect a consensus perspective of society. This analysis will be particularly relevant in future policy research given that the consensus ideology dominates every area of social welfare policy within the western world. This analysis is relevant not only to corrections but also to the analysis of the welfare system, child welfare system, community development area and others.

<u>Footnotes</u>   (Chapter IV)

[1]Taylor, Walton and Young, pp. 1 - 6.

[2]Ibid., pp. 7 - 9.

[3]Martin R. Haskell and Lewis Yablonsky, <u>Criminology: Crime and Criminality</u>, (Chicago: Rand McNally College Publishing Company, 1974), p. 453.

[4]Gina Lombroso-Ferrero, <u>Criminal Man: According to the Classification of Cesare Lombroso</u>, (Montclair, New Jersey: Patterson Smith Publishing Corporation, 1972), p. x.

[5]Ibid., p. 3.

[6]Haskell and Yablonsky.

[7]H.J. Eysenck, <u>Crime and Personality</u>, (Frogmore, St. Albans: Granada Publishing, Ltd. 1970), p. 126.

[8]Taylor, Walton and Young, p. 73.

[9]Ibid., p. 37.

[10]Ibid., pp. 16 - 17.

[11]Leon Radzinowicz, <u>Ideology and Crime: a Study of Crime in its Social and Historical Context</u>, (London: Heinemann Educational Books, 1966), p. 53.

[12]Taylor, Walton and Young, p. 95.

[13]Ibid., p. 6.

[14]Ibid., p. 21.

[15]Ibid., p. 85.

[16]Ibid., p. 95.

[17]Morris, 1976, p. 79.

[18]Taylor, Walton and Young, p. 9.

[19]Ibid., pp. 22 - 23.

[20]Ibid., p. 75 and p. 83.

CHAPTER V

COMPARATIVE IDEOLOGICAL ANALYSIS OF I.T.M. AND OPMOD

This chapter will compare the former individual treatment model (also at times referred to as the "medical" or "rehabilitative" model) to the opportunities model which replaced it in the Correctional Service of Canada. To do this, normative theory will be used and the modified Horton paradigm. The previously identified ideological elements will be considered in this analysis.

The analysis will demonstrate that the two models, although claiming to be different, share many similarities, both reflecting a consensus framework for the criminological analysis. It will be demonstrated that the individual treatment model has its roots in the positivist philosophy of criminology while the opportunities model reflects several schools of criminology, but tends to be dominated by neo-classical criminological thought.

A.   Description

I.T.M.

The I.T.M. in vogue within the correctional system in Canada during the 1950's and 1960's was based upon the medical model which perceived criminal behaviour as a "sickness" which could be treated through either counselling, therapy, or training.[1] It maintained that the best way to protect society was to "rehabilitate" the offender—best

left up to the "experts" in the field of corrections. The I.T.M.

assumed that criminal behaviour was somehow

> "an expression of some underlying personality
> disturbance which requires extensive therapy and
> treatment before the criminal behaviour
> ceases."[2]

Correctional policy-makers at that time perceived the I.T.M. as an

effective tool to accommodate both the traditional and utilitarian

objectives of criminal law administration. The rationale for the

I.T.M. in corrections appeared straight-forward yet illusive:

> "It reflects inherited concepts of criminal
> punishment as the payment of a debt owed to society,
> a debt proportioned to the magnitude of the
> offender's wrong. Instead it would save the
> offender through constructive measures of
> reformation, protect society by keeping the offender
> locked up until that reformation is accomplished, and
> reduce the crime rate, not only by using
> cure-or-detention to eliminate recedivism, but
> hopefully also by the identification of potential
> criminals in advance so that they can be rendered
> harmless by preventive treatment."[3]

Thus the I.T.M. basically proposed that

> "any sentence would be the time required to
> bring about rehabilitation, a period which might be
> a few weeks or a life-time."[4]

The appeal of the I.T.M. lay in the fact that it blended humanitarianism

with practical welfare and scientific ancestry. It was based on the

premise that criminal behaviour resulted from distinct biological,

psychological or socio-cultural influences. While the individual

treatment model proposed to consider socio-cultural or environmental

influences, in reality it addressed changes directed at the individual

only. The 1967-68 Annual Report of the Solicitor-General exemplifies

the "treatment" available for inmates to address "deficiencies":

"Over the past four years the penitentiary inmate
population has declined from approximately 7600 to
approximately 7000. This has reversed the previous
trend which, prior to 1964 showed an increase of
inmate population of between four per cent and five
per cent per annum. Research has not so far disclosed
why such a reversal should have occurred. It seems
probable, however, that one of the important factors
has been the improved rehabilitative techniques in the
penitentiary treatment and training programs making
inmates more suitable for parole and the granting of
more paroles to such inmates.

In all federal penal institutions, academic
trade and vocational training continue to be
emphasized while special counselling and therapy
have become increasingly available. During the past
six years the number of psychologist positions has
increased from 20 to 30, school teacher positions
from 31 to 54 and psychiatrist positions from four
to 22."[5]

Within the I.T.M., treatment and training consisted

predominantly of classification, psychological assessment, counselling,

transfers, academic and vocational education, religious services,

pre-release planning with after-care agencies and general welfare. The

basic goal of the inmate treatment and training program was to assist

the man to "accept and live by the standards of society" and to take a

"useful and productive part in that society." The end result should be

that the ex-inmate would be "accepted as a member of the community," and

be able to "compete successfully in the labour market."[6]

OPMOD

As outlined in the introductory chapter, it was in response to

societal pressure and questioning of the I.T.M. "rehabilitative process"

that the federal government appointed a Task Force to re-examine the

role of federal corrections.

The Task Force considered the implications for imprisonment to formulate the role and statement of purpose for the federal corrections agency. The subsequent philosophical statements marked an explicit ideological shift in policy within the C.S.C. The result was the demise of the I.T.M. and development of the OPMOD.

The offender was no longer considered irrational, with no free will. He was now considered to be responsible for behaviour. Although the Task Force considered the offence to be unacceptable behaviour requiring appropriate sanctions, it also concluded that the offender should be provided the opportunity "to change his behaviour and adopt more acceptable conduct norms."[7] This would entail effective managment and control of the offender during his incarceration and, as well, during the process of his re-integration into the community.

The concept of the opportunities model and its programs and methods of implementation reflected this statement. The basic underlying premise of the opportunities model is that the institution provides the opportunities to the inmate, and the inmate, capable of making rational, sound decisions, will demonstrate his responsible attitude and behaviour by availing himself of those "opportunities" presented to him to enable him to become a useful and contributing member of society. As identified in the introductory chapter, opportunities available to the inmate include staff, resources and programs, such as: psychologists, psychiatrists, spiritual advisors, marriage counsellors, trades, training and educational course, Alcohol Foundation programs, A.A. meetings and others.

The living unit program and the individual treatment program plan case management process are integral components for the realization of the objectives of the OPMOD.

Living Unit Program

The L.U.P., central to the opportunities model, was introduced in the Canadian Penitentiary system in the early 1970's. Its actual national implementation was not completed until several years later and, in the prairie region, the Prince Albert Penitentiary never did have the program implemented.

Stony Mountain Institution underwent considerable structural change in order to implement the program. The four tiers or wings each became "living units" with approximately 100 inmates assigned to each unit. A penitentiary information pamphlet describes the living unit as a "modification of the self-help, therapeutic community"[8] proposed by Dr. Maxwell Jones of Britain.

The implementation of the L.U.P. attempted to utilize existing staff. Whereas previously custodial staff had been rotated and assigned to different duties in different sections of the institution, as living unit officers they were now to be assigned permanently to a specific living unit. As well, custodial officers had in the past been discouraged from establishing personal relationships with inmates, and now the L.U.P. required of them to establish personal relationships.

"This process involved a shift in philosophy, from an emphasis on custody to that of treatment."[9]

"Suitable" guards were then reclassified and retrained as living unit officers.

The emphasis within the living unit program is on the

"resocialization" of the inmate. It is perceived that this resocialization occurs through the increased interpersonal interaction between staff and inmates, through "problem-solving" sessions at regularly held inmate-staff meetings, and through the application of rewards and punishments.

Individualized Program Planning

I.P.P. was first introduced to Stony Mountain Institution in August 1975, although its actual implementation did not occur until 1977. It was set up to develop a co-ordinated case management process, from initial entry to the federal system until warrant expiry date. As noted in the introduction, I.P.P. as a case management process is based upon a "team" approach which includes the inmate, C.S.C. staff and may include representatives from external agencies.

Upon entry into the institution, the new inmate is placed in the Reception Area of the institution. Initially, he participates in various tests, physical, psychological and educational. Then, through various C.S.C. staff and other community resource members, he is provided with information and knowledge about the various "opportunities" available to him in S.M.I. He is then assigned a case management team and together with his team members, he meets to discuss and complete a Needs Analysis Profile. This profile includes problems to be addressed in the areas of education, employment, personal development, family relationships, the parole supervision process and use of leisure time. Together, the team develops an appropriate plan to address and meet the inmate's individual needs.

I.P.P. requires participation, commitment and accountability
of the inmate and staff. The inmate must avail himself of the
opportunities and the staff must assess and report his progress in his
program plan.

Social Control in I.P.P.

I.P.P. is an effective mechanism in controlling the inmate's
behaviour. It is applied throughout his entire sentence and he has no
guarantee of parole; he is always in a state of uncertainty and
insecurity.

When one speaks of social control in relation to prison
programs, or case management plans, there often is only a very thin line
between punishment and treatment. Cressey explains that

> "criminals often find it difficult to
> distinquish between correctional procedures designed
> to punish them and correctional procedures designed
> to help them."[10]

I.P.P. has experienced this difficulty as well. Inmates regard
I.P.P. as a full time job of rehabilitating themselves, and since the
offence was more than likely a part time or temporary affair, they feel
rehabilitation should be likewise. Inmates resisted the implementation
of I.P.P. and inmate response was not all that favourable. The inmate
paper in Saskatchewan Penitentiary, Prince Albert, "Off the Wall"
commented that:

> "The game plan then runs something like
> this--when he has lived up to his part of the
> program he'll have 'earned' a transfer and so
> forth."[11]

The inmates recognize the element of social control by stating that they

may be forced to participate or "not get anything." McGrath points out

that "what we call treatment may appear as punishment to the

recipient."[12] I.P.P. appears to be viewed as resembling a form of

punishment to many inmates as they are forced to "play the game" and

enhance their eligibility for privileges, temporary absences and

parole.

B. Analysis of Ideological Elements: I.T.M.

1. Human Nature

The I.T.M. perceived the individual as not being responsible for

his actions as it was believed the deviant was propelled by other

forces, either biological, psychological or environmental. It was

society's responsibility to provide the necessary "expertise" to "treat"

and "cure" the offender.

> "The offender is regarded as a 'sick person'
> suffering from the 'disease' of crime. The clinical
> methods of medicine affords the primary mode of
> organizing treatment through the stages of
> diagnosis, perscription of treatment, and application
> of therapy."[13]

In the 1948 Annual Report of the Superintendent of

Penitentiaries, there was considerable emphasis placed upon the need to

expand the psychiatric and psychological services within the

penitentiary system.

> "While consideration has already been given to
> the development of psychological and psychiatric
> services, it is planned to develop such services
> still further for it is recognized that successful
> reformation and rehabilitation depend upon a thorough
> study of the causative factors in personality
> maladjustment followed by an attempt at re-education
> of the person and elimination of the still existing
> causative factors.[14]

Officers were being trained to become aware of the "disease"

of crime thereby facilitating appropriate "treatment." They were

provided with lectures on the Development of Normal Human Behaviour,

Causative Factors in Aberrant Human Behaviour, Maladjustment leading to

Crime, Methods of Re-educating and process of Rehabilitation.   The

penitentiary service considered these lectures

> "as basic and fundamental to the process of
> orientation and education of the Penitentiary
> Officers towards the goal of reform and
> rehabilitation for the prisoner."[15]

The 1952 Report reflected a similar point of view.   It was

hoped that the psychologist hired at St. Vincent de Paul Institution

would have the "opportunity to conduct some further studies in the

problem of crime and its treatment."   The Report continues on to state

that consideration for expanded psychological services needs to be given

for

> "research not only into the causes of crime
> generally but to evaluate the effectiveness of newer
> methods of treatment."[16]

It was the belief that the aim of the Penitentiary Service was

to "rehabilitate the offender" and that this could not be accomplished

unless "physical or emotional disturbances are correctly diagnosed and

treated."

> "Many inmates suffer from emotional
> disturbances which often have played a major part in
> their anti-social behaviour, and it is felt that
> unless these emotional disturbances can be
> alleviated through psychiatric or other means,
> normal functioning in society cannot be fully
> re-established.   Psychiatric interviews are
> available for inmates who ask for them, and many

problem cases are referred to the psychiatrist for
advice and counselling. Pentitentiary psychiatrists
are making use of psychotherapy through individual
interviews, occupational therapy, group therapy and,
where indicated, electronarcosis is being used."[17]

The inmate was perceived to be ill, and criminality was the

result of other forces and not necessarily of the inmate's choosing.

Thus, treatment and therapy would re-socialize the individual and cure

him of his "illness." A prison term, to be effectively reformative,

"should be long enough to provide for a period of treatment."[18]

> "A certain proportion of penitentiary inmates'
> criminal behaviour is a by-product of, and is
> concomitant with, the development of mental
> abnormality, which abnormality in its not too
> advanced state is often not recognized as such by
> the victim but only by trained personnel."[19]

The inmate was perceived as a "victim" and he could only be

"cured" by "experts" (trained personnel). Therapy, therefore, was to

assist the inmate in overcoming his mental and emotional problems and

"developing a better insight into his own personality problems."[20]

2. Operant Values

The I.T.M. perceived society as having values and norms which

were common to, and shared by, all of society. Individuals learn these

"shared" values through appropriate socialization processes and through

various kinds and degrees of sanctions and punishments.

> "Each human group is unified by the belief of
> its members that certain things and behaviour are
> desirable, admirable, proper, moral, or legitimate
> and that other things and behaviour are unfit,
> despicable, unbecoming, immoral or illegitimate. In
> other words, each group has a value system as a
> major element of its cultural heritage."[21]

Administration's response to the inmate newspaper reflected

this sentiment. Administration assumed society to have a "common"

perception and interpretation of deviant behaviour and the legitimacy of

law enforcement. Although inmate publications were permitted, these had

to reflect "shared" societal attitudes to laws and social norms.

> "There have been occasional instances where the
> administration has had to restrain or criticize the
> inmate-publication for permitting expression of
> sarcastic and extreme views on the subject of law
> enforcement and related matters, but the tone and
> content of these magazines has been such as to win
> general approval. It seems probable that they are
> making a very real contribution to public
> understanding of the prisoner and his problems."[22]

Inmates entering the institution were first educated in the

reception area to the various "social, academic, vocational, moral and

cultural training programs available."[23]

Guards were trained in "human relationships" in order to

increase their effectiveness in their role as resocialization agents

with the offender.

> "There is, therefore, a constant and continuing
> necessity for effective training of all ranks of
> prison officers so that they may more effectively
> fulfill their functions as 'social doctors' rather
> than the simple task of keepers or custodians."[24]

To assist inmates in developing the appropriate "shared"

societal norms, the I.T.M. espoused psychological and psychiatric tests

and treatment. Psychological tests were used to determine the inmate's

potential and ability and to assess him for a specific vocational

training program. The vocational training would then provide the inmate

with an "improved social attitude" and "work skills and habits that are

essential to success outside of prison."[25] The inmate could then

"achieve acceptable standards of skill and knowledge to compete

successfully in the labour market." This would assist the inmate to

obtain employment appropriate to his skill and merit and thereby become

"an asset to the community."[26] Vocational training and the

provision of these "opportunities" were emphasized throughout the Annual

Reports. It was believed that the opportunity for vocational training

would benefit not only the inmate individually but society as a whole.

> "(Vocational training) adds to the effective
> working force of the country a number of individuals
> who are contributing in a positive way to the
> national well-being rather than being a menace to
> the social good."[27]

In particular, administration perceived society to have a

shared value on the importance of education, training and work. The

adminstration believed man was put on this earth to work and that an

individual would be accepted as a useful member of society only if he

could compete within the market society.

> "The aim of inmate treatment is to assist the
> man to accept and live by the standards of society,
> and to take a useful and productive part in that
> society. Thus the end result must be that the
> ex-inmate is accepted as a member of the community,
> and is able to compete successfully in the labour
> market."[28]

3.   Image of the Individual and Society

The I.T.M. perceived the offender to be an individual having

no free will, and being influenced by either personal or societal

forces--biological, psychological or environmental. He needed to be

"resocialized," "treated" and "cured" by experts within the correctional

process. He would then return to society as a contributing member who

accepted the values and relationships inherent in the market society,

namely individualism, competition and acquisitiveness.

The intent of the individual treatment model was for the state

to accept its "legal responsibility." The individual treatment model

first and foremost recognized the state as the legitimate authority to

"rehabilitate" the offender.

> "There are in Canada three statutes of major
> importance that govern correctional institutions.
> They are the Penitentiary Act, the Prison and
> Reformatories Act, and the Juvenile Delinquents Act.
> In addition to the federal Acts there is also
> provincial legislation dealing with such matters as
> the establishment and operation of Industrial Farms,
> Industrial Schools, Reformatories and similar
> institutions. These acts vary widely in their
> provisions, having been enacted and amended at
> various times to suit various circumstances and
> conditions."[29]

Thus Parliament provided corrections with the legitimate authority to

carry out the "rehabilitation" of offenders.

As well, institutions had the legitimate authority to

segregate inmates according to their assessed "needs."

> "Likewise, the Penitentieary Service
> Regulations give recognition to the principle that
> an inmate shall be subjected to the degree and kind
> of custodial control (security) and correctional
> training that are considered most appropriate for
> him. Thus, the way was opened on a proper lawful
> basis for the establishment of such minimum and medium
> security facilities as would assist in solving the
> oldest and most vexing problem of the Penitentiary
> Service, namely that of providing the sort of
> environment within which truly correctional and
> rehabilitative training could be carried on."[30]

This facilitated the development of various institutions within the

Penitentiary Service and included a regional reception centre, a medical

and psychiatric centre, maximum, medium and minimum security

institutions, a special detention unit and a community release

centre.[31]

Another area where the state had a legitimate authority to
implement its "legal responsibility" was in relation to discipline. The
1963-64 Annual Report documented

> "the adoption of a uniform policy towards
> discipline in all institutions: discipline was
> integrated within the overall program and took a
> preventive rather than punitive character."

The Report goes on to state that this resulted in a "more understanding
approach to inmates" and allowed the development of "closer
relationships" which was essential to the "correctional process." It
recognized the ultimate goal of the institution to be the protection of
society. The Report stated the

> "Service has now no instrument or appliance
> that serves as punishment. Only such equipment
> is retained as is needed for the protection of
> society or the inmate himself."[32]

A very important role of the state within the principle of its
"legal responsibility" was evident in the state's responsibility to
"rehabilitate" the offender. Classificiation was considered a crucial
element in this process. The purpose of classification was to provide a
total and thorough assessment of the inmate with an appropriate
"treatment" plan. Classification entailed

> "diagnostic study, determination of the
> treatment plan, implementation of the program
> decided upon, observation of its progress and
> effect, and change of program where
> indicated."[33]

Classification officers were considered "experts" who were required to
have a "Master's degree with five years experience" in order to enable
them to "rehabilitate" the offender.[34] They were considered to be
well-equipped by training and experience to "understand, guide and
counsel those inmates who seek their advice."[35]

Most significant is the observation that the I.T.M. considered it to be the state's responsibility to bring about the "rehabilitation" of the offender. Thus the state employed various professional "experts" to change the attitude and behaviour of offenders.

> "Prison officials are no longer merely
> custodians; they are being asked to perform miracles
> of reformation and rehabilitation; individuals who
> have found it impossible to live within the rules
> laid down by society are committed to institutions
> not merely for custody but for treatment. Much of
> the program of the modern prison is in the hands of
> specialists: chaplains, teachers, psychologists,
> trade instructors, and skilled administrators."[36]

It was therefore the state's responsibility to ensure the "rehabilitation" and/or "cure" of the inmate to enable him to return to society. In addition to providing psychological counselling, the state also provided "recreational outlets suited to persons of every age and physical condition."[37] Pre-vocational training in related subjects, such as mathematics and languages was perceived as necessary to enable the offender to enter trades programs which would allow him to compete for employment upon his release. The major purposes of vocational and industrial training was to create employment for the inmates, instill them with appropriate work attitudes and habits, and "promote a field of training in which the inmate can obtain employment after release."[38]

Individualism was therefore a valued ideological concept with the I.T.M. The I.T.M. emphasized the necessity to develop a sense of responsibility within the inmate and stressed that institutional "treatment" should reflect this philosophy.

> "For many offenders, close custody under firm
> though humane supervision is certainly necessary.
> For a large number of others, the necessity of such
> close custody is not equally apparent; it may indeed

be very harmful, in that it tends to destroy
self-reliance and the sense of responsibility to
support one's self and one's dependents."[39]

Institutional administration believed that the I.T.M. should not foster

dependency but rather the inmate needed to develop the ability to become

independent and self-supporting.

"The ultimate aim of the whole program of
treatment, both within the institution and during the
immediate post-release period, should be to enable
the inmate to assume the direction of his own
affairs."[40]

In fact, society in general perceived a "man" to be

self-reliant, responsible, supporting himself and his dependents and

capable of directing his own affairs. The I.T.M. and all its

"treatment" programs reflected this societal perception of a "real

man."

"In the final analysis the main purpose behind
any good prison program is to help the prisoner in
finding his own way to good citizenship and anything
which can be done in general education, trade
training, social education--which advances this
objective and trains him as a man should be included
in the planned program together with work
assignments. There are, of course, many who will
not take advantage of the chances given them and do
something constructive about their lives--for these
the least that can be done is to provide
constructive work assignments under qualified and
mature supervision so that these men will learn the
discipline of good work habits and the truth that
men are born to work."[41]

Competition was part of the resocialization process. It would

assist the offender to better cope with his environment. Thus the

offender needed to understand the necessity for competition in his

relationships with others, as he would face competition in the job

market after his release. To instill the sense of competition while

inside the institution, the offender wishing to take trades training or

educational courses needed to actively compete with other inmates for

the few openings available in these courses. It was the responsibility

of the Classificiation Board to study the case histories and various

institutional reports on each inmate and determine the occupation from

which the inmate "would most likely benefit."[42]

Courses tended to be quickly filled by inmates "awaiting the

chance to take the rehabilitative opportunity offered them."[43]

Selection standards were quite rigorous to ensure competition.

> "Limitations of education, intelligence and
> trade ability, with the physical restrictions of
> accommodation, combine to preclude any large scale
> inclusion of the general population in the regular
> vocational departments. This adds prestige to
> vocational training, and this selectivity creates
> interest and incentive among the sixty per cent of
> population under thirty years—the group which on
> the average is more adaptable to trade training—to
> be included in, and remain on, this type of
> training."[44]

Thus both individualism and competition were emphasized in the

I.T.M. to prepare the inmate for the market society upon his release.

The "resocialization" of the inmate to prepare him for release to the

market society was emphasized throughout all program components of the

I.T.M.

> "Our endeavour is to provide a well-balanced
> program of training in skilled trades, semi-skilled
> trades, occupations, and operations that are suited
> to the needs, aptitudes, and abilities of all classes
> of the inmate population, and that will meet the
> trends and demands of the outside labour
> market."[45]

In addition, offenders required "resocialization" to adopt

more constructive use of leisure time activities. Concerts, shows,

educational lectures, films, and competitive sports were all presented

to inmates to assist them "to find better and more satisfying ways of

utilizing their leisure time."[46] The "satisfying" ways would also

be more "acceptable" to society. It was therefore the intent of the

I.T.M. to change the individual and better prepare him to cope with the

environment through training, understanding and accepting individualism

and competition, and resocializing him to adopt more "acceptable" forms

of leisure activities. The I.T.M., by addressing the "individual" and

not the environment, was thus able to maintain the status quo.

Although the I.T.M. stated it would address the environment,

it did not in fact do this. It is evident that the I.T.M. recognized

and accepted the need for structural regularities in social relations as

necessary. Similarly, the dominant-subordinate roles of the

administration versus that of the inmate were maintained, although

initially administration perceived the I.T.M. as destroying this

"stability." The 1952 Annual Report comments on the uncertainty and

unrest expressed by the administration as a consequence of the

introduction of the "rehabilitative model."

> "It has not been possible to accomplish
> everything at once; progress in any area is more
> likely to be maintained if foundations are securely
> laid and all new developments carefully considered;
> in no area is this more true than in the area of
> prison administration; old attitudes, old practices
> and old customs die a very lingering death;
> 'privileges' once granted speedily become considered
> as 'rights'; undue haste in the introduction of new
> patterns may prove upsetting and disturbing and
> contribute a degree of uncertainty in the little
> world of the prison where confidence and security is
> a first requisite.
>   Within these limitations, however, we have
> steadily moved forward towards the implementation of
> a policy dedicated to the proposition that an
> increased number of individuals confined in our
> penitentiaries are capable of reformation and
> amenable to rehabilitative treatment."[47]

4.   Interpretation of Deviancy

The I.T.M. perceived deviancy as anti-social behaviour which violated the common norms and shared values of society. The I.T.M., as identified in the previous "Human Nature" section, considered three factors in its interpretation of deviancy; biological, psychological and environmental. The deviant was perceived as "ill" and the deviant behaviour was a symptom of the illness. The illness may be the consequence of the person's individual disposition or may have resulted from external, societal influences. The I.T.M. perceived it to be the responsibility of the state to "treat" or "cure" the illness through the use of various "experts," be they social workers, teachers, physicians, psychologists, psychiatrists, chaplains and so forth. The I.T.M. acknowledged the need to "resocialize" these individuals through specific treatment programs.

> "In dealing with prison inmates one is dealing
> with persons more mature chronologically but with
> fixed and oft-times warped attitudes; before
> constructive rehabilitation or re-training can be
> carried on, it is necessary to eliminate the
> undesirable habit-patterns. A sound philosophy of
> education suggests that the only way by which new
> and better attitudes can be developed is by a
> process of gradual change--the elimination of the
> old attitudes being a concurrent process with the
> acquisition of new knowledge, new habits and new
> attitudes."[48]

Offenders were perceived to have "warped attitudes" that needed to be changed. The I.T.M. interpreted behaviour to have been defined as criminal because it offended the moral consensus of society. It was believed that the rehabilitative model would provide the opportunity for both therapeutic and scientific measures to be developed which would "treat" the offender and return him to society as a responsible individual.

> "Humane and scientific procedures, however, can
> do much to relieve the tensions inherent in prison
> life. It has been effectively proven that a policy
> of repression or merely of punishment is not
> reformative. Penal institutions must, of necessity,
> be disciplined institutions—this is a first
> requisite; within the framework of good discipline
> and security, however, it is possible to develop a
> treatment program which is not only scientifically
> valid but which is humane and Christian in its
> attitude towards the individual offender and which
> if followed with patience will undoubtedly restore
> an increasing number to useful places in
> society."[49]

5. Ameliorative Response to Deviancy

The I.T.M. believed that it was society's responsibility to

provide humane and scientific treatment procedures to approach the

"illness" of deviancy. Treatment included both specific individualized

programs and group programs. Group programs included A.A. meetings and

study and discussion groups with the chaplains. These groups were

designed to

> "provide another form of therapy in which
> inmates by frank examination of their own lives and
> discussions with the chaplains are enabled to apply
> the lessons of religion to their own
> problems."[50]

The I.T.M. emphasized the use of psychological and psychiatric

treatment services in its attempt to "cure" the illness of criminal

behaviour. The 1956 Annual Report indicated institutional psychiatrists

had conducted 2316 interviews with inmates. As well, group therapy

sessions were held. The I.T.M. believed psychiatric therapy to be the

"promised cure" and urged expansion of these services.

> "Urgent requests have been made by all
> psychiatric departments for more space and because

of the beneficial results obtained it is felt that
serious consideration must be given to this very
important section of the service which holds a great
deal of promise both from the standpoint of
rehabilitation and also to provide the necessary
care and treatment to individuals who show symptoms
of mental illness."[51]

As well, psychiatrists conducted group therapy sessions in the

hope of creating a positive peer group environment.

"As an innovation in some of the
penitentiaries group therapy under the supervision
of the psychiatrist has been started. Its chief
purpose is to help inmates arrive at a clearer
understanding of some of their troubles, resolve
some conflicts and enable them to use personal
resources in developing methods of behaviour
acceptable to society."[52]

It was also perceived that psychological tests such as

intelligence, aptitude and emotional tests would provide "source

material for research and study."[53] The I.T.M. proposed the

segregation of psychopathic and sexual offenders in "prison-medical

centres" in order that their "medical problems" could be specifically

addressed and studied.[54]

The I.T.M. "attempted" to address socio-cultural and

environmental factors resulting in the deviant behaviour, through the

resocialization of the individual. Thus it was perceived that the

offender required training and vocational skills to enable him to

achieve system goals in a "legitimate" manner.

According to the I.T.M., resocialization should attempt to

"change the basic behaviour, attitudes, and patterns of the inmate."

Institutional programs should facilitate this process and "assist the

offender to resume a normal, self-directed, law-abiding life in free

society."[55] I.T.M. perceived trades and vocational training

programs to be important in the "re-education and training" of the individual if he is to be "restored to society as a self-supporting, self-directing person."[56] Although it is the responsiblity of the institution to return the offender to the community as a "law-abiding citizen," it is crucial that the training provided the inmates with "work habits and skills which will give them the means of making an honest living after release."[57] The resocialization process, therefore, had to prepare the offender to accept those values and relationships inherent in the market society.

The following chart identifies the major points within the I.T.M.'s interpretation of the ideological elements.

INTERPRETATION OF IDEOLOGICAL ELEMENTS - I.T.M.

Human Nature

- individual not responsible for his actions
- individual propelled by other forces:
  - Biological
  - Psychological
  - Environmental
- individual perceived as "sick"
- society responsible to provide "expertise"
  to "treat" and "cure" offender

Operant Values

- society shares common values and norms
- individuals learn these shared valued through
  appropriate socialization and sanctions
- these values are "givens" in society and reflect
  those values inherent in a market society
  e.g. importance of education, training and work

Image of Individual and Society

- individual has no free will
- other "forces" affect his behaviour
- deviants need to be resocialized, treated and cured
- individuals need to be resocialized to accept the
  values and relationships of the market society:
  - individualism
  - competitiveness
  - acquisitiveness
- laws reflect the moral consensus in society
- state is therefore a legitimate authority to
  "treat" and "rehabilitate" offender
- social and economic stratification insociety is
  not questioned (dominant-subordinate roles)

Interpretation of Deviancy

- anti-social behaviour
- violates the shared norms and values of society
- "illness" due to: internal disposition - biological
                                          - psychological
                 external, societal forces -
                                          - environmental

Ameliorative Response to Deviancy

- Society responsible to treat and cure the "illness"
  of deviancy
- treatment includes psychological and/or psychiatric
  "insight" for offender into his deviant
  behaviour
- resocialization, education, training

Analysis of Ideological Elements: OPMOD

1. Human Nature

The OPMOD was developed within Canadian corrections premised on the recognition that the offender must bear "the ultimate responsibility for his criminal actions."[58] The OPMOD considered the individual to be rational, with free will, capable of making choices based upon the assumptions inherent in the Canadian criminal law.

> "Canadian criminal law presumes that, unless otherwise shown, persons are responsible for their behaviour and able to exercise a free choice in ordinary circumstances. A well-known rule of law states that every man must be presumed to know and to intend the natural and probable consequences of his act or omission. Therefore, upon determination of guilt, the accused is legally defined as criminally responsible for his offence. Persons convicted of criminal offences are held to be capable of controlling their behaviour, able to perceive the differences between right and wrong, and capable of acting in accordance with the law and social obligations. Essential to the legal definition of criminal responsibility is the idea that if you do something, knowing it to be wrong, you will also know that one of the consequences will be punishment."[59]

Within the OPMOD individuals are perceived to be sane, rational and thereby can be held accountable for their actions.

> "The great majority of offenders are held to know and appreciate the nature and quality of their actions: that is, they possess a full appreciation of the consequences of their actions, the ability to choose alternative courses of action and the capacity to formulate an intent when considering whether or not to commit a criminal offence. The law provides that no person shall be convicted of an offence while he was insane, and it is presumed that everyone is and was sane until the contrary is proved."[60]

Our present Canadian sentencing procedure considers mitigating circumstances in determining an appropriate sanction. The individual must be punished, but certain factors need to be considered to determine the offender's potential for reform. The seriousness of the offence, the particular circumstances of the offender, the plight of the victim, the need to establish a deterrent, both general and particular, to discourage similar crimes, and the need to protect society, are all factors that must be considered.[61]

Incarceration in a federal penitentiary should be considered as society's last resort to maintain order and present opportunities to the offender to reform.[62] The present OPMOD is to provide opportunities to the offender to enable him to change his behaviour and demonstrate he is capable of adopting more acceptable conduct norms.[63]

The offender is held responsible and accountable for his behaviour, not only at time of sentencing, but throughout the entire sentence—both in prison and while on supervison in the community. By availing himself of opportunities in the institution and thereby demonstrating his "capacity to make responsible choices," the offender provides the necessary information to administration upon which decisions can be made that will affect the manner in which the sentence will be served, i.e. the granting of institutional privileges, T.A.'s and possible parole.

2. Operant Values

Laws, according to the Canadian criminal justice system, represent the consent and opinions of "all" members of a "civilized" society. This subjugation infers that the

> "criminal process, including the correctional process, must be such as to command the respect and support of the public according to prevailing concepts of fairness and justice."[64]

Individuals are perceived "equal" before the law. Mitigating factors are considered in relation to the sanctions imposed, but once found guilty and in a federal penitentiary, individuals are "equal" and have the freedom of availing themselves of the "opportunities" to demonstrate responsible behaviour and the desire to reform.

The correctional system is perceived by the OPMOD as a legitimate authority. Its role, legislated by Parliament, is "to administer and manage the sentence imposed by the court." This entails controlling and confining the offender and providing opportunities for the offender to reform.[65] Within the institution there is also provision for regulatory controls to be enforced with "appropriate sanctions" to ensure the "peace and good order" of institutional life.[66] Thus, there exists "legitimate" control to ensure that persons live harmoniously in "peace and good order" within an institution, similar to what is experienced in society. Administration values good order, rules, regulations, conformity, system balance and "opportunities" for reform of the offender.

The need for laws and regulations to maintain the "stability" in social relations is evident throughout C.S.C. policy and is reflected

in the emphasis on social control. Francis Fox in 1976 reported that

his first priority was to "ensure order in the institution." Along with

appropriate controls, program opportunities would be developed to assist

offenders with daily living skills and increasing confidence.[67]

Within the L.U. program, considerable authority is delegated

to the L.U. team regarding privileges for inmates and the handling of

minor offences.[68] Within I.P.P., the parole "carrot" is an

incentive to maintain order within the institution and is therefore a

very effective mechanism for social control. Similarly, participation

in any "treatment" or rehabilitative program is an incentive "carrot"

for a possible early release. However, the Board still has "sole

jurisdiction and discretionary power to grant, refuse or revoke

parole."[69]

Corrections in Canada values system balance. The 1977 Task

Force identified the primary tasks of Corrections Canada as:

1. control of the offender population, and

2. the design, management and operation of programs for the

   re-integration of offenders.

The system believes that these two tasks must be balanced, so that with

proper social control and appropriate program opportunities, the

offender will be resocialized to accept and understand authority,

dominant-subordinate roles and the value of adhering to laws reflecting

the moral consensus of society.[70]

> "As a public agency responsible for ensuring
> the protection of society through the control of
> offenders under its authority, Federal Corrections
> must maintain a proper balance between the demands
> of security and the need for accountability of its
> operation to the public."[71]

The legislated Acts confirm the legitimacy of the correctional system and its authority to provide social and cultural control.

> "Under prevailing legislation, such as the Parole Act and Penitentiary Act, federal correctional decision makers have the authorities to modify the manner in which the sentence is carried out."[72]

Carrying out the sentence may be divided into three major parts; incarceration, parole and mandatory supervision. The legislated acts provide the authority for these various forms of gradual release.[73]

Therefore it is accepted by "all" of society that C.S.C. has the legitimate authority to carry out the sentence of the court. It may not alter the sentence but may, however, use its "discretion" in "modifying the degree of control to be exercised."[74] It is through the OPMOD, the L.U.P. and I.P.P. case management process that the C.S.C. operationalizes its legitimate authority to control and reform offenders.

3.   Image of Individual and Society

The OPMOD considers the individual's past as well as his future in developing an I.P.P. for each inmate. In completing the "Needs Analysis Profile," the inmate's physical health, mental health, substance abuse, social skills, vocational skills, legal involvement and security are addressed. The inmate's past history affects which "needs" are identified and these in turn are considered in planning his future.

Included in the I.P.P. can be specific programs, treatment, work placements, roles of ad hoc members, prospective pre-release plans

and a time frame. The plan may be formalized following consultation and co-ordination with ad hoc members, the work placement, and the program co-ordinator.[75] The I.P.P. enables the inmate to demonstrate his individualism by accepting responsibility for his own decisions.

I.P.P. can be extremely simplistic, consisting of nothing more than an agreement to make a specific work commitment and to abide by the basic written regulations of the institution. It may however be quite sophisticated containing work as well as personal and self-development objectives and activities.[76] This depends a great deal upon the needs identified by the team and their decisions. "Team" members include the L.U., L.U.D.O., P.O. and inmate. The I.P.P. process attempts to combine training, resocialization and social control.

The OPMOD reinforces the legitimacy of social stratification, authority and dominant-subordinate roles in society. The OPMOD perceives that inmates, in particular, need to be taught to accept the various functional roles in society.

The L.U.P. is to resocialize the inmate and assist him in learning how to

> "realign his lifestyle, take another look at himself, and acquire the social skills he needs to better manage himself in the outside community."[77]

The L.U.P. attempts to reduce resentment toward authority and prepare the offender to accept social rules upon his release.

> "The reduction of resentment toward authority through better interpersonal relationships is only one of our goals. Our most important objective is to help people to find better ways of dealing with social situations: ways that are less impulsive, ways that require planning and consideration of the pros and cons, the consequences of acts, their effects on other people."[78]

Through better personal and social relationships between staff

and inmates, it is assumed that staff will be perceived as "helpers" by

the inmates. As a consequence,

> "inmates come to accept restrictions because
> they realize that restrictions have to exist, and
> are not just invented by those in power. This is a
> very important step towards accepting, later, the
> restrictions which society imposes on all of
> us."[79]

The L.U. program emphasizes conformity and maintaining the status quo.

While Living Unit officers are to facilitate interaction with

inmates to encourage "self-improvement, self-understanding and

self-respect,"[80] their dual role also requires them to instill a

sense of "obedience" in inmates. A C.S.C. pamphlet describing the

L.U.P. observes that the offender "can only be given obedience training

while he is with us." This training includes regulatory controls

> "enforced with appropriate sanctions to ensure
> the peace and good order of institutional
> life."[81]

The maintenance of appropriate "roles" within a correctional

facility is strongly supported by administration and staff, and policy

and program changes are often resisted.

Both the L.U. program and the I.P.P. case management process

were resisted by institutional staff. L.U.'s in particular resisted

responsibility for the report writing of the needs analysis and the

quarterly progress reports. Implementation of I.P.P. required extensive

"education" and "training" to develop effective team work, group

decision making processes and report writing skills at the L.U. level.

During a workshop on I.P.P. staff expressed feelings of

"apprehension and anxiety with respect to having inmates involved as

equal members in a programming team."[82] Staff were apparently

concerned about imbalance in the status quo and their role vis-a-vis the

inmate (dominant-subordinate role). As Lauffer observed:

> "Frequently defenders of the status quo do so
> in what they perceive to be public interest.
> Distinquishing between self-interest and public
> interest is sometimes extremely difficult."[83]

The OPMOD supports the present economic stratification

existing in society. It encourages inmates to develop a "responsible"

I.P.P. which includes education, training and/or employment. Yet the

principle of less eligibility is applicable, otherwise members of the

"status quo" society would not approve. A prison work project (July,

1979) in Ernestown, Ontario, was cancelled when local citizens

complained that "cons" were "taking jobs away" from their kids.[84]

The inmate is considered "less worthy of satisfactory employment and

training than the worst paid non-criminal.[85] We are teaching the

criminal "responsibility" by emphasizing his "unworthiness."

4.   Interpretation of Deviancy

The OPMOD perceives the offender to be an individual capable

of exercising a free choice in ordinary circumstances and, therefore,

considers him to be ultimately responsible for deviant behaviour. By

reason of the deviant act, the offender becomes liable for punishment

under the law. A deviant act may be considered an irrational act if

mitigating factors affect the person from making a rational decision,

i.e. the law has to prove the individual to be insane.

Deviancy is perceived as anti-social behaviour. The offence

is considered "an unacceptable form of behaviour requiring appropriate sanction."[86] The sentence of the court represents the punishment of the offender. Individuals who break society's "moral laws" are perceived to require control and resocialization.

The L.U.P. addresses both the area of control and resocialization. L.U.'s provide security and, as well, interact with inmates, as counsellors, to teach them to be "less impulsive, to analyze problems and work out solutions." It is believed that this learning can be transferred to outside situations when they leave."[87]

The L.U.P. teaches inmates to be less impulsive and to accept control so that, in the future, inmates will be able to "think things through" before acting irrationally and becoming re-involved with the law. The L.U.P. seeks to modify emotional patterns through counselling, and to attain social development by modifying behaviour through the learning of specific social roles.[88]

The philosophy behind the L.U. concept is that individuals can be resocialized to internalize social controls. Thus, within the L.U. program, social control and resocialization are balanced.

> "Correctional officers can rely less on their position of authority. The control of inmates by power (external control) is not too efficient.
> Correctional officers will be working with inmates, discussing, exchanging opinions, providing them with advice and guidance. They still have a security role, but as a result of improved communication and relationships with inmates the control should become (not overnight, mind you) an internal type of control."[89]

A person must therefore be resocialized to internalize those "acceptable" social norms which will allow him to return to society.

5.   Ameliorative Response to Deviancy

The 1977 Task Force, in determining an appropriate response to

deviancy, indicated that

> "there are clear signs that major segments of
> society are moving towards a renewal of emphasis on
> individual responsibility and on the rewards
> obtainable through self-discipline and adherence to
> the work ethic."[90]

The Task Force believed society appeared to be demanding "sterner

penalties" for certain offences. Society also wanted both the punitive

and deterrent functions fulfilled.[91]

The Task Force believed society appeared to be demanding "sterner

Yet although the offender had to be punished and the element

of deterrence had to be present, the Task Force also concluded that

> "the offender should be given the opportunity
> to "change" his behaviour and adopt more acceptable
> conduct norms."[92]

The OPMOD proposed to address the element of social control and provide

the necessary opportunities for the offender to learn the "moral

sensibilities" inherent in society. The offender would be punished but

offered the opportunity to reform and change his behaviour and

attitude.

The L.U.P. combines control and resocialization. L.U.

officers provide security, but are also perceived as counsellors. L.U.

staff are seen as "resocialization agents." It is believed by

administration that this staff image has "lessened inmate hostility

towards authority, and a manageable relationship is apparent."

> "The inmate learns to manage his relations to
> restrictions his sentence has imposed, and, because
> apprehension of staff decreased, he can talk out
> problems with staff in his living unit, knowing the
> officer will try to assist."[93]

The inmate learns to adjust, to accept restrictions, and he understands that they must exist. He learns to understand that restrictions "were not just invented by those in power." Talking with the L.U. officers helps the inmate resolve problems "that undermine his attitude to behaviour change." When he learns how to manage his reactions to restrictions, it will be easier for him to accept them.[94] The OPMOD perceives that the inmate needs to be resocialized to accept and understand that restrictions exist for the "common good," not only within the institution but also within the community for the "good of all society."

Relationships with the L.U. program are to reflect a "team" approach and staff and inmates are to resolve problems on a mutually agreed upon basis. Within the L.U. program the team learns to work at problem-solving together. Determination of team privileges, for example, is done through discussion and agreement with all L.U. team members.

> "Some of the requests will be unrealistic, the approach will be wrong and the consequences of such requests on other members will have to be taken into consideration. The group will evolve from an emotional to more rational outlook while developing a team orientation."[95]

Once the L.U. team is able to resolve minor issues it will then discuss situations pertaining to community adjustment and dealing with people. The team will then progress to be able to

> "scrutinize the attitudes and abilities of the members in relation to social requirements."[96]

This develops "peer pressure" to encourage conformity.

The L.U. program attempts to teach offenders "acceptable" attitudes and behaviours. Institutional authorities accomplish this by

using their discretion to grant or withhold privileges to the offender.
This "legitimate" authority is used in the L.U. program as an effective
mechanism of social control and to "reform' individuals to accept
controls when they return to society.

> "If the individual learns to accept punishment
> --and he won't learn the first or second time--as a
> consequence of his acts, and not because "those damn
> screws are on his back," he may learn to accept
> social rules because he feels less bitter against
> people who establish them."[97]

The solution to deviancy, according to the philosophy of the
L.U. program appears to be one of increasing controls and
"resocialization" of the offender. This resocialization includes
encouraging inmates to "learn social skills, to develop responsibility
towards self and others, and to accept social and legal
restrictions."[98] Thus, with proper resocialization, the person will
desire to change to accept the "legitimate" social controls and
obligations in society.

Correctional Services of Canada provides various
"opportunities" to allow the resocialization process to occur. I.P.P.
allows the inmate to accept increasing responsibilities and develop
problem-solving skills. I.P.P. considers the total needs of the
inmate.

> "The I.P.P. model is concerned with priorizing
> the needs of the inmate as a total person, rather
> than concentrating on a single aspect such as
> employability. Thus, the needs of the inmate get
> identified, priorized, and programmed for in a
> multiplicity of areas such as academic upgrading,
> trades course, trade experience, life skills and
> alcohol abuse."[99]

The inmate's total behaviour, attitudes and needs are assessed
in order that appropriate opportunities may be selected which will

assist in the resocialization process. In the opportunities model, the state provides the necessary mechanisms and opportunities for the criminal to become a "responsible" citizen, but the offender has the free will to choose whether or not to take advantage of these "opportunities." Programs and services such as psychiatric, psychological counselling, upgrading, vocational, trades training, alcohol counselling and so forth, are available to the offender.

Other resocialization "opportunities" may include various social development programs. The purpose of the physical education and recreation program is "to foster the development of a strong person so he will be better prepared to enjoy life and manage the demands of living." Psychiatry is available for the individual "motivated to change his attitudes and life styles." Classification services (role of the L.U.D.O.) can assist inmates

> "in modifying undesirable behaviour in order to
> enable them to make a satisfying adjustment to
> society."

The Native Brotherhood Organization provides

> "interest in the Indian culture among Indian
> inmates and to help them prepare for re-entry into
> society through greater understanding of native
> problems."[100]

These various programs reflect the need for the inmate to change, to adjust or to "understand" his problems. There is a "deficiency" within the individual, and resocialization by C.S.C.'s OPMOD hopefully addresses this deficiency and prepares the individual to return to society to accept societal rules and norms.

The OPMOD also ensured effective social control of the offender through the I.P.P. case management process. One of the

rationales for I.P.P. is to enable current administrative changes

contained in the Peace and Security Legislation to be effectively

integrated into the joint C.S.C. case management system. Joint

involvement of National Parole Service and the Canadian Penitentiary

Service had to be ensured and I.P.P. guarantees this. However, the

Parole Board remains an autonomous independent structure and is not

accountable for its decisions. Therefore the social control that this

process has is greater than expected. T.A.'s for anyone sentenced to

five years or more, are now to be approved by the Parole Board. The

inmate must plan his T.A. in advance, outline reasons, all as part of

his I.P.P. plan which will then be presented to the Board. On his first

unescorted T.A. he will be supervised by the P.O. and the P.O. will

contact him to ensure that he is following his proposed T.A. plan as

outlined in his I.P.P. The I.P.P. case management process is to provide

the inmate with continuous feedback on his "progress," and thereby

enables him to make appropriate adjustments to his plan to prepare him

more adequately for release to the community. I.P.P. suggests that

"Parole Board action will be based on the recommendations of the I.P.P.

team."[101] However, this does not necessarily follow. The Board,

being autonomous, considers the team's recommendation but makes an

autonomous decision—which may or may not coincide with the team's

recommendation.

The more an inmate can demonstrate his acceptance of increased

responsibilities, the more likely he will be considered for a gradual

release.

> "No matter how carefully the selection process
> is carried out, a system of gradual release contains
> an inevitable element of risk, although a calculated

> risk. The provision of program opportunities which
> enable the offender to demonstrate responsible
> behaviour should provide the necessary information
> upon which better decisions can be made so as to
> lessen the risk."[102]

It is for this reason that I.P.P. carries obligations for the

inmate, not only while in the institution, but also while on parole or

mandatory supervision in the community. These obligations continue to

ensure that the offender will develop the necessary self-discipline and

self-direction to conform to society's acceptable social norms. Social

control is very evident within the I.P.P. case management process.

The following chart identifies the major points within the

OPMOD's interpretation of the ideological elements.

INTERPRETATION OF IDEOLOGICAL ELEMENTS - OPMOD

Human Nature

- individual is --responsible
                -accountable
                -sane
                -rational
                -has free will
- mitigating circumstances may be considered:
    -when they have affected the exercise of the
        individual's free will
    - in the determination of sentencing
    - in assessing the offender's potential
        for reform
- deviant individuals are to be punished
    - punishment should encompass element of
        deterrence
    - punishment needs to include reform

Operant Values

- laws -- reflect the consent and opinions of
            all members
        - command respect and support
- individuals equal before the law but mitigating
        circumstances considered
- individuals "equal" to avail themselves of
        opportunities
- C.S.C. - has legitimate authority by virtue of
            legislative Acts
        - has the right to control the offender
        - has to offer opportunities to allow
            offender to reform.
- institution can exercise legitimate controls for
        peace and good order
- C,S,C, has to balance control with program
        opportunities
- C.S.C. has to re-socialize the offender to accept
        - authority
        - dominant-subordinate roles
        - legitimacy of laws

Image of Individual and Society

- considers individual's future and past when
        assessing potential for reform of offenders
- accepts need and existence of -- social stratification
                                - authority
                                - dominant-subordinate
                                    roles

Interpretation of Deviancy

- individual -- has free will
            - is responsible for behaviour
            - is liable for punishment
- act can be considered irrational if mitigating
        circumstances prevented individual from
        making a rational decision
- deviants need control and resocialization

Ameliorative Response to Deviancy

- individual responsible
- individual requires self-discipline
- value of work ethic
- Stern penalties -- need to consider punishment,
        deterrence and reform
- sanction needs to consider social control and
        resocialization
- encourage conformity
- resocialize inmates to -- accept authority
                        - societal roles
                        - responsibility to self
                            and others
- sanction to include opportunity for offenders to
    . participate in institutional programs.

C.   Critique and Comparison of the I.T.M.'s Relationship to Positivism
     and the OPMOD's Relationship to Neo-Classicism

     1.   The I.T.M. and Positivist Criminology

          In looking at the chart on page 78 at the end of Chapter 4 on
the Schools of Criminology, and comparing it to the chart of the end of
the I.T.M. ideological analysis on page 107 of this chapter, it can be
observed that the I.T.M. reflects predominantly the philosophy of
positivist criminology.

          The I.T.M. perceived the offender not to be responsible for
his behaviour as he was influenced by other "forces." Deviancy was
interpreted as an "illness" and the offender was considered to be a
"sick" individual who required treatment by "experts" in order to be
cured.   This is consistent with the image of human nature in positivist
criminology.

          The I.T.M. emphasized the development of the individual and
basically equated this develoment with the socialization process--a
"Tabula Rasa" image of human nature.   The penitentiary service
recognized the importance of the resocialization process within its
policies and programs.   Resocialization of the individual entailed all
areas of his life: from education, employment, training, recreation,
spiritual, to mental and emotional aspects.

                    "Our policy, speaking broadly is that any
               educational activity is justified if it conduces to
               an improved mental and emotional outlook on the part
               of those inmates participating and to that extent
               reduces the likelihood of further relapses in
               anti-social ways.

> Added emphasis is placed on the educational
> program as a vital and integral part of the total
> therapeutic process along with religion, medical,
> psychological and psychiatric services, recreation,
> etc. Progress was made during the past year in
> gearing an academic program more closely to the
> total treatment approach."[103]

As well, the I.T.M. acknowledged the "Homo Duplex" component

of human nature. Although the individual may be "ill," he needed to be

restrained for the "common good" and could not be released until such

time as he was "cured." Thus while the I.T.M. promoted "human dignity

and human well-being," it also served to protect society.

> "It is axiomatic that society must be protected
> from the activities of persons or groups which are
> either anti-social or a-social. This having been
> accomplished by the normal operations of the police
> forces, the courts and the segregation of
> anti-social individuals in suitable institutions, it
> then becomes a matter of concern that every possible
> means should be utilized to convince the offender of
> the error of his ways and to retrain and re-educate
> him for normal living within a free
> society."[104]

Thus while the I.T.M. differs in the interpretation of human

nature from other ciminological schools, the fundamental ideological

concepts remain consistent with a consensus perspective of society. The

I.T.M. focussed on changing the individual and, while it proposed to

address "environmental influences," it in fact abandoned the social

environment and directed attention at the individual who was "ill" and

who needed to change and adjust in order to return to society as a

healthy, useful and contributing member.

Both the operant values and the image of the individual and

society expressed within the I.T.M. reflect those of positivist

criminology. The I.T.M., like positivism, assumed the existence of a

consensus of morality within society; values, norms and morality were

perceived as "givens" within society. This interpretation, however, is reflected (to varying degrees) within all the criminological schools presented in Chapter 4.

The I.T.M. did not question social or economic inequality. It supported the maintenance of the status quo and perceived its role to be one of supporting the system by providing inmates with the training to enable them to compete successfully in the labour market.

The I.T.M. perceived education and training as key elements to accomplish the rehabilitation of the offender. It believed it could "assist" society to meet "its system needs" by training offenders to fill positions where skilled trades people were required.

> "It is obvious that many inmates are poorly educated. For one reason or another they have not been able to receive an education that is in keeping with the rapidly changing dictates and trends of present-day society. Vocational and technical training continue to be vital elements of the correctional process since our largely industrialized society suffers from a chronic shortage of skilled artisans."[105]

The I.T.M. perceived that those individuals who "failed" at their role in market society needed further conditioning, education, and/or training to become "accepted as a member of the community" by being able to "compete successfully in the labour market."[106]

The I.T.M., similar to positive criminology, supported the values inherent in the market society. The I.T.M. "addressed" the environmental factors influencing the offender's deviant behaviour by resocialization through various educational and vocational training programs. Positivism interpreted this to be the state's moral and social responsibility.

However, to address the environmental factors in this manner

suggests Durkheimian and Mertonian criminological thought as well. The various training and vocational skills would provide the offender the means to achieve society's system goals in a "legitimate" and "acceptable" manner.

The I.T.M.'s interpretation of deviancy was consistent with positive criminology. Deviancy was perceived as anti-social behaviour which violated the shared values and moral consensus of society. The state was perceived as having legitimate authority to remove the individual from society. The state had the moral and social responsibility to "treat" and "cure" the individual and return him to society as a useful and contributing member. The removal of the offender from society, while consistent with positivist criminology, also reflected the inherited concept of punishment from the neo-classical school.

The I.T.M.'s programs which focussed upon "treatment" and "cure" were very similar to the present day "opportunities" available to the inmates in S.M.I. However, the implementation process in relation to these "treatments" and "opportunities" is different.

The I.T.M. perceived segregation to be necessary to address the illness of the offender and his needs. Psychiatric and psychological services provided "insight" to the offender into his personal behavioural problems. Vocational, educational and training programs were provided to the inmate to assist him in learning new skills to cope with the stress of competing successfully in the market society.

While many of the same programs were available in the institution under the I.T.M. as are presently available as

"opportunities" in the OPMOD, the intent is very different. Under the I.T.M., the institution or state bears the responsibility to bring about change in the offender, whereas in the OPMOD the inmate is responsible for his own rehabilitation.

2.   The OPMOD and Neo-Classical Criminology

Again, in reviewing the two charts on Neo-Classical Criminology and the OPMOD and their interpretations of the ideological elements, it appears that the OPMOD reflects neo-classical criminology.

The OPMOD perceives the individual to be rational, sane and thereby accountable and responsible for his behaviour. Mitigating factors may be considered in relation to the sentence and are relevant in determining the individual's potential for reform.

The OPMOD considers punishment, deterrence and reform in carrying out the sentence of the court. These elements suggest specific images of human nature. "Homo duplex" requires punishment and deterrence to prevent him from lapsing into anti-social behaviour. Reform suggests the individual can be resocialized, a Tabula Rasa image. This resocialization process entails learning new habits, socially acceptable ways of interaction and acceptance of the authority inherent in society's legal structure. The OPMOD's L.U.P., through a behaviour modification process between staff and inmates, attempts to implement this resocialization. The OPMOD and its programs reflect this interpretation. The perception of human nature presented within the OPMOD is consistent with neo-classical criminology.

Likewise, the operant values reflected within the OPMOD are

consistent with the neo-classical criminological perspective. The OPMOD presents the inmate as an "equal" member of the I.P.P. case management team. He is to present a responsible plan and make responsible decisions as an "equal" member of the team.

However, given the reality of the "client's" physical surroundings (penitentiary) and the structural relationship of dominant-subordinate roles, this comparison to an "equal" team member does not appear realistic. An inmate who must request permission for a number of things, including leaving the unit, and who generally is placed in a submissive role, will experience difficulty in demonstrating "responsibility" and "self-determination." Inmate equality within this particular "team" setting is perhaps questionable.

Offenders are also "equal" to avail themselves of the opportunities present within S.M.I. to reform themselves. They are "free" to choose whether or not to take advantage of these opportunities. They are "free" to actively participate in their I.P.P.'s or they may choose to just "do their time."

This interpretation of an offender's "freedom" within the institution is basically administrative rationalization. Inmates have to participate, as I.P.P. is a regionally applied case management process. The "level" of participation is the offender's decision. However, the "carrots" of parole, T.A.'s or other privileges influences the offender's "freedom" to decide his level of participation in I.P.P. Furthermore, the offender's participation in programs is often restricted by the availability of room in them—which for some courses is quite limited when one considers the inmate population.

Laws, according to the OPMOD, represent legitimate authority

and C.S.C. by virtue of the various Parliamentary Acts has the
legitimate authority to punish the offender and control his behaviour.
However, C.S.C. must also balance punishment with reform and provide the
necessary "opportunities" to enable the offender to change his behaviour
should he wish to do so.

The institution, under the Penitentiary Act has the legitimate
authority to enforce stability and good order in the institution. The
OPMOD "attempts" to address the need for public awareness of the prison
system, yet maintain stability and good order within the penitentiaries.
The 1977 Task Force Report stressed the need for increased "openness and
public visibility throughout the penitentiary system."[107] The
Report continued and stated that many of the abuses in the penitentiary
system could not exist if public accountability was a reality. However,
in the same paragraph, the Report restricted this public knowledge to
the extent that confidentiality is legitimate where "related to sound
and necessary correctional practices" and included in this, the
protection of the privacy of inmates and employees of the Penitentiary
Service. It continued on to recognize, however, that "secrecy" has
served to "cover up mismanagement, subverted accountability, and removed
incentives for improvement." It would appear that there is some
confusion and contradiction in these statements. "Sound and necessary
correctional practices" would appear to be interpreted highly
subjectively by individuals and their staff as the foregoing comments
indicate. Furthermore, the protection of employees appears to be
creating many of these problems and allowing them to continue. Thus,
change is recommended but its implementation is apparently proceeding
cautiously and any change has to consider "adjustment" so that

stability, i.e. maintenance of the status quo within the organization is preserved. The public generally has expected prisons to be unpleasant enough to be a deterrent, constructive enough to rehabilitate the offender, and quiet:

> "Citizens and officials alike tend to be
> satisfied and at ease if prisons and their
> populations are out of the news."[108]

This appears to be generally accepted philosophy of the Correctional Service of Canada.

The OPMOD's image of the individual and society reflects neo-classicism. In particular, the OPMOD reinforces the existence of social and economic stratification in society, the legitimacy of authority and the need for acceptance of dominant-subordinate roles in society.

The L.U.P. especially reinforces these values. There is however considerable contradiction in the L.U.P.'s policy implementation statements. Although L.U.'s are to have regular discussions with inmates and be perceived as "helpers" and "counsellors," they are also advised to instill values of "obedience," and "respect for authority" in the inmate, while they carry out the "social control" side of their duties. On the one hand the L.U.P. suggests "equality" in the group decision-making process, while on the other the inmate must learn to control his behaviour/requests for the "good" of everyone on the unit. While these are contradictions within the L.U.P., they reflect neo-classicism in attempting to balance punishment with reform.

Similarly, the I.P.P. case management process presents a contradictory image. The inmate is supposedly an "equal" member of the

I.P.P. team, but at the same time he has to be "obedient" in the L.U.P.

In an attempt to increase public accountability, the 1977 Task Force recommended to the government the establishment of a Citizen's Advisory Committee to every penitentiary. Culhane in her book described this Committee's role in the September, 1976 British Columbia penitentiary riot. Internal institutional reaction to the involvement of the Citizen's Advisory Committee is evidenced by the following statement after this riot:

> "Pact Dangerous: Union Official
>
> ...an agreement ending the hostage taking at the B.C. Penitentiary is very dangerous to the public, said an official of the union representing 7,000 prison guards.
> Paul Caouette, Executive Secretary Treasurer... said the agreement in effect allows the Inmate Committee and the Citizen's Advisory Committee to run the B.C. prison... allows the prisoners and citizen's committees to supervise the R.C.M.P.
> Where is the law in that: it's irresponsible, said Mr. Caouette."
>
> Province, Oct. 1. 1976. 109

C.S.C. administration in attempting to increase public accountability, is aware of staff resistance. Line staff, in particular, perceive their roles and functions to be "legitimate" and are not receptive to changes in status and the dominant-subordinate roles between themselves and inmates.

The OPMOD's interpretation of deviancy reflects not only neo-classicism but acknowledges the influence of classicism and Durkheim and Merton as well. The offender is perceived to have free will, be responsible and is thereby liable for punishment. The OPMOD attempts to balance punishment with reform while classicism just considered punishment. The OPMOD considers both the actor and the act; the

mitigating circumstances affect not only the sentencing process but may
also affect the institutional program planning and the offender's
release planning.

The opportunities model assumes incarceration to be the result
of the offender being responsible for his actions and behaviour and
having the ability to make his own choices. It follows then that the
offender also becomes responsible for the planning and implementation of
a program during his incarceration which would "allow him to return to
the community as a responsible person."[110] The service is
responsible to provide the programs, resources and staff to assist the
offender in his attempts to re-enter society as a responsible person
but, as well, the organization is to provide the "security and
protection demanded by the judicial system."

Correctional Services Canada provides various "opportunities"
to allow the resocialization process to occur. Both the L.U.P. and
I.P.P. process allow the inmate to demonstrate his desire to accept
increasing responsibilities and develop problem solving skills.

The OPMOD assesses the offender's past behaviour and his
future potential for reform. It perceives deviants to require control
and resocialization and it is in this response to deviancy that the
philosophies of Durkheim and Merton are evident in the OPMOD.

It is in the interpretation of the ameliorative response to
deviancy that confusion in the OPMOD arises. The confusion is partly
internal to the implementation of the model, such as the contradictory
roles for L.U. staff, and partly the OPMOD "borrows" from other
criminological schools.

The L.U.P. "attempts" to address the neo-classical

interpretation that punishment be appropriate to the rehabilitation of the offender. The L.U.P. is explained as a "social learning approach" to treatment, and an introductory booklet on the L.U.P. states it to be a "new rehabilitative treatment in the C.P.S."

It is interesting to note that the OPMOD was developed as a direct response to the failure of the I.T.M. or "rehabilitative model," yet the L.U.P., a very integral part of the OPMOD is described as a "new rehabilitative treatment."

The booklet continues and suggests visualizing a "home in a village" as the simplest way to compare the concept of a living unit in a penal institution. The booklet also states that "most institutions operating as living units have renamed cells as rooms."[111]

This interpretation is consistent with neo-classical criminology as it attempts to combine punishment with reform. The OPMOD "borrows" values inherent in positivist criminology in a attempt to interpret "treatment" which can be "appropriate" to punishment. However, it is generally recognized that there is considerable difficulty in attaining a treatment atmosphere in an institution structurally designed for punishment.

Another confusing element within the OPMOD is the "resocialization" of the inmate. The resocialization includes not only a variety of "opportunities," such as personal and social development programs, educational, vocational and employment programs, but also involves the relationship with the L.U.'s and other inmates on the unit.

The resocialization on the unit by the L.U. staff is to enable the inmate to internalize the "appropriate" behaviour, norms and values,

to return to society as an acceptable and contributing member. This is consistent with neo-classicism but also reflects positivist criminology by suggesting the individual needs to internalize the appropriate "social morality" present in society in order to be considered "cured." It also reflects Durkheimian criminology by suggesting the "resocialization" of the offender to respect authority, accept the legitimacy of laws and social roles as necessary because there has been inadequate institutionalization of system goals.

The psychological, psychiatric and social development "opportunities" offered to the offender also reflect both neo-classicism and positivism. Psychiatry and psychology both suggest "illness;" neo-classicism perceives the offender may have been temporarily unable to exercise his free will when committing the deviant act.

The various educational, vocational and employment training programs are the "reform" measures proposed within neo-classical criminology and the OPMOD's interpretation implies the offender requires the necessary means to achieve system goals. This also aligns with Durkheimian and Mertonian criminology. The "means" will enable the offender to return to society and achieve system goals "legitimately."

As demonstrated, the OPMOD "borrows" from the criminological philosophies of both Durkheim and Merton. The concept of "merit" and "ability" is not directly addressed within the OPMOD but subtle reference is made in the implementation of the I.P.P. case management process.

> "The desired end result is that an inmate has chosen a logical and productive program plan which will provide him with a perspective of himself and his abilities as they relate to the community."[112]

The "perspective of himself and his abilities" includes a "realistic" assessment of his status and role in the community and "realistic" consideration of his potential and abilities. The "team" develops the I.P.P. and "team" members, such as the L.U., L.U.D.O. and P.O. "assist" the inmate with his personal assessment and offer input and recommendations for a "realistic" I.P.P.

The OPMOD's emphasis on vocational training, employment and preparing the offender for the market society is consistent with neo-classicism but, again, is almost identical to the I.T.M.'s interpretation.

The objectives of the vocational training program within the I.T.M. were outlined in the 1949 Annual Report and included the following:

> "To provide each trainee with the necessary skills, working information and tools of learning essential to his progress as a worker in his chosen profession."
> "To develop in each trainee the desirable social and ethical attitudes together with the work habits that are essential to success in his occupation."[113]

The OPMOD, like the former I.T.M. perceives a need to "focus on the development of worthwhile skills that can be applied in the community."[114] However, given the number of inmates in S.M.I. and the limited spaces available in the various institutional trades and training programs, many "working" experiences amount to nothing more than sweeping tiers, bringing hot water, coffee and meals to cells or taking out kitchen garbage.

The OPMOD's major difficulty appears to rest on its attempt to

implement neo-classicism's inherent contradiction of balancing

punishment with treatment. This problem is evident in most programs

founded on neo-classical thought. To accommodate this "balance," the

OPMOD has adapted Durkheimian and Mertonian philosophy and as well,

"borrowed" some rehabilitative methods from positivism. As a

consequence of this confusion, the OPMOD has experienced difficulty in

being accepted by both staff and inmates alike.

Footnotes (Chapter V)

[1]McGill, 1978.

[2]Solicitor General Task Force, p. 25.

[3]A Report on Crime and Punishment in America, prepared for the American Friends Service Committee, "Struggle for Justice," Hill and Wang, New York, a division of Farrar, Strauss and Giroux, 1971, p. 37.

[4]Ibid., p. 37.

[5]Annual Report of Solicitor General, 1967-68, p. 4.

[6]Annual Report of Solicitor General, Mar. 1969, p. 45.

[7]Solicitor General Task Force, p. 36.

[8]Canadian Penitentiary Service Information pamphlet, 1974, pp. 6 to 10.

[9]James A. Phelps and Bram Deurloo, Programming in Federal Corrections, (Ottawa: Communications Division, Ministry Secretariat, 1976), p. 41.

[10]Cressey, p. 456.

[11]P.A. Prison Newsletter, "Off the Wall," Dec. 1976, pp. 17-18.

[12]W.T. McGrath, "Crime and the Correctional Services," Crime and Its Treatment in Canada, ed. W.T. McGrath, 2nd Ed. (Toronto: McMillan Co. of Canada, Ltd., 1976), p. 11.

[13]Johnson, 1964, 1st Ed., p. 600.

[14]Dept. of Justice, Report of the Superintendent of Penitentiaries, 1948, p. 33, no. 132.

[15]Ibid., p. 33, no. 132.

[16]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 22, nos. 66 and 67.

[17]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 50, nos. 227 and 228.

[18] Hon. Stuart Garson, Report of Committee Appointed to Inquire into the Principles and Procedures followed in the Remission Service of Canada: (Ottawa: Queen's Printer, 1956), p. 47.

[19]Department of Justice, Report of the Commissioner of Penitentiaries, Mar. 31, 1956, p. 40, no. 153.

[20]Department of Justice, Report of the Commissioner of Penitentiaries, Mar., 1952, p. 47, no. 217.

[21]Johnson, 1964, p. 18.

[22]Department of Justice, Report of the Commissioner of Penitentiaries, 1955, p. 22, no. 71.

[23]Department of Justice, Report of the Commissioner of Penitentiaries, 1965, p. 10.

[24]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 30, no. 115.

[25]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 20, no. 75 and p. 29, no. 130.

[26]Department of Justice, Report of the Commissioner of Penitentiaries, 1965, p. 16, and p. 11.

[27]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 8, no. 10.

[28]Department of Justice, Report of the Commissioner of Penitentiaries, 1968, p. 45.

[29]Garson Report, p. 49.

[30]Department of Justice, Report of the Commissioner of Penitentiaries, 1965, p. 4.

[31]Ibid., p. 8.

[32]Department of Justice, Report of the Commissioner of Penitentiaries, 1964, p. 1.

[33]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 17, no. 65.

[34]Department of Justice, Report of the Commissioner of Penitentiaries, 1968, p. 5.

[35]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 19, no. 67.

[36]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 30, no. 115.

[37]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 22, no. 86.

[38]Ibid., p. 35, no. 146.

[39]Department of Justice, Report of the Commissioner of Penitentiaries, 1955, p. 9, no. 11.

[40]Garson Report, p. 49.

[41]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 34, no. 142.

[42]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 93.

[43]Department of Justice, Report of the Commissioner of Penitentiaries, 1953, p. 32, no. 131.

[44]Department of Justice, Report of the Commissioner of Penitentiaries, 1949, p. 24, no. 81.

[45]Department of Justice, Report of the Commissioner of Penitentiaries, 1964, p. 4.

[46]Department of Justice, Report of the Commissioner of Penitentiaries, 1964, p. 10.

[47]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 8, nos. 8 and 9.

[48]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 22, no. 69.

[49]Ibid., p. 10, no. 15.

[50]Ibid., p. 29, 109.

[51]Department of Justice, Report of the Commissioner of Penitentiaries, 1956, p. 40, no. 152.

[52]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 47, no. 219.

[53]Department of Justice, Report of the Commissioner of Penitentiaries, 1949, p. 20, no. 51.

[54]Reference is made in both the 1956 Commissioner's Annual Report (pp. 48-49) and the 1955 Annual Report (p. 8).

[55]Garson Report, pp. 46 and 47.

[56]Department of Justice, Report of the Commissioner of Penitentiaries, 1952, p. 8, no. 7.

[57]Ibid., p. 36. no. 150.

[58]A.T. Wakabayashi, Basic Principles for the Role of Federal Corrections, a Working Draft paper, Feb. 1976.

[59]Solicitor General Task Force, p. 31.

[60]Ibid., p. 32.

[61]Ibid., p. 33.

[62]Ibid., p. 33.

[63]Ibid., p. 36.

[64]Ibid., p. 89.

[65]Ibid., p. 33.

[66]Wakabayashi, p. 18.

[67]Claire Culhane, Barred from Prison, (Vancouver: Pulp Press, 1979), p. 101.

[68]Jean Garneau, "The Living Unit Programme,"--an information booklet, Canadian Penitentiary Service, July, 1972, p. 9.

[69]Mark MacGuigan, Report to Parliament by the Sub-Committee on the Penitentiary System in Canada, (Ottawa: Minister of Supply and Services, Canada, 1977), p. 150, no. 735.

[70]Solicitor General Task Force, p. 114.

[71]Ibid., p. 59.

[72]Solicitor General Task Force, p. 37.

[73]Wakabayashi, p. 9.

[74]Solicitor General Task Force, p. 44.

[75]Deurloo, Appendix J, p. 5.

[76]Black, Introduction.

[77]C.P.S. Bulletin, 1974, p. 5.

[78]Garneau, p. 6.

[79]Ibid., p. 3.

[80]Garneau, Appendix B., pp. 1-3.

[81]Ibid., p. 5.

[82]Deurloo, 1976, Appendix F, p. 1.

[83]Armand Lauffer, Social Planning at the Community Level, (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1978), p. 106.

[84]The Whig Standard, "Think Again, Ernestown, before you slam the door," July 25, 1979. Inmate employment previously took summer employment away from students. Inmates received $50.00 per month....hardly a monthly salary envied by teenagers.

[85]Elmer Johnson, "Prison Industry," in Correctional Institutions, ed. by R.M. Carter et al, (Toronto: J.B. Lipincott Co., 1972), p. 32.

[86]Solicitor General Task Force, p. 36.

[87]Garneau, p. 7.

[88]Ibid., Appendix A., p. 1.

[89]Ibid., p. 7.

[90]Solicitor General Task Force, p. 4.

[91]Ibid., p. 10.

[92]Ibid., p. 36.

[93]C.P.S. Bulletin, 1974, pp. 8-9.

[94]ibid.,

[95]Garneau, Appendix A, p. 2.

[96]Ibid.

[97]Ibid., p. 5.

[98]McGill.

[99]Black et al, p. 9.

[100]McGill--it should be noted that some of these "opportunities" are scarce. For example, there are three psychiatrists attending Stony Mountain Institution for a half-day each per week for 500 inmates! So even if an inmate was motivated to change his attitudes, the psychiatric counselling won't be very intensive.

[101]Black et al, Introduction.

[102]Solicitor General Task Force, p. 58.

[103]Department of Justice, Report of the Commissioner of Penitentiaries, March 31, 1965, p. 13.

[104]Department of Justice Report of the Commissioner of Penitentiaries, 1952, p. 7, no. 4.

[105]Department of Justice, Report of the Commissioner of Penitentiaries, 1968, p. 9.

[106]Department of Justice, Report of the Commissioner of Penitentiaries, 1968, p. 45.

[107]MacGuigan, pp. 66-71.

[108]John V. Fornataro, "Canadian Prisons Today," Crime and its Treatment in Canada, ed. W.T. McGrath, (Toronto: MacMillan and Co. of Canada, 1965), p. 321.

[109]Culhane, p. 38.

[110]McGill.

[111]C.P.S. Information pamphlet, 1974, pp. 6-10.

[112]Black et al, p. 16.

[113]Department of Justice, Report of the Commissioner of Penitentiaries, 1949, p. 23, no. 79.

[114]Deurloo, pp. 3, 13, 21.

CHAPTER VI

THE POSITION OF NATIVE PEOPLE IN SOCIETY

Introduction

It has been argued that prisons are warehouses for storing the
unemployed, unskilled, uneducated and socially isolated, out of sight.
They are the catch-all asylums for poor people and in particular
minorities.[1] As Professor Mandel pointed out in 1982 at the "Law in a
Cynical Society" Conference, "There is in our prisons a preponderance of
inmates from marginal groups." Professor Arthur Shafer, Professor of
Philosophy at the University of Manitoba, observed that

> "significant portions of a society's criminal
> laws are simply a disguised form of narrow class
> interests, promoting the privileges of some ruling
> group rather than the universal interests of the
> society."[2]

Truly competent criminals are "model characters and pillars of society."
They do not go to prison. They select the "right" crimes and can
usually buy immunity. Most of those who end up in prison are "the
young, the poor, the powerless and the unskilled."[3]

To understand the native over-representation in prisons, one
cannot focus merely upon the individual and consider "resocialization"
as the solution. We should perhaps question, as William Ryan does, "to
whom are social problems a problem?" Ryan continues on to suggest that

> "if the truth were to be told, we would have to
> admit that we mean they are a problem to those of us
> who are outside the boundaries of what we have
> defined as the problem."[4]

Natives are a "social problem" for racist whites, whites who fear natives, and whites who wish neither to see nor meet native "drunks" passed out on the street.

It has been suggested that native deviant behaviour needs to be studied within the social context under which the particular behaviour is defined as criminal. In other words, crime must be interpreted with a focus upon the political and economic relationships within society.[5] This interpretation would identify that racial minorities are "internal colonies of North American capitalism,"[6] and that race and racism are intertwined with the concept of colonialism.

Hodge, Struckmann and Trost define racism as

> "the belief in, and practice of, the domination
> of one social group, identified as a "race," over
> another social group, identified as another "race."
> Racism thus involves three basic components:
> (1) The belief that humankind consists of well-
>   defined "races."
> (2) The belief that some races are superior to
>   others, and
> (3) The belief that the superior races should rule
>   over the inferior and the attempt to put this
>   belief into practice."[7]

Summed up, it may be concluded that racism is a "philosophy or ideology of racial exploitation."[8] This paper suggests that the effect of racism needs to be acknowledged in the analysis of native ideology and culture.

Colonialism is defined by Hodge et al as "the belief in a practice of domination of one nation over another.[9] Colonialism

entails exploitation of the land, the raw materials, the labour and

other resources of the colonized nation. Blauner identifies four basic

components of colonization:

(1) Involuntary entry.
(2) There is an impact on culture. The colonizing power carries out a policy that constrains, transforms, or destroys indigenous values, orientations, and ways of life.
(3) A special relationship develops between the government bureaucracies or the legal order and the colonized people. The lives of the subordinate group are administered by representatives of the dominant power.
(4) Racism becomes the principle of social domination. The subordinate group is seen as inferior, is exploited, controlled, and oppressed socially and psychically by the subordinate group.[10]

Colonialism is synonymous with social oppression which

involves exploitation and control. Native people in Canada have been

controlled both directly and indirectly. The mechanisms of control have

included force and violence, legal restrictions, cultural beliefs,

ideologies and modes of socio-economic integration. Psychological

oppression has entailed "keeping natives in their place." Native people

have been led to believe that there is an appropriate "place" or set of

roles and activities appropriate for them, and that certain other places

and possibilities are not appropriate or acceptable.[11] The impact

of colonialism and subsequent native-white relationships must thus be

acknowledged in the interpretation of native ideology.

This paper assumes that it is generally recognized that native

people within Canadian society are in a state of powerlessness. This

powerlessness has historical roots, is embodied in the concepts of

racism and colonialism, and is still the reality of native people today.

A brief overview of native people's circumstances will illustrate the

dynamics of the native-white relationship and the implications for

native powerlessness.

Historical Implications

The present socio-economic circumstances of natives may be analyzed within the framework of the development of industrial, class-capitalist Canada. Historically, in the early fur trade, native people tended to be the producers and were separated from the means of production which were incorporated in the land and the products of the land. Control and ownership of the means of production became concentrated in the white, capitalist class, while natives, owning no possessions, gradually had only their labour left as an exchangeable commodity. Ultimately, natives became an aliented, permanently underemployed class, subsisting mainly on social assistance.[12] Kellough, in her thesis describing the experience of the Canadian Indian demonstrated that the underdevelopment of the native population in Canadian society is a direct result of capitalist expansion.[13]

The native-white relationship of the fur trade drew the native into the white market society relationship. No other event had such a negative impact, which affected every aspect of native social organization, as did the fur trade.

The fur trade created an increased dependency upon European goods, resulting in the abandonment of previous native skills to meet primary needs. Competition between rival companies, The Hudson's Bay Co. and Northwest Co., caused a rapid decline in fur-bearing animals, thus exhausting the native's source of food and clothing supply.

With their increased involvement in the fur trade, natives

travelled further into the interior and spent more time away from their

families. This created instability in their family life and, as well,

the men were unable to participate actively in the political and social

affairs of the tribal society. In addition, this increased travel in

search of furs resulted in economic and political pressure on other

tribes. Guns made the wars disastrous at this stage and many casualties

resulted.

There were changes in social roles and family relationships.

Women became involved in securing food and family social organization

became disrupted. Alcohol compounded the effects of all other social

problems.

The goods given in trade to the natives were often of poor

quality and materials.[14] Guns were faulty and would injure or kill

natives by exploding in their faces upon firing. Foods were often

spoiled causing diseases. Blankets and clothing were often

contaminated, causing smallpox, pulmonary ailments and skin diseases.

As Manuel and Posluns remarked:

> "Smallpox, malaria and typhoid made wars of
> conquest unnecessary."[15]

Natives thus became increasingly dependent not only upon the

Company's goods but also upon its credit for survival. They gradually

became enmeshed in the capitalist mode of production. They became

alienated from their work and lost their sense of identity. Work became

trapping furs for the profit for others--Hudson's Bay Company--and was

done in order to survive. They did not control the mode of production

and eventually had only their labour to sell. Their labour gradually

became expendable and the white man, requiring the native's land for

further settlement and industrial expansion, attempted to annihilate the

natives. The United States government had a policy of deliberately

killing the buffalo, correctly predicting that

> "when they disappeared, the Indians would
> disappear along with them. By 1885 the bison were
> virtually extinct, and the Indians were starving to
> death on the plains."[16]

Starvation occurred not only to the United States Plains Indians but to

their Canadian brothers as well.

As a result of the white man's exploitation, the native found

his labour was no longer necessary. He was left with no supply of food

and no means of survival. He became completely dependent upon the white

man. The native moved from "a period of nuisance to a period of

irrelevance.[17] The government, in turn, required natives to settle

on reserves prior to the granting of rations. Thus, it can be noted

that the capitalistic economic structure permitted colonialism's

political structure to successfully subjugate the native people.

Political Oppression

The colonial structure of native-white relationships in Canada

reinforced native powerlessness. Colonialism is based on

> "The racist confusion of natural groupings with
> special classes of people."[18]

Power and force are implicit concepts within the colonial system.

Prejudice and racism, a philosophy of "manifestation of destiny," a

belief in social Darwinism, all backed by power and force, historically

reflects colonial rule in Canada.

To understand the "power" inherent in colonialism, one must

understand the relationship between the colonizer and the colonized.
The colonizer becomes the oppressor. He may create psychological
dependency, encourage attitudes of subservience and gratitude, and
create dissension among the colonized people through "divide and
conquer" techniques.[19]

These have all been applied to native people in Canada.
Treaty money of a few dollars per year helps perpetuate the
psychological dependency. Initially the rations provided by the Indian
agent, and at present grants for economic development, cultural
workshops and so forth, encourage attitudes of gratitude and
subservience. These grants often have latent implications; they must
proceed along "acceptable" government standards, otherwise funding will
be withheld. Cahn and Hearne note that expressions of gratitude and
subservience must be displayed continually by the natives and this
forces them into a "child-like" relationship with their "benefactors."
Furthermore, this relationship implies weakness and incompetence on the
part of natives and effectively undermines attempts at
self-determination.

Sam Deloria noted that tribal funding tends to infer that
natives must agree with their benefactors, be grateful and not question
the government. He observed that it was therefore difficult to enter
into a meaningful discussion with the Federal Government without running
the risk of annihilation.[20]

Often government funding is effectively used to divide native
people. This is especially evident where it involved status versus
non-status groups. Keeping colonized people separated and isolated
makes them weaker and easier to control. Maria Campbell related she'd

learned this lesson from her "Cheechum" (grandmother). Halfbreeds

blamed each other for their state of poverty and failed to recognize the

need to unite to fight the real oppressor--the white government.

> "The white man saw that (internal dissension)
> was a more powerful weapon than anything else with
> which to beat the halfbreeds, and he used it and
> still does today."[21]

Howard Adams agreed and observed that by becoming subservient and

grateful, and allowing themselves to be divided, they become more

vulnerable to manipulation and weaken themselves politically.[22]

Perhaps the most obvious "divide and conquer" technique over

the past numerous years has been Section 12 (1)(b) of the Indian Act

which discriminated against native women marrying non-natives. When one

reviews the "concern" which this "injustice" raised by government

officials over the years, it becomes readily apparent that the debates

among native people about this "concern" has effectively distracted them

from other matters. This government ploy has been an effective "divide

and conquer" strategy for a very long time.[23]

The passing of Bill C-31 which enables native women who have

lost their status to apply to be re-instated has not helped resolve the

internal debates among native people. As this recent statement by the

Brotherhood of Indian Nations, Manitoba exemplifies:

> "Bill C-31 is a total violation of our Sacred
> Treaties, the sovereignty of Indian Nations,
> Indigenous Rights, International law, and the
> Canadian government's own special Committee on
> Indian Self-Government.
> The most obvious international laws violated by
> Canada's Bill C-31 are the Treaties between the
> Indian Nations and the Crown. A treaty is by
> definition an agreement between nations. Thus the
> Sovereign Nationhood of Indian Nations is
> acknowledged and thus it is supposedly protected and
> to be upheld for as long as the sun shines, the

> grass grows and the rivers flow. So how can Canada
> presume with its Bill C-31 to determine the
> membership of the citizens of Sovereign Indian
> Nations."[24]

Economic Circumstances

For most native families poverty is a way of life. To refer
to the native's condition in society in terms of "underdevelopment" or
"backwardness" is to employ mere euphemisms for this fact of
life.[25]

Natives have demanded their rights to self-determination, but
without access to their own strategic resources and the locus of power,
they have been maintained in a state of poverty and powerlessness.[26]
They remain the subordinate in a colonial society. Colonial policy is
designed to ensure that "poverty and powerlessness are not altered." In
colonialism, "social inequality is carefully structured and
maintained."[27]

The capitalist mode of production reinforces the exploitation
of native people. Race relationships, according to Adams, are
"labour-capital-profit relationships." Race relations become
"political-class relations." Racism originated in the early capitalist
industry of the fur trade and at this time is deeply entrenched in all
Canadian institutions.[28] Natives furnished a large supply of cheap
labour and were therefore readily exploited. Even today, as Jorgensen
notes, natives are most generally consumers, seldom wage earners and
almost never owners of the mode of production.[29] Economic power is
not in the hands of the poor, and certainly not in that of the poor
native.

Native people continue to have a shorter life expectancy, are involved in violent deaths three times more often than national levels, and have a suicide rate of six times the national rate. One in three native families live in crowded conditions. There are 11,000 new houses required and 9,000 need repair. Less than fifty percent of Indian houses are properly serviced, compared to a national level of over 90 percent.[30]

In capitalist societies, "solutions" to poverty become "administrative" solutions--one works "within" the system to bring about change. What is basically means is that the "solutions" to poverty must "not affect the existing distribution of wealth, income and power.[31]

Self-determination

Native people, although attempting to gain self-determination, have also become skeptical about realizing it. Their treaty and aboriginal rights have been continually undermined and their lands and resources have been exploited.

Much of this exploitation occurs in the name of "progress" and "development" for the good of "all society." In reality, the exploitation of their land and resources generally provide little or no benefit to the native people themselves. It benefits only those who control the mode of production. The economic structure reinforces the political structure and allows inequality to be perpetuated.

Historically, the treaties were to "benefit" native people and

as well, serve the "public good." Morris, in recounting the Robinson
Treaties of 1850 stated:

> "In consequence of the discovery of minerals on
> the shores of Lakes Huron and Superior, the
> government of the late Province of Canada, deemed it
> desirable to extinquish the Indian title."

> Of Treaty 8, Morris wrote:
> "Discovery of petroleum and minerals (sulphur)
> and salt which would add materially to the Public
> weal as well as the fact that railway projects were
> planned, encouraged treaties to be made, with a view
> to the extinguishment of the Indian title."[32]

This "public weal" argument, popular in the 1800's is still
prevalent today. Developers generally use the argument that "large
scale resource projects serve the public interest."[33] An analysis
of this "public" interest reveals it to be more "private" than "public."
It is the capitalist owners who control the modes of production who
benefit the most.

Recent developments for the "public good" include the James
Bay Hydro Development, construction of the Moran Dam destroying the
Fraser salmon run, the McKenzie Valley Pipeline and the flooding of
South Indian Lake in Manitoba.[34] The natives of Hay Lake and as
well the Banklanders (Inuit) were forced to agree to release their lands
for exploration. They were "advised" that the "government's proposals
were the best that could be done.[35]

The struggle for recognition of aboriginal rights and
self-determination is a class struggle with the state seemingly not
being prepared to relinquish any of its power. The Minister of Indian
Affairs and Northern Development announced in the late 1970's that
natives should not expect self-government and self-determination until
aboriginal right claims are settled, adding that these negotiations may

take years. In 1983, Manitoba Attorney-General Roland Penner indicated

that the establishment of self-government and the contentious issue of

aboriginal rights may take "several years" to resolve.[36] The

government controls native demands by promising to consider one demand

and not another. This diversion tactic is usually reflected in "Task

Forces" or "Special Committees" being set up or the preparation of a

"Policy Paper."

Many non-natives are uncertain of the term "native

self-determination" and do not understand the implications and

importance of it for native people. The U.N. presented the following

statement on the granting of independence to colonial countries and

peoples:

> "All peoples have the right to
> self-determination; by virtue of that right they
> freely determine their political status and freely
> pursue their economic, social and cultural
> development."[37]

The U.N. identified a number of components inherent in

self-determination including: the right of a people to determine its

international status, the right to determine the form of government, the

right to territorial integrity and non-violation of its boundaries, the

right to special rights for protection and non-discrimination, and the

right to cultural, social and economic development.[38]

This past year, natives met with representatives from the

Federal and Provincial Governments to discuss native self-determination

and the establishment of constitutional recognition of native aboriginal

rights. At its conclusion, native people realized that although there

was a "new, improved pitchman," i.e. the Right Honourable

Brian Mulroney, the rhetoric changed very little.

> "As he (Brian Mulroney) explained,
> self-government will enable Indians, Inuit and Metis
> to play their full roles as active and important
> contributors to the national economy. Among its
> benefits would be enhanced Aboriginal
> 'entrepreneurship,' making for 'productive, happy
> lives.' In other words, Brian Mulroney's version of
> self-government would seem to justify cutbacks in
> government programs directed at Native people, all
> in the name of enabling them better to participate
> in the fabled magical market place."[39]

The discussion gave the appearance of legitimizing the

encroachment of provincial control over the destinies of native people.

Brian Mulroney interpreted self-government to be

> "little more than a new structure of municipal
> government operating within some kind of shared
> jurisdictional authority of the federal and
> provincial legislatures."[40]

Entrenchment of self-government implied status Indians "would become

formally subject to the power of provincial jurisdiction."[41] This

is clearly contrary to their interests. Native people perceived this

move to be

> "nothing more than a vehicle to project this
> oppressive historical legacy into the future."[42]

Native people believe that many non-natives fear the implications of

native self-determination. They recognize that non-natives

> "have the false idea that when the red man is
> free, they will be in bondage."[43]

Natives believe white leaders have created this impression to contol

them. Natives do not plan to play the role of Creator and destroy the

white man.

The native struggle for self-determination is a political

struggle. Over the years, the native political structure has been

continually undermined. Initially, the clergy undermined the native

political structure, then the Indian agents and gradually the
bureaucracy of Indian Affairs replaced the native political system
entirely.[44]

In an attempt to have native people conform and accept the
values of the dominant white society, native culture and social
organization were not recognized by government. The 1874 Indian Act was
formulated upon the European concept of male dominated households with
descendency based upon the male line. The natives themselves were not
consulted nor were their customs or social organization considered. The
1880 Act, identifying the European moral premises, dealt with
intoxicants, sexual promiscuity and prostitution. As well, it
suppressed the potlatch, sun dance and other spiritual dances and
ceremonies.

The 1884 Annual Report of the Department of Indian Affairs,
reported the following about the natives of the Manitoba-Keewatin area:

> "There is considerable competition among them
> as to who shall have the best farm. These Indians
> have adopted the system so uncommon in Indian
> communities, and yet so desirable, of residing on
> separate farms, instead of all living in close
> proximity to each other. The latter system is
> disadvantageous from a sanitary point of view, and
> it retards greatly the progress of the Indians in
> industry, self-reliance and enterprise."[45]

Thus competition, individualism, self-reliance and the Protestant ethic,
all valued by the white, "civilized" Christian, were to be instilled in
the native people. These attributes were considered "desirable" and
"progressive." Even the present-day Indian Act appears to be racist and
contains ethnocentric assumptions. It assumes natives to be financially
incompetent, alcohol prone, and requiring assistance and instructions
with farming methods.[46]

Native attempts to obtain off-reserve funding has been difficult to obtain. The federal government has generally resisted and has indicated these requests are "provincial" or "municipal" responsibility. This suggests a further strategy by the federal government to divide natives and confuse the issue.[47]

The fact that one man serves as both minister of Indian Affairs and has responsibility for Northern Development suggests the government supports the continuation of inequality and native exploitation. The Department of Indian Affairs has (supposedly) the role of "trustee" for native people and a "trustee should not have divided loyalties."[48] However, the government rationalizes that this joint ministerial position allows the government to propose "economic development" of the north. This "development" is in the interest of the "public weal," and can be readily realized because of the fact that one minister is responsible for both Cabinet positions. The development can therefore be justified as "legitimate" exploitation.

Exploitation of Native Land
_____

Initially, natives opened their doors to the white people, assisting them with food, medicine, clothing and sharing their resources. The white man, in return, claimed to be "conquerors in disguise,"[49] and in time exploited the natives and their lands.

European values and attitude towards land differed sharply with native philosophy. European agricultural practices presumed exclusive white usage of the land. Sharing of resources with natives

was not part of the European farming philosophy. Tenure and legal

jurisdiction were recognized and accepted among the whites and concluded

territorial control. This use of the land destroyed the native's

hunting subsistence and required those so confronted to contest the

white encroachment of their lands. Natives were thus placed in the

position of either fighting the whites for their lands, converting to

white ways or removing themselves further into the interior and

encroaching upon the territories of other tribes.[50]

White exploitation of native lands was justified as the

manifestation of Christianity. God could not have

> "designed that so fine a country should remain
> a waste in the hands of those who could not
> appreciate its worth."[51]

The "worth" was to be measured in terms of capitalistic dollars only.

Christianity was equated with "civilized man" and this fact alone

justified the exploitation. Lescarbot, an early Jesuit missionary,

rationalized the exploitation in the following manner:

> "And therefore, as God the Creator has given
> the earth to man to possess, it is very certain that
> the first title of possession should appertain to
> the children who obey their Father and recognized
> Him, and who are, as it were, the eldest children in
> the House of God, as are the Christians to whom
> pertaineth the division of the earth rather than to
> the disobedient children, who have been driven from
> the House as unworthy of the heritage and of that
> which dependeth thereon."[52]

Only the white, civilized, Christian men could inherit the earth, not

the natives who were considered pagans.

One facet not considered by the white man was the fact that

natives often do not feel "conquered" and they have not "consciously or

willingly given up nearly as much as we have assumed."[53] In

establishing treaties with the natives, the whites failed to recognize
or understand the native philosophy towards the land. Natives perceive
themselves not as owning the land, but rather they use the land. They
were prepared to allow the white man to use it as well. Furthermore,
chiefs had no power to alienate native lands. Yet this fact was assumed
by the white men who signed the treaties with the men "representing" the
native people. Whites had no understanding of native customs and
considered the treaties as "contracts." The two ideologies about the
land ownership versus usufructuary rights were in obvious conflict with
each other.[54] Adams, Campbell, Sealey and other writers have all
expanded on the exploitation of native lands.[55]

Oppression Through Religion and Education

The white man's impact upon native education and religion
completely disrupted native family life and social organization. Early
missionaries attempted to "civilize" the "savages" by encouraging
farming, influencing tribal matters, discouraging native religious
ceremonies and native medical practices, and "converting" them to
Christianity.[56]

Later, the government's role in the education of native
children completely undermined native family life. Children and
families were separated for long periods of time. Children were
encouraged to reject their parents and to discount their approval or
disapproval. Children found values encouraged at school were in
conflict with those of their parents. At home the native child was
taught to be unobtrusive, to work with others for the benefit of the

group. At school, he was encouraged to compete on an individual basis.

Native children at home were taught to judge people by what they were, whereas in school the native child found a materialistic world where people were judged by what they had—possessions, property and personal aggrandizement.[57]

The long-term effects of the boarding school educational system have not been thoroughly assessed. The "boarding school syndrome" resulted in children becoming institutionalized. Some pre-school children entered sanatoriums initially for tuberculosis. They then continued on to residential schools and "graduated" to correctional institutions. Bill Mussel, a native person and former member of the Pacific Region Parole Board, commented upon the fact at a 1981 corrections conference in Vancouver. He stated that many of these individuals were now parents who lacked parenting skills, had poor problem-solving skills, tended to be takers and not givers, have low ego-strength and tended to make poor native leaders as they seek self-recognition and personal power and authority. During the past few years, natives have attempted to regain control of their own educational system in an attempt to teach their children their native culture and values. It has been noted by Indian Affairs that "in areas where Indians have taken over the management—of their own school for example—the results are usually better than under the bureaucracy system."[58]

Today, native people within the white educational system still experience prejudice, discrimination and feelings of shame. A research study in 1982 noted that visible minorities, such as Canadian Indians, experience discrimination from other students.[59] Native children

tend to be disproportionately represented in programs for low achievers

and slow learners. Once assigned to the bottom rungs of the educational

ladder, they have little chance of success. Biased IQ tests, negative

teacher attitudes, lack of understanding of native culture, and

socio-economic status, all affect the native child's performance in the

white educational system. The native student's poor self-image is

reinforced when confronted by negative stereotypes.[60] As one

Grade 11 student stated:

> "You don't realize what it is to be an Indian
> until you are in a white society and everyone treats
> you differently."[61]

Racism, Prejudice and Stereotyping

Racism has historical roots and can arise out of a colonial

relationship between power, property, unequal access to employment,

housing, political participation, education, and the administration of

justice.

> "The foundation of prejudices lie, however,
> in the economic and social system of society."[62]

The minority group tends to be blamed for its own condition and are

often tolerated by the dominant group only if they completely abandon

their cultural identity.

Historically, early Europeans considered themselves a

"superior" race, culturally "civilized" in comparison to the "savages"

living in Canada. This institutionalized prejudice and discrimination

allowed the continuation of the Europeans' exploitative relationship

with the natives. This Social Darwinistic thought justified the

rationalization that "it was the natural order of things for natives to be inferior to whites" and that, accordingly, "Anglo-Canadians should rule and natives be subordinate."[63] A 1951 history textbook contained the following passage:

> "They clashed with a visibly superior white civilization before they had a chance to make any important advances. By reason of his historical background, the Indian was wholly unfit to cope with the more civilized, more intelligent white man. He was forced by changing circumstances to imitate the white man in order to make a living, a task for which he was poorly equipped. He tended to lose his proud and independent spirit, to become an outcast in the land of his fathers."[64]

In 1969, the late Winnipeg Magistrate, Isaac Rice, appeared on the nationally televised C.B.C. public affairs show "The Public Eye" and commented that there was "something in an Indian's blood...but an Indian and alcohol don't mix." He also indicated he'd never come across a married Indian couple and suggested sterilization would be an advantageous program for Indian women.

Native people are still subject to racist, stereotyping and prejudiced remarks. In a Winnipeg court case a few years back, Judge Alfred Monnin made a negative comment about native people. In an exchange with counsel in an Appeal Court case, Judge Monnin denied a defence request to disregard the testimony of two Crown witnesses on the ground that they were either drunk or hung over. Replied Judge Monnin:

> "We can't do that. If I had to strike from the record the evidence of drunken Indians that I had heard over the past 25 years, there wouldn't be much left."

The Human Rights Commission strongly criticized Mr. Justice Alfred Monnin for his remarks and stated:

> "The use of a derogatory stereotype is
> unacceptable on anyone's part, but its use by a
> highly respected member of the highest court in the
> province is doubly undesirable because it lends
> weight and respectability of apparent official
> approval to the stereotype."[65]

In a child custody case, Judge O'Sullivan used the terms

"superstition" and "pagan religion" to describe the spiritual beliefs of

the native mother. In another court case, Judge Rubin questioned a

native man charged with petty theft at Unicity Shopping Centre, "how

much time he'd spent drinking over at the Mall Hotel before

stealing?"[66]

As a consequence of this institutionalized prejudice and

discrimination, native people experience difficulty in obtaining

employment. Native people are employed only to a limited extent in

positions in which they would meet the public. The majority are in

casual labour positions, dead-end jobs which offer no security or

future.[67]

Stereotyping in employment rationalizes exploitation.

Historically, the native has been perceived as a lazy, irresponsible,

drunkard:

> "Because the Indian has a built-in sense of
> irresponsibility, many employers who demand good,
> steady, sober personnel are averse to Indian labour.
> The Indian never worries. What tomorrow will bring
> is of no concern today. He won't put in a sustained
> effort at anything. He can do it, really, but just
> hasn't the inclination."[68]

Natives treated in discriminatory ways and branded with racial

stereotypes--late for work, absent after pay-day, unreliability--are

often forced to accept lower paying jobs, poorer working conditions and

increased risks.

As a consequence of the fact that little or no employment exists on reserves, the Indian male is faced with a choice of enforced idleness or leaving the reservation. More important, however, is the fact that the native loses the esteem and respect of his family and community.[69] Feelings of frustration result with no way to alleviate these.

In our capitalist society, private companies and government agencies can function quite satisfactorily without bothering to involve in productive work those who are "different" or difficult to "fit in." It is cheaper and easier to buy off the non-participants with money and the goods of excess production. Consequently, an industrial reserve army has evolved by default.[70] Should conflict occur between the capitalist owners and these "misfits" of our society, then the "legitimate" social control forces will be utilized, with the result being that many of these "misfits" are stored in warehouses known as penal institutions. However, this factor again serves an economic need by continuing to provide a range of employment possibilities for the white dominant sector of society.

Employment possibilities include guards, living unit officers, living unit development officers, parole officers, psychologists, shop instructors and so forth. These positions are generally filled by white, middle-class, university educated individuals. The present Winnipeg parole office, with a staff of 31, has two natives employed in the office--a male as a parole officer and a female in a clerical position.

Native Oppression Through the Legal System

Native powerlessness is perhaps most evident with the inception of Indian Acts to "protect" native people. In response to the 1867 B.N.A. Act which provided the federal government jurisdiction over Indians and lands reserved for Indians, legislation was passed in 1869 entitled "An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs and to extend the provisions of Act 31st Victoria Chapter 42" (the 1868 Act). This act, aimed at better management and tighter controls, had a far-reaching impact on Indian women. The Superintendent-General of Indians was given very wide powers. He could determine who could use Indian lands and issue "location tickets." He had the power to stop or divert Indian funds and annuities. To have less than one-quarter Indian blood could mean disqualification for annuity interest or rent. On the death of an Indian his goods, chattels and land rights were passed on to the children, excluding his wife. Her maintenance was the responsibility of the children. Council members were to be elected by the male members of each Indian settlement. If an Indian was enfranchised, his wife and minor children were automatically enfranchised.

Most significant, however, was the amendment concerning Indian women marrying non-Indians or Indians from other bands. Section 6 stated:

> "Provided always that any Indian woman marrying any other than an Indian shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such a marriage be considered as Indians within the meaning of this Act."

A woman marrying an Indian from another tribe, band or body, became a

member of that tribe, and as well the children.[71]

This was the first time an Indian woman was given fewer rights in law than an Indian man. She could not vote in band elections; she could not inherit from her husband and she could not marry out of her band without penalty.

> "Particularly punitive was the introduction of
> the proviso that she and her children would lose
> forever their Indian rights if she married a
> non-Indian and the possibility that she might then
> be obliged to leave the reserve since her husband
> could be summarily ejected at the order of the
> superintendent."[72]

Legal institutions basically serve the status quo, especially in maintaining order and protecting the established white capitalistic interests such as property rights. As Broom and Selznick note:

> "The image one has of the law depends on where
> one stands on the social ladder. For the affluent,
> law is usually helpful and protective; for the poor
> is more often alien and oppressive."[73]

To a great extent, property rights have priority, and laws were made by the "haves" to protect themselves from the "have nots." In present day society, the functions of law are perceived as: maintaining public order, upholding rights and duties, facilitating co-operative action (contracts, partnerships, etc.) and conferring legitimacy (to moderate struggle for power) and communicating moral standards. These laws justify the values of the dominant, ruling group who control power and legitimizes repression of class struggle for change.[74] The law itself therefore defines and maintains the position of the poor.[75] Those who make the laws will ensure that inequality is maintained.

At a 1982 conference, "Law in a Cynical Society," Professor Michael Mandel observed that sentencing includes assessment of an

individual's general adherence to social values and social norms. Has the person generally been law-abiding? Is there evidence of a good work record? Is he regularly employed, a spouse or parent, or a contributor to some community endeavour?

> "It is on the basis of the offender's relationship to the productive apparatus that a punishment that would otherwise be warranted may be mitigated."

Thus former Solicitor-General Francis Fox was not prosecuted on the grounds that "he has suffered so much already." This assumes that suffering increases with class status.[76] It becomes blatantly obvious that there is a law for the rich and a law for the poor.

Attempts to Assimilate Native People

Ever since the initial contact with Europeans, the actions of Europeans have indicated they thought natives should desire a lifestyle similar to their own. In 1646, LeClercq's plan was to "settle" the Indians in order to humanize them, employ them at cultivation of the land and "bring them into submission" to the white man's laws and customs.[77] The French were convinced of their own superiority, and the Church and state desired to have natives accept their perspective of society by promoting inter-racial marriages, religious conversion and through formally educating the native population.[78] Louis XIV went so far as to offer special bounties for mixed marriages of whites and Indians to facilitate this process.[79]

The British approach to coerce native people to accept their perspective of society displayed greater force and social control. The British were more convinced of biological inferiority of the natives. Thus they alienated and segregated natives and handled them at a distance. The native people were treated as separate subjects and dealt with through formal governmental bureaucracies.

Education, training, religious conversion and economic development were utilized to "convert" natives to accept the "common" societal norms and values. Lord Durham in his 1838 Report noted that the first important step for "improvement" of the native people was to gain them over to a settled life. The second object was to educate them in language, agriculture and mechanics, and change their habits of dress.

This mission to socialize natives to the "acceptable" norms of society prevailed throughout the 1930's to 1960's with the belief that natives would gradually abandon their own values and accept those of the dominant, white society. Duncan Scott in 1931 made the following statement:

> "It is the opinion of the writer, however, that
> by policies and activities such as have been
> outlined, the Government will in time reach the end
> of its responsibility as the Indians progress into
> civilization and finally disappear as a separate and
> distinct people, not by race extinction, but by
> gradual assimilation with their fellow citizens."[80]

Scott expressed particular concern that this "weaning" process was not materializing quickly enough. He condemned fairs and stampedes which "decked out" Indians in their "feathers and war paint" because they induced natives to leave their duties on the reserves for long periods of time. He also lamented the fact that "Indians will spend a fortnight

preparing for a sun-dance, another fortnight engaging in it, and another

fortnight to get over it." Scott observed this to play havoc with the

summer ploughing.[81] In other words, natives were not accepting

their relationship to market society according to the "acceptable"

social norms.

The objective of the Indian Affairs Branch was to assimilate

native people and encourage them to accept "societal" values. As late

as 1961, an official I.A.B. publication envisioned the extinction of

native people in this "glowing" statement:

> "The old Indian culture will inevitably be
> absorbed by ours, but it will never be forgotten,
> and the Indian contribution to our civilization will
> remain of great value. In ...corn, beans, squash,
> artichokes, sunflowers and tobacco to say nothing of
> potatoes further south, we have gained far more than
> all the gold the Spaniards have looted from the
> Indies."[82]

Missionaries, in particular, rationalized the socialization

process in order to "civilize" the natives. Missionaries popularized

the view that natives were pagan savages, acting in inhuman ways; that

they were lazy and obtuse because they were reluctant to adopt the

European agricultural-industrial property and work ethic.[83]

Christian missionaries interpreted that to Christianize native people

and to civilize them was an identical process:

> "In adopting Christianity, Indians were
> expected to give up their barbaric ways of dressing,
> cut their hair, conduct their family life according
> to Christian ideals of a patriarchal, nuclear
> family, live in houses like other Americans, forego
> their dances, work hard, keep clean, learn the value
> of money, be thrifty, stay away from liquor, believe
> devoutly in private property, and live and think
> like other church-going Americans."[84]

Correctional policies as well have tended to attempt to "civilize" native inmates. Early prison "programs" encouraged industrious work at useful trades, and the "benefit" of moral and religious instruction. These "programs" were applied to all inmates, white and natives alike.

The 1881 Annual Report of the Inspector of Penitentiaries emphasized the need for religion, scholastic education, training and industrial labour to reform convicts. By means of these "programs" the convict would be given to understand that he had a "character to redeem" and a "future of virtuous, useful, honourable industry to create." The training in various trades and industries would supply him "the means of honest support on his discharge."[85]

Acceptance by the native of the dominant white culture and his compliance with "acceptable" norms was a major objective of the prison system. In 1883 the warden of the Manitoba Penitentiary expressed this objective in his Annual Report as he hoped it would apply to native inmates:

> "A number of Indians from the plains, convicted of bringing stolen horses into the Dominion of Canada, are now serving our their sentences. In the case of this class of prisoners, it has been my ambition so to look after their future, that at the expiration of their imprisonment they would return to their respective bands useful tradesmen and be in a position to turn their knowledge to practical account as blacksmiths, carpenters, etc., in the workshops connected with the farms on their reservations."[86]

G. Cloutier, the Catholic chaplain at the Manitoba Penitentiary noted in his annual report of 1884 that 15 Indians had been discharged on account of their "good conduct." He points out that they had been "instructed in the truths of religion" and the Bishop had been kind enough to "confer on them the rite of baptism." Cloutier observed

that the "usual imposing ceremonial made a deep impression on the

susceptible imaginations of the Indians." He praised the government for

being sensitive to these "big children."

> "They were eager to learn the principles of a
> Christian life, and as far as possible I grounded
> them thoroughly in the lessons I strove to impress
> on their minds. They understood that in every
> society there are men who rule, and others who are
> ruled; that if the law is not to remain a dead
> letter, it must be upheld; that respect for the law
> is to their own advantage, and its violation a cause of
> trouble, and that the welfare of all demands that
> its violators be punished. They understood all this
> in a general way; but their convictions were shaken
> when they were told that their punishment was for
> their own good."

The priest assisted the prison system to socialize and teach the natives

to accept the structural regularities of society—specifically the white

dominant role and native subordinate role. During their stay in the

prison, natives participated in the institution's programs:

> "They have learned trades, and have been
> occupied at manual labour, and now that they are
> enjoying freedom on the reservation they will, I
> trust, continue to work, and thus help on the
> civilization of their own people. They understand
> that the soil, when cultivated, is capable of giving
> a crop; that iron when wrought makes most useful
> implements, and that with certain plants they can
> make cloth wherewith to clothe themselves."[87]

In other words, Cloutier hoped that the prison programs had helped

prepare the native to accept his "natural" relationship to market

society. He would be able to return to his reserve and hopefully

encourage others to participate in these industries he learned.

The present OPMOD operating within the penitentiary system is

a continuation of this ideology. The OPMOD encourages the native to

participate in "appropriate" self-development programs, to take

"advantage" of the educational and vocational training opportunities and

to seek psychological assistance or counselling for personal problems.
Release planning should be "appropriate" and "realistic" and "should"
include further education or training, employment and (most likely)
participation in Alcoholics Anonymous or some other type of alcohol
program. The Parole Board will generally not look favourably upon a
release plan based upon returning to the reserve, where there is no hope
of employment, and alcohol is recognized as a major social problem.
They would in all probability deny parole and recommend consideration of
an "alternate," more appropriate plan.

The dominant-subordinate relationship and emphasis on
acceptance of the white ideological interpretation of society, has been
central to the social relationships between the native people and the
white population. This relationship reflects colonialism and oppression
of the native people.

Social policies directed at native people, have reflected this
ideological interpretation and have repeatedly attempted to assimilate
native people to accept white societal values. Whereas earlier
policies, such as those of Indian Affairs, openly acknowledged this
goal, present day policies are more subtle. However, this analysis of
the I.T.M. and OPMOD suggests that government policies still encourage,
as a latent objective, the assimilation of native people. The OPMOD
therefore merely becomes an extension of the oppression and colonial
attitude the native experiences in society generally.

Footnotes   (Chapter VI)

[1]Eileen Morris, "Toward a Prisonless Society," in Homemakers Magazine, Nov. 1980, Vol. 15, no. 9, p. 66.

[2]Liaison, Ministry of the Solicitor General, Dec. 1982, Vol. 8, no. 11, pp. 6 and 22.

[3]Morris, 1980, p. 66.

[4]William Ryan, in Barclay, Kumar and Simms, 1976, p. 56.

[5]Kellough, M.A. Thesis, p. 1.

[6]Robert Blauner, Racial Oppression in America, (New York: Harper and Row, Publishers, 1972), p. vii.

[7]John L. Hodge, Donald K. Struckmann, Lynn Dorland Trost, Cultural Bases of Racism and Group Oppression, Berkeley, Calif: Two Riders Press, 1975), p. 10.

[8]William J. Wilson, Power, Racism and Privilege, (New York: The Macmillan Co., 1973), p. 31.

[9]Hodge et al, p. 11.

[10]Blauner, pp. 83-84.

[11]This may account for such few native bus drivers, models, restaurant hostesses, medical doctors and so forth. This is not their "appropriate" place in white society.

[12]Mel Watkins, Dene Nation -- The Colony within, (Toronto: University of Toronto Press, 1977), p. 93.

[13]Kellough, pp. 348-349.

[14]Howard Adams, Prison of Grass, (Toronto: General Publishing, 1975), p. 21.

[15]George Manuel and Michael Posluns, The Fourth World: An Indian Reality, (New York: The Free Press, a division of MacMillan Publishing Co., Inc., 1974), p. 27.

[16]Chief John Snow, These Mountains are Our Sacred Places, (Toronto: Samuel-Stevens, Publishers, 1977), p. 42.

[17]Manuel and Posluns, p. 31.

[18]Robert Davis and Mark Zannis, The Genocide Machine in Canada, (Montreal: Black Rose Books Ltd., 1973), pp. 28-29.

[19]Howard Adams, pp. 70-75.

[20]Edgar S. Cahn and David W. Hearne, Our Brother's Keeper: The Indian in White America, (New York: The World Publishing Co., 1969), pp. 124-125.

[21]Maria Campbell, Halfbreed, (Toronto: Seal Books, McClelland and Stewart, Bantam Ltd., 1973), p. 51.

[22]Howard Adams, p. 42.

[23]For elaboration on this topic see:
Kathleen Jamieson, Indian Women and the Law in Canada: Citizens Minus, (Ottawa: Minister of Supply and Services, 1978), p. 30.

Winnipeg Free Press, Native Leader Blasts Racist Indian Act, Sept. 9, 1982, p. 21.
Winnipeg Free Press, Indian Act called unfair by U.N. group, Aug. 18, 1981, p. 10.
Winnipeg Free Press, Indian Women demand changes in Indian Status, Sept. 10, 1982, p. 16.
Winnipeg Free Press, Indian Act Revisions Recommended, Sept. 23, 1982, p. 16.

[24]Brotherhood of Indian Nations, Manitoba, "Statement on Bill C - 31" in C.A.S.N.P. Newsletter, The Phoenix, June 1985, pp. 28-29.

[25]Statistics on native poverty can be found in D.I.A.N.D. Annual Reports. Also see:

Minister of Indian Affairs and Northern Development, Indian Conditions: a Survey, (Ottawa: D.I.A.N.D. 1980)
Campbell, 1983, presents a personal perspective on native poverty.

[26]Joseph G. Jorgensen, "Indians and the Metropolis," Waddell and Warson, The American Indian in Urban Society, (Boston: Little, Brown and Co., Canada, Ltd., 1971), p. 110.

[27]Joan Ryan, Wall of Words, (Toronto: Peter Martin Associates, Ltd., 1978), p. 29.

[28]Howard Adams, 1975, p. 8.

[29]Jorgenson, 1971, p. 89.

[30]Minister of D.I.A.N.D., Ottawa, 1980, p. 3. One native woman at a conference attended by the writer summed it up as follows:
        Having to use an outdoor biffy in forty below weather, with a strong wind blowing, has absolutely nothing to do with native culture, and "No, we don't want to live that way!!!"

[31]Vic George and Paul Wilding, Ideology and Social Welfare, (London, Eng: Routledge and Kegan Paul Ltd. 1976), p. 11.

[32]Douglas Esmond Sanders, Native People in Areas of Internal National Expansion: Indians and Inuit in Canada, (Copenhagan, Denmark: International Work Group for Indigenous Affairs, 1973), p. 24.

[33]Watkins, 1977, p. 97.

[34]These "public" developments are detailed by the following authors:

Boyce Richardson, James Bay: The Plot to Drown the Northlands, (Toronto: Clarke, Irwin and Co. Ltd., 1972).
N.I.B., Indian Control of Indian Education, a policy paper by National Indian Brotherhood, 1972.
Davis and Zannis, 1973.

[35]John Eisenberg and Harold Troper, Native Survival, (Toronto: The Ontario Institute for studies in Education, 1973), p. 13.

[36]Winnipeg Free Press, Separate Charter for Natives Backed, Feb. 3, 1983, p. 11.

[37]Roxanne Dunbar Ortiz, Indians of the Americas, (New York: Praeger Publishers, 1984), p. 72.

[38]Ibid., p. 42.

[39]Tony Hall, "Self-Government or Self-Delusion?—Brian Mulroney and Aboriginal Rights," in the C.A.S.N.P. Newsletter, "The Phoenix," June 1985, p. 5.

[40]Ibid., pp. 6-7.

[41]Ibid., p. 7.

[42]Ibid., p. 8.

[43]Vern Harper, Following the Red Path, (Toronto: N.C. Press Ltd., 1979), p. 92.

[44]For further discussion on the erosion of the native political structure see:

Howard Adams, 1975, p. 33
Antoine Lussier and Bruce Sealey, "The Metis," in The Other Natives: The Metis, (Winnipeg: Metis Federation Press, 1978), p. 20.
Manuel and Posluns, p. 105.
Derek G. Smith, Canadian Indians and the Law: Selected Documents, 1663-1972, Toronto: McClelland and Stewart, Ltd., 1975), p. xv.

[45]Sessional Papers (No. 3), 1885, Annual Report of Inspector of Penitentiaries, (Ottawa, McLean, Roger and Co., 1885).

[46]John A. Price, Indians of Canada: Cultural Dynamics, (Scarborough, Ont: Prentice-Hall of Canada, Ltd., 1979), p. 219.

[47]Natives in Calgary were unsuccessful in their attempts to obtain ongoing funding. See Joan Ryan, 1973, p. xvi. Winnipeg natives as well attempted to secure ongoing off-reserve funding:

Winnipeg Free Press, James invited to Ottawa to discuss off-reserve funds, Mar. 7, 1981, p. 3.
        Any off-reserve project requesting funding is generally advised by the federal government that this "reduces the pot" for the rest of the reserves. The government attempts to divide the reserve and off-reserve natives by using this argument.

[48]Sanders, p. 29.

[49]L.I. Barber, The Basis for Native Claims in Canada, Indian Claims Commissioner for Canada, Address to the Rotary Club, Yellowknife, Northwest Territories, October, 1974, p. 1.

[50]Robert F. Berkhofer, Jr., The White Man's Indian, (Toronto: Random House of Canada, Ltd., 1978), pp. 128-130.

[51]R.F. Bowles, J.L. Hanley, B.W. Hodgins, and G.A. Rawlyk, The Indian: Assimilation, Integration, or Separation? (Scarborough, Ont: Prentice-Hall of Canada Ltd., 1972), p. 126.

[52]Ibid., p. 141.

[53]Barber, p. 2

[54]Leonard Broom, and Philip Selznick, Sociology: a Text with Adapted Readings, (New York: Harper and Row, Publishers, 1973), p. 471.

[55]Howard Adams, 1975.
        Campbell, 1973.
        Harold Cardinal, The Unjust Society, (Edmonton: M.G. Hurtig Ltd., Publishers, 1969), p. 20.
        David Mandelbaum, The Plains Cree, (Winnipeg: Hignell Printing Ltd., of Winnipeg, 1979), p. 43.
        Bruce Sealey, "One Plus One Equals One," in Lussier and Sealey, The Other Natives: The Metis, (Winnipeg: Manitoba Metis Federation, 1978).

[56]Alfred G. Bailey, The Conflict of Europeans and Eastern Algonkian Cultures, 1504-1700. (Toronto: University of Toronto Press, 1969).
        E. Palmer Patterson, The Canadian Indian: A History since 1500, (Don Mills, Ont: Collier MacMillan Canada, Ltd., 1972).
        Both present detailed accounts of the impact of the missionaries on native culture.

[57]Cahn and Hearne, pp. 134-135.

[58]Globe and Mail, Taking Over Their Own Affairs, Oct. 20, 1980, p. 7.
        The Crime and Justice Commission in their survey noted that 308 out of 316 inmates reported that before the age of 16 years they had been at

least once in either: a foster home -- 29.4%, a Children's Aid Society home -- 11%, a reform school -- 26.9%, or in a residential school -- 30.06%.
     Crime and Justice Commission, "Metis and Non-Status Indian," (Cutler, Ont: Woodland Studio, Serpent River Reserve, October 1977), pp. 120-122.

[59]Winnipeg Free Press, Research indicates Ethnic Prejudices, Sept. 9, 1982, p. 8.

[60]Winnipeg Free Press, Natives put on Bottom Rung of School System, advisor says, June 16, 1982, p. 9.

[61]Winnipeg Free Press, Indian Youth Outline Faults of Foster Homes, Nov. 26, 1982, p. 2.

[62]Bowles, 1972, p. 33.

[63]J.S. Frideres, Canada's Indians: Contemporary Conflicts, (Scarborough, Ont: Prentice-Hall of Canada, Ltd. 1974), p. 161.

[64]Bowles, 1972, p. 38.

[65]Winnipeg Free Press, Judicial Council criticized for not reprimanding judge, Sept. 30, 1982, p. 13.

[66]Winnipeg Free Press, Judges drinking query "no surprise" to Indian, Oct. 5, 1982, p. 3.
     Winnipeg Free Press, Judge says heritage won't decide custody, Feb. 1, 1983, p. 3.

[67]Howard Adams, pp. 146-150.

[68]Bowles, 1972, p. 34.

[69]Cahn and Hearne, pp. 114-115.

[70]Corin Alexander, Angry Society, (Saskatoon: Yellowknife Publishing Co., Ltd., 1976), p. 13.

[71]Jamieson, p. 30.

[72]Ibid., p. 30.

[73]Broom and Selznick, p. 430 and pp. 427-447.

[74]Lynn McDonald in her research observed that the greatest number of convictions were for property offences (theft and B and E's) and alcohol related charges (impaired driving charges, disorderly conduct, and drunkenness). These offences are generally considered lower and working-class offences. Out of 7,366 convictions under the Income Tax Act (generally considered an upper class offence) only three or .04% received prison sentences!
     Lynn McDonald, 1976.

[75]Reid, p. 299

[76]Liaison, <u>What Prisons are for</u>, Vol. 8, No. 11, Dec. 1982, p. 25.

[77]Bailey, p. 88.

[78]Price, p. 215.

[79]Dr. G.F. Stanley, "Confederation 1870 -- A Metis Achievement," in Lussier and Sealey, 1978, p. 63.

[80]Duncan Scott, <u>The Administration of Indian Affairs in Canada</u>, Published by the Canadian Institute of International Affairs, August, 1931, p. 27.

[81]Ibid., p. 25.
Bowles, p. 111.

[82]Edgar Dosman, <u>Indians: The Urban Dilemma</u>, (Toronto: McClelland and Stewart Ltd., 1972), p. 19.

[83]N.I.B., 1972, <u>Indian Control of Indian Education</u>, p. 3.

R.M. Van der Burgh, <u>I am Nokomis, Too</u>, Biography of Verna Patronella Johnston, (Don Mills, Ont: General Publishing Co. Ltd., 1977), p. 60.

[84]Hazel W. Hertzberg, <u>The Search for an American Indian Identity</u>, (U.S.A.: Sycracuse University Press, 1971), p. 21.

[85]Sixth Annual Report of the Inspector of Penitentiaries, Sessional Papers, 1881, pp. viii - ix.

[86]Eighth Annual Report of the Inspector of Penitentiaries, Sessional Papers, 1883, p. 95.

[87]Annual Report of G. Cloutier to the Inspector of Penitentiaries, Sessional Papers, 1885.
Ninth Annual Report of the Inspector of Penitentiaries, Sessional Papers, 1885, pp. 79-80.

CHAPTER VII

NATIVE VIEW OF THE WORLD

Introduction

Given the tremendous range of differences among native

societies in Canada with respect to language, history, and current

circumstances, it is not possible to present an all inclusive definition

of "native culture." The natives of Eastern Canada differ in their

language, customs, traditions and, as well, in their experience with

colonialism, from the natives of the West Coast. Likewise, the natives

who inhabited the Plains have their own unique culture.[1]

Unfortunately, this cultural variation is often not recognized by

government officials in their interaction with native people.[2]

This study acknowledges the existence of differences in

culture among native people and has chosen the cultural ideology of the

natives of the Plains to demonstrate their interpretation of the

ideological elements and deductively argue that conflict exists between

the ideology of CSC administration and native ideology.

The natives who inhabited the Plains were actively involved in

the fur trade and, at its demise, experienced the full force of white

oppression and colonialism through the treaty "negotiations" and the

reserve system.

Wilson points out that class membership develops

"from historical contact in which groups
possessing a power advantage have been able to place
themselves in superior positions by solidifying a
social structure that features a racial
stratification system."[3]

Native class distinction became embedded within Canadian society through

colonialism and the oppression of native people. The oppression of

natives through their isolation on reserves and through discrimination

and racism, and the relationships inherent in colonialism, such as the

interaction between the federal government and native people, have

reinforced the "superior" position of whites in society. Blauner as

well, observed that "colonialism brought into existence the present day

patterns of racial stratification."[4]

An analysis of native ideology therefore, needs to take into

consideration oppression and colonial relationships. Roxanne Ortiz

suggests that native culture and identity are intertwined with native

resistance to oppression. She states that native responses to invasion

and domination should be viewed as "conscious resistance to colonialism"

producing a sense of native nationalism, the cultural basis "of which

came to be resistance itself."[5] Although this may be more appropriate

in the analysis of the American Indian Movement, it has applicability to

the native's situation in Canada as well. Vern Harper interprets native

spiritualism in terms of native politics:

"In a true sense, our politics is our
spiritualism, and our political organization is the
circle of life to which we belong."[6]

He perceives self-determination to mean possibly the development of a

state within a state but believes that however their self-determination

is expressed, it will mean a return to traditional native ways.

He also states that there are now many native people prepared

once again "to learn from their elders," to "respect them" and who desire to follow the "Red Path" which will restore native pride and dignity founded on native spiritualism.[7]

The native interpretation of the ideological elements presented in this Chapter focuses upon the natives of the Plains; thus, the term "native" in this Chapter refers to this specific group. The interpretation represents the "ideal" which natives, who desire to follow the "Red Path," are striving for. It acknowledges, however, the effects of colonialism and oppression upon native people and their culture.

Roxanne Ortiz states that the difference between native culture and Western civilization can be summed up "in terms of man's relationship with the natural world."[8] Native culture centres on man's oneness with nature. All natural forces, all living things and man himself are regarded as one harmonious whole. Native people sense themselves as one with the creator. Native culture recognizes that all creation is of great value--all races, plants, animals, insects, all living things. They are all part of creation and therefore accepted.[9]

Native culture is related to life and the environment and land is an integral component. Natives perceive land as the gift of the Great Spirit, the creator. It was possessed by the Great Spirit who managed and cared for itself with great wisdom. Man is perceived as only a small part of the total creation and he too must "submit to the natural laws of the creator."[10] The earth is seen as mother because she gives life, she is the provider, the protector, and the comforter. Native spirituality, the essence of native life, is reinforced by signs

in nature. Native people believe that the teachings and lessons of the creator can be learned by observing the universe; to study the laws of nature is to understand the way of life.[11]

> "All of our structures and values have
> developed out of a spiritual relationship with the
> land on which we have lived."[12]

Native people believe that out of man's relationship with the land comes his "being," his "reason for existence" and the "only power he has in a white man's world."[13] The native view of the world perceives that nature is represented within all of us and can teach us everything about ourselves and our relationships.

Native Interpretation of Ideological Elements

1. ### Human Nature

Native culture perceives man as both a creature and a creator of society. Man is part of a whole, part of a total set of societal processes. Man has choice and is able to assess and evaluate.

Although the native perception of human nature may appear similar to the Tabula Rasa image, it differs in that the native interpretation of human nature is intrinsic to nature and man's integral relationship with nature. Native culture does not assert that man was born with original sin. According to native concepts, man is born a

sacred being with a perfect balance of caring and not caring. What happens to man depends on his environment. The Eagle feather represents the road of life. One side represents the skills that must be learned, the other the feelings that must be experienced. Man needs to have feelings in order to implement the skills he learns. When born, natives believe they are like the base of the feather, their minds are a clean slate and they have pure spirits. During the early years, their life is similar to the fluff at the bottom of the feather, bendable, changeable, impressionable. They are taught the values of their culture: caring, feeling, respect and the importance of relationships. Man is not evil and does not "sin" in native culture. However, things may happen that can interfere with the learning of these values. The social relationship with the white population is one of the "interferences." The result may be that the individual may stop caring, or he may develop feelings of inferiority, envy, resentment or jealousy. Children are taught to cope with these feelings to enable them to return to native values.[14]

The native world view teaches that health is dependent on a sound balance between body and spirit. Natives place a high value on the things of the world which are prerequisites to physical well-being, and this is balanced with the value attributed to the spirit of man. Natives are a religious people.[15]

Native interpretation of human nature is interwoven with nature itself; they perceive themselves as creatures of the world.

> "The land from which our culture springs is
> like the water and the air, one and indivisible.
> The land is our Mother Earth. The animals who grow
> on that land are our spiritual brothers. We are a
> part of that Creation that the Mother Earth has

brought forth. More complicated, more sophisticated
than the other creatures, but no nearer to the
Creator who infused us with life."[16]

Native people believe in "Mother Earth." The sky is their father, the earth their mother and all living things with feet, wings, or roots are the children.[17]

The Sun Dance expresses the joy and ecstasy of the native religious life. They give thanks to the Great Spirit for life, the beautiful creation, the rain, the sun, and the changing seasons. They also pray for a good future, health, strength and prosperity for the tribe.[18]

Man is just one of the creatures the Great Spirit created, one part of the "Circle of Life." Natives perceive human nature to be such that each individual has an "inner circle." We have within us the mountains, trees, grass and animals, and these in turn can teach us about life. It is native culture which teaches individuals a way to live and helps them translate what they have learned in their minds to their feelings.[19]

The native interpretation of human nature flows from their belief in the "circle of life." Everything a native does and believes may be associated with the circle of life. It is believed that the power of the world works in circles. The sky, earth and stars are round. The wind whirls in circles, birds make their nests in circles, the rising and setting of the sun and moon go in a circle. The seasons form a great circle and man's life is a circle from childhood to childhood.[20] The nature of man within the "circle of life" encompasses all other social processes and social relationships.

Native culture also perceives man to be creator. Man can

create change within himself and others. Dreams and visions are very
important to native people. It is believed that through visions man can
see the good things that are needed in life for himself, family or all
his people. A vision can show people how to live and help them learn
how to live that way.[21]

Native people believe man is able to make choices and
evaluate. The outcome of particular choices would be reflected in the
environment. According to the native interpretation of human nature,
choice is an act of freedom and the person must accept responsibility
for his actions.

The native interpretation of human nature with its emphasis on
man's unity with nature stands in sharp contrast with the interpretation
presented by the consensus perspective of society.

Sealey and Lussier observed that oppression of native people
has resulted in "soul sickness" with a loss of native values and a loss
of meaning to life.[22] They explain how natives were perceived by
the whites as primitive and lazy and were treated accordingly.
Campbell, in her book as well, relates how the educational system
instilled shame and self-hatred and created dissension among natives
themselves. She recounted the shame she felt when the other children at
school had eggs, bread, apples, cake and milk for lunch while they ate
bannock and lard or else whole roasted gophers with sage dressing. The
shame made her rebel against her parents, blaming them for their
poverty. It was her Cheechum (grandmother) who tried to explain this
self-hate to her:

> "My Cheechum used to tell me that when the
> government gives you something, they take all that
> you have in return--your pride, your dignity, all

> the things that make you a living soul. When they
> are sure they have everything, they give you a
> blanket to cover your shame. She said that the
> Churches, with their talk about God, the Devil,
> heaven and hell, and schools that taught children to
> be ashamed, were all part of that government...She
> used to say that all our people wore blankets, each
> in his own way."[23]

The educational system undermined the native's self-image and affected his relationship with others. Both Campbell and Adams believe that natives have been isolated and discriminated against so often that their low self-esteem becomes absorbed into their daily lifestyles and they come to believe what is said of them.

Adams admitted his sensitivity about his inferiority. He observed that the white-supremacist society intimidates the colonized people making them feel self-conscious, withdrawn and ashamed. Some natives will attempt to abandon their culture and their people. Others will begin to see themselves as the racial stereotypes proposed by the white--"a stupid, dirty breed, drunken and irresponsible." Adams reports that this shame is the result of discrimination and oppression and makes the people hate themselves. However, "instead of dealing with it honestly, we project it into the entire native race."[24]

Native people are attempting to regain an understanding of man's unity with nature and rebuild native pride and dignity through discussions with elders, sweat lodge ceremonies and cultural awareness workshops. They hope to break down what 400 years of colonial rule has done to native people.

2. Operant Values

Native culture values freedom. Personal freedom for the native means, however, that one does not harm others or the environment. Freedom means one has free will to make choices, but one must then also accept responsibility for these choices. Poor or negative choices could result in exploitation or destruction of "Mother Earth."

Personal freedom entails freedom to speak for oneself but it also encompasses respect for the dignity of the individual. Natives believe that no one should tell anyone else how to think or attempt to control the behaviour of others. Natives value respect for the individual and his personal rights and privileges.

However, along with this individual freedom and respect, native culture teaches that the individual is subordinate to the good of the larger tribal community as well. The individual within the tribe is in fact a very private person but his relationship with others in the tribe is communal. This unique relationship which allows individualism within the communal relationship is elaborated upon in the following section. However, it is this group consciousness which permits the survival of group values.[25]

Native people perceive individuals to be equal. This is reflected in their sharing philosophy and also in their social relationships. Everyone is valued whether children, young people or the elderly. Traditional native culture sees the tribe as

> "the group within which people are allowed to express themselves and realize they are truly people."[26]

However, continued oppression has eroded this native cultural

value and alcohol and its related social problems of family breakups,

child abuse and neglect and violence have all affected native social

relationships. A number of reserves in Manitoba, including Shamattawa,

God's Lake Narrows and Bloodvein, are all experiencing alcohol and

related problems. God's Lake Narrows indicates an unemployment rate of

approximately 90 percent and an increase in child neglect and crime

since the reserve voted to go "wet." The socio-economic and political

situation of native people has not changed to any great extent over the

past 10 to 15 years.[27] It has been suggested that

> "people who do not feel they have any power or
> control over the alleviation of their frustration
> may become aggressive. The combination of alcohol
> and frustration may facilitate an individual to
> exhibit aggressiveness against either people or
> property."[28]

Natives have been continually taught that their lifestyle was

inferior, that they were "savages" and had to be "civilized" to

Christianity. Their culture was continually attacked by the ruling

group while white values were exalted and their lifestyle was portrayed

as superior. Natives, desiring to follow the "Red Path" strive to live

by their traditional cultural values but find it very difficult in the

face of continual oppression.

Traditional native culture also believe that all living things

are of equal value and must therefore be cherished equally.

> "It is said, years ago, many years ago, when
> the Indian was alone in his country, he cherished
> every little thing...
> Every living thing that grew from the green
> earth of nature, he cherished.
> In the skies he cherished the king of the
> flying species—the eagle. He cherished the little
> birds as well. He cherished the skies and stars as
> well.
> He cherished human beings, all people, most of
> all. He cherished himself.

> If 'every living thing' was to be cherished and
> worshipped equally, it was then natural to the
> humanism of the Indian that 'every living thing' was
> to be shared."[29]

Equality within the philosophy of native humanism extended beyond the

human being and beyond the kinship family. This interpretation is in

direct contrast with the white population's interpretation of

competition and individualism in the market society.

Traditional native political organization reflects consensual

democracy based on equality. The decision-making process is by

consensus and all tribal members have the right to participate and take

part in discussions. Leaders have little inherent authority. It is the

responsibility of the leader to ensure that each family of the band is

well-represented in the decision-making process.

However, native people are not able to perceive themselves as

"equals" within society as a whole. Their state of powerlessness makes

the word meaningless. There is great imbalance between wealth and power

and, in reality, native people have no access to obtaining power when in

a continual state of oppression. If they attempt to alleviate the

oppression, the white population interprets this as an "attempt to

subvert the system."[30] In other words, this may upset the status

quo.

Equality is not possible unless the native person agrees to

assimilate and accept the dominant group's values. Thus, individual

freedom is subordinate to conformity.

> "Equality is gained by losing one's identity
> and conforming at some level to another demanded by
> a dominant group."[31]

Native people value change. They value developmental change which may be personal or entail qualitative growth for the community as a whole. The development of pride in native heritage and identification of native values are qualitative, developmental processes which assist native people in developing native identity.

> "Unless Indians can present themselves
> according to their own values, we have no future as
> Indians."[32]

Traditionally, native people were more concerned with what the human being was rather than what he could become or accomplish. Developing pride, knowing oneself and understanding man's desire to live in harmony with nature within the circle of life reflect the personality values inherent in the native view of the world.[33]

3. **Image of the Individual and Society**

The native world view sees man as part of the "circle of life." The "circle of life" has in it the "grandfathers" and the spirits, wind, sun, food and water, the seasons, gifts of life, all races, values needed to live together and community relationships. The four "fires" of life within the circle are "ME" (Mother Earth), family, community and nation. These are interrelated and interdependent.[34] The individual is not perceived in isolation; he is part of a complex of social processes within the "circle of life."

Native people view man as a whole person, not according to specific "functions" (e.g. teacher, boss, relative, etc.). One cannot be a boss and stop being a relative. To native people, the individual is part of the larger social processes. Native people consider the

whole and then examine the parts in relation to the whole.[35]

Native people believe that it's

"against the nature of man to gravitate toward
a situation which generates negative feelings."

They value harmony and do not accept the white adversary

philosophy.[36] They believe that individuals must work together,

share, and care about one another. If a person performs well, the whole

community benefits, but if he is selfish, not only he himself will

suffer, but so will the community.[37]

The native image of the individual and society stresses

personal relationships and native attitudes to the elderly exemplifies

this point. Native culture perceives the elderly as

"repositories of sacred knowledge and wisdom,
from whom valuable learning could be obtained."[38]

White culture does not value its aged. It tends to see them as useless

since they can no longer do hard work and technology has passed them by.

The old person is simply discarded.

Sharing is important to native people. Their desired state of

nature is one where individuals care about each other, share, and live

in harmony. Sharing and co-operation is founded on the principle of

usufruct property. Property is not personal but rather belongs to the

group.[39] Sharing and giving are reflected in native spiritual

ceremonies and are intricate to their culture. Material gain is an

indicator of false status among native people, while in white culture it

is "proof that the system works."[40]

Native culture values collectivism, sharing and consensual

democracy. Natives believe that these values allow the individual to

live in harmony with himself, others and his environment. Out of these

values develop relationships based on kindness, generosity, respect and forgiveness.[41] Natives believe that man must be pure and honest, and respect himself first as well as others. Natives feel that if one can't be honest with oneself, then it will be impossible to be honest with anyone else. These values are all still important in traditional native culture.

> "Your body is a sacred shell. There is a spirit within that shell. Take care of that spirit and take care of what you put into it, that it's good. Not just food, but your thoughts and words that you speak!"[42]

Native people will often work on a communal or co-operative basis and take into consideration the welfare of the community.[43] A native family includes not only the immediate and extended families, but could and often does, include the entire community.[44]

The native perception of society clashes with the philosophy of capitalism. While white culture bases all relationships on the capitalistic mode of production, native culture stresses personal relationships. The white, dominant culture has, therefore, continually attempted to suppress these native values of sharing and collectivism and attempted to assimilate native people to conform to those values of competition and individualism necessary for a capitalistic market society.

Natives believe man seeks harmony and co-operation to meet the needs of the community. Decisions cannot be made by "representatives" of the community, but rather each individual has the right to express an opinion. Leadership depends upon man' personal relationships with others, his sharing with others, his ability to give and accept others, as well as the respect accorded to him by others in the community.[45]

These values and desired qualities of a native leader are in contrast to those of white leaders where occupation, wealth and power are of primary relevancy. A man who shares his wealth or gives it away to the needy would be considered a fool or an irrational businessman by white society and certainly not a shrewd leader capable of manipulating his environment.

Visions can be an important facet of the native person's relationship to society. Vision-seeking reflects native creative activity. It provides not only personal direction for qualitative development, but may guide the entire native community. Spirituality is a key element of native life. Visions and spirituality may influence one's actions and determine one's will to effect change.[46]

Through visions, man can create change in himself, clean his spirit, and can relate his vision to others. The community together may then consider the guidance. Together they may bring about change for their people. Black Elk's great vision showed him the pain and suffering his people would experience. It showed the native people walking along the "Black Road" when men would live in their own worlds, by their own rules and have only personal visions. It showed him how people had to live to walk once again on the "Red Road." Persons who receive visions become special people to the tribe.[47]

Yet within this communual co-operative and sharing relationship in the tribal community, the individual is proudly individualistic.

> "The member of the tribe is at the same time a very, private person. He is a 'whole man' within himself. He accepts his limitations as well as his abilities. That is, he knows what he knows and what he doesn't know. He is sure of his identity, his

> place within the community, and his human and
> therefore humble ignorance before the power of the
> Great Spirit and the mystery of life. Knowing, not
> believing, but knowing the nature of his world makes
> it possible for the Indian to explore and express
> his own individuality with ease and freedom.
>   He lives within himself, but not for himself.
> The distinction is vital. Everything in tribal life
> is based on the community's protection of the
> individual. The tribe shelters a man's family with
> the umbrella of the kinship family. The tribe
> nourishes a man's well-being in time of failure with
> its built-in brotherhood and neighbourliness."[48]

This interpretation is often not understood by the white population.

Traditional native culture believes that every individual is vital to

the tribe. Individuals may move, enter occupations in white society,

but the person knows that the tribe is always there as a "home base."

There is always the sharing, caring and acceptance by not only the

immediate and extended family but by the entire community. The

individual participates in the life of the community "by doing what he

knows best and does best."[49] The communality of tribalism does not

in any way diminish the native's individuality. Rather, it protects him

socially and thus frees him individually.[50]

The native perception of the individual and society must be

interpreted within the concept of the "circle of life." According to

native culture, the individual is just a small part of the whole "circle

of life" process and cannot be separated from nature, the environment or

society as a whole.

The white population perceives nature as a set of natural

forces to overcome or conquer and to put to the use of human beings.

Man is alienated from nature. White society therefore spans bridges,

constructs tunnels through mountains, and creates lakes where none

existed previously. Nature is exploited to serve human needs in the

name of "progress."[51]

When European culture first came into contact with native people, they failed to understand and accept cultural differences regarding property and the use of land. Europeans rationalized that lands which were "vacant" or "underutilized" could be claimed accordingly. However, the "degree of vacancy" was often a matter of difference in European and native land usage.

> "What to white eyes appeared empty or underutilized according to European practices was seen as owned and fully utilized according to tribal custom and economy."[52]

Europeans considered horticulture and industry as "legitimate uses" of the land, but not hunting or traditional native economies.

The white population has an obsession to "use" (often destroy) the environment in the name of "progress." Chief John Snow observed that native people lived for thousands of years in America and had sufficient resources in the environment to meet their needs. However, after only two centuries, the immigrant society is short of water, has an energy crisis, experiences seasonal food shortages and has a large section of the population, including most natives, living in poverty.

> "Is this what is meant when the white man talks of economic viability and profitability--a few very wealthy people who have more than their share and many very poor people who have much less than their share? This is not the way of my people."[53]

Native culture demonstrates the belief that all living things belong to the circle of life. Man desires to live in harmony with nature and his fellow men. He is brother to all living things.[54]

> "Therefore the earth and everything in it is kin to us and is not there to be abused."[55]

However, the native perception of the individual within

society, stands in sharp contrast to the reality of native-white

relationships in Canada. Class struggle has been evident throughout the

history of native-white relationships. Native people have been

exploited, persecuted, discriminated against and suffered injustice at

the hands of Europeans. Therefore, although they wish to live according

to traditional native values, they find that the nature of society is

such that this opportunity is denied to them. The various white

institutional superstructures oppress native people.

> "If you try to uphold the ancient values of
> sharing, communal life, non-interference and respect
> for nature, everything around you denies them.
> North American society has a compulsion to make
> everyone believe and do the same things. It's a
> conversion-obsession. If an Indian does not conform
> to the competitive, aggressive, individualistic
> ethic, then Manpower or some agency will feel they
> must make him conform. Yet this is the very
> lifestyle that is destroying society itself."[56]

The clergy has been particularly oppressive. Native spiritual

ceremonies were referred to as pagan and heathen practices and

discouraged. Medicine men were ridiculed and belittled. People were

told to renounce all the teachings, beliefs and values cherished by

their forefathers. To deny their past, however, denied them their

identity, and only in the past few years have native people begun to

re-establish their values, beliefs and ceremonies. Only after great

social disorganization such as alcoholism and suicides have native

people realized that this oppression has to be opposed.[57]

4.   Interpretation of Deviancy

To comprehend the meaning of deviancy and social control for
native people one cannot examine merely what society defines as deviant,
but rather one must consider the political environment, the elements of
social control inherent in society and the exploitation of a subordinate
group by a dominant group. Native people have continually struggled
against social, economic, legal and political structures which
perpetuate and maintain inequality. Canada's criminal justice system is
oppressive for most native people.

Native culture emphasizes sharing and responsibility to
oneself, the tribe, society and the environment. Given these values,
deviancy was interpreted historically to occur when an individual made a
negative choice whereby other persons or Mother Earth were exploited or
destroyed. Man "sins" because of negative forces in his being.[58]

Maria Campbell states that her "Cheechum" taught her to see
beauty in all things around her and to see the spirit that lived in each
thing. All acts were "prayers" and could be either good or bad
depending on the person's choice. Her Cheechum believed that "heaven
and hell were man-made and here on earth," depending upon the choices
made by man. Deviancy, in traditional native culture, was interpreted
in terms of the individual's relationship to the circle of life.[59]

Native people are finding it increasingly difficult to retain
traditional values and consider traditional methods of social sanctions.
Before European influence, native people governed according to tribal
clan organization. Tribal councils were public and every member had the
right to participate at council meetings. Agreement could only be

reached through consensus. Gradually, European influence in native

political organization entailed increasing authority and power to

chiefs—often not acknowledged by the native political system. Social

order and discipline within the tribe were maintained in various ways.

> "the individual had a strong sense of his or
> her responsibility to the clan and to the tribe.
> Also, public shaming and ostracism were effective
> in deterring unsanctioned behaviour."[60]

Benjamin Franklin, writing in "Poor Richard's Almanac" in

1775, in his "Remarks Concerning the Savages of North America" observed

an unexplainable phenomenon in native society:

> "There is no force, there are no prisons, no
> officers to compel obedience or inflict punishment!
> He left it there, went no further to explain this
> odd phenomenon, and he was too honest to attempt
> what he could not comprehend."[61]

Natives attempted to explain to the white population that tribal life

centred upon human and natural needs and values. They were not listened

to, however, nor were they understood.[62]

The code of the Shawnees gives two Christian-like

commandments:

> "Do not kill or injure your neighbour, for it
> is not him that you injure. You injure yourself.
> Do not wrong or hate your neighbour, for it is not
> him that you wrong. You wrong yourself. Moneto,
> the Grandmother, The Supreme Being, loves him also
> as she loves you."[63]

Native people have these values ingrained in tribal life. Their lives

have evolved and developed around the values cherished in human nature,

and these values in turn, become "codes" for the native person.

Native values inherent in human nature, such as sharing and

caring and the individual's relationship to others, present difficulty

when encountering white society and the wage economy. Kinship systems

encounter difficulties not only in urban settings however. They also

sometimes can no longer be maintained by tribes either, as the tribes do

not have the economic base to continue to provide for these

people.[64]

The wage income does not necessarily support traditional

native values as salary income affects the structure of kinship and

mutual sharing is no longer relevant. Individualistic salaries tend to

undermine the respect for other community members who may perform

socially more valuable labour. Whereas previously the extended family

was a necessary labour pool to generate food, shelter and clothing, the

wage income removes this economic necessity as the wage earner can

support himself and his immediate family.[65]

The native person's relationship to the wage economy is

central to Howard Adams' interpretation of deviancy within native

culture. Adams perceived colonialism and its inherent social

relationships responsible for the perpetuation of racism. He maintained

that natives furnished Europeans with a large supply of cheap labour in

the expansion of the captialist economy.

> "European businessmen wanted to get the
> greatest amount of labour for the least possible
> pay, the purpose of racism was to reduce native
> people to a subhuman level where they could be
> freely exploited. Racism therefore, arose from
> economic factors inherent in capitalism."[66]

Likewise, Frideres' theory of colonialism accurately reflects

the native's circumstances within society and the relationships between

the dominant white population and the subordinate native people.[67]

Adams suggests that native deviancy is the direct result of

the economic conditions forced upon the native people in society within

the present capitalist system.

> "Any native who opposes the authorities
> responsible for this oppression is dealt with
> directly by such means as withdrawal of welfare,
> harassment by police, or denial of local services."[68]

While Howard Adams proposes that "liberation can take place

only within a true socialist society,"[69] Russell Means suggests that

socialism may not be the answer. He presents the argument that Marxism

is no different from capitalism.

> "It offers only to 'redistribute' the results—
> the money maybe—of this industrialization to a
> wider section of the population. It offers to take
> wealth from the capitalists and pass it around; but
> in order to do this, Marxism must maintain the
> industrial system."[70]

Means maintains that native people would not be in a "better" position;

the same principles would apply.

> "So in both theory and practice, Marxism
> demands that non-European peoples give up their
> values, their traditions, their cultural existence
> altogether."[71]

Our present Canadian laws have been formulated by the white

ruling class in society and do not reflect native values. In early

Canadian history natives discovered that white "laws" legalized takeover

of native land "to protect the settler against the Indian.[72] Since

then, these same "legitimate" laws have removed native hunting and

fishing rights, placed natives on reserves, and discriminated against

native people to the extent that they are greatly over-represented with

the Canadian criminal justice system. Native people have suffered legal

discrimination and police brutality under these "legitimate"

laws.[73]

Although native people comprise approximately 4% of the

population, they represent about 25% of inmates in Canadian penitentiaries.[74] A 1977-78 study showed that natives were more likely to be convicted on "person" offences (such as assault) while whites were most often associated with property offences.[75] This, as well, suggests a reflection of their culture. Native people are not "property oriented" whereas white culture values accumulation of possessions. Manuel and Posluns observed that this phenomenon reflected native people's economic, social and political position in society.

> "We are jailed for minor offences that stem from the frustrations of living in a racist and colonial society. Sometimes these frustrations boil over and we take them out on the people who are the closest to us."[76]

The native perspective of deviancy within present Canadian society suggests that deviant behaviour stems from people responding in ways appropriate to their class positions. Native people are poor, discriminated against, exploited and not accepted by the white population. Throughout the past one hundred years, approximately, their position in society and their relationship with the white population has been negative. They have been subordinate to the white population and in a state of powerlessness. The interpretation of deviancy as a reaction to the life conditions of the native person's social class would therefore appear to be a reasonable interpretation.

5.   Ameliorative Response to Deviancy

Howard Adams in describing native social organization and response to deviancy prior to the arrival of the white population stated that native society did not have police, a monarchy, or judges, and

survived without a ruling class. Disputes among native people were

settled by the council among the people concerned. The native

government was neither extensive nor complicated and was generally

administered for a specific period of time only. Adams continues that

>"There were no poor and needy by comparison with
>other members, and likewise no wealthy and
>privileged; as a result, on the prairies there were
>no classes and no class antagonisms among the
>people. Members of the community were bound to give
>each other assistance, protection and support, not
>only as part of their economics, but as part of
>their religion as well. Sharing was a national
>characteristic of their way of life. Each member
>recognized his or her responsibility for
>contributing to the tribe's welfare when required,
>and individual profit-making was unknown. Everyone
>was equal in rights and benefits."[77]

Adams maintains that individuals did not try to set themselves

apart from the rest of the native community or attempt to accumulate

personal wealth. He states that in some traditional native communities,

social organization still exists on the communal philosophy. However,

the economic and political oppression by the white population has also

imposed the white legal system, and traditional responses to deviancy

are no longer possible.

Stan Steiner described the Shawnee's response to deviancy

before the coming of the white man and explained their concept of

"justice."

>"Justice to the tribal man was human. Human
>needs were the measure of wrong and right. The
>values that industrial societies place upon
>property, money, status, and the manufacture of
>products for the market were almost nonexistent in
>tribal societies. And to this day these are
>secondary values in the minds of modern tribesmen."[78]

Transgressors were dealt with humanly. Punishment was

"personal and immediate."

> "Whoever stole from his neighbour, or injured
> him, had to repay the debt of his theft or injury to
> the neighbour he had wronged. He did not pay his
> tribe. He 'owed no debt to society,' as such.
> Indemnity was not thought of as punishment of the
> wrong-doer, but as justice to the wronged."[79]

Native people interpreted indemnity as affirmation of the "individual's

responsiblity for his brother's keeping"[80] The white man's

interpretation of indemnity, according to Steiner, was very different;

it was to serve as an increased burden of punishment. It was thought

this might serve as a preventative threat against those who committed

property offences.

In the old days natives had rigid standards of conduct, but

force was seldom necessary to enforce good conduct. "Each person was

his own judge."[81] Deceitfulness was a crime and native people lived

according to their own principles. "Absolute honesty toward each other

was the basis of character."[82]

White oppression eliminated the traditional response to

deviancy.

> "The legal codes of the modern tribes are ruled
> and judged by the rituals and laws of the white man,
> or by imitations. Economically and politically the
> needs of the dominant society have been successfully
> imposed upon the tribes—and the tribal morality has
> had to accede to these. It seems to do so. Laws,
> in any event, are enforced that require the Indians
> to conform to the necessities of technological life.
> And they do, at least on the surface."[83]

Although laws have forced natives to conform to white society,

they are attempting to regain their culture. Natives believe that laws

cannot wipe out tribal man. Humanism is persistent and natives have

been tribal hundreds of thousands of years.[84] Native people have

expressed their joy for life through tribal life.[85]

> "For the essence of tribal humanism has been
> its glorification of man in his natural state, to
> whom no experience is alien."
> "Love of life to the tribal Indian means the
> love of every living thing."[86]

That is why the native's desire for self-determination encompasses all

areas of native life--educational, economic, political and social

control matters--all areas of social relationships.

Natives seek self-determination in education to incorporate

and interpret education within the ideology of their culture. Native

people believe education needs to be interwoven into the life of the

tribal society, as it affects all other social relationships.

Responsibility for education rests within the community. Native

children learn through observation and participation rather than by

being taught only externally in an objective manner. Native parents

show children the way to live, and children are taught to listen and

observe. Grandparents and elders are involved in telling stories and

legends which relate to religion, life, bravery, courage, kindness,

sharing and survival skills. The education of native children teaches

that they are part of the circle of life and that they must respect all

living things in this world.

Native desire for self-determination includes responsibility

for social order. Natives in attempting to retain their culture,

utilize concepts of former social control methods and change these to

"fit" the needs of the day. At present, a number of reserves have

"Community Justice Committees." These Committees attempt to reconcile

offender and victim and reach a consensus to determine a response to the

deviancy.[87]

Howard Adams states that any response to deviancy needs to

consider the social-political and economic oppression of native people which resulted in the deviancy initially. Frideres, as well, acknowledges this oppression and identifies three major forms of social control mechanisms applied by the white population to native people.

Insulation involves keeping a particular group subordinate by keeping them from power positions. Federal and provincial programs designed to "help" natives are oriented towards semi-skilled positions, term or contract positions, or psuedo-status positions. These positions tend to be either semi-skilled or blue-collar positions but do not threaten the status quo in any way. There are very few natives in managerial or professional occupations.

Sanction refers to the positive and negative rewards that can be given or withdrawn from native groups by the white group in power. This type of oppression has been already discussed.

The last social control mechanism is persuasion. It basically convinces natives that temporary setbacks may occur and that "change is slow and cannot come overnight."[88] This mechanism was employed by the present Manitoba government in discussion with natives regarding self-determination.[89]

The white population has also used numerous other overt social control mechanisms, such as discrimination, prejudice and racism, "divide and conquer" techniques and the legal and judicial systems. The three expanded upon by Frideres are more "subtle" yet, nevertheless, extremely powerful.

Adams maintains that to respond to the white population's oppression,

"the Indian and Metis movement must focus
primarily on the destruction of imperialism and on
the process of decolonization."[90]

He believes that it is through political awakening of the native people

that their struggle will be understood by their own people. Adams

believes that the support of the masses is a necessity before a full

revolutionary movement and complete transformation of society can take

place.

"The revolution has to be brought about by the
masses through the unique struggles that embody
their politics and culture. It is from locally
based struggles that true revolutionary theory
evolves, a revolutionary theory for those people who
must liberate themselves. Similarly, the local
people will create new kinds of social institutions
so that they can relate to one another in a human and
dignified way."[91]

Adams notes that local communities are the ones who know how

and when to confront the system. They know their communities best,

based on their own experiences and priorities. According to Adams, the

decentralization of native communities allows the masses to participate

in political struggles and this will advance "consciousness, skills,

leadership, decolonization and liberation."[92]

"Self-determination for each community means
working at the level where the community and the
people actually exist, so that the masses become
involved in the decision-making."[93]

He suggests that natives must change the image of themselves.

The present white educational process reinforces the "white

ideal."[94] It is only when this "white ideal" is destroyed that a

"reformed education system, a recreated economy, and a spirit of purpose

could be regained.[95]

Adams supports "radical nationalism."

> "Their goals are economic, social and cultural
> autonomy, and control over all political affairs
> concerning the natives as a nation, beginning with
> complete control of Indian reserves, Metis
> communities and native urban ghettos."[96]

He does not support "cultural nationalism" in isolation as he believes

cultural nationalism to be part of the ideology of imperialism. He

suggests that the danger for native people in considering only cultural

nationalism is that it might destroy "links with a progressive

liberation ideology."[97]

Adams further suggests that cultural nationalism may encourage

further separation and, in excluding political issues, it perpetrates

racist notions. Adams proposes to

> "develop a radical consciousness or a
> reorganized culture that would be in harmony with
> liberation."[98]

While Howard Adams proposes radical nationalism, wherein a "new order

emerges, most likely under socialism,"[99] Russell Means rejects

Marxism or any other political system which proposes the continuation of

industrialization. He maintains that both capitalism and Marxism are

similar in that they both need industrialization as their economic base.

Only the methods of distributing the product have changed. "Mother

Earth" would still be exploited and eventually destroyed.

Means maintains that the economic base of socialism would

result in tribal people being an "acceptable sacrifice to industrial

needs."[100] He believes that humans do not have the right to

degrade Mother Earth and that they must live in harmony with their

universe in order to survive. He states that if human beings continue

their destruction of the environment,

> "Mother Earth will retaliate, the whole
> environment will retaliate, and the abusers will be
> eliminated. Things come full circle, back to where
> they started. That's revolution. And that's a
> prophecy of my people, of the Hopi people and of
> other correct peoples."[101]

Means predicts survival of the "correct peoples."

> "It is the role of American Indian peoples, the
> role of all natural beings to survive. A part of
> our survival is to resist. We resist not to
> overthrow a government or to take political power,
> but because it is natural to resist extermination,
> to survive. We don't want power over white
> institutions, we want white institutions to
> disappear. That's revolution."[102]

Means maintains that the culturally based vision to resist

industrialization alone can save "Mother Earth" and prevent human

extinction.

Vine Deloria Jr., indicates that contemporary native people

wish to modernize the old tribal ways in order that they not only

survive but will be revitalized. He refers to tribes as "laboratories

of the future" rather than "vestiges of the past."

> "The tribal groups are in transition, but to a
> new form of social understanding. If understood by
> other people, their way might help solve some of the
> pressing social problems of today."[103]

It is within this concept that most native people interpret

self-determination and the native response to deviancy.

Footnotes (Chapter VII)

[1]For further discussion regarding the various native cultural traditions, see the following:

Norman Sheffe, ed. Canada's Indians, (Toronto: McGraw-Hill Co. of Canada, Ltd., 1970)
Edward Rogers, Indians of the Plains, The Hunter Rose Company, 1970.
Henry Zentner, The Indian Identity Crisis, (Calgary: Strayer Publications, Ltd. 1973).

[2]The 1969 "White Paper" is perhaps a good example of this. It assumed that Indians constituted a unitary and undifferentiated category of the Canadian population. It overlooked cultural differences and ignored the technological and organizational advancement of the different native nations. An article by David P. Gagan in "Prairie Perspectives" in 1970 elaborates further on this. (Also see Zentner, p. 53.)

[3]Wilson, p. 7.

[4]Blauner, p. 12.

[5]Ortiz, p. 133.

[6]Harper, p. 92.

[7]Harper, p. 90.

[8]Ortiz, p. 84.

[9]Rev. Adam Cuthand, "Where Pipe and Chalice Meet," in the United Church Observer, Dec. 1982.

[10]Man's relationship to nature has been elaborated upon by a number of authors including:

William T. Badcock, Who Owns Canada, (Ottawa: C.A.S.N.P. 1976), p. 2.
Waubageshig, The Only Good Indian, (Don Mills, Ont: New Press, 1974), p. 34.
D.G. Poole in R.P. Bowles et al, The Indian: Assimilation, Integration or Separation, (Scarborough, Ont: Prentice-Hall of Canada, Ltd., 1972), p. 181.
Snow, p. 142.
M.I.B., Wahbung: Our Tomorrows, (Winnipeg: Manitoba Indian Brotherhood, 1971), p. 25.
Watkins, p. 11
Cross Cultural Awareness workshop, Oct. 20, 1980.

[11]Merwyn S. Garbarino, "Life in the City: Chicago," in Waddell and Watson, The American Indian in Urban Society, (Boston: Little Brown and Co., Inc., 1971) pp. 200-201.

Richardson, p. 68.

Snow, p. 6.

Hugh McCullum and Karmel McCullum, <u>This Land Is Not For Sale,</u> (Toronto: The John Deyell Co., The Anglican Book Centre, 1975), p. 2.

Stan Steiner, <u>The New Indians,</u> (New York: Dell Publishing Co., Inc., 1968), p. 156.

[12]Manuel and Posluns, p. 7

[13]McCullum and McCullum, p. 2.

[14]Hertzberg, p. 119.

Cross Cultural Awareness Workshop, Oct. 20, 1980.

Vera Martin, A.F.M. Workshop, Mar. 17, 1980.

[15]Bailey, p. 100.

Steiner, p. 33.

Winnipeg Free Press, Letter to Editor, E. LaRoque, Oct. 16, 1982, p. 7.

[16]Manuel and Posluns, p. 6.

[17]John Neihardt, <u>Black Elk Speaks,</u> (New York: Pocket Books, Gulf and Western Corporation, 1959) p. 2.

[18]Snow, p. 110.

[19]Our spine is like a tree, it is straight and teaches us honesty. Our hair is like grass, soft and teaches us kindness. Our breasts too teach us kindness and to care for our children. We learn about sex, companionship, sharing and sacrifice from the animals. Our arms and legs are like the air and winds, giving us movement. -- Cross Cultural Awareness Workshop, Oct. 20, 1980.

[20]Neihardt, p. 173.

Snow, pp. 9-11.

[21]The special power of visions has been detailed by:

Joseph Cash and Herbert Hoover, <u>To Be An Indian,</u> (Toronto: Holt, Rinehart and Winston, Inc. 1971), pp. 39-40.

Neihardt, pp. 19-32.

Snow, pp. 11-12.

[22]Bruce Sealey and Antoine Lussier, <u>The Metis: Canada's Forgotten People,</u> (Altona, Man: D.W. Friesen and Sons Ltd. 1975), p. 162.

Native Cultural Awareness Workshop, Mar. 24, 1981.

[23]Campbell, 1973, p. 159.

[24]Adams, pp. 11 and 172.

[25]This philosophy is elaborated upon in:

Alvin M. Josephy, Jr., The Indian Heritage of America, (New York: Bantam Books, Inc. 1981), p. 34.
Steiner, p. 139.
Frideres, pp. 116-117.
Bruce Sealey and Verna Kirkness, "Problems of Indians and Metis in Urban Centres," in Sealey and Kirkness, Indians Without Tipis, (Agincourt, Ont: The Book Society of Canada, Ltd., 1973), p. 5.
Joe Keeper, in Sealey and Kirkness, p. 115.

[26]Steiner, p. 150.

[27]W.F.P., Increase in child neglect, crime reported on wet reserve, Sept. 9, 1981, p. 9.
W.F.P., Reserve wants liquor referendum, Nov. 13, 1982, p. 49.
W.F.P., Reserve problems, Jan. 13, 1983, p. 6.

[28]R.J. Trotter, Cities, Growing and Crime, article from Criminology class, 1978, p. 25.

[29]Steiner, p. 153.

[30]Jamieson, p. 3.

[31]Horton, 1966, p. 707.

[32]Van der Burgh, p. 192.

[33]Writers who reflect these values include:

Cash and Hoover, p. 195.
D.G. Poole, in Bowles, 1972, p. 195.
Manuel and Posluns, p. 101.

[34]Cross Cultural Awareness Workshop, Oct. 20, 1980.

[35]Wilfred Pelletier, "For Every North American Indian That Begins to Disappear I Also Begin to Disappear" in Frideres, p. 104.

Dr. Ahab Spence, "Indian Culture" in Sealey and Kirkness, p. 59.
White people in turn will approach this in opposite fashion. Segments of a whole are studied; assessed for their "relationship" to each other and then to the whole.

[36]Harold Cardinal, The Rebirth of Canada's Indians, (Edmonton: Hurtig Publishers, 1977), p. 19.

[37]Carl Starkloff, The People of the Centre, (New York: The Seabury Press, 1974), p. 83.

[38]Ibid., pp. 78-79. Reference also on pp. 88-89.

[39]Winnipeg Free Press, Aboriginal Rights, Feb. 15, 1981, p. 7.

[40]Russell Means, co-founder of The American Indian Movement, "Fighting Words on the Future of the Earth," in Mother Jones, Dec. 1980.

[41]Cash and Hoover, p. 21.

Starkloff, pp. 87-88.

[42]Edna, an Ojibway Ottawa teacher in Dept. of Native Studies at the University of Sudbury, Everywoman's Almanac, 1982, and Liaison, July-Aug. 1982.

[43]A number of authors have explored these native values:

Adams, p. 18.
Ed Ahenakew, Voices of the Plains Cree, (Toronto: McClelland and Stewart, Ltd., 1973), p. 87.
Cahn and Hearne, p. 184.
Campbell, p. 55.
Cash and Hoover, p. 61.
Christine Daniels and Ron Christiansen, Many Laws, (Edmonton: Bulletin-Commercial Printers Ltd. 1970),
Harry Hawthorne et al, "Patterns of Indian Family life," in Canadian Society: Sociological Perspectives, Ed. by Bernard Blishen et al, (Toronto: The MacMillan Co. of Canada, Ltd., 1961), pp. 212-223.
E. Adamson Hoebel, The Cheyennes: Indians of the Great Plains, (Toronto: Holt, Rinehart and Winston, Inc. 1960), p. 94.
Mandelbaum, p. 78.
Manuel and Posluns, p. 235.
Starkloff, p. 45.
Winnipeg Free Press, Indians revive their dances, war chants, Dec. 9, 1980, p. 23.

[44]W.F.P. Indian band wants child custody, Aug. 1, 1981, p. 4. Grassy Narrows Band applied for permanent custody of a four year old band member.

W.F.P. Judge told law thwarts native adoptions, Sept. 11, 1982, p. 3.
Government Review Committee on Native Adoptions were told the importance of extended families is not recognized by the Child Welfare Act. Native communities accept collective responsibility for child care.

[45]The native philosophy of man's relationship to others, and the responsibility and relationship of a leader to the community is discussed by a number of authors:

Ahenakew, p. 33 and p. 168.

Helen Buckley and John Hawley, The Indians and Metis of Northern Saskatchewan, (Saskatoon: Centre for Community Studies, 1963), p. 6.

Mandelbaum, p. 115.

Manuel and Posluns, pp. 41-44 and 236.

[46]Native spirituality and visions are central to native life. Black Elk, Chief John Snow, Heyam in Ahenakew, and Maria Campbell's "cheechum" have reflected these values.

[47]Cash and Hoover, pp. 39-40.

Neihardt, pp. 19-32.
Snow, pp. 11-12.

[48]Steiner, pp. 139-140.

[49]Ibid., p. 141.

[50]Ibid., p. 140.

[51]Clyde Kluckhohn and Henry Murray, Personality: in Nature, Society and Culture, (New York: Alfred A. Knopf, Inc., 1961), p. 347.

D.G. Poole, in Bowles, p. 181.

[42]Berkhofer, pp. 120-122.

Alexander, pp. 98-99.

[53]Snow, p. 156.

This point is also expressed by:
Starkloff, pp. 126-128.
Adams, p. 108.
McCullum and McCullum, p. 108.

[54]Harmony between man and his universe has been observed by the following writers:

Cash and Hoover, pp. 30-31.
Josephy, pp. 22-26.
Neihardt, pp. 183-184.
Snow, pp. 111-113.
Cross Cultural Awareness Workshop, March 13, 1980.

[55]Larry Krotz, "Native Spirituality," United Church Observer, Dec. 1982.

[56]James Dumont, in Bowles, 1972, Op. Cit., p. 99.

[57]The social oppression by the clergy has been identified by numerous authors including:

Manuel and Posluns, 1974, Op. Cit., pp. 62-64.
James Dumont in Bowles, 1972, Op. Cit., p. 97.
Davis and Zannis, 1973, Op. Cit., p. 124.

[58]This reflects the earlier comment about the five negative forces: stop caring, feelings of inferiority, envy, jealousy, resentment; philosophy also presented in Cash and Hoover, 1971, p. 97.

[59]Campbell, p. 81.

[60]Adams, pp. 16-17.

[61]Steiner, p. 150.

[62]Ibid., p. 150.

[63]Ibid., pp. 150-151.

[64]Ibid., p. 148.

[65]Jonathan Turner, Patterns of Social Organization: a Survey of Social Institutions, (Toronto: McGraw Hill Book Co., 1972), p. 115.

Watkins, p. 56.

[66]Adams, p. 5.

[67]Frideres, pp. 158-161.

[68]Adams, p. 144.

[69]Ibid., p. 210.

[70]Means, p. 28.

[71]Ibid., p. 30.

[72]M.I.B. 1971, p. 141.

[73]Steiner, p. 51.

W.F.P. Judicial Council criticized for not reprimanding judge, Sept. 30, 1982, p. 13.
W.F.P. Judge's drinking enquiry "no surprise" to Indian, Oct. 5, 1982, p. 3.
W.F.P. Judge says heritage won't decide custody, Feb. 1, 1983, p. 3.
[74]Murray Sinclair, "Native Rights in the City" a workshop by M.A.R.L., Sept. 25, 1981.

[75]Robert Tropak, "Natives and Parole," Winnipeg Parole Study 1977-78.

[76]Manuel and Posluns, pp. 185-186.

[77]Adams, p. 18.

[78]Steiner, p. 151.

[79]Ibid., p. 151.

[80]Ibid., p. 151.

[81]Ibid., p. 151.

[82]Ibid., p. 151.

[83]Ibid., p. 152.

[84]Ibid., p. 152.

[85]This has been expressed in several cross-cultural awareness workshops attended by the writer.

[86]Steiner, p. 152.

[87]A number of representatives from the reserves explained how they were integrating native culture with the criminal justice system process. Alternatives Workshop, Winnipeg, April 1981.

[88]Frideres, p. 189.

[89]W.F.P. Separate Charter for Natives Backed, Feb. 3, 1983, p. 11.

[90]Adams, p. 210.

[91]Ibid., p. 212.

[92]Ibid., p. 213.

[93]Ibid., p. 213.

[94]"White ideal" is the ingrained belief of native people (through the various native-white social relationships) of white superiority.

[95]Adams, p. 192.

[96]Ibid., p. 193.

[97]Ibid., p. 196.

[98]Ibid., p. 197.

[99]Ibid., p. 193.

[100]Means, p. 28.

[101]Ibid., p. 30.

[102]Ibid., p. 30.

[103]Steiner, pp. 155-156.

CHAPTER VIII

CONCLUSIONS

This research has demonstrated, through the analysis of specific ideological elements, that different schools of criminology, such as Classical, Neo-Classical, Positivist, Durkheimian and Mertonian schools, are consistent with a consensus perspective of society. This research has further demonstrated that the two correctional models, the I.T.M. and OPMOD, reflect predominantly positivist criminology and neo-classical criminology respectively and are therefore, as well, consistent with the consensus perspective of society.

This thesis, by presenting an overview of the native person's position in Canadian society, and the effects of colonialism, demonstrated that native people continue to be in a state of oppression and powerlessness. Within this framework of oppression and powerlessness, this research interpreted the ideological elements from the native world view and demonstrated this interpretation to be in conflict with the consensus perspective of C.S.C. administration.

It is the conclusion of the writer that although this thesis demonstrated ideological conflict between natives and C.S.C., it cannot state that natives in general, perceive society from a conflict perspective.

In considering Horton's paradigm, there are several parallel
interpretations but the ideological elements of change and deviancy, and
response to deviancy, are two, specifically, where native interpretation
varies along a continuum and is not necessarily consistent with a
conflict perspective of society. At one end of the scale are the elders
such as Bobby Woods, Eddie Bear, Art Solomon and John Stonechild. They
are traditionalists and are conservative in their interpretation of
change.[1] At the other end are Howard Adams, who advocates "radical
nationalism," and Russell Means, who rejects any political or economical
system that supports industrialization. In the middle are individuals
such as Vine Deloria Jr., Mel Thom and Clyde Warrior who attempt to
integrate traditional tribal values with present day social
relationships meaningful for native people. However, the writer's
research could not confirm, using Horton's paradigm, that native people
perceive society from a conflict perspective.

The elders do not interpret change to entail a "rupture of
social control" or a "revolutionary change of the social system."[2]
They perceive the crux of the matter to be the right to recognition of
native self-determination which accordingly, would then allow native
people to effect the changes they desire.

This research deductively concludes that given the ideological
conflict between C.S.C. administration and native people the OPMOD with
its L.U.P. and I.P.P. case management process is not appropriate for
native people. The programs do not reflect the native view of the
world, nor native reality, and therefore cannot be integrated into their

social relationships upon their release. This study suggests that as a consequence, the OPMOD cannot be effective for native people.

However, this thesis, an ideological analysis, did not test "effectiveness" per se, and would suggest a longitudinal study is necessary to consider the actual "impact" of the OPMOD on native inmates. Depending upon the researcher's interpretation of "effectiveness," (and perhaps who is funding the research), this "effectiveness" could be interpreted both negatively and positively. The native may interpret this negatively as it may imply assimilation, while C.S.C. may perceive effectiveness from a positive point of view, i.e. the native has "successfully" joined the market society. The longitudinal study would need to assess the native inmate's internalization of the OPMOD's socialization process and those values inherent in white society reflecting the consensus perspective. Further research could perhaps help determine the overall appropriateness and effectiveness of the OPMOD as a model for corrections in Canada.

This thesis addressed the native population in particular. However, given the internal confusion and inconsistencies of the OPMOD, further research could address the implications for non-native inmates. It could explore level of participation, program effectiveness, and address "rehabilitation" of the non-native inmate as a consequence of participation in the OPMOD.

Although the philosophical foundation of I.P.P. assumes inmates capable of demonstrating acceptance of increasing responsibility, not all sociologists agree with this philosophy. It is believed that prison behaviour is not necessarily a good predictor of community behaviour.[3]

> "We simply cannot predict the likelihood of a
> prisoner's criminal conduct in the community by
> observing how such a prisoner responds to coercive
> prison rehabilitation programs."[4]

In other words, given that the OPMOD's L.U.P. and I.P.P. are regionally

applied programs and case management processes, and that all inmates

must particpate in it, research assessing the "rehabilitation" of

offenders could be a measurement of "effectiveness."[5]

Further research could also determine whether the

"assimilation" of native people to white society occurred as a

consequence of the OPMOD. This ideological analysis suggests that

exposure to the OPMOD over a two year period or longer (minimum

penitentiary time) could have assimilative implications for native

people. It is suggested that further research could address the concern

that assimilation of native people might be a possible latent objective

of the OPMOD.

To date, there has not been a thorough and complete analysis

of the OPMOD, the L.U. Program or the I.P.P. process and its

effectiveness. A 1978 evaluation did not in fact evaluate the effects

of I.P.P. implementation, but rather reviewed the degree of its

implementation, i.e. how many program plans had been developed and were

on files, signed by all the "team" members and had resulted in the

inmate understanding the process.[6] The study did, however, identify a

very common difficulty encountered in any large formal bureaucracy when

"new" policies are introduced.

> "The implication of these findings is that the
> I.P.P. process is often conducted in a fashion not
> dissimilar from the usual case management practices
> where it was not necessary to have inmates directly
> involved in discussions and meetings culminating in
> a case management report. Indeed, the results

suggest that, in some respects, the I.P.P. process
represented nothing more than different forms upon
which to record the information gathered in the
traditional way."[7]

It is a common bureaucratic fallacy to assume that what is

defined, stated or interpreted as "official" policy is in fact

implemented accordingly. In other words, a prison policy quite often

looks better on paper than in reality.[8] I.P.P. and its stated

objectives and implementation process are not implemented "exactly" as

described in the policy. Further studies could explore the actual

implementation process of both the I.P.P. case management process and

the L.U. program and determine the inconsistencies. Actual interviews

with both native and non-native participants could reflect a more

accurate interpretation. The ideological analysis permits the writer to

make certain assumptions regarding native interpretation based upon

previously documented data, but actual interviews could possibly

substantiate or alter these assumptions. Thus, a longitudinal study

could identify the effects of implementation as an "effective"

socialization process for both native and non-native inmates.

The writer is aware, however, from conversations with both

native and non-native inmates, that inmate participation in the "team"

case management process is at times limited. It has been reported that

the needs analysis profile and the I.P.P. are at times presented to the

inmate and he is advised "to sign over here." This is the

implementation of "team consultation" with the inmate being an "equal"

team member! Furthermore, this writer has been advised by L.U.'s that

"one cannot really talk to the inmates" or "get too friendly" because

other correctional staff create problems. Other correctional staff will

refer to these L.U.'s as "con lovers" if they talk with the inmates or try to help them. Yet this "supposedly" is the goal of the L.U. program.

Further research could also expand Kellough's thesis. It could determine if the ideological change from the I.T.M. to the OPMOD in the field of corrections reflected the political economy of Canadian society at that time.[9]

The final question for further research raised by this thesis is whether or not there is a new criminological philosophy which may be referred to as a native school of criminology. This research infers that this could at some point be developed. As identified earlier, deviancy and the ameliorative response to it, offers a range of interpretations at present. Responses to deviancy range from the conservative to the revolutionary. Adams' political-economic response to deviancy is in contrast to the conservative, working with the system response presented by the elders.

This research suggests that the development of a native school of criminology would need to consider several important areas such as: the values encompassing relationships within the "circle of life;" the importance of all social relationships in native culture, the native values of respect, caring, sharing, equality and freedom in the tribal community, and the importance of harmony among human beings and "Mother Earth." The development of a native criminological school would need to assess the traditional interpretation of deviancy and the traditional response to deviancy and possibly integrate these and their culture with the present white criminal justice system. The integration of these factors in developing a native philosophy of deviancy and a response to

it would need to become part of native self-determination. Political and economic freedom would need to be part of native self-determination and part of the native school of criminology as well.

The writer perceives that the development of this process will not be readily resolved. It will require extensive discussion among native people. The writer further believes that it is not the role of a non-native individual to "develop" a native school of criminology. However, like this ideological analysis, further research could benefit native people with the process. The actual development, however, should be done by native people.

The research for this paper made the writer very aware of the differences in interpretation of the ideological elements between native and white people. Although native people desire knowledge and skill from white society while making these meaningful to their culture, they have also expressed their desire to exchange their knowledge and skills with white society. In speaking with native people, the writer agrees with Vine Deloria Jr. that we can learn from native people how to be happier and be more human.

> "The love of life, the love of every living thing, the joys of nature, the harmony of man with the natural world, the communal brotherhood of the tribe, the free spirit of the individual, the loving —not prohibitive—care of children, the larger love of the kinship family, the concept of justice, not punishment, the wholeness of man, the eternity of the present, the root and identity of the soul, these are some of the things that tribal society might bring to technological society in spiritual payment for its material goods and services."[10]

This evaluation study, an ideological analysis, can be utilized by both the policy implementers and the native population. It expands the area of research and builds on a theory of knowledge. It

has possibilities as a starting point for several other areas of research, relevant to both native people and the policy makers. It is suggested that this study is relevant to both theory expansion and for the improvement of understanding of social policies and the delivery of social services.

Footnotes   (Chapter VIII)

[1]Many elders spoke with desire to teach the native people their
culture first, to regain pride and self-esteem. They then hope to teach
the white population to understand, accept and possibly integrate the
native philosophy. Change will be brought about gradually through
non-violence. Discussions were held with Eddie Bear, Bobby Woods,
Gladys Cook and Dennis Gosselin (N.C.O. worker).

[2]Horton, pp. 701-703.

[3]Norval Morris, The Future of Imprisonment, (Chicago: The
University of Chicago Press, 1974), p. 16.

[4]Senator Edward Kennedy, "Making Time Fit the Crime," in Annual
Editions, Criminal Justice, 1977-78, p. 201.

[5]For example the research could determine how many inmates
        - completed parole
        - completed mandatory supervision
        - stayed out of trouble upon completion
        - length of time they stayed out of trouble
        - had a job(s)
        - length of time at job
        - established a meaningful relationship

[6]M. Gallagher et al, "Evaluation of the I.P.P. Case Management
Process in Six Prairie Region Institutions", Nov.-Dec. 1978, p. 88.

[7]Ibid., p. 88.

[8]Fornataro, in McGrath, 1965, p. 321.

[9]This research could consider the expanding, "booming" economy of
the post war era, the 1950's and 1960's, to the tightening up of the
job market, increased unemployment, falling dollar, increased cost of
living and general decline of the economy in the 1970's and 1980's.

[10]Steiner, pp. 156-57.

BIBLIOGRAPHY

Adams, Howard. Prison of Grass. Toronto: General Publishing. 1975.

Ahenakew, Edward. Voices Of The Plains Cree. Ed. and with an
      Introduction by Ruth M. Buck. Toronto: McClelland and Stewart,
      Ltd. 1973.

Alexander, Corin. Angry Society. Saskatoon: Yellowknife Publishing Co.
      Ltd. 1976.

American Friends Service Committee. Struggle for Justice. A Report on
      Crime and Punishment in America. New York: Hill and Wang, Inc.
      1971.

Annual Report of the Solicitor-General. 1967-68.

Annual Report of the Solicitor-General. 1969.

Annual Report of the Inspector of Penitentiaries. 1881. Sessional Papers
      (Sixth).

_____. 1883. Sessional Papers (Eighth).

_____. 1885. Sessional Papers (Ninth).

Annual Report of G. Cloutier to the Inspector of Penitentiaries. 1885.
      Sessional Papers. Ottawa: MacLean, Roger and Co. 1885.

Bailey, Alfred Goldsworthy. The Conflict of European and Eastern
      Algonkian Cultures. 1504-1700. Toronto: University of Toronto
      Press. 1969.

Barber, L.I. The Bases of Native Claims in Canada. Address to the Rotary
      Club, Yellowknife, N.W.T., October 1974.

Berkhofer, Robert F. Jr. The White Man's Indian. Toronto: Random House
      of Canada, Limited. 1978.

Bienvenue, Rita and Latif, A.H. "Arrests, Dispositions and Recidivism: A
      Comparison of Indians and Whites." in Silverman, Robert, A., and
      Teevan, James J. Jr. Crime in Canadian Society. Toronto:
      Butterworth and Co. (Canada). 1975.

Black, Douglas, Callagher, Michael and Pollock, Brian. "Individualized
      Program Planning Study." July 14, 1976. A.C.P.S./N.P.S. Study
      Paper.

Blauner, Robert. Racial Oppression in America. New York: Harper and
      Row, Publishers. 1972.

Bowles, R.P., Hanley, J.L. Hodgins, B.W. and Rawlyk, G.A. The Indian: Assimilation, Integration, or Separation? Scarborough, Ont: Prentice-Hall of Canada, Ltd. 1972.

Broom, Leonard and Selznick, Philip. Sociology: A Text with Adapted Reading. New york: Harper and Row, Publishers. 1973.

Buckley, Helen, Kew, J.E.M. and Hawley, John B. The Indians and Metis of Northern Saskatchewan. Saskatoon: Centre for Community Studies. 1963.

Cahn, Edgar S. and Hearne, David W. Our Brother's Keeper: The Indian in White America. New York: The World Publishing Co. A New Community Press Book. 1971.

Campbell, Maria. Halfbreed. Toronto: Seal Books. McClelland and Stewart-Bantam Limited. 1973.

Cardinal, Harold. The Unjust Society: The Tragedy of Canada's Indians. Edmonton: M.G. Hurtig, Ltd. Publishers. 1969.

_____. The Rebirth of Canada's Indians. Edmonton: Hurtig Publishers. 1977.

Cash, Joseph, and Hoover, Herbert. To Be An Indian. Toronto: Holt, Rinehart and Winston, Inc. 1971.

C.A.S.N.P. Tony Hall. "Self-Government of Self-Delusion? Brian Mulroney and Aboriginal Rights." The Phoenix. June 1985.

_____. Brotherhood of Indian Nations, Manitoba. "Statement of Bill C-31." The Phoenix. June 1985.

C.A.S.N.P. Who Owns Canada. Ottawa: C.A.S.N.P. 1976.

Chambliss, William J. Crime and the Legal Process. Toronto: McGraw-Hill Book, Co. 1969.

Chambliss, William J. and Mankoff, Milton. Whose Law--What Order? Toronto: John Wiley and Sons, Inc., 1976.

_____. Editor. Sociological Readings in the Conflict Perspective. Don Mills, Ont: Addison-Wesley Publishing Co. 1973.

C.P.S. Information Pamphlets. Ottawa: Information Services, C.P.S. 340 Laurier Avenue W. 1974.

Cressey, Donald R. "Sources of Resistance to Innovation in Corrections." in Carter, Robert M., Glasser, Daniel and Wilkins, Leslie. Correctional Institutions. Toronto: J.B. Lipincott Co. 1972.

Crime and Justice Commission. "Metis and Non-Status Indian." Cutler, Ont: Woodland Studio. Serpent River Reserve. October, 1977.

Cross-Cultural Awareness Workshop and The Helping Process. University of
        Manitoba, Continuing Education. An Advanced Workshop,
        Oct. 20 - 24, 1980.

Culhane, Claire. Barred from Prison. Vancouver: Pulp Press. 1979.

Daniels, Christine and Christiansen, Ron. Many Laws. Metis Association
        of Alberta. Edmonton: Bulletin-Commercial Printers, Ltd. 1970.

Davis, Robert and Zannis, Mark. The Genocide Machine in Canada.
        Montreal: Black Rose Books, Ltd. 1973.

Department of Justice. Report of the Superintendent of Penitentiaries.
        Ottawa: Dept. of Justice. 1948.

        . Report of the Commissioner of Penitentiaries. Ottawa: Dept. of
        Justice. For the years of 1949, 1952, 1953, 1955, 1956, 1964,
        1965 and 1968.

Deurloo, Abraham. Phase II of Individualized Program Planning
        Implementation Schedule. A Memo from Regional Headquarters,
        Saskatoon to Natural Teams. October 1976.

Dosman, Edgar. Indians: The Urban Dilemma. Toronto: McClelland and
        Stewart, Ltd. 1972.

Durkheim, Emile. The Division of Labour in Society. Translated by
        George Simpson. Glencoe, Ill: The Free Press. 1947.

        . The Rules of Sociological Thought. Glencoe, Ill: The Free
        Press, 1938.

Duverger, Maurice. The Idea of Politics: The Uses of Power in Society.
        London: University Paperbacks, by Methuen and Co., Ltd. 1964.

Eisenberg, John and Troper, Harold. Native Survival. Toronto: The
        Ontario Institute for Studies in Education. 1973.

Everywomen's Almanac, 1982. An Article by Edna, an Ojibway teacher at
        University of Sudbury.

Eysenck, H. J. Crime and Personality. Frogmore, St. Albans, Herts:
        Granada Publishing Ltd. 1970.

Forcese, Dennis and Richer, Stephen. Issues in Canadian Society.
        Scarborough, Ont: Prentice-Hall of Canada Ltd. 1975.

Fornataro, John. "Canadian Prisons Today." in Crime and Its Treatment in
        Canada. ed. by McGrath, William T. Toronto: MacMillan of Canada.
        1965.

French, Laurence. "Corrections and the North American Client." The
        Prison Journal. Vol. LIX. No. 1. 1979.

Frideres, J.S. Canada's Indians Contemporary Conflicts. Scarborough,
        Ont: Prentice-Hall of Canada, Ltd. 1974.

Gallagher, M., Tully, D., and Kenny, B. "Evaluation of the I.P.P. Case
        Management Process in Six Prairie Region Institutions.
        Correctional Service of Canada. 1978.

Garbarino, Merwyn S. "Life in the City: Chicago." in The American Indian
        in Urban Society. ed. by Waddell, Jack D. and Watson, Michael.
        Boston: Little Brown and Co. (Inc.) Canada Ltd. 1971.

Garneau, Jean, "The Living Unit Programme." An Information Booklet.
        Canadian Penitentiary Service. July 1972.

Garson, Honourable Stuart. Report of Committee Appointed to Inquire into
        the Principles and Procedures Followed in the Remission Service
        of the Department of Justice of Canada. Ottawa: Queen's Printer.
        1956.

George, Vic and Wilding, Paul. Ideology and Social Welfare. London:
        Routledge and Kegan Paul Ltd. 1976.

Gilbert, Sid and McRoberts, Hugh A. "Differentiation and Stratification:
        The Issue of Inequality." in Issues in Canadian Society. ed. by
        Forcese, Dennis and Richer, Stephen. Scarborough, Ont:
        Prentice-Hall of Canada, Ltd. 1975.

Greenaway, William K. and Brickey, Stephen L. Law and Social Control in
        Canada. Scarborough, Ont: Prentice-Hall of Canada, Ltd. 1978.

Guenther, Anthony L. Criminal Behaviour and Social Systems:
        Contributions of American Sociology. Chicago: Rand McNally and
        Company. 1970.

Harper, Vern. Following the Red Path. Toronto: N.C. Press Ltd. 1979.

Haskell, Martin R. and Yablonsky, Lewis. Criminology: Crime and
        Criminality. Chicago: Rand McNally College Publishing Company.
        1974.

Hawthorne, Harry B., Belshaw, Cyril and Jamieson, Stuart. "Patterns of
        Indian Family Life." in Canadian Society: Sociological
        Perspectives. ed. by Blishen, Bernard Jones, Frank E., Naegele,
        Kaspar and Porter, John. Toronto: The Macmillan Co. of Canada,
        Ltd. 1961.

Hertzberg, Hazel W. The Search for an American Indian Identity. U.S.A.
        Syracuse University Press. 1971.

Hodge, John L., Struckmann, Donald K., Trost, Lynn Dorland. Cultural
        Bases of Racism and Group Oppression. Berkeley, Calif: Two
        Riders Press. 1975.

Hoebel, E. Adamson. The Cheyennes: Indians of the Great Plains.
    Toronto: Holt, Rinehart and Winston, Inc. 1960.

Horton, John. "Order and Conflict Paradigms of Race Relations." Racial
    Conflict, Discrimination and Power. ed. by Barclay, Wm.,
    Kumar, Krishna and Simms, Ruth. New York: AMS Press. 1976.

Horton, John. "Order and Conflict Theories of Social Problems as
    Competing Ideologies." The American Journal of Sociology 71
    (May, 1966).

Jamieson, Kathleen. Indian Women and the Law in Canada: Citizens Minus.
    Ottawa: Minister of Supply and Services. 1978.

Johnson, Elmer. "Prison Industry." in Correctional Institutions. ed. by
    Carter, R.M. et al. Toronto: J.B. Lipincott Co. 1972.

————. Crime, Correction and Society. Homewood, Ill: The Dorsey
    Press. (1st Ed.). 1964.

————. Crime, Correction and Society. Georgetown, Ont: Irwin-Dorsey
    Ltd. (3rd Ed.). 1974.

Jorgensen, Joseph G. "Indians and the Metropolis." in The American
    Indian in Urban Society. ed. by Waddell, Jack D. and Watson,
    Michael. Boston: Little, Brown and Co. (Inc.) Canada, Ltd.
    1971.

Josephy, Alvin M. Jr. The Indian Heritage of America. New York: Bantam
    Books Inc. 10th printing, 1981.

Keeper, Joe. "Problems of Indian and Metis in Rural Areas." in Indians
    Without Tipis. ed. by Sealey, Bruse D. and Kirkness, Verna J.
    Agincourt, Ont: The Book Society of Canada, Ltd. 1973.

Kellough, Darlene Gail. Incarceration as a Response to Political and
    Economic Conditions. M.A. Thesis in Sociology. 1978.

Kennedy, Sen. Edward M. "Making Time Fit the Crime." in Annual Editions,
    Criminal Justice. 1977-78.

Kluckhohn, Clyde and Murray, Henry A. Personality: In Nature, Society
    and Culture. New York: Alfred A. Knopf, Inc. 1961.

Krotz, Larry. "Native Spirituality." in the United Church Observer.
    December 1982.

Lauffer, Armand. Social Planning at the Community Level. Englewood
    Cliffs, N.J.: Prentice-Hall, Inc. 1978.

Liaison. What Prisons Are For. Published by Communications Division of
    the Minstry of the Solicitor-General. Vol. 8, No. 11. Dec.
    1982.

Lombroso-Ferrero, Gina. Criminal Man. Montclair, N.J: Patterson Smith.
        1972.

Lussier, Antoine S. and Sealey, Bruce D. The Other Natives: the Metis.
        Winnipeg: Manitoba Metis Federation Press. 1978.

Mandelbaum, David. The Plains Cree. An ethnographic, historical, and
        comparative study. Winnipeg: Higness Printing Ltd. of Winnipeg,
        1979.

Manuel, George and Posluns, Michael. The Fourth World: An Indian
        Reality. New York: The Free Press, a Division of MacMillan
        Publishing Co. Inc. 1974.

Martin, Vera. A Presentation at an Alcoholism Federation of Manitoba
        Workshop. March 17, 1980.

Means, Russell. "Fighting Words on the Future of the Earth." in Mother
        Jones, December, 1980.

Minister of Indian Affairs and Northern Development. Indian Conditions:
        a Survey. Ottawa: D.I.A.N.D. 1980.

Manitoba Indian Brotherhood. Wahbung: Our Tomorrows. Winnipeg: M.I.B.
        1971.

Morris, Eileen. "Toward a Prisonless Society." in Homemaker's Magazine.
        Nov. 1980.

Morris, Norval. The Future of Imprisonment. Chicago: The University of
        Chicago Press. 1974.

Morris, Terrence. Deviance and Control: The Secular Heresy. London:
        Hutchinson and Co. (Publishers) Ltd. 1976.

McCullum, Hugh and McCullum, Karmel. This Land Is Not For Sale. Toronto:
        The John Deyell Co. The Anglican Book Centre. 1975.

McDonald, Lynn. The Sociology of Law and Order. Montreal: Book Centre,
        Inc. 1976.

McGill, Russ. A Pamphlet given to new inmates at Stony Mountain
        Institution. Printed July 1978.

McGrath, William T. Crime and Its Treatment in Canada. Toronto:
        MacMillan of Canada. 1965.

        . Crime and Its Treatment in Canada. Toronto: MacMillan Co. of
        Canada Ltd. 1976.

MacGuigan, Mark. Report to Parliament by the Sub-Committee on the
        Penitentiary System in Canada. Ottawa: Minister of Supply and
        Services Canada. 1977.

McNall, Scott G. The Sociological Experience: A Modern Introduction to
        Sociology. Boston: Little, Brown and Company (Canada), Ltd.
        1969.

MacPherson, C.B. The Political Theory of Possessive Individualism.
        Oxford: Clardendon Press. 1962.

Native Cultural Awareness Workshop. March 24, 1981.

Neihardt, John G. Black Elk Speaks. New York: Pocket Books, Gulf and
        Western Corporation. 1959.

Newman, Graeme. "Theories of Punishment Reconsidered: Rationalisation
        for Removal." in International Journal of Criminology and
        Penology. 3. 1975.

National Indian Brotherhood. Indian Control of Indian Education. Policy
        paper presented to the Minister of Indian Affairs and Northern
        Development, Ottawa: N.I.B. 1972.

Ortiz, Roxanne Dunbar. Indians of the Americas. New York: Praeger
        Publishers. 1984.

Patterson, E. Palmer. The Canadian Indian: A History since 1500. Don
        Mills, Ontario. Collier MacMillan Canada, Ltd. 1972.

Pelletier, Wilfred. "For Every North American Indian that Begins to
        Disappear I Also Begin to Disappear." in Canada's Indians
        Contemporary Conflicts. ed. Frideres, J.S. Scarborough, Ont:
        Prentice-Hall of Canada, Ltd. 1974.

Phelps, James A. and Deurloo, Bram. Programming in Federal Corrections.
        Ottawa: Communications Division, Ministry Secretariat of
        Solicitor-General. 1976.

Pinker, Robert. Social Theory and Social Policy. London: Heinemann
        Educational Books Ltd. 1971.

P.A. Prison Newsletter. "Off the Wall." December 1976.

Poole, D.G. in Bowles, R.P. et al. The Indian: Assimilation,
        Integration, or Separation? Scarborough, Ont: Prentice-Hall of
        Canada Ltd. 1972.

Price, John A. Indians of Canada: Cultural Dynamics. Scarborough, Ont:
        Prentice-Hall of Canada Ltd. 1979.

Quinney, Richard. Crime and Justice in Society. Boston: Little, Brown
        and Company. 1969.

Radzinowicz, Leon. Ideology and Crime. London: Heinemann Educational
        Books. 1966.

Reid, Sue Titus. Crime and Criminology. Hinsdale, Ill: The Dryden Press
        1976.

Reissman, Leonard. "Social Stratification." in Sociology: An Introduction. ed, Smelser, Neil J., New York: Wiley and Sons. 1967.

Richardson, Boyce. James Bay: The Plot to Drown the North Woods. Toronto: Clarke, Irwin and Co. Ltd. 1972.

Rogers, Edward. Indians of the Plains. The Hunter Rose Company. 1970.

Ryan, Joan. Wall of Words. Toronto: Peter Martin Associates Ltd. 1978.

Sanders, Douglas Esmond. Native People in Areas of Internal National Expansion: Indians and Inuit in Canada. Copenhagen, Den: International Work Group for Indigenous Affairs. 1973.

Scott, Duncan Campbell. The Administration of Indian Affairs in Canada. Published by The Canadian Institute of International Affairs. August, 1931.

Scull, Andrew T. Decarceration--Community Treatment and the Deviant: A Radical View. Englewood Cliffs, New Jersey: Prentice-Hall, Inc. 1977.

Sealey, Bruce D. "One Plus One Equals One." in The Other Natives: The Metis. ed by Lussier, Antoine S. and Sealey, Bruce D. Winnipeg: Manitoba Metis Federation Press. 1978.

Sealey, Bruce D. and Kirkness, Verna J. "Problems of Indians and Metis in Urban Centres." in Indians Without Tipis. ed. by Sealey, Bruce D. and Kirkness, Verna J. Agincourt, Ont: The Book Society of Canada, Ltd., 1973.

Sealey, Bruce D. and Lussier, Antoine S. The Metis: Canada's Forgotten People. Altona: D.W. Friesen and Sons Ltd. 1975.

Sheffe, Norman. ed. Canada's Indians. Toronto: McGraw-Hill Co. of Canada Ltd. 1970.

Sinclair, Murray. "Native Rights in the City." A Workshop by the Manitoba Association for Rights and Liberties. Sept. 25, 1981.

Smith, Derek G. Canadian Indians and the Law: Selected Documents, 1663 - 1972. Toronto: McClelland and Stewart Ltd. 1975.

Smith, Joan and Fried, William. The Uses of the American Prison: Political Theory and Penal Practice. Toronto: Lexington Books, D.C. Heath and Co. 1974.

Snow, Chief John. These Mountains are our Sacred Places. Toronto: Samuel-Stevens, Publishers. 1977.

Solicitor-General Canada. The Role of Federal Corrections in Canada. A report of the Task Force on the Creation of an Integrated Canadian Corrections Service. 1977.

Spence, Dr. Ahab. "Indian Culture." in Indians Without Tipis. ed. by
        Sealey, Bruce D. and Kirkness, Verna J. Agincourt, Ont: The Book
        Society of Canada Ltd. 1973.

Stanley, Dr. G.F.G. Confederation 1870--A Metis Achievement in The Other
        Natives: The Metis. ed. by Lussier, Antoine and Sealey, Bruce D.
        Winnipeg: Manitoba Metis Federation Press. 1978.

Starkloff, Carl F. The People of the Center: American Indian Religion
        and Christianity. New York: The Seabury Press. 1974.

Steiner, Stan. The New Indians. New York: Dell Publishing Co., Inc.
        1968.

Taylor, Ian, Walton, Paul and Young, Jock. The New Criminology. London:
        Routledge and Kegan Paul Ltd. 1973.

Titmuss, Richard. Commitment to Welfare. London: Allen and Unwin. 1968.

_____ . Social Policy. London: Allen and Unwin. 1974.

Tropak, Robert J. "Natives and Parole." A paper on Parole for C.S.C.
        Winnipeg. 1877-78.

Turner, Jonathan H. Patterns of Social Organization: A Survey of Social
        Institutions. Toronto: McGraw Hill Book Co. 1972.

Tumin, Melvin M. Social Stratification: The Forms and Functions of
        Inequality. Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1976.

United Church Observer. "Where Pipe and Chalice Meet." in United Church
        Observer. December 1982.

Van den Berghe, Pierre L. "Dialectic and Functionalism: Toward a
        Theoretical Synthesis." in Sociological Readings in the Conflict
        Perspective. ed by Chambliss, William. Don Mills, Ont:
        Addison-Wesley Publishing Co. 1973.

Van der Burgh, R.M. I Am Nokomis, Too. A biography of Verna Patronella
        Johnston. Don Mills, Ont: General Publishing Co. Ltd. 1977.

Wakabayashi, A.T. Basic Principles for the Role of Federal Corrections.
        a working draft. Ottawa: Solicitor-General. February 1976.

Watkins, Mel. Dene Nation--The Colony Within. Toronto: University of
        Toronto Press. 1977.

Waubageshig. The Only Good Indian. Don Mills, Ont: New Press. 1974.

Whig-Standard, Kingston. July 25, 1979. "Think again, Ernestown, before
        you slam the door."

Wilson, William J. Power, Racism and Privilege. New York: The Macmillan
        Co. 1973.

Winnipeg Free Press. Dec. 9, 1980. p. 23.

_____. Feb. 15, 1981. p. 7.

_____. Mar. 7, 1981. p. 3.

_____. Aug. 1, 1981. p. 4.

_____. Aug. 18, 1981. p. 10.

_____. June 16, 1982. p. 9.

_____. Sept. 9, 1982. p. 21, and p. 8.

_____. Sept. 10, 1982. p. 16.

_____. Sept. 11, 1982. p. 3.

_____. Sept. 23, 1982. p. 16.

_____. Sept. 30, 1982. p. 13.

_____. Oct. 5, 1982. p. 3.

_____. Oct. 16, 1982, p. 7.

_____. Nov. 26, 1982. p. 2.

_____. Feb. 1, 1983. p. 3.

_____. Feb. 3, 1983. p. 11.

Wuttunee, William. Ruffled Feathers: Indians in Canadian Society.
        Calgary: Bell Books Ltd. 1971.

Zentner, Henry. The Indian Identity Crisis. Calgary: Strayer
        Publications Ltd. 1973.