

**SHAME AND REINTEGRATION OF ABORIGINAL OFFENDERS WHO
PARTICIPATE IN NATIVE CULTURAL PROGRAMS WHILE INCARCERATED**

by

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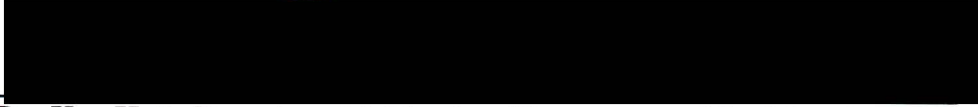
ABSTRACT

Seminal work by Martinson and others provided evidence which supports the claim that rehabilitation programs have little if any effect on reducing recidivism. Braithwaite would agree in part, however, he also argues that there is merit in rehabilitation that takes a communitarian approach. Communitarian societies, he argues, effectively use shame and shaming ceremonies to punish offenders, and to socially reintegrate them. In this thesis I explore the merits of reintegrative shaming by examining aboriginal program within Kamloops Regional Correctional District. I interviewed inmates within the Districts three correctional facilities to measure the content of shaming in aboriginal programs, and to determine the impact of shame on inmate beliefs and attitudes. I also compared native and non-native post release offending rates as an indication of the effects of aboriginal programs on recidivism. The data suggests that aboriginal programs utilize shame to control offenders and that shame impacts inmate attitudes, beliefs and behaviour toward crime.

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Introduction

In its present form, prison has been the modal punishment in Western societies since the late 18th century. In the ensuing years, changes have focused on improving the sophistication of surveillance and security techniques, organizational and institutional modifications, and approaches to reform. These changes reflect a variety of objectives, related to different “judico-political” perspectives, and include incapacitation, retribution, deterrence and rehabilitation. Although changes along these lines have been significant, the basic tenet of prisons, incarceration, has remained consistent.

In the modern period, a Rehabilitation movement has dominated penal philosophy. This movement had its foundation in the medical model, and characterized crime much like a disease that could be treated. The solution was simply to diagnose the illness and derive a suitable treatment. By the 1950s the pinnacle of the rehabilitation era, penal practitioners identified numerous social illnesses that lead to crime. Programs or “interventions” became the treatment, and expectations abounded that whatever had led individuals to imprisonment could be “cured.”

One impetus in favour of rehabilitation was noticeably elevated and consistent recidivist rates of ex-inmates. The humanist movement exploited the rates to further their cause for change. Yet the same methods of evaluation that evidenced a need for rehabilitation indicated its failure. Studies repeatedly indicated no significant drop in repeat offending for program participants compared to regular inmates. Indeed, some researchers reported an increase in recidivist rates of experimental groups. Although

several social scientists reported similar findings, it was Martinson's (1977) now famous conclusion, "nothing works" that was quoted as being a "shot heard around the world" with respect to institutional interventions. Martinson's "nothing works" evaluation had a significant impact on future rehabilitation discourse, debate and practice. Government agents exploited it to cut costs, whereas sociologists and the like used it to support a move from institutional to community corrections.

This thesis accepts Martinson and others' position that traditional rehabilitation programs are problematic. It briefly reviews the substance of the Martinson school, and provides new empirical evidence that supports the argument. However, it does not reject the possibility of rehabilitation. Instead, it offers John Braithwaite's (1989) thesis of shame and reintegration as an alternative to traditional rehabilitation. The thesis accepts Braithwaite's argument that committing a criminal act is, to a significant degree, an individual choice, one that is affected by social phenomenon, interdependency and communitarianism.

Braithwaite defines interdependency as strong attachments between individuals who require each other's cooperation to survive. Social phenomenon such as gender, age, employment status and race affect the structure of interdependent relationships. Shame exists as an internal control over crime when interdependency occurs in communitarian societies.

According to Braithwaite, communitarianism is the aggregate of interdependency relationships comprised of individuals whose collective goal is the betterment of society. This stands opposed to individualistic societies in which one's primary goal is individual achievement and success. Interdependent relationships exist in both individualistic and communitarian societies.

Braithwaite argues that shame emerges as a powerful internal control of crime for individuals in communitarian societies characterized by strongly knit webs of interdependency. Shame is so powerful that committing a crime or even the thought of doing so, becomes abhorrent to the individual. As a result they choose to not offend.

Studying Braithwaite's thesis in North American society is problematic. Canada, like the US, is largely an individualized country. Although interdependent in many ways, this interdependency is not interrelated with a strong urge or practice to act in benefit of the social good. Indeed, we often sacrifice the group for individual rights and freedoms. Nevertheless, individuals of particular cultural groups are interrelated through a strong commitment to communitarianism. One such group is Canada's First Nations people. History, both oral and written, indicate a strong sense of community which is manifest through individual actions aimed at group survival. Aboriginal interdependency and communitarianism have undergone a revival as First Nation groups attempt to regain their sense of individual and cultural self.

Following Braithwaite's model of shame and reintegration I hypothesize that aboriginal inmates experience increased shame for their crimes as a result of participating in culturally sensitive rehabilitation programs, and that the shame they experience acts as an internal crime control. These programs attempt to renew aboriginal inmates' sense of cultural pride and create interdependencies within the aboriginal prison population and civilian communities. I further suggest that the result of developing a sense of shame for their crimes, aboriginal inmates will reduce their overrepresentation in the provincial prison population as measured by recidivism rates. Conversely, I hypothesize that the recidivism rate for non-native inmates will remain unchanged because of lack of exposure to shaming techniques.

In this thesis I explore the introduction of aboriginal shaming practices in the B.C. provincial prison system. Specifically, I examine if aboriginal centered programs embody the reintegrative shaming approach Braithwaite advocates and how these compare to traditional rehabilitation programs such as drug and alcohol therapy. I explore the extent to which Native Elders take the opportunity to shame offenders and whether they communicate to offenders that their community has been shamed by their criminal actions. My goal is to investigate the offenders' consciousness regarding the seriousness of their crime, the harm it causes victims, and their ownership for their actions. Following the more traditional approach to prison program evaluation, I also explore how participation in native-centered programs influences recidivism.

To explore these issues I studied native and non-native inmates in the Kamloops Regional Correctional Centre (KRCC). KRCC has three correctional facilities that contain both native and non-native inmates. I interviewed native and non-native offenders before and after release to explore the shaming content of their program experiences. My intent was to assess the degree to which native offenders interpret their experiences within a shaming theoretical framework, and how this impacts their decision to offend again. I also studied the recidivism of inmates before and after corrections introduced native spiritual and cultural programs.

To understand the current penal debate, it is necessary to review the historical context within which prisons emerged as the primary method of punishment. Chapter One briefly explores this historical context and links punishment, both corporeal and imprisonment to social and individual control. It then provides a more thorough discussion of Martinson's school and the encompassing debate. Chapter Two provides a detailed discussion of the theoretical foundations and propositions of Braithwaite's shame and reintegration approach. Chapter Two also includes a literature review of the few studies that have addressed Braithwaite's work.

Chapter Three summarizes the data used in the thesis, as well as the thesis' methodological approach. Chapter Four presents the results of data analysis, while Chapter Five concludes the thesis with a summary and suggestions for further study.

Chapter One

Control Then—Control Now: A Brief History of Incarceration as Punishment

From a Marxist perspective the historical context of incarceration in Europe, and later in North America lies in pre-capitalist and capitalist modes of production. As Adamson (1984: 437) notes, “Marx and Engels analyzed the problems of crime and human misery with reference to the industrial reserve army. A very large proportion of the criminals who come under the net of state control are recruited from, in Marx’s ... words, ‘the lowest sediment of the relative surplus population’ (as cited by Adamson, 1984:437). Adamson argues that punishment serves a dual purpose. First, it provides the state with cheap labour from which it can extract surplus value and use to put downward pressure on wages of working people. Second, and just as critical, “the state can use criminal populations as a political resource to mobilize commitment to community norms (Adamson, 1984:437).”

Whether or not the state utilizes offender populations as cheap labour depends largely on the economic health of markets at the time. When markets are strong and owners of production do not view prison labour as a threat to profit the state tends to extract surplus from inmate labour; when the converse is true, prison labour remains idle or involved in non-productive activities. Adamson relates these objectives to punishment models. When the state extracts surplus value from inmate labour, punishment tends to be rehabilitative. In this context, prison programs tend to be productive, involve inmate skills and training, and are profitable. When capital views inmate labour as a threat to

accumulation the state focuses punishment on deterrence through harsh models such as corporal punishment and solitary confinement. During these periods it uses labour only as it relates to harsh policies and not as a means of accruing profit.

According to Poulantzas (1979), rehabilitation and reform are simply rhetoric because their goals are antithetical to capital and accumulation. Nonetheless the discourse of “reform” and “rehabilitation” serves to divert popular discussion of crime and punishment away from structural analysis and encourages a focus on the individual. It is in the dominant class’ interest to have the majority of citizens believe that crime reflects an individual decision and that punishment should sanction individuals for choosing to offend. Given the structural inequality of capitalism, offenders are disproportionately drawn from the lower classes and thus, prisons serve the purpose of underclass subordination.

While providing a similar analysis, Foucault (1977) focuses on power relations and extends the punishment debate to a wider historical plane. As Foucault notes, incarceration is a relatively new phenomenon. He argues that incarceration is just one mode to achieve an historical objective; that is to subjugate and control individuals in order to maintain dominant power relations. In the 16th century, for example, the primary means of punishment were banishment, lashing, fines and execution, and torture. However, severe punishments such as torture and execution were minimally used. Most crimes were treated as conflict between individuals and punishment was generally in the form of fines. The amount and course of payment were generally left to the negotiations

of those closest to the crime such as victims and offenders. In this regard, punishment took on a community context and the Sovereign stayed out of the proceedings as long as the interested parties came to a resolution. The Sovereign became involved in punishment when crimes threatened its reign. Only ten per cent of cases before the court in the 16th century were of this nature, but the punishment delivered was severe, often beginning in torture and ending in execution (Foucault, 1979). According to Foucault, the King used the severity of punishment and the publicity of its severity as general deterrents to maintain and restore hegemony; a position which has been viewed by sociologists as neo-Durkheimian. The following passage from Discipline and Punish (1977:48) summarizes Foucault's position on the functionality of public execution in 19th century Europe:

The public execution, then has a juridico-political function. It is a ceremony by which a momentarily sovereignty is reconstituted. It restores that sovereignty by manifesting it at its most spectacular. The public execution, however hasty and everyday, belongs to a whole series of great rituals in which power is eclipsed and restored (coronation, entry of the king into a conquered city, the submission of rebellious subjects) over and above the crime that has placed the sovereign in contempt, it deplores before all eyes an invincible force.

Public involvement in these punishment rituals was an important factor in their longevity as an official form of punishment. The public not only viewed the execution, they participated by jeering the prisoner, cheering the executioner and hailing the king. It was as important then as it is now, that the public agree with the discourse and actions of the dominant punishment ideology. As Foucault notes, the downfall of harsh punishments elicited by the Sovereign was, in part, the response of a growing sense of humanism among the public. This was particularly true when it viewed an execution, flogging or banishment as unjust.

However, it was not so much a humanist movement that interrupted the mode of punishment, but a concern among leaders of the reform movement that sovereign or, increasingly, state power was too diffused among the lower courts. Again, Foucault's (1977: 79) thoughts on this are enlightening:

The criticism of the reformers was directed not as much at the weakness or cruelty of those in authority, as at a bad economy of power. There was too much power in the lower jurisdictions which could - - aided by ignorance and poverty of those convicted - - ignore appeal procedures and carry out arbitrary sentences without adequate supervision, there was so much power on the side of the prosecution which possessed unlimited means of pursuing its investigations, while the accused opposed it virtually unarmed...there was too much power in the hands of the judges who were able to contend themselves with futile evidence...lastly, there was too much power by the king, who could suspend courts of justice, alter their decisions, remove magistrates from office, or exile them, and replace them by judges acting under royal commission.

Foucault maintains that the over-arching purpose of the reform movement, then, was not to diminish or eliminate punishment, but to perpetuate its objectives without evoking public resistance. Increasingly, one method of doing so was through the use of imprisonment. As Jackson (1983) argues, alternatives to violent forms of punishment, such as banishment and transportation, were becoming less of an option. Transportation to the colonies, for example, ceased because as these territories began to form governments and more elaborate social structures they resisted further immigration of offenders. By the middle of the 18th century imprisonment had developed to the point that it became the obvious alternative.

Prior to 1750, prisons were only beginning to develop as punishment alternatives, thus they were highly informal and unregulated enterprises (Jackson,

1983). Governments were unwilling to carry the fiscal burden of operating prisons and expected these new institutions to pay for themselves through surplus value produced by inmate labour. When these intentions did not bear fruit, many prisoners went hungry while others died. Resistance to these outcomes both inside and outside prison walls grew, and somewhat paradoxically, inmates gained considerable freedom. Jackson (1983:8) notes,

The efforts of the local authorities to limit their financial liability for [prisons]...resulted in a prison regime that relied upon easy access to the outside world. In some jails prisoners were allowed to beg for food and money through 'begging grates'. Visitor's privileges were liberal, and in many cases prisoners depended on aid from their relatives and friends to supplement the little provided by the state. According to Ignatieff, it was common for wives to appear daily at the prison gates with meals for their jailed husbands. They were permitted to remain in the prison from dawn until lockup, and a bribe to the keeper ensured their continuing companionship by night.

By 1750 prison populations in England burgeoned and the informal nature of prisons could no longer be sustained. Disease ran rampant and took the lives of prisoners as well as judges, jailers and lawyers. The response was to regulate both prisoners and staff to ensure a more tightly controlled carceral environment. It was at this point that governments begin to invest financially and politically in penal policy and practice. To be effective, prison operations had to undergo significant change. One of the first changes involved the establishment of rules of conduct for both staff and inmates. Subsequent changes included certain prisoner rights, institutional inspections to ensure staff were following the rules, sanitary control and a regular prison diet (Carrigan, 1991; Jackson, 1983). As for punishment, incapacitation was augmented with solitary confinement. As Jackson notes (1983:13), "during the night they [prisoners] were to be confined in

solitary cells, and were to labour in association by day. The labour was to be of the hardest and the most servile kind.” These policies were not based on a unique penal philosophy, but were related to a general way of thinking embodied in the writings of Jeremy Bentham and Cesare Beccaria (Carrigan, 1991). This philosophy has become known as the classical approach; it views humans as rational actors who act according to subjective evaluations of pleasure and pain. Individuals, including offenders, choose actions that produce the greatest pleasure and the lowest pain. Thus if the benefit of committing a crime outweighs its cost, the individual will choose to offend. Of course some people, particularly those with “character deficiencies” are more prone to commit crime than others, often because they have limited ability to calculate costs or benefits. According to the classical point of view, the negative aspects of punishment must outweigh any potential benefits to committing a crime if it is to convince individuals to choose not to offend.

English policy makers drew on this mode of thought in the Penitentiary Act of 1779. The Act had a profound impact on punishment in England as well as its current and former colonies. The authors saw the prison as a microcosm of the ideal social order (Jackson, 1983). Under the act prisoners walked in step, spoke only when spoken to, ate when allowed and worked when so ordered. The objective was not only to punish and thus gain retribution and vengeance for crime, but to prepare offenders for their release into society by teaching proper behaviour, and by deterrence; the prison experience would convince offenders to become model citizens in order to avoid reincarceration.

Under the act the public was allowed to visit the prison to view punishment in action. Thus deterrence was aimed at the wider society.

As Jackson (1983) points out, England's use of solitary confinement and hard labour captured the attention of North Americans. In 1788 the Prisoner's Aid Society of Philadelphia, a Quaker based organization, endorsed both solitary confinement and hard labour as the most effective method of reforming criminals. According to this group, reformation required a combination of guided labour, prolonged introspection and religious guidance.

Jailers in Auburn New York extended the Pennsylvania emphasis on individual isolation and, under the Auburn philosophy, implemented solitary confinement 24 hours a day. In addition, inmates were given no work, no human contact other than with members of the clergy, no toilets and no fresh air or exercise breaks. For many prisoners this was tantamount to the death sentence. As Eriksson (1976: 49; see also Jackson, 1983) notes, French criminologists Gustav de Beaumont and Alexis de Tocqueville recorded the impracticality of Auburn: "This experiment of which favourable results had been anticipated, proved fatal for the majority of prisoners. It devours the victim incessantly and unmercifully; it does not reform, it kills." Ultimately, penal practitioners abandoned the Auburn system in favour of something similar to Pennsylvania's regime. In both systems, however, practitioners emphasized the necessity for harsh punishment as a means of reform.

In sum, as the 18th century drew to a close, penal practice was increasingly based on theoretical propositions about human behavior. Rather than focusing simply on deterrence, the discourse of punishment increasingly contained objectives to transform behavior. In this period, imprisonment moved from being an ad hoc and informal practice to an institutional punishment mode of choice. Nevertheless, there were consistencies with the penal objectives of the previous era. First, although seemingly less harsh than torture and execution, incarceration was often brutal and ruthless as was the case with Auburn. Second, the ultimate goal of punishment remained intact, that is social control to perpetuate the dominance of particular groups such as the state and the upper class. This is evidenced in the behaviors that penal practitioners attempted to teach inmates in preparation for their return to society,

Throughout the 19th and 20th centuries, punishment became more “scientifically” based and in the age of modernity, punishment became more rational, as well as objective and positivistic. This period saw a movement away from classical theory of human behavior to a libertarian one. From the middle of the 19th century onward, social scientists and practitioners such as Durkheim increasingly suggested that crime was influenced by social variables, and punishment should address these phenomena. This shift in philosophy resulted in significant organizational changes that culminated in the rehabilitation era of the 1950s. According to this philosophy, the role of prison is to intervene in individuals lives to reverse or minimize the effect of debilitating factors and set them on a new life path after release. The social culprits, poverty, poor education, and poor formal skills training lead to drug and alcohol addiction, frustration, anger and

violence and moral bankruptcy; social conditions and effects that provide considerable motivation to commit a crime.

Incarceration in Canada

The change from a classical to a libertarian model of punishment occurred slowly in Canada and most of the colonies. Shortly after confederation, political-judicial control of penitentiaries was transferred from England to Ottawa (Carrigan, 1991). This gave the central government the power to make decisions regarding the treatment of prisoners, staffing issues, facility maintenance and other concerns that had been exclusively under British control. However, recognizing that a proportion of sentences were short-term and that many offenders moved in and out of the prison system quickly, Ottawa delegated to the provinces the control of prison for inmates sentenced to less than two years (Carrigan, 1991; Doherty & Ekstedt, 1991). This transfer meant that Ottawa could focus on long-term incarceration, build new penitentiaries to expand inmate capacity, and replace aging institutions and revise penal policies as it saw fit. Between 1873 and 1880 Ottawa commissioned the construction of four new prisons; in 1869 it abolished public hanging, in 1875 it discontinued the use of the ball and chain, and in 1892 it granted prisoners the right to appeal their conviction.

During the late 1800s, Canadian libertarians called for changes in prison conditions, and the way guards and other practitioners treated inmates. In 1867, Dr. Theodore W. Dwight authored The Report on the Prisons and Reformatories of the

United States and Canada, a report commissioned partly on the basis of the work of Alexander Maconchie and Sir Walter Croften. Both men had been active in European movements to advance the conditions and treatment of prisoners, particularly in England and Ireland. Croften was the Chair of the Directors of Convict Prisons in Ireland and had borrowed many ideas from the work of MaConchie, in addition to ideas which developed from the reform movement in the United States. The primary recommendations of Dwight's reports on Canadian and American prisons called for improved prison facilities and treatment of prisoners. To address the latter, Dwight advocated segregating prisoners according to age and the type and seriousness of crime.

Dwight's report was one of the first in North America to discuss the etiology of crime. The medical model and the rise to prominence of scientific inquiry altered classical thought slightly by bringing to the debate a "disease" analogy of crime. Dwight assigned individual responsibility for crime, but advocated treatment programs, suggesting that convicts should receive treatment in a manner similar to the medically ill who received treatment in the form of medicine. Dwight also noted the importance of social conditions such as poverty, parental neglect and education, insights that were consistent with the shift in the perspective of cause from internal (i.e., moral character) to external determinants (i.e., social phenomenon).

Notwithstanding the report's convincing arguments, the Canadian governments reacted slowly and significant changes took place over a lengthy period. According to Carrigan (1991: 349) the practices of the classical model remained very much a reality

for prisoners in the early 20th century: “Guards were more concerned with security than anything else.” For example, a 1914 Royal Commission of Penitentiaries’ examination of Kingston Penitentiary revealed that the practice of classical thought predominated and that few reforms had been established. The next few decades would prove that there was still a long way to go before reform practices consistent with determinist theory, or even Agnew’s (1995) description of “soft determinism” would begin to permeate penal practice.

Provincial practices mirrored many of those that characterized federal institutions. For example, in 1867 BC did not segregate offenders according to characteristic such as age or seriousness of offence. Indeed, the 1867 report’s recommendations for segregation were not implemented until 1890 when the reformatory act was passed allowing for the segregation of youth (Doherty and Ekstedt, 1991). As well, many of the short-term inmates sentenced in British Columbia were subject to hard labour as a form of punishment. Wardens and jailers used prisoners in the maintenance and construction of government buildings and roads as well as in the gaol itself. During these work details, prisoners were shackled together in chain-gang formation to prevent escapes.

Prisons in BC were highly informal and often ad hoc, largely due to lack of funding from the Sovereign. For example, a storage shed in Victoria’s Bastion Square was hastily converted into a jail to contain prisoners (Doherty and Ekstedt, 1991). It was not until 1886 that a new gaol was built with the specific purpose of incapacitation. A year prior, the first provincial prison was built on the mainland. Both institutions were

the first in BC to have separate holding facilities for women. This was consistent with the policies of both federal and provincial governments.

In 1911 and 1912 Oakalla and Sanich prison farms opened. Although both facilities emphasized discipline through hard work, a focus on skill development began to emerge as prisoners learned what administrators believed were marketable agricultural and industrial skills. The prisons also abandoned the use of shackles and cold water punishment and rewards for good behaviour were introduced. Prisoners still found themselves subjected to punishment such as solitary confinement for bad behaviours, but they also were rewarded with extra rations, lighter work duties, and tobacco for exemplary behaviour.

Clearly a change in the predominant way of thinking about crime and punishment was on the horizon in incarceration practices by the end of the 19th century. Yet, through the early decades of the 20th century the move to rehabilitation was slow, regardless of the recognition that change was necessary. One barrier was the Great War. From the onset of the war to its conclusion considerable domestic energy was concentrated overseas (Carrigan, 1991). After the war, humanists once again focused on prisons. Several government commissions were struck and each one found that further changes were required, both in terms of the treatment of prisoners and the direction or form punishment should take. A 1933 Report of the Royal Commission Concerning Jails in Nova Scotia concluded, “Many jails had worn and dirty fixtures, torn bedding, and insufficient fixtures. Dirt, vermin and a foul stench were common “(Carrigan, 1991:361).

In a subsequent study of prisons and punishment in Canada, Mr. Justice Archambault used principles of rehabilitation in his recommendations for prison reform (Doherty & Edstedt, 1991). Once again the report's recommendation did not materialize, partly as a result of World War II, and partly because of a simple lack of political will.

Two evolving social conditions finally changed political interest in rehabilitation in prisons. One was the success and notoriety of groups such as John Howard and Elizabeth Fry. These agencies evolved from the efforts of citizens concerned about the lives of prisoners after their release. They implemented supports for both men (John Howard) and women (Elizabeth Fry) to ease the transition from incarceration to freedom. As public concerns for prison conditions escalated both organizations began to advocate on prisoner behalf in terms of both practical supports and rehabilitation programs. The relationship between the prison experience and the success of offenders in the community was clear to these organizations. To escape the pressure from these humanist movement organizations, federal and provincial governments accepted that change was necessary. As a result rehabilitation, in addition to programs and services to improve the life experience of prisoners during incarceration, became the prominent ideal of federal and provincial policy.

Between 1950 and 1969, the rehabilitation era in Canada reached its pinnacle (Carrigan, 1991). During this time "an optimism prevailed that offenders, particularly youthful offenders, could be rehabilitated through an individual treatment approach-which included training, counselling and education-primarily within the institutional

environment” (Doherty & Ekstedt, 1991: 50). Drunkenness, for example, was long recognized by penal practitioners as an important factor in the criminal experiences of over 50% of convicted offenders. In response, the rehabilitative movement organized interventions, either individual or group counseling programs, to address the condition. Once case managers identified alcohol as a contributing factor to an inmates’ conviction they urged the individual to participate in institutional alcohol therapy. This involved Alcoholics Anonymous 12-Step program, as well as individual and group counseling by professional addiction therapists. AA’s 12-Step program has been modified to address addiction to narcotics (NA) and sexual obsessions.

Rehabilitation programs addressed other social and psychological characteristics of crime, including lack of education and formal job skills, family violence, anger management, sexual obsession and other personality disorders that require intensive psychotherapy (Peters, 1993). Most prisons provided education programs to help inmates obtain secondary education, and in some cases a skilled trade. Skills training often occurred in work-related situations within the institutional context and it was common for both minimum and maximum-security prisons to work in industries such as agriculture and manufacturing. The general purpose of all rehabilitative programs was to intervene in the crime process by modifying offenders’ personality, moral character, abilities or lifestyle. Advocates of the rehabilitation model argued that these ameliorations would provide the tools necessary for reintegration into society.

Penal practitioners viewed rehabilitation as the great liberal reform that would solve the problem of recidivism. As researchers had come to note, a significant proportion of ex-prisoners, often the majority, were repeat offenders. Their numbers came to be a benchmark for the success of penal strategies that intended to reform prisoners. Humanists had used the recidivist rate to argue that severe punishment failed to significantly reduce prison populations. As rehabilitation reached its plateau years its effectiveness was judged by the same benchmark. Hundreds of projects- -including works by Bailey (1966), Kasselbaum, Ward and Wilner (1971), Greenberg (1977) and Sechrest (1979)- -evaluated the merits of rehabilitation within institutions. The results of each study were similar: rehabilitation had little if any downward effect on post recidivism rates of institutional offenders.

Although the aforementioned researchers published their findings, penal practitioners and policy makers had little reaction. This changed with Martinson's (1977) seminal article "What Works"? Martinson reviewed hundreds of studies on the effects of rehabilitation on recidivism and reached the same conclusion as others; however, it was his work that caught the eye of penal management. He found that a large number had studies such serious methodological flaws that their results were essentially invalid. The more methodologically rigorous studies that compared control groups to those exposed to rehabilitative strategies found no significant reduction in recidivism among the latter.

Thus Martinson (1977:49) concluded,

I am bound to say that these data, involving over two hundred studies and hundreds of thousands of individuals as they do, are the best available and give us very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation. This is not to say that we found no instances of success or partial success; it is only to say that these

instances have been isolated, producing no clear pattern to indicate the efficacy of any particular method of treatment.

Martinson argued that the poor success of the treatment model reflects a fundamental problem with the theory of rehabilitation:

Our present treatment programs are based on a theory of crime as a 'disease'-that is to say, as something foreign and abnormal in the individual which can presumably be cured. This theory may well be flawed, in that it overlooks-indeed, denies-both the normality of crime in society and the personal normality of a very large proportion of offenders, criminals who are merely responding to the facts and conditions of society (49).

Martinson's "nothing works" conclusion provided evidence for advocates of tightened security. For example, McMahon (1992) argues that nothing works contributed to a managerial approach to punishment which, like, industry focuses on cost effectiveness, privatization, risk management, administration, and regulation. Similarly, Shicor (1995) in Punishment for Profit: Private Prisons and Public Concerns views Martinson's work as contributing to the post-1970 resurgence of classical-liberal laissez faire socioeconomic philosophies of Hobbes, Locke and Smith and the calls for privatization. The costs of prison operation also provided conservatives with material for advocating for prisons. For example, between 1980 and 1990 the cost to operate federal and state prisons in the United States jumped from six to 20 billion dollars—a 233% increase (Shicor, 1995). This is related, in part, to the increase in the incarceration rate (per 100,000) from 96 in 1971 to 292 in 1990. These figures coupled with a host of studies that undermined the presumed efficacy of rehabilitation, provided strong support for privatization.

Martinson's conclusions also supported the criminological perspective that viewed rehabilitation as doomed simply because it was an extension of oppressive social control through the disease model (Foucault, 1977; McMahon, 1992). As McMahon (1992: 40) notes of this perspective, "Participation in reform activity seems counter-productive. Rather, the findings of their analysis often involve critical criminologists in the depressing task of advising and informing well-meaning reformers that they are doing 'no good'." Indeed, the findings of Martinson and others were good news to the critical school. That "nothing works" in rehabilitation was evidence to support decarceration and the expansion of community correctional programs.

Thus, the nothing works thesis lead to two philosophically opposed penal movements. On the right existed the market-oriented approach, on the left an approach that advocated less imprisonment and more community involvement in punishment and it was that the latter used the goals of the former to push for community programs. The fiscal crisis faced by many governments at the time of Martinson's report provided the political incentive to look at both of these alternatives.

Community corrections largely took the form of diverting offenders from institutional imprisonment through the use of fines, community service programs, victim restitution programs, electronic monitoring, and half-way houses. The intended effect, as indicated above, differed according to the varied goals of participating groups. Some saw decarceration as fiscally responsible, others saw it as morally right, while others saw it as the most effective approach to reducing recidivism. Nevertheless community programs

came under the same scrutiny as institutional programs. Critics argued that community programs did not significantly affect recidivism and as a result many programs lost their political and fiscal support (McMahon, 1992).

The debate over the efficacy of rehabilitation has not diminished since Martinson's conclusions. Researchers continue to evaluate programs, and their research often fails to find any significant variation between programming and post-release offending; although some analysts have observed a decline in recidivism among program participants related to non-participants. Other reports found that other groups re-offended at comparable rates.

In summary, the goals of rehabilitation derive from a belief of individual reform based on the classical model of human behaviour. This model advocates a language of choice, consequences, action, pain and pleasure, rehabilitation programs and attempts to change offenders' behavioural and cognitive approach to their actions. Offenders who succeed realize alternatives to crime such as education and training, drug and alcohol abstinence, anger control, skills acquisition, and hard work. From a Marxist perspective, this means acceptance of working or underclass status, poverty, cycles of employment and limited access to scarce resources. Those who are unwilling to accept their status as legitimate and respond through acts of violence against property and people are labeled "deviant." Since Marxists believe that crime is a response to inherent and ongoing class conflict, rehabilitation is doomed to failure.

Foucault argues for a broader perspective of deviance based on dominance and social control. Deviants are largely subordinate in a power relationship, one that is not necessarily based on class conflict, but on the desire of the dominant group in society to maintain social order. In pre-capitalism the dominant group maintained social order through the use of harsh forms of torture and capital punishment of those who undermined principles of kingship. The hierarchy of feudal Europe counted on the severity and public nature of punishment having a general deterrence effect. Average citizens were left to resolve conflicts among themselves. Prisons did not have a central location in the judicial system.

As Feudalism gave way to industrial society a new emphasis on protecting property required alternatives to traditional punishment. Prisons, which had been used minimally up to the pre-capitalist and capitalist eras, fit well with the rational and scientific movement of the Enlightenment period. This approach assumed that people were rational actors who responded to pain and pleasure. Judicial officials accepted the tenet that if punishment offset any benefits to crime it would deter both primary and secondary deviance.

In this period prisons expanded and officials made their conditions harsh, and in the case of the Auburn model, often brutal. As time elapsed, critics of this approach cast dark shadows over assumptions of effectiveness. They argued that the austerity of prisons and the severity of punishment had effects opposite to those intended. As a result, a movement emerged that advocated change and that initiated the rehabilitation

era. Rehabilitative philosophy attacked the idea of change through pain and supplanted it with change through reform. Leaders of the movement such as John Howard and Elizabeth Fry believed that if offenders were presented with opportunities to overcome certain social and personal barriers they would choose a different path upon their release; rather than commit crime they would choose to work because they received skills training, or choose not to drink because they had been reformed around dependency issues, or choose to better themselves morally through Christian programs. As the rehabilitation era took hold of the Western penal structure, numerous reform programs developed to meet a diverse set of needs. Expectations among penal practitioners and intellectuals ran high that excessive recidivism rates of the past would soon be an historical phenomenon.

Rehabilitation reached its pinnacle with an explosion of programs within prisons during the 1950s and 1960s. The 1970s began with a political flavour of fiscal restraint in response to escalating government deficits and both the enthusiasm of the rehabilitation movement and of fiscal reformers monitored recidivism as a measurement of rehabilitation's effects. Researchers conducted numerous studies, many of which concluded that rehabilitation was having little if any effect on recidivism. Martinson's publication "What Works" captured the attention of penal reformers looking to cut costs or in favour of decarceration and community programming.

In the 1990's penology saw increased support for stricter punishment and longer sentences and a decline of support for rehabilitation. However, the 1990s also saw resurgence among advocates in rehabilitation in some countries. One author in particular,

John Braithwaite (1989), has revived interest in rehabilitation with his provocative work on reintegrative shaming. Braithwaite agrees with Martinson that nothing has worked; however, whereas Martinson disagrees fundamentally with rehabilitation, Braithwaite believes that rehabilitation's fundamental principles are reasonable and that problems exist because of the current institutional model of delivery and its context of individual reform. These practices separate the offender and victim in a highly professionalized judicial process, allowing the offender to escape the shame associated with being connected to one's community. According to Braithwaite, it is a sense of integration in community that provides the societal foundations of shame. Individuals, including victims and offenders in communitarian societies, that is societies in which people are densely interrelated through a common goal of community progress and health, tend to view punishment differently. Shame rather than, or in addition to incarceration is the focus of punishment. The following chapter summarizes Braithwaite's theory of how shame can be used as an effective rehabilitative tool.

Chapter 2

Shame and Reintegration: An Alternative to Current Penal Practices

John Braithwaite's (1989) theory of shame and reintegration offers an alternative to current penal practices. According to Braithwaite, contemporary practices have largely failed because of their stigmatizing effect. Current judicial and punishment practices in Western nations such as Canada and the United States, stigmatize offenders by applying an unrelenting label that marks them as deviants. Braithwaite argues that in these countries the judicial process transforms offenders making them social outcasts. As the transformation occurs a new image of the deviant emerges vis-a-vis offenders' self-concept and society's new image of them in a morally diminished capacity. Once punished and labeled, offenders' limited opportunities and poor self-image encourage their continued involvement in offending.

Although Braithwaite argues that stigmatization is a key factor in the continuation of deviant behaviour, he notes that recidivism is also linked to the diminished social attachment inmates feel toward individuals and groups on micro (family, neighborhood, workplace, community, etc.) and macro levels (society). Without a sense of attachment, conscience does not develop, and it does not operate as an internal mechanism of behavioural control with respect to social mores, formal rules and regulations, and laws. According to Braithwaite, conscience arises from feelings of shame and guilt, emotions that are far more

effective in controlling deviant behaviour than external controls such as the threat of corporal punishment, imprisonment, and police. Parents encourage shame, guilt and conscience by sanctioning children who commit deviant acts. As youths or adults, shamed individuals re-experience anguish at the thought of committing an illegal act. They avoid this anxiety by following the moral code of the group. Thus the thought of undermining the social good and experiencing shame in the eyes of others become far greater deterrents than the fear of imprisonment or other forms of punishment.

In this chapter I discuss Braithwaite's theory in detail. Braithwaite maintains that although social control originates in the family, societal variations in adolescent and adult recidivism can be explained largely by variation in judicial processes: nations in which offenders experience a formal court system that is largely privatized and keeps offenders and others closest to the crime at arm's length from each other, have higher crime rates, whereas nations that use informal judicial process such as community groups and organizations, and use shaming strategies as punishment, have lower crime rates.

The family model: origins of reintegrative shaming

Braithwaite identifies a "family model" that provides a micro unit of analysis of shaming at a broader level. In the model family, deviance or acts of wrongdoing are viewed by parents as normal, and to be expected from children as part of their learning process. In these families, parents do not punish their

children's misdeeds by making them social out-casts; instead, they punish with a great deal of warmth and love. This approach inculcates an understanding that, notwithstanding their acts of wrongdoing, deviants are normal and integral parts of the family unit. Drawing on child development literature, Braithwaite categorizes this parenting technique as authoritative.

Braithwaite contrasts authoritative parenting with authoritarian techniques. Authoritarian parents are generally detached emotionally from their children other than during periods in which they display anger. When they are uninvolved, authoritarian parents adopt a laissez-faire approach; they are overly permissive and refrain from exercising any form of punishment or control. Children basically do as they wish. However, when angered, authoritarian parents quickly resort to a type of punishment that is generally corporal; a practice based on a philosophy of deterrence that the fear of further harsh punishment will curb future incidents of deviance. According to Braithwaite, both elements of authoritarian parenting increases the motivation for children to rebel and their rebellion often takes the form of deviance.

Authoritarian parents also draw on shame and guilt, but the shame is part of a labeling process that focuses on children's identities rather than their acts; thus it is disintegrative. Repeated labeling encourages children to internalize the stigma and overtime the label becomes a master status (Cordella, 1984). The punishment and outcasting that mark the establishment of a master status

are often public and once the label is established, onlookers come to view the child as delinquent first and citizen second.

Authoritative parents also shame, but in a forgiving manner. Responding quickly and consistently, authoritative parents make clear the negative status of deviant acts and the children's responsibility for choosing these behaviours. They then use admonitions and punishments that are directly tied to the deviant act. As a result the child undergoes a shaming process, but it is brief. De-shaming ceremonies, such as open forgiveness and understanding follow to preclude any chance of the child earning a delinquent master status. Through this process children learn that committing certain acts are deviant and contravene the morals established by the group, community or society. Through de-shaming they learn that they continue to remain integral members of both their family and community. These processes, consist of punishment, shaming and reintegration, constitute the key elements in what Braithwaite calls a processes of "reintegrative shaming."

Reintegrative shaming in the family can take several forms. It may be a verbal admonishment, a look of disgust, or parental tears caused by the child's actions. The intent of these responses is to moralize social behaviour; that is, to show children that they have committed acts that contravene the values of the group. At the center of this context is attachment between children and significant others. Children must feel that their behaviours cause significant

others pain and suffering if they are to experience emotions of guilt and shame for committing deviant acts; moreover, they must think that their actions have threatened their relationships with others by causing people to think poorly of them. This is the essence of attachment. Attached individuals not only care for the feelings of other to whom they are attached; they concern themselves with the moral lens through which those individuals view them. Thus attached children experience shame for causing victims pain and suffering, and as equally as important, considerable embarrassment for threatening the victims' moral image of them.

Shame is reintegrative, rather than stigmatizing, when parents use child-rearing strategies and provide opportunities that reintegrate children into the family, thereby allowing children's feelings of shame to diminish and recede into their consciences. These strategies involve informing children that although their transgressions are serious, they are still loved and are an important part of the family. As well, parents need to provide ways for children to atone for their misbehaviours (e.g., victim compensation) and for reasserting their family membership (e.g., by spending time together).

Family is the locus of social control, but a societal-wide process of shaming reinforces these processes and moralizes crimes that the average household does not experience. Moral messages may be transmitted by a number of sources including the gossip of neighbours, media outlets and peer

groups. Each of these can transmit a moral message in the language of shame, thereby contributing vicariously to the child's learning process. Stories, gossip and other social processes of shaming provide three important contributions to the development of conscience as a social control mechanism. First, they give content to a day-to-day socialization of children around behaviours children are unlikely to experience or witness, such as grand theft, or acts of intense violence. Second, societal incidents of shaming add to the arsenal of crimes that parents input into their children's consciences. As Braithwaite (79) notes, "in a society where shaming is important, societal incidents of shaming trigger vicarious shaming within the family so that the criminal code is eventually more or less automatically covered." Third, as families discuss daily news and gossip, children come to learn that crime is socially embedded with sentiments of shame. They can personalize society's response to crime through their own deviant behaviour in the family. Children learn to avoid committing deviance in both realms when parents react similarly to deviance in the family and to deviance on a broader social scale.

Societal incidents of shaming replace parental roles after children leave home. This is particularly important where social changes have introduced new moral norms, or intensified the evil of existing ones. Contemporary examples of this include drunk driving, crimes against the environment, political corruption and sexual harassment. Braithwaite (79) concludes, that "shaming" is particularly vital in shaping a contemporary relevant legal and moral order" within

and beyond the scope of parenting.

As children grow, develop and experience repeated messages of shame from both inside and outside the family context, they begin to internalize social norms and values. In a sense they begin to build a moral code that becomes a reference guide for interpreting behaviour as good or bad. This internalization contributes largely to the development of conscience, a powerful deterrent to deviant behaviour. Conscience becomes a guard against deviance as it flags certain acts as morally wrong and warns the individual that committing such acts results in severe and negative consequences. Conscience becomes so powerful a deterrent to deviance, or in other terms a powerful mechanism of social control, that it negates the need for external social control agents (e.g., police).

Reintegrative shaming plays a pivotal role in developing conscience as messages of shame come to evoke anxiety responses. The negative feelings a child experiences as a result of being shamed can be so powerful as to evoke a physical sense such as nausea. In the conceptual context of classical conditioning, the pairing of shame and moral messages of wrongdoing eventually leads to anxiety responses without the presence of external forces of shame such as the parent or teacher. Thus, the thought of committing a deviant act causes an anxiety response in the absence of any external presence. The source of the response is conscience. Conscience is central to Braithwaite's theory because, although punishment ceases to be an effective social control in

the absence of the punisher, conscience is always present to initiate unpleasant feelings of guilt and shame. According to Braithwaite (71-72), this has practical implications for wider society:

In wider society, it is no longer logistically possible, as it is in the nursery, for arrangements to be made for punishment to hang over the heads of persons whenever temptation to break rules is put in their path. Happily, conscience more than compensates for absence of formal control. For a well socialized individual conscience delivers an anxiety response to punish each and every involvement in crime....

Although Braithwaite does not develop a thorough treatment of the origins of authoritative and authoritarian parenting styles, he suggests that the dominance of one style over another reflects cultural and structural support for particular parenting philosophies. Variation in support can be explained, in part, with reference to the ideology of the dominant class, particularly if the ideology permeates popular conscience. Parents obtain ideas and knowledge from ideological structures that trickle down to the masses. The reverse is also true. Politicians may take the lead of the populace that strict punishment and stigmatization is an acceptable and effective social control mechanism.

In sum, Braithwaite argues that the origins of social control are the subjective controls that individuals develop in the family. Culturally and structurally supported authoritative parenting, strong emotional attachments and dependence on significant others, stimulate the development of internal controls of guilt, shame and conscience thereby obviating the need for external controls for most people. For Braithwaite, one's internal controls are far more powerful

than society's justice system of laws and regulations, or the fear of the police or incarceration.

Rebellion Against Social Control

Braithwaite recognizes that authoritative parenting, reintegrative shaming in the family, and the development of conscience are not sufficient forces to preclude the occurrence of deviance, particularly in adolescence and young adulthood. In adolescence, youth's ties to their parents recede, yet they are typically far removed from the ties that will develop when they form their own families; in this "in-between" stage, the family model is not the mechanism of social control it once was, nor will it be again. In these periods, conscience may weaken and play a more limited role in controlling behaviour. When this occurs people (mostly males) may be more susceptible to the temptations (e.g., monetary gain) and pressures (e.g., peer support for crime) that encourage deviation from societal norms.

However, a separate group of social forces may also encourage deviance. As children gain independence from their authoritative parents they may suddenly encounter schools, police, and employers that use formal and informal mechanisms of control which eschew authoritativeness for authoritarianism. Braithwaite (1980:79) refers to the conflict between styles as a discontinuity in socialization practices: "a discontinuity with development patterns set in the family is established by the other major socializing institutions for adolescents-

the school and the police.” Braithwaite (1989:80) argues that a common outcome of this discontinuity is protest and rebellion which in turn lead to potential deviance:

Just as the evidence shows that aggression and delinquency is the reaction to excessive use of punishment and power assertion as the control strategy within the family, we might expect rebellion against a demeaning punitiveness on the street to be all the more acute when families have eschewed authoritarianism in favour of authoritativeness.

In societies where state control and punishment are particularly harsh, rebellion and deviance will be notably high. In comparison, deviance is lower in societies that minimize the discontinuity of socialization through formal and informal mechanisms of state control that more closely resemble those of authoritative family. Braithwaite demonstrates the differences between state systems of social control by contrasting Japanese society with North American nations; whereas the former embodies an authoritative approach, the latter are clearly authoritarian.

Japanese society is characterized by a sense of responsibility and obligation to the family and social order, the general acceptance of communitarian ideals, and interdependency. Japanese culture, Braithwaite argues, is the authoritative family “writ large,” the same ties between parent and child, coach and child, and teacher and child occur on a larger social rubric between individuals and groups. Similarly, the paternalism of the parent and child relationship within the family model occurs on a broader social scale. Just as children accept parents’ intervention for the sake of the family, an individual

accepts an organization or group's intervention for the sake of a larger social good.

The belief that group interests supercede those of individuals reflects the communitarianism of Japanese culture. The other key feature, interdependency, refers to the emphasis on interactions between groups and individuals to maintain consensus. Communitarianism and interdependency encourage high levels of respect for authority and discourage challenges to it. Thus, Japanese people tend not to resist government interventions. As Braithwaite (1989:63) notes, in Japan, "government intervention in social life is more acceptable... and individuals feel a moral obligation to assist activity in preserving moral consensus in the community." Thus, Japanese society relies less on external controls of the state and more on socially instilled mechanisms of guilt and shame through informal reactions and organizations.

According to Braithwaite, the characteristics of Japanese society have resulted in a very efficient criminal justice system. In general, the system discourages the use of courts and instead favours community-based non-judicial organizations. These groups are directly or indirectly supported by the state and exist to reintegrate offenders as equal and productive citizens. For a majority of cases they achieve this goal without the use of a formal justice system or courtroom trials. Organizations such as Big Brothers and Sisters for delinquents, street youth organizations, and crime prevention associations

bring offenders and victims together. In these organizations, as well as in the courts, the goal is to reintegrate offenders. Thus, the justice system emphasizes the harm offenders cause, not only to their victims and their victims' communities, but also to the offenders' own families and communities. In most cases, offenders confront their victims (and often their families) in a public setting, one goal of which is to make the offenders feel shamed for their crimes. Once offenders have publicly apologized for their wrongdoing, the various participants are responsible for attempting to reconnect offenders with their communities.

This system's success in reintegrating offenders through shaming occurs because of a fundamental ideology evident in various social levels including the state, community, neighborhood and individual consciousness. The latter is most evident in the actions of offenders, who, according to Braithwaite (1989:62) are typically willing to "accept the community's terms for resocialization rather than insisting on legal innocence and bargaining for the mitigation of punishment." The views of non-offenders are consistent with this perspective as they typically see offenders as having "mutable" characters, that are "responsive to informal sanctions of proximate groups "(Braithwaite, 1989:62).

Braithwaite points to the low crime rate in Japan, especially in comparison to other industrial nations, as evidence of the system's success. However, he adds that a more telling test of the system involves sentencing. Specifically, he

notes that a high proportion of offenders are arrested in Japan; however, only a small number of those convicted, receive prison sentences: “Fewer than 10 percent of those offenders who are convicted receive prison sentences, and for two-thirds of these, prison sentences are suspended” (Braithwaite, 1989:64). Braithwaite further adds that this pattern is not restricted to minor offenses, as nearly 30% of murder convictions also result in a suspended sentence. Yet, Japan’s murder rate is lower than that of North American countries.

Braithwaite emphasizes that beliefs and structures that reflect communitarianism and interdependency stand in stark comparison to many North American nations. In the latter, individuals are not socialized to accept intervention from public groups and thus do not anticipate sanctioning from entities outside of the legal justice system. Moreover, the ideology of the individuated society stands opposed to communitarian ideals. Interdependency exists, however it does so as a function of utilitarian goals. Thus, the goals of each individual to achieve success at different social levels within the law culminates in an aggregate of interdependencies; however, the sum of social ties does not lead to communitarianism without question. As North Americans tie themselves to other citizens and groups they do so without the expectation or acceptance of entities outside formal state mechanisms interfering in their lives, particularly at the judicial level. Aggregates of interdependent ties exist around economic and political routines, but only so far as they exalt individualism.

These characteristics are particularly evident in the judicial system. In the dominant North American approach, the court process represents a transformation of character in which offenders acquire a master status of delinquents, criminals, or offenders. Offenders are clearly set apart from non-offenders; they are labeled as different and their court and punishment experiences stigmatizes them. In this system, offenders and victims, as well as others closest to the crimes, are kept at a distance. Thus, victims are denied the opportunity to confront the offender and display their pain and suffering and offenders view the consequences of their crimes only in the context of their punishment; an outcome that may involve “rehabilitation” as well as punishment, but sadly the former typically occurs in the same dehumanizing institution as the latter. Moreover, demarcating offenders from others, increases the likelihood that a deviant master status will continue to haunt offenders long after their sentence ends. This stigmatization blocks legitimate opportunities to find employment, to renew social statuses, to reconnect with families and communities, and to feel shame for one’s actions.

In sum Braithwaite identifies the effectiveness of shaming techniques within the authoritative family context. In this family type, parents view acts of wrongdoing and deviance as normal. They punish such acts, but they do so while separating the act from the child’s identity. They focus on the act as negative and the child’s identity as essentially good. They use shaming techniques to make their children understand that certain acts are socially

unacceptable, but they do so in a context of inclusion rather than exclusion. Authoritarian parents also shame their children, but do not separate the acts from one's character. As a result, children who are consistently punished in this manner develop deviant self-identities and are more likely to commit deviant or illegal acts.

As children mature they gain more freedom from the family context. In Western societies they begin to encounter formal mechanisms of social control such as schools, police and employers that eschew authoritativeness for authoritarianism. Youths may react to these changes with rebellion and protest that may lead to deviance.

Western punishment practices separate offenders and victims in a formal judicial process that Braithwaite refers to as a degradation ceremony. Professionals rather than lay community members participate in constructing a "deviant" master status that offenders find difficult to reverse. The master status is a social stigma that keeps offenders and community members distant from each other. On the other hand, societal contexts of interdependency and communitarianism tend to practice punishment rituals that reintegrate offenders. Within this context offenders and victims, as well as others closest to the offender and victim - - family members, priests, neighbors- -participate in these punishment rituals. When forced to face these people, offenders may become

cognizant of the destructive reality of their crimes, a development that has positive impacts on both primary and secondary deviance.

Braithwaite juxtaposes the Western experience with the communitarian one of Japan. Japan, for example, relies on many of the authoritative punishment ideals Braithwaite identifies in the authoritarian family. Japanese culture, however, extends the immediate family to include the larger group or community. Within this context, the child does not confront a “discontinuity of socialization” between the family and larger society. In addition, when deviance does occur, community groups other than professionals become involved in a punishment process that includes rituals of shame and which divert cases from formal arrest, conviction and incarceration. As noted earlier, judicial statistics for crimes are usually considerably lower in Japan than in the United States.

Tests of Reintegrative Shaming

Given the recency of Braithwaite’s work there is little empirical research that tests the efficacy of reintegrative shaming outside of Japan. However, two studies offer some support. In the first study Zhang (1995) examines shame in an ethnic context in the United States. Zhang’s work suggests that two distinct American cultural groups, Asian and African, utilize shaming techniques within the family and local communities that are similar to those used in Japan. Thus reintegrative shaming may occur in Canada and the United States, but is most likely found in minority communities rather than in the dominant one and in

communities that are more pluralistic. Thus reintegrative shaming may occur within pluralistic societies.

In the second study Braithwaite and Mugford (1994) report their observations of community conferences for 23 offenders in New Zealand and Australia. The purpose of the conferences was to divert offenders from the formal court system. The conferences were based on the philosophy of reintegrative shaming, as expressed in part, by the cultural practices of indigenous peoples such as the Maoris, Sumoans and Australian aboriginals (see Braithwaite 1989; Mugford and Braithwaite, 1994). The authors observed that both offenders and victims responded to each other in a manner that facilitated reintegration. When confronted with the victim and their significant others, offenders realized the impact of their crime and followed by asking forgiveness: "At all conferences we attended, the offenders offered an apology. Often they agreed to follow up with a letter of apology or a visit to apologize again to the victim and other members of the family. Often there was also apology to parents, teachers, even the police" (Braithwaite & Mugford, 1994:150).

The apology distinguishes the individual offender from the criminal act. In traditional degradation ceremonies, such as those in the North American courtroom trial, the human side of the offender often remains hidden by the

distance maintained between participants. The authors observed that participants responded favourably once the offender had apologized.

A common feature of successful reintegration ceremonies can be a rallying of the support of loved ones behind the disassociation of self created by a genuine apology. After one moving and tearful statement by a Maori offender in Auckland, for example, elders offered congratulatory speeches on the fine apology he had given to his parents (Braithwaite & Mugford, 1994:150).

Expressions of guilt and understanding for the crime committed do not end with the apology. Often physical expressions such as handshakes and hugs pass between ceremony participants, as when female victims would hug young offenders. The shaming ceremonies proved as enlightening to victims as to the offenders. Many victims better understood the social situation of offenders, an insight that they did not have prior to the ceremony. Offenders often spoke of their poverty, neglect and abuse during their apology. In one example, Braithwaite and Mugford observed how demands of punishment from participants for one particular offender changed to offerings of support. At another ceremony Braithwaite and Mugford and others witnessed the offender and her mother interact with the latter hurling verbal abuses at her daughter before stomping out of the setting. Braithwaite and Mugford (1994:145) note that other participants, including victim supporters who had arrived at the conference very angry at the offender, were now sorry for her and wanted to help. They learnt that she was a street kid and their anger turned against a mother who could “abandon her daughter like this.”

Braithwaite and Mugford observed that a transformation of perspective of offenders and ensuing social support were common themes in the conferences. They attribute these themes to the realization that ceremonies allow victims to see the offender as a whole person, not just in light of master status of a deviant. Ensuing social support arises because participants involve themselves in the ceremonies and because they are generally supportive people. Once they view the offender as a whole person providing support comes naturally. Indeed, many ceremony participants offered offenders a place to live and employment to assist them in rebuilding their lives.

Reintegrative Shaming and North American Aboriginal Communities

Shaming is a significant cultural component of Canadian aboriginal communities, both past and present. In aboriginal culture acts of wrongdoing are accepted as common, but seen as undesirable. However, rather than stigmatize the offender, Native tribes focus on the act and illustrate its negative effects on the community. Elders use rituals and ceremonies to communicate that offenders have shamed the community by committing a wrongful act, yet reinforce their belief that the individual is essentially a good person. The ceremonies shed the offense from the individual and shaming essentially acts as closure to the period in which the individual behaved as an offender. Community members participate in rituals and ceremonies to restore the individual's status as an equal and productive member.

That traditional views and practices as such exist in present aboriginal settings has implications for Native prison populations, particularly since aboriginal spiritualism has been recently legitimized within some correctional policies. For example, in 1983 British Columbia agreed to allow many spiritual rituals and ceremonies associated with traditional aboriginal responses to crime to occur in provincial prisons. Implementing Native spiritualism within corrections has brought Native inmates into close contact with elders who can communicate the shame the community has experienced as a result of offenders' actions.

Native spiritual and cultural programs gained acceptance into mainstream programming in the B.C. prison system during the early 1990s. Previously, spiritual programs were Christian based. Additional programs included basic education enhancement, addiction therapy and institutional work programs. Education and work programs aim to increase offenders' employability. Spiritual and addiction therapy programs aim to moralize proper behaviour and instill a value system consonant with the non-offending population. Ultimately, the two program streams intend to provide inmates with legitimate employment opportunities and the desire to make choices that do not contravene the law.

Native programming combines numerous spiritual rituals and cultural practices. Sweatlodge ceremonies, potlatches, pow wows, smudges and sundance ceremonies are the most common elements of Native programming. The Sweatlodge is a time of purification for aboriginal people. Often someone

who has committed a wrongful act views the Sweatlodge as a time to relive a burden of guilt. Within the Sweatlodge the offender confesses to the Elder whose role is analogous to the Catholic Priest during confession; yet, other community members participate such as immediate family members and victims. The Sweatlodge renews the individual's self-image and community standing: "What is said is done so to allow the person speaking to remove a burden, a hurt, a problem. It is not a time to point fingers or to pass information to cause harm to another. It is a time of purification and rebirth (Correctional Service of Canada, 1990:27)." In other spiritual ceremonies - - Smudge, Potlatch, Powwow, Fasting and Sundance - - individuals also participate in a form of cleansing that allows them to move closer to both the spiritual and natural world.

Whenever possible corrections has kept traditional aspects of Native ceremonies, however some have been modified to fit prison surroundings. For example, KRCC program policies have recognized the aforementioned ceremonies as legitimate and whenever possible prison officials have instituted them within each of the three facilities. For example, in most cases, Native programming in B.C. prisons is contracted to non-aboriginal service providers outside the institutions. These providers hire Elders to lead the ceremonies and teach their spiritual and cultural meanings. Elders come to the prison and occasionally small groups of offenders venture out for the day to visit aboriginal communities.

Native programming has two objectives. The first is to reestablish close bonds between Native offenders and traditional community members. Such ties manifest themselves in mutual respect and admiration. Elders count on these ties to foster shame among offenders. Second, Native programming provides the moral context within which elders teach Native offenders traditional community values.

The following chapter reviews the data and methodology I used in my study. First, it discusses the rehabilitation programs that I focus on in my comparative analysis. Second, it discusses the data sources and methodology I used to acquire the data. Third, it discusses the methodology I used to analyze the data.

Chapter Three

Data and Methods

To review, the objectives of this thesis are threefold: to examine if “native” centered correctional programming embodies the characteristics of shaming as discussed by Braithwaite; to explore if program participants describe their experiences in ways consistent with Braithwaite’s ideas; and to investigate if participants in native programming have recidivism patterns that differ from those of inmates who enroll in traditional programs. I explore these issues with data that I gathered as a co-op student at British Columbia Corrections (Nelson, 1996).

Program Information

The programs established by British Columbia Corrections include those operated by private contractors under the auspices of Correction officials. Initially correction staff operated rehabilitation programs. This changed in the late 1970s when BC Corrections began contracting many programs out to private service providers. Now BC Corrections tenders new programs through a public bidding system. Correction officials maintain control of certain functions such as approving program staff to work in the prisons, but ultimately civilian staff hired by the program contractor retain control of day-to-day operations.

I divide programs on the basis of their traditional or nontraditional rehabilitative focus. Traditional rehabilitative programs fall under the general rubric of *treatment* in correctional models. Programs based on the treatment model include alcohol and drug therapy, anger management and mood disorders. The basic premise of each program involves a correction or adjustment of inmates' behaviours, attitudes or beliefs largely through the administration of counselling. For example, drug therapy also refers to cases in which offenders have been diagnosed as clinically depressed or have bipolar, attention deficit, or fetal alcohol disorders. In these cases, the cause of the problem—the crime that lead to incarceration—lies within the individual.

Nontraditional rehabilitative programs include native centered programs that focus on traditional spiritual and cultural roots. Rather than involving client-counsellor relationships, native programs draw on traditional native responses to crime that involve many community members who the medical model would identify as “lay” people. Whereas professional counsellors concentrate on the individual offender, native programs focus on the person and their community.

Native program coordinators generally access native community Elders to assist in delivering program services. The Elders invoke traditional ceremonies such as sweats, smudges and pow wows as mediums to communicate the shame crime causes the community. The ceremonies also establish conditions which foster ties between inmates and community members.

Data

My analysis uses two sets of data. My first data source involves inmate and ex-inmate accounts of their experiences before, during, and after participating in various correctional programs. I used an interview format rather than a self-report instrument because of time constraints, limited resources, sample characteristics (e.g., limited reading ability, greater comfort with verbal interaction) and my interests in the way that offenders' interpreted their experiences. I gathered names of potential interviewees from several sources: contacts I make with inmates as part of my co-op work term, referrals from correctional officials, and recommendations from correctional programs providers.

Once I had a list of potential participants, I located which facility they were serving their sentence and their release date. I organized my interview schedule around this list, first interviewing those inmates who were soon going before the parole board or had served their sentence. When possible, I interviewed as many incarcerated in the same facility during the same period of time. This meant that I had to make several visits to each facility to complete all interviews.

I did not select subjects randomly; instead, I chose people on the basis of their involvement in programs and I attempted to gather an equal number of subjects in both traditional programs (alcohol and drug therapy) and in non-

traditional programs (native cultural awareness). As expected, my choice of interviewees was compromised by institutional schedules (e.g., often respondents were participating in programs or daily work duties at the time I was in the institution) and subject availability (several potential respondents were granted early-release or transferred to other institutions). From my list of 43 respondents, I contacted 28, and 20 agreed to an interview.

Each interview required approximately 45 minutes to one hour to complete. I did not use a standardized interview schedule but started with a general list of questions about reintegrative shaming (see appendix A). I also allowed interviewees a wide degree of latitude to pursue issues that they found important. In addition to my interests, the interviewees spoke about their experiences with other inmates and guards, their personal theories on crime and punishment and often they lamented on what is wrong with the “system” in general.

To analyze the data I used Braithwaite’s theoretical framework to develop a list of themes and variables that would comprise the focus of each interview. Important themes include authoritarian vs. authoritative parenting styles, stigmatization, reintegration, acceptance, and shame. After determining the themes I constructed a list of questions to guide the interview. For example, I asked respondents to discuss relationships with significant others such as parents around the issue of punishment to determine whether they experienced

authoritarian or authoritative parenting styles. I used the same approach to investigate incidents of shame, stigmatization, acceptance and so forth. I pre-tested the questions by interviewing two inmates. I then revised the questions to reflect new themes and issues that arose during the pretest. When respondents agreed, I taped each interview and then transcribed them into hardcopy form.

Based on Mathew and Hubberman's Qualitative Data Analysis (1994), I constructed a list of codes that reflect key themes, issues and concepts of Braithwaite's theory. First, the codes allowed me to assign meaningful terms to the data. I applied codes to words, phrases, sentences and paragraphs. Second, coding allowed me to reduce a large amount of data into a smaller number of analytical units. I highlighted text that contained codes as relevant to the study. This reduced the amount of data for analysis to a manageable level.

Coding as such was a process that occurred as I read each transcript thoroughly and repeatedly. I was conscious of only applying descriptive codes at first. As Mathew and Hubberman note (1994), initial coding should remain descriptive. If it is analytical, rather than patterns or themes emerging, the researcher tends to construct them using his or her bias. After I finished applying descriptive codes to text in each transcript, I conducted what the authors refer to as pattern coding. Pattern coding groups descriptive labels into a smaller number of themes. It is at this point that major themes begin to emerge in the data.

Examples of descriptive codes I used are *accep*sig (acceptance by a significant other), *affec*sig (expressed close affection towards a significant other), and *label*sig (labelled by a significant other). Applying these codes to the text of transcripts provides the beginnings of analysis. Grouping and regrouping descriptive codes allows for specific patterns to emerge. An inmate who expressed love, adoration or affection to a parent (*affec*sig) and acceptance by a parent (*accep*sig) implies an interdependent relationship. In Braithwaite's theoretical framework, interdependency has the potential to shame wrongful behaviour within an authoritative parenting style; however this pattern will emerge only if the relationship includes a punishment component (*punish*sig) and is devoid of labelling (*label*sig). It may be possible for parents to express love yet be *laissez faire* in a crime context, or stigmatize the child when that context arises. Thus, descriptive codes alone provide only a basis for analysis. Examining them in combination with each other determines if concepts such as authoritative parenting emerges from the data.

Subsequent to pattern coding, I constructed contact summary sheets (CSS). This allowed me to develop an overall summary of the main themes that emerged in the data. Each CSS contained information on the respondent, main themes, which research questions and variables did the respondent focus on most, and what new hypothesis or speculations about the theory can be made as

a result of the interview. The CSS was also useful as a reference while summarizing my results in chapter four.

In the results chapter of the thesis, I focus on reporting the major themes that emerged. I highlight these themes through the voices of specific respondents. I did not include data from every respondent as many men simply reinforced themes already noted and described in more detail by others. Rather than repeating ideas I used an individual's comments if they captured a common sentiment or experience or if they represented a unique interpretation or experience that shed light on the topics of interest

The second part of my study consists of a quantitative analysis of recidivism rates. Recidivism has traditionally been used as a benchmark with which to measure program success. The recidivism rate in Canada is approximately 50 percent with some variation by region, gender, age, class, and cultural background. My intent was to determine if this held for KRCC inmates. I measured recidivism with conviction rates for each of the three years prior to my samples' involvement. I then measured the conviction rates for each sample each year for three years after program involvement. The purpose was to determine if a noticeable change in conviction rates occurred after program involvement.

I identified recidivism as two or more separate convictions. To measure convictions for each sample I reviewed respondents case file. Case files indicate type of offense, type of conviction, length of sentence, location of incarceration and so forth. By reviewing each respondents case file I was able to determine if an individuals had been convicted in British Columbia. This is a limitation since I did not have access to data on conviction in other provinces or federally.

The second set of data I use contains offending information on all of the inmates who participated in the two types of correctional programming during the period between the study dates. As a test of the effects of participation in traditional and non-traditional programming, I compare offending rates **within** each group, examining how offending patterns compare prior to and after participation; I also compare offending patterns **between** the groups.

Selecting the subjects for the recidivism analysis involved several steps. First, I constructed two lists of inmates from correction files. The lists contained only inmates who remained sedentary throughout the study (i.e. were not released nor transferred to another institution); and participated in only one program (i.e., native cultural program participants were not also participating in drug and alcohol counselling). Second, I used simple random sampling to select 40 inmates from each list.

Given the post-hoc nature of the study I relied solely on existing file information to measure offending. I gathered the data from existing computer and hard copy files for offenders. At the time of the study, Corrections' offender data were stored in the Provincial Case Files (PCF) system. PCF is an interregional computer database that contains comprehensive information on offenders who have a history in the British Columbia court and penal system. Data includes descriptions of all crimes committed, past and present, sentencing information, transfers within BC Corrections and to and from federal penitentiaries, and personal descriptive data such as birth, height and weight.

PCF has a built-in search function, which allows the user to search for a particular subject by name, case number, date of birth and social insurance number. I used this function to search each subject's name to determine if that subject had reoffended in any of the three years prior to and since his involvement in correctional programming. I conducted additional searches using the subject's case number and social insurance number and/or date of birth. Using all three search techniques allowed me to control for subjects who used aliases or had changed their names. As well, it allowed me to control for errors by correctional officers who may have inputted data incorrectly at the point of sentencing.

As is clear, the database does not include information on offenders who committed minor offences (i.e. misdemeanors), nor on those that offended but

were neither charged nor convicted. However, the absence of these offenders should not unduly compromise this research. There is no compelling reason to assume that these missing offenders are disproportionately drawn from one group over the other (.i.e., from traditional versus non-traditional program participants). Thus, the data should provide a reasonably accurate indication of the effects of programming on those reentered the provincial correction system.

My analysis separates inmate experiences into three time periods. The first, the **pre-intervention stage**, refers to the three-year period prior to the offenders' participation in the correctional program under study. The second stage is the **intervention period**. Intervention generally refers to the time-period in which the offenders were active in their programs. For offenders, this period often corresponds to the length of sentence. For example Native Cultural and Spiritual Awareness participants usually remain active in their program until their release, as do those who participate in AA. The final period, the **post-intervention period**, concerns the three years following the offenders involvement in rehabilitative programming and incarceration.

As noted in Chapter one, Wilkinson's (1977) conclusion that "nothing works" astounded advocates of rehabilitation. It also brought to light the difficulties in measuring recidivism: prison populations are highly mobile, they are often transferred to other institutions, relocated within an institution, and released; thus, researchers may experience considerable attrition in their

samples prior to the conclusion of their research. In addition, offenders are often involved in numerous activities extraneous to their rehabilitative programming: almost all work, many are involved in other programs, and some indulge in extensive informal learning patterns to relieve boredom. As well, all inmates age during their incarceration. On the other side of the coin, post-release behaviour is also influenced by variables other than programming. Correctional programs may provide skills for coping with alcohol or drug problems or they may reconnect offenders with their communities, but they do not address post-release unemployment, housing issues, or poverty. Controlling for each of these variables is difficult, if not impossible. Thus, it is difficult to assess a particular program's effect in explaining variation in recidivism.

Recognizing the aforementioned limitations, I measure offending in the pre- and post-intervention periods at three one-year intervals. A three year period may minimize the distortions introduced by extraneous variables. As well, it addresses a common criticism of recidivism research; that is, inadequate periods for assessing the long-term consequences of programs. There is no precedent that unequivocally specifies the number of months or years offenders should be followed to accurately gauge recidivism rates. Past studies have suggested that recidivist rates rise dramatically within the first three to six months after release into the community and decline thereafter; thus a three-year period is probably more than adequate for assessing the effects of programming.

Chapter 4

Results

Introduction

In this first part of this chapter, I review my qualitative data on offenders' experiences in rehabilitative programming. First I explore their family experiences in context to Braithwaite's authoritative and authoritarian parenting models. Second, I briefly review the type of crimes leading to the interviewees' convictions and their perceptions of the factors that lead to these crimes. Third, I explore if interviewees experienced incidents of reintegrative shaming while incarcerated and if these experiences are reflected in their beliefs, attitudes and actions. As well, I investigate if these experiences differ between inmates who participated in Native versus non-Native programming. Finally, I explore the potential of institutional incidents of shaming to carry forth into the community after the inmate's release.

In the second part of this chapter I examine recidivism. Specifically, I compare conviction rates of three program groups prior to and after their participation in correctional programs.

Subject Family Experiences: Authoritative or Authoritarian

Between January 10 and June 30 1995 I interviewed 20 offenders, ten Native and nine non-Native, who were incarcerated in one of three male adult

correctional facilities in the Kamloops Regional Correctional District. I identify each interviewee by a pseudonym. Each offender discussed his life experiences both in and outside the judicial system as they might relate to a reintegrative shaming framework. Offenders discussed relationships with parents, extended family, employers, volunteer groups, clubs, schools and colleges as a measure of interdependency.

The majority of interviewees, both Native and nonNative in KRCC share a number of characteristics common to jailed offenders. First, all are young, with an average age of approximately 25 years old. Second, they are all male; obviously this is the result of conducting the study in a male institution. However, as noted in the literature, males comprise over 90% of incarcerated individuals. Third, all but one of my subjects cited alcohol as a contributing factor in the events leading up to the crimes they committed. This is also not unusual. As Corrections Canada (1992) reports, 56 per cent of men in prison used alcohol on the day they committed the offense.

The backgrounds of Native and non-Native respondents are similar and many share the same childhood and youth experiences. For example, most men described parents whose parenting vacillated between a rigid and strict disciplinary stance, and a laissez faire approach. They also described early initiation into committing crimes and the use of alcohol or drugs. John and Roland are typical of the non-Native sample. John is 27 years old and has a

fairly long history of crime and drug use beginning in early youth. He has been in detox centres and provincial prisons on a number of occasions. Roland is 29 years old and is originally from Quebec. He committed his first offense at the age of 15 and hoped that by moving to British Columbia he would be able to go straight. One-year after he arrived he was convicted of a number of fraud charges.

Tim, 29 years old, Jason, 19 years old, Rick 33 years old, William 24 years old, and Richard, 41 years old tell similar stories. They have been incarcerated before and all had difficulty in school. Surprisingly, none said they had serious difficulties finding employment; however, most explained that they had some difficulty keeping a job, particularly because of their alcohol consumption.

Native respondents described similar backgrounds. Most school experiences were poor, particularly relationships with non-Native community members such as teachers. Many interviewees recounted cultural insensitivity in non-Native schools and none of the ten Native respondents described relationships with teachers that might have discouraged their decisions to offend. Relationships with parents ranged from laissez faire to authoritarian; however, the former were more prominent than in the non-Native sample. Alvin a 26 year old Native related indifference regarding his parent's attitude towards his behaviour. Others such as James, Henry, Curtis and Steven noted strong

emotional bonds to their mothers who were not inclined to punish. Most interviewees felt, intuitively, that this was to compensate for overly authoritarian and emotionally detached husbands, or as compensation for single parenthood.

Others, such as Francis, Jonny, Thomas, and Jeremy described one or more very strict parents. Francis is a 22 year old Native from British Columbia. He began committing crimes in his youth and has been incarcerated in both youth and adult provincial prisons. Like most of the other respondents he recalls considerable alcohol or drug use starting in his early teenage years. Both of his parents were strict and they forced him to leave home at 16 years of age because he was not conforming to “their rules”.

Few respondents from either sample described relations with community members that could be considered strong or had a potential to shame. Respondents describe interactions with relatives as moderate to good with potential to influence behaviour; however, these interactions were sporadic. As well, few respondents had relationships with teachers or extra curricular role models such as coaches. Most remember only frustration and anger from their school based interactions and their comments suggest that these relationships were more authoritarian rather than authoritative.

Crime leading to convictions

Alcohol or drug use was both common and severe among the interviewees. Although none of the men blamed substance use for their offending, it was often present in the context leading up to the crime. Comments by John, a 27-year-old nonNative with a long history of drug trafficking and theft convictions reflect this view. He said that he first sold marijuana “to earn a little extra money” to spend on himself and friends in other ways, not to satisfy a drug habit. However, John’s own drug use escalated into an uncontrollable addiction to cocaine and heroin. At first he worked at legitimate jobs to sustain his habit. In the early stages of his addiction he was able to live a relatively normal life, including holding down a job. In the advanced stages of the addiction his job did not provide enough money to supply his drug needs. At that point he turned to trafficking drugs to support his habit. When this failed he turned to theft: “[We were] probably stealing two and three thousand dollars worth of stuff a day. And we’d sell it for next to nothing. Everything from leather jackets to air gun nailers...you name it we were stealing it.”

John’s participation in alcohol and drug therapy while incarcerated is a familiar story in KRCC and his experiences resemble those of the other men in my sample. Upon his arrival at the prison his case manager suggested that he participate in alcohol and drug therapy. The goal of John and virtually every prisoner is to earn an early release, enrolling in such programs shows that one

wants to be “rehabilitated” and is working toward achieving this goal. The program provides short-term relief and several practical benefits. It demonstrates to the Parole Board that the offender is serious about going straight and that he is a good risk for early release. However, John states, as did the majority of other subjects, that the program has minimum long-term effects in terms of their substance use and offending.

For John, alcohol and drug therapy represents a last ditch effort for survival. As John states, “Pretty well every time I’ve thought about treatment is when I’ve started to get really down, when the depression sets in. I’m still using. I’m having a hard time making ends meet. I start getting the feeling like what the fuck’s going to happen to me now.” When John reaches this point he feels that he is vulnerable to an overdose or possibly on the edge of committing a serious crime. When he begins to offend again he gets caught at some point and goes to jail where he seeks treatment.

On other occasions John has voluntarily contacted a treatment centre on the outside to seek help. The outside agency generally provides residential services in which he is quasi-incarcerated and restrained from using. The program operates in a controlled setting similar to the prisons to which John has become accustomed. Although they accord the inmate more freedoms and staff-inmate relations are more amicable, prohibitive rules against drug use are consistent with prison rules. The primary difference between the program and

prison is that rule breakage in the former results in expulsion from the program. To someone like John who has sought out the program out of desperation, expulsion is worse than incarceration.

As described above, residential programming represents an external control mechanism not unlike that found in any authoritarian relationship, whether this relationship is between parent and child, headmaster and student, boss and employer, or police officer and civilian. According to Braithwaite, in relationships characterized by an imbalance of power the control of the relationship minimizes as the relationship weakens or ceases to exist. Students cease to heed the wishes of a teacher after the latter leaves the room and children often rebel against strict parents when they are absent. In John's case, the immediate presence of alcohol and drug programming discourages his use; when this control is absent he is drawn to using, thus the external control becomes powerless in its absence.

Prison Rehabilitation And Shame

Drug and Alcohol Therapy

When incarcerated, individuals like John continue to seek addiction therapy because they believe the solution for overcoming addiction is individual will, "If I was only stronger then I would succeed." Alvin, a 26-year-old Native male summarizes this popular sentiment. At KRCC Alvin was serving a six-month sentence for theft. While this was Alvin's first conviction for theft, he has

been sentenced several times in the past for assault. Alvin reported that he had problems with alcohol use, but that this was an influencing factor, and not a major cause of his offending; as Alvin noted, "It gave me that extra push you might say."

While incarcerated Alvin focused on rehabilitation that centered mostly on drug and alcohol counselling. He has experienced some short-term effects of the program, and in the past has managed to stay clean for a number of months after release. His success is short-lived however, and he has always returned to drugs and crime. He believes that both the problem and solution are personal ones: "It's all within yourself. I've heard a lot of people from AA who said 'I went and did this, that I didn't know what I was doing and that I was too drunk or too high.' That's bullshit man, only you can make yourself go straight."

The experiences of John and Alvin are similar to the remaining interviewees. All of these men have some success in prison or quasi-prison conditions where controls against using are rigid; once the controls are relaxed, however, they begin using again.

Other dynamics occur both in and outside of prison that contribute to drug use and recidivism. These are primarily the relationships that form between inmates and counsellors while incarcerated but which, because of institutional policy break at the point of release. Inmates often develop a strong bond with

counsellors; however, it is KRCC policy that counsellors do not follow-up these relationships after the inmate's release. Consequently, these relationships' ability to effect crime typically dissipates after release.

One way of gauging the effects of programming is the amount of crime inmate's commit within the institution. For example, the prison has strict rules against drug and alcohol use; yet, it is common knowledge, as the majority of my subjects stated, that offenders can obtain drugs in prison if they so desire. Most of the men I interviewed said their desire to stop substance use was encouraged by feelings of accountability to program personnel (counsellors, contractors) and group members. In drug and alcohol programs, participant's accountability is to other members of group therapy; a similar sentiment occurs in Alcoholics Anonymous meetings, both within the institutional and those meetings that occur within the community.

In group therapy and AA meetings, interdependency often occurs between inmates and the group. Program participants rely on the group to tell their stories, and to express their feeling and emotions. The men I spoke with described favourably the bonds that formed among participants in their meetings. For some, a similar connection arose with inmates and counsellors; a bond that grew over the course of the inmate's sentence.

According to Braithwaite, the essence of shame is the attachment involved in interdependent relationships. Shame emerges when one takes action that

threatens the relationship. For participants in alcohol and drug therapy, the quickest and most effective way of jeopardizing these interdependent relationships is to begin using drugs or alcohol. When an inmate is caught using he must face the rest of the group, and unlike the fear he may face in an authoritarian relationship, the consequences he faces are manifest in shame. Specifically, the shame of letting the group down. As Frank noted in his interview, after he was caught possessing marijuana by the guards he faced a dual consequence. First he was sentenced to digger time and possible loss of remission. This he accepted easily, without remorse. "It was no big deal you know. I mean no one likes doing digger time [but] I can handle it." The more serious consequence he faced occurred when he had to greet the group, either at therapy or AA:" It was hard ya know, walkin' into the room and lookin' at the guys. It was like I'd let'em down."

It was also difficult for Frank to face his counsellor. Like the other interviewees, Frank had established a quasi-friendship with the alcohol and drug program counsellor; one based on mutual trust and respect. Unlike the guards, inmates feel that the counsellors and other civilian program staff view them as equals. Also, unlike guards, civilian program counsellors view inmates in much more complex terms. To echo Braithwaite, they see them not as "bad" people, but as individuals who have experienced hardship in their lives, and have made "bad" choices in the past. In reintegrative shaming terms they view them as essentially good people who have committed socially unacceptable acts. The

counsellors' goal, which is often a very personal one because they have shared similar experiences with their clients, is to help them reform their attitudes, beliefs and behaviours. Counsellors also express empathy for their clients, a characteristic that helps establish a relationship of openness and trust between the two parties.

The structure of counsellor-inmate relationships contrast with the character of inmate-guard relationships. This difference is made clear in one inmate's comments. Roland spent approximately one year at KRCC for break, enter and theft. He felt that alcohol played a major role in his crime as his behaviour is uncontrollable at time while he is drinking. During his sentence he established a close relationship with the alcohol and drug counsellor at KRCC. Commenting on their relationship Roland remarked, "He was a great guy. I trusted him. I felt that I could tell him anything and he wouldn't rat me out....not like the guards." Shortly after release Roland was arrested for car theft. He was drunk at the time and sentenced to just under two years to KRCC. His meeting with the same counsellor raised pleasant as well as unpleasant emotions. "It was weird you know. I mean, I saw the guy two days after going [back] to the hill. He didn't say nothin' like oh you shouldn't of done that, or what are you doing back here. Instead he just asked if I wanted back in the program. Still, if felt strange. Like he was a guy I didn't want to let down, you know?"

Native Cultural Awareness

Similar inmate-program staff relationships develop in the Native Cultural Awareness program. Initially Native programming was based on a psychological model focusing on individual will. In the case of the offender, Corrections' philosophy saw will power as related to such concepts as self-esteem, image of self, and self-worth. By strengthening these traits, correctional policy hoped to inculcate a desire to conform. Theoretically, these traits were lost to Native peoples because of cultural genocide. By introducing significant cultural and spiritual ceremonies, Corrections hypothesized that an increase in general Native self-respect would ensue.

Native inmates tend to gather as a distinct group in prisons. The Native program encouraged further cohesion by providing Native inmates with a theme around which they could gather. The theme is traditional Native culture in a group setting in which there is a comprehensive agenda. The agenda varies weekly, but generally it consists of projects to enhance awareness of cultural and spiritual ceremonies such as smudge and pipe ceremonies, or skills such as totem carving. The agenda may also include discussion of Native political culture emerging around land claim settlements and roadblocks. In federal and provincial prisons, Native programming operates under the umbrella organization Native Brotherhood and Sisterhood.

While Native programming has increased individual self-esteem, as per its original goal, it also appears to have created strong bonds among Native inmates and between the inmate and his traditional community. Cultural ceremonies and practices have mediated this growth in what we can legitimately view as interdependency. For example Curtis, a young Native inmate recounted an experience during which he was tempted to escape. Each year inmates from KRCC attend the Kamloops Indian Band Pow Wow held outside of the institution. Although security exists, the inmates who participate have considerable freedom to walk about the Pow Wow grounds. Curtis admits that one year he had planned to escape, “I had a ride and everything.” At the Pow Wow, Curtis found himself in the presence of members of the Native community. Over the course of a few hours he came to know Elders, spiritual leaders and Native political leaders who spoke of land claims issues and the like. Curtis strengthened his respect for his own community and the program that allowed him to attend. Influenced by the program Curtis decided at the last minute not to escape: “I couldn’t do it. How could have I looked those people in the eye, especially Jimmy [a community Elder] and Deanna [program coordinator].”

Although Curtis refrained from escaping, three other inmates took the opportunity. Steve described his experience, “It was stupid. We got caught the next day and I was sent back to The Hill¹.” The program also suffered consequences. Ceremonies inside the jail were canceled for the interim and all

¹ The Hill is KRCC’s central classification centre. All inmates are processed here. If they are deemed

activities outside the system, including future Pow Wows were indefinitely postponed. After spending a month at The Hill, Steve's case manager granted his request to be sent back to Bear Creek Camp, an open custody facility. It was here that he had to face the group of Native program participants, many of whom were also at the Pow Wow when he escaped. Steve summed up his feelings, "I felt pretty stupid when I walked into the room. They were all lookin at me like it was my fault. It was I guess." Although the program suffered, the program coordinator was able to reschedule all ceremonies and events such as the Pow Wow. Steve also found himself accepted once again by the group and was able to participate in future Pow Wow's. Asked if he would try another escape he replied, "Are you kiddin'. I learned my lesson."

Steve's feelings about guards and security are diametrically opposed to those he has for the Native program counsellors. He described personal experiences with guards that closely resemble authoritarian relationships when recounting a particular experience in the sawmill at Bear Creek Camp. The mill produces dimensional lumber for supply to other government ministries to use in the construction of picnic tables, park benches and so forth. Steve worked at the mill for the duration of his sentence. After one particularly hard day of production, Steve felt that that he had earned the respect of the guard in charge of his shift; instead the guard noted that he had not worn his hard hat properly. Summing up his feelings Steve remarked, "So you know you work hard all day

unlikely to escape they may be sent to one of the Open Custody camps.

and he notices your hard hat was on wrong. So he writes in your file all about the hard hat. Nothing about the work you did. Other guards too. They do the same thing.”

Guards tend to espouse authoritarian principles as effective discipline techniques and as effective means of deterrence to crime both within and outside the institution. However, this is where philosophy and reality collide. As the following comment suggests, Steve, responded to the guard’s treatment with disdain, a feeling he generalized to other authoritarian figures, and which times encouraged with conscious efforts to rebel: “Guards! I hate ‘em. I try and fuck ‘em up when ever I can.” For Steve, the power relationship between himself and the guards is not a deterrent; it definitely was not when he tried to escape, nor did the relationships cause him to reconsider future escapes. However, as revealed by Curtis’ early comments, program participants recounted remorse and appeared to be somewhat deterred by the shame they experienced in the eyes of fellow inmates and program staff. Steve experienced similar shameful feelings after he escaped. It was these feelings that discouraged him from attempting another escape, not the fence that contained him nor the rules and regulations of the prison.

The experiences of inmates, both Native and non-Native illustrate individual and group commitment to programs. The commitment does not emerge solely out of the will and determination to succeed. Instead, is appears

to develop out of attachment and interdependency among inmates to each other and to program staff. The underlying structure of interdependency is consistent with authoritative principles. These principles of trust, empathy, understanding, equality and acceptance form the foundation of inmate program staff relationships that have reintegrative potency. The mutuality of these components in the relationships creates a need not just for the program but for the relationships themselves. Thus the relationships become the source of shame when participants act in ways which threaten the relationship. As in Steve's case, his escape raised the disappointment and anger of program staff and other inmates in the group. The resulting shame he experienced was uncomfortable, if not painful. The shame combined with acceptance back into the group resulted in Steve's determination not to attempt another escape.

The potential for shaming to reintegrate exists across all programs and inmates groups. As noted above Native, Steve and non-Native Frank share similar experiences of shame and reintegration although they participated in different rehabilitative programs. However, Native programs are more group and community orientated than traditional programming. Alcohol and drug programming, for example, emphasizes the inmate-counsellor relationship. Although a group atmosphere arises in AA meetings, attendance at meetings is sparse. On the other hand, Native programming's core components are explicitly group orientated and inmates eagerly participate and attendance is strong.

Community Rehabilitation and Shame

Inmates who serve time in Kamloops Regional Correctional District are released from the main classification centre, KRCC. From there a correctional officer transports them to the bus depot where some travel to other cities while others decide to remain in Kamloops. For some, leaving the carceral environment for freedom is unnerving. While incarcerated they have made friends, have connected with program staff, are assured a warm bed and meals, and feel safely disconnected from a social environment that they associate with committing crime. Many offenders do not have a support network of family or friends on the outside that they can turn for support, particularly during the critical days and weeks immediately after release. Also, rehabilitation programs within the prison structure do not overlap with community programs. Program staff have been forbade by management to maintain contact with inmates after release. As a result many offenders feel alone and unsure of which direction to take after their release.

Whether or not offenders connect with community programming is self-determined. Program coordinators and case managers may have assisted them in arranging programming on the outside, but following through is up to the individual. As a result, many inmates do not make the connection upon their release. Those who do access community rehabilitation become involved in programs that are similar in structure to prison programs.

Occasionally, program counsellors and inmates continue their relationships after release either coincidentally, or because the counsellors, out of concern for their clients, have broken Correction's rules. In addition, volunteer based programs which emerged in part to help inmates plan for post-release life, are not bound by the same rules as paid program staff, and they may maintain contact with clients after release. For example, Roland participated in John Howard Society's program while incarcerated at KRCC. During the program he established a close relationship with John, a program mentor. Their relationship continued after Roland's release and during the first week, John helped Roland secure employment at an auto dealer. He advocated on Roland's behalf to break the barrier many employers have regarding the hiring of former offenders. The employer agreed to give Roland a chance and within a few weeks he and Roland established a close relationship. Soon after, Roland succeeded as a top salesperson, and his responsibilities increased significantly to the point of handling large sums of cash.

During our first interview, Roland spoke fondly of his relationship with both his mentor and employer. He believed both men sincerely desired that Roland integrated after release and led a "normal life." He said during the interview that his mentor "treats me like a person...like he cares what happens to me. He calls me and drops by the [car] lot to see how I'm doing. He even gave me a place to stay until I got on my feet." Roland made similar remarks about his employer: "He

trusts me. He knows about my record. I can take any car home off the lot, no questions asked...he even gets me to handle the cash. I take it to the bank...hundreds of dollars. I lock up [after closing]. I've got keys to everywhere on the lot."

I asked Roland if he had the urge to commit crime. He stated, "No way, I'm going to make it this time." I then asked if he had considered stealing from his employer. He responded emphatically, "No!" During a subsequent interview I asked Roland to imagine that he had stolen from his employer and to describe his feelings. He replied, "Like shit. Like stabbing a guy in the back who tried to help me. He also related similar feelings with respect to his mentor, but expressed different feelings toward guards: "They're assholes, all of em. They always try and fuck you up...if I see'em coming down the street I cross to the otherside. I just feel like pounding them."

John, 27-years-old, also recounted a similar experience after his last period on probation. While on probation he established a relationship with his probation officer unlike previous relationships. He recounted that she was the first officer to foster a relationship based on respect as opposed to power and control. He remembered feeling at ease in her presence and looked forward to their weekly meetings. During our interview he said, "You know, I felt I could talk to her about anything and she wouldn't throw it in my face." She also expressed concern that his lifestyle was conducive to integration and that reoffending did

not need to be an option for him. With her support John found a job, a decent place to live and community programs to help him refrain from drug and alcohol use. John noted that “It [life] was tough sometimes...but [to keep on track] I would think of her and how I would [betray] her if I did another B&E. I asked John to imagine how he would feel if he did commit another crime. He replied, “I’d feel guilty as hell.”

John described a different experience with a subsequent probation officer: “The guy was a prick. Really into power ya know. Fuck, if I was five minutes late for my weekly [meeting] he’d threaten to sent me back to the joint.” One day I knew I was going to be more than five minutes late so I said fuck it and didn’t show...didn’t phone or ‘nothin. The fucker phoned the cops and has me picked up.” As a result John was sent back to KRCC for the remainder of his sentence.

The experiences of Roland and John are similar to those of Natives who return to the reserve. The difference is that their post-release relationships are less coincidental, reflecting a more proactive correctional policy in which Native programming, particularly the pre/post release programs for Natives, attempts to bridge the gap between community and institutional programs through Native Elders. The program coordinator often coordinates plans for Native inmates to resume their work on the reserve, often with the same Elder they met while incarcerated. I interviewed two such inmates, Jonny and Francis. Both had become heavily involved with the Native Brotherhood resulting in renewed

interest in traditional cultural and spiritual ways. Both men felt that for the first time in their lives they had a chance to stay out of prison. Jonny became a quasi-apprentice to the Elder he met at KRCC. After release he sought out the elder and began participating in cultural and spiritual activities as a leader himself. When I asked where crime fits in his life now he replied, "It doesn't. At least not like it used to." When I asked that he qualify that statement he continued by saying, "I don't drink and drive anymore, and I don't bust into peoples house and take their [stuff]. I take part in roadblocks and other forms of [civil disobedience]. Maybe I go to the can for that one day." When I asked him how he would feel should he slip and get drunk one night and commit a crime he laughed and said, "Are you kiddin' man, I'd feel like shit. I'd feel ashamed not only when I looked my Elder in the eye, but everyone else on the Rez too." Shortly after our interview, Jonny was arrested and charged with various offenses related to a roadblock on non-Native soil.

Francis related a similar experience. When I interviewed him he had been recently released from doing time for alcohol related offense. He was living on the reserve and we spoke outside the community sweat lodge. The sweat lodge held significance for Francis, more so than other cultural ceremonies. It was a place that he felt he could "clean my soul" and learn more about Native traditional culture. He spoke fondly of his Elder and the community which he came to as an outsider. He became seriously interested in traditional culture during the annual inmate Pow Wow. During the Pow Wow the inmates participate in a traditional

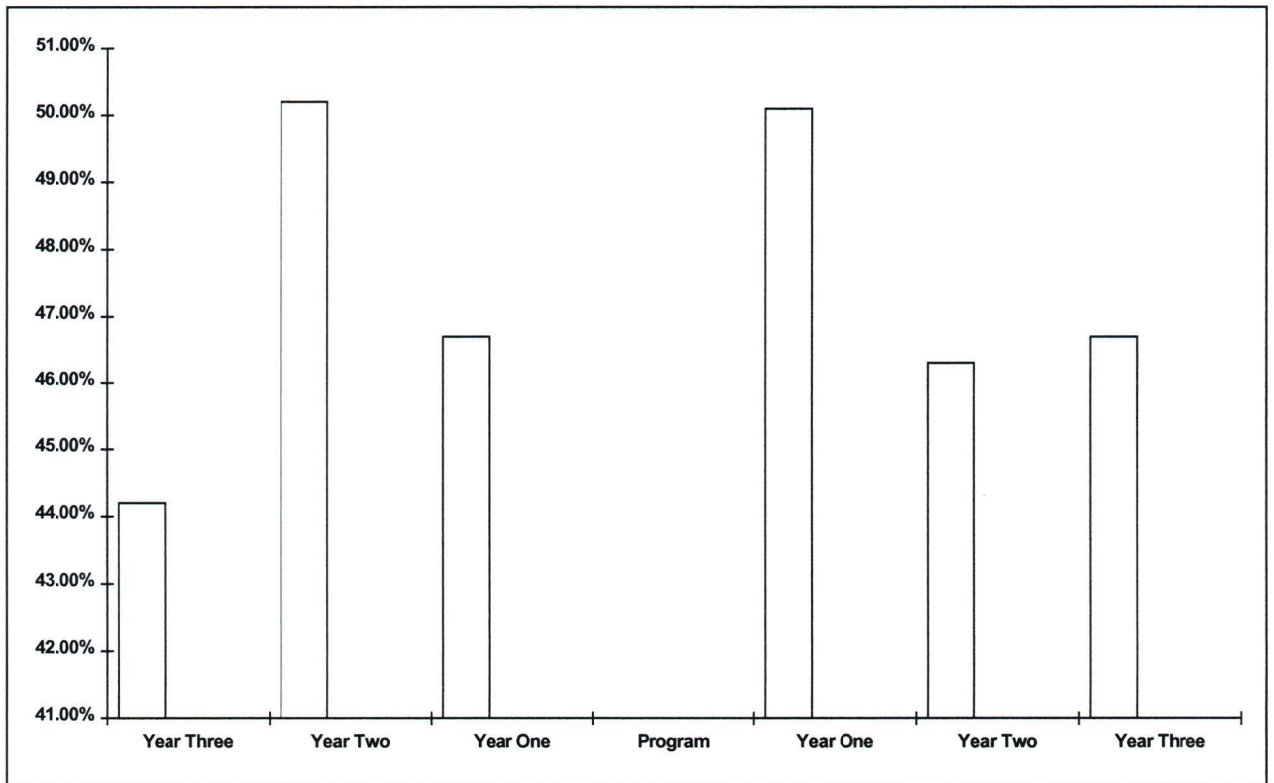
dance. As they circle the hall they chant traditional songs. The inmates lead the dance, but slowly audience members descend from their seats to join in. Soon nearly all in attendance trail the inmates as they continue to dance. This had a profound effect on Francis. He explained that he had never experienced the support from the community that he had experienced that day. After an eighteen-month sentence he moved to the reserve to learn more from the Elder he met while incarcerated. At the time of our interview he had recently celebrated 3 months of sobriety, the longest he had succeeded at abstinence since he began drinking at the age of 15.

When Francis talks about crime now he refers to it as part of a distant past. He argues this change is the result of his new found attachment to his community. A recent event underscores the strength of interdependency between Native inmates and Elders and other Native community members. After several months living with an Elder he met in prison, Francis found himself faced with the prospect of drinking again: "A bunch of us went into town to buy a few things. A couple of guys bought a bottle. I was tempted. But I knew where it was headin'." I asked Francis if he drank. He replied, "No! I knew I wanted to come back to the rez. I feel right here ya know. But if I'd got pissed how could I look my Elder in the face. I'd be ashamed." The feelings Francis describes were unlike any he had felt while growing up in his family or while incarcerated, either as a young offender or as an adult, environments that he describes as authoritarian.

The experiences of Roland, John, Francis and Jonny and other inmates suggest that after release authoritative type relationships and their potential for shame impact consciousness and behaviour of ex-inmates. However, the stories recounted above within the debate are anecdotal and may not be representative of the general population. Within the rehabilitation debate recidivism rates remains a popular test of program efficacy. In the second part of this chapter the conviction rates of both Native and non-Native inmates are presented to determine if a measurable variation exists between these groups. The question I explore is, does the conviction rate differ between Native and non-Native inmates?

Part II: Comparing Native and Non-Native Program Participant Conviction Rates

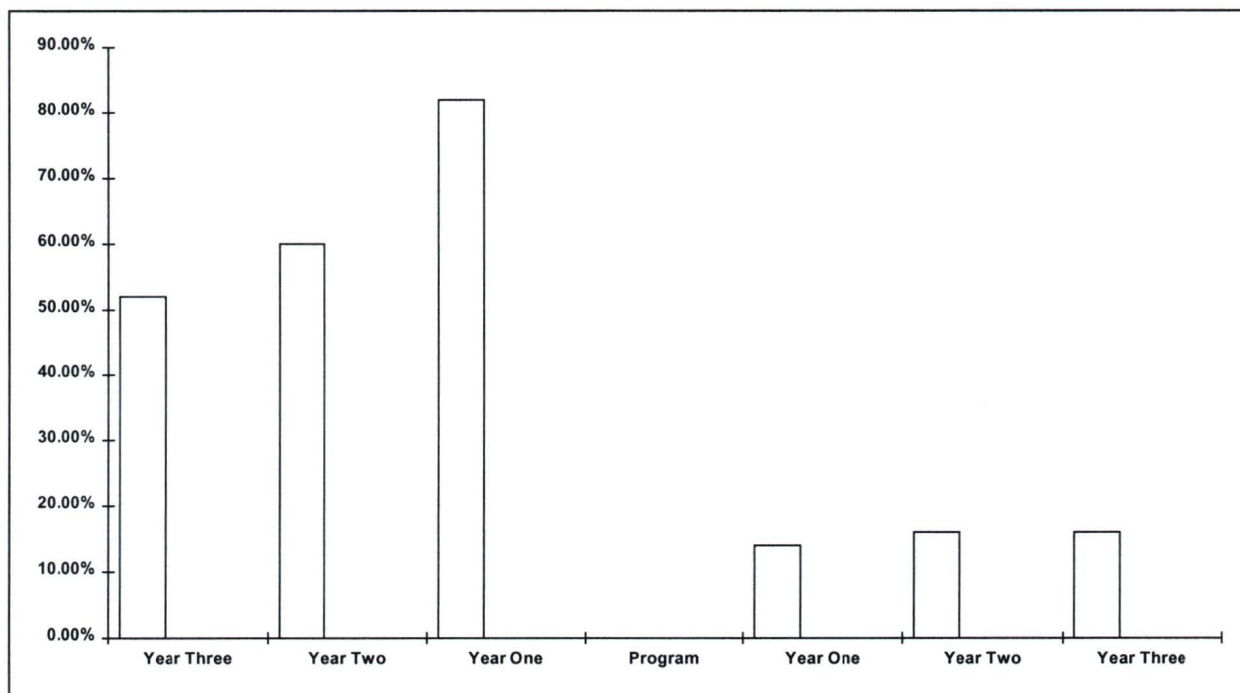
The second part of the thesis compares conviction rates between Native and non-Native program participants before and after participating in their respective programs. This provides a measure of recidivism which sociologists often rely on as a measure of program effectiveness. The following graphs summarize the conviction rates for the two samples described above. Graph 4.1 illustrates conviction rates for sample of men before and after they participated in the alcohol and drug treatment program. Graph 4.2 illustrates conviction rates for a sample of men before and after they participated in the Native cultural awareness program.



Graph 4.1
Percentage of Inmates Convicted Before and After Participation in Alcohol and Drug Treatment

Graph 4.1 provides comparable data for inmates who participated in the alcohol and drug therapy programs. Prior to program participation, conviction rates for these men compares closely to the national average of approximately 50 percent. For the three years prior to participation, the average conviction rate for inmates who enrolled in alcohol and drug therapy is 46.9, ranging from a rate of 46.7 percent in the year immediately preceding participation, to 44.2 percent in the year before that, and 44.2 percent in the period three years prior to the

programs commencement. Overall, the conviction rate for this group increases after program participation to 47.7.



Graph 4.2
Percentage of Inmates Convicted Before and After Participation in
Aboriginal Cultural Awareness Programs

Graph 4.2 presents data on the conviction rates of men who participated in the Native Cultural and Spiritual Awareness program. These data reveal that, in contrast to the inmates who took part in more traditional correctional programs, the men enrolled in this program had considerably higher pre-program offending rates. For the three years prior to their involvement, the sample averaged a conviction rate of 64.6 percent, ranging from a low of 52 percent in the third year

before enrollment to a high of 82 percent in the year immediately preceding their participation.

The data in the second section of Graph 4.2 demonstrate a remarkable change. The average conviction rate for the three post-participation years is 15.5 percent, an absolute drop of 49.1 percent and a reduction of just over 75 percent from the pre-program average (i.e., 64.6 percent). Moreover, there is little variation across the three-year period: 14 percent of participants were convicted in the first year after they left prison, 16 percent were convicted in the second year, and 16 percent in the third. This change in conviction patterns is further emphasized when contrasted with the post-program conviction patterns for men who enrolled in the more conventional correctional programs.

Discussion of Part II Results.

The pre and post-program participation conviction rates for the alcohol and drug therapy groups are consistent with the findings of Martinson and others. Inmates who participated in these programs while incarcerated at KRCC had extensive conviction histories, and on the average about eight of every ten men were convicted in a given year prior to their participation (Appendix A). This pattern did not change with their involvement in the substance abuse program; in the three years since their release, 4.5 of every ten men were again convicted in any one-year. The overall consistency in their conviction histories provides little support for the ameliorative claims of traditional correctional programs as represented by alcohol and drug treatment groups.

A dramatically different pattern appears for men who participated in the Aboriginal centered program (Appendix A). Consistent with historical data on aboriginal offenders, men in this group had the highest conviction rates prior to their enrollment in the program; however, after their release, these men's conviction rates dropped and were considerably lower than the rates for aboriginal offenders.

Methodological problems, as Martinson (1977) and others note, persist in studies of this kind. For example, it is possible that the results are spurious given that one group of offenders were more likely to choose to participate in cultural programs and may have made the conscious decision not to offend before program participation. If this is the case, enrollment in the program is not the cause of their decision not to offend, but an effect of that decision. However, inmates in both groups may attend substance abuse programs because they are mandated to do so by the courts as a condition of their sentence, or because they believe that participation will score points with the parole board. A second concern involves potential differences in the types of crime committed by the men in the two samples. Many Native offenders are incarcerated for alcohol related, and perhaps less-serious crime; however, as noted earlier the majority of inmates used alcohol on the day they offended. As well, McMahon (19?? Date needed) reports that the majority of inmates in provincial institutes are imprisoned for the non-payment of fines, not for serious offenses; after-all, these

men were convicted on charges deemed not serious enough to warrant time in a federal institute. Thus, the two samples do not likely differ substantially in terms of their motivations for attending programs, nor in terms of the seriousness of their offending.

Chapter Five

Discussion and Conclusion

The purpose of this study was to examine the rehabilitation experiences of inmates with reference to Braithwaite's theory of shame and reintegration. Specifically, I interviewed samples of two prison populations; the first consisted of inmates who participated in traditional rehabilitation programs, whereas the second consisted of inmates who participated in programs for aboriginal offenders. I also conducted a longitudinal analysis of recidivism rates comparing native and non-native program participants. In this chapter I review the results of my findings. I also discuss the limitations of the study, the contributions of the findings to an understanding of repeat offending and punishment. Finally I explore the implications of the study for further research and for rehabilitation programs and policy.

Braithwaite's theory of shame and reintegration focuses on authoritative parenting styles as a microcosm of reintegrative shaming. As strong ties develop in the family, shame becomes a strong internal mechanism of control. In countries such as Japan where interdependency and communitarianism are fundamental social conditions, he notes that shame and reintegration provide an alternative to Western type punishment practices.

In comparing subjects' family backgrounds I found similarity in childhood and youth experiences. Parents of both native and non-native subjects practiced

largely authoritarian parenting styles. Subjects remember being punished for their wrongdoing, but in a way that was disintegrative; parents labelled them rather than their behaviours. They were stigmatized, not shamed. They felt rejection rather than love and affection and they were excluded and not reintegrated.

For all but one subject, authoritarian relationships continued outside the home, first in school and then in the judicial system. They recounted experiences in school that paralleled their experiences at home. Viewed from a theory of shame and reintegration, schools follow an individualistic model that pits students' abilities against each other in a competitive atmosphere as a means of measuring success, and most men saw themselves as academic failures. Attachment between students and teachers rarely developed. The deviant self-image that begins in the family continues in the school in that delinquency is addressed through a punishment model that is disintegrative. Not being able to "fit in" or compete with other student all subjects but one quit prematurely.

All subjects recounted similar relationships after entering the justice system with legal professionals, probation officers and guards. While incarcerated they found most guards to espouse authoritarian principles and avoided establishing close relationships with inmates. None discussed the

authoritarian approach as a deterrent to future offending; instead it encouraged animosity and hatred.

Relationships that Braithwaite describes as authoritative did not develop until they reached adulthood. They relationships developed randomly as opposed to the result of specific policy. They occurred as a result of meeting either program volunteers or civilian program staff. Rather than avoid establishing close relationships, volunteers and staff embraced them. This appears to be the result of viewing offenders outside of the deviant label.

Men who were exposed to authoritative relationships appeared to experience a shift in beliefs and attitudes toward others and toward future crime. All spoke highly of the relationship, particularly program staff or volunteers who initiated it. Close attachments developed to a point of mutual trust, respect and at times admiration. When asked about future crime the men, particularly aboriginal ones who established attachments spoke more frequently about the damage such acts would inflict on their relationships.

As Braithwaite notes, both authoritarian and authoritative relationships embody some form of shame; however, the former is generally disintegrative as opposed to the latter, which is reintegrative. As a result, the men who experienced largely authoritarianism throughout their lives had a sense of the emotional turbulence shame creates. The typical response to this shame was to

end the relationship. In establishing authoritative relationships, subjects may also have felt shame intensely, yet instead of being driven from the relationship, they took measures to ensure its survival. One measure appears to be a shift in self-identity from a master status to one in which the men recognize their unique characteristics as individuals.

The shift is a result of deconstructing their identity through the authoritative relationship. A key to this demarcation and subsequent deconstruction is forgiveness. After experiencing shame, offenders must receive signs of forgiveness from people closest to the crime. Ideally, this includes the victim. The judicial process continues to separate victims and offenders in most cases; however, respondent's comments suggest that they interpret significant others accepted of them as a sign of forgiveness.

Shame followed by forgiveness, followed by acceptance is a cleansing process in which the offender sheds the deviant act and emerges as a full participating member of the community. As I note in chapter two these rituals can be formal shaming ceremonies. In chapter four I described a respondent's relationship with a probation officer. The officer expressed interest in this man, showing concern for his nutrition, housing, employment prospects and so forth. This interest helped him to begin deconstructing his deviant master status. Although this experience occurred with both native and non-native respondents, the experience for native inmates was spurred by cultural programming, and for

non-native inmates it was spurred by chance. For example, as native community members began to dance at a Pow Wow, inmates joined in symbolizing acceptance into their community.

The most powerful symbolism occurred in relationships between the men and native elders. In establishing this relationship the inmates joined a web of interdependent ties that spans the breadth of the community. Shaming one's Elder meant shaming others in the community. For those who had experienced the community's acceptance through participation in cultural events, the thought of doing so raised intense pangs of shame. As reported in chapter four, those subjects who continued their ties with Elders after release, had shameful feelings of this nature that acted as deterrent to future crimes.

Recidivism Rate as Evidence of Program Success

Researchers have relied heavily on recidivism rates as a dependent variable in measuring the success of rehabilitation programs. Martinson's conclusion that nothing works in rehabilitation was based on little if any reduction of recidivism rates of offenders who participated in a multitude of rehabilitation programs. Results I reported in chapter four indicate a substantial drop in recidivism of participants of aboriginal programs after their introduction in the Kamloops correctional district. The rates for the native sample dropped from an average of approximately 64 percent to an average of just over 15 percent. The rate of 64 percent is consistent with provincial and national averages of

aboriginal offenders. However, the reduction I reported in chapter four is significant and has not been reported in criminological literature elsewhere.

Limitations of the study.

This study used both primary and secondary data; nevertheless there are several limitations that should be noted. First, the samples I used for both the analysis of recidivism rates and the face-to-face interviews were relatively small. Small samples are more susceptible to random error thereby reducing the ability to generalize the results to the larger inmate population.

Second, I used a snowball technique to gather a sample of respondents willing to conduct interviews. Although this approach was useful in gathering a list of respondents, it may have introduced bias into the results. Respondents may have referred their friends or other inmates who shared similar beliefs and attitudes. As well, numerous inmates refused my first request for an interview; however when I was able to preface requests with "Inmate x referred me to you" few inmates refused to conduct an interview.

Third, the study was a twofold cross-sectional design involving interviewees incarcerated at KRCC and former inmates who could reflect their post-release experiences. Respondents' perceptions of program effects and of how they may act in the future provide important information, yet perceived

program benefits and predictions of future behaviour may differ substantially from the reality that unfolds as time passes. Cross-sectional research is a limited tool for capturing the dynamic behaviours and attributes that influence offending and is limited in its ability to measure these over time.

Fourth, although the reduction in recidivism in chapter four is impressive, we must be cautious in interpreting this as proof of the efficacy of native programming, particularly in a shame and reintegration context. Other variables not identified in the study may have contributed to the low recidivism rates. Offenders participate in numerous programs and activities as part of daily prison life, and it is impossible to control for the effect of this participation. As well, I operationalized recidivism as exoffenders returning to a British Columbia correctional facility. However, the men may have been sentenced in another province or to a federal penitentiary.

Directions for Future Study

Notwithstanding the limitations noted above, my findings provided an opportunity to explore the impact of shame as an alternative to traditional rehabilitation programs. My findings suggest that when offenders experience shame in an authoritarian context they develop a deviant self-identity, establish more firmly deviant ideas about crime, and become more entrenched in their conceptual and practical separation from authority figures. These changes

contribute to patterns of offending, incarceration and recidivism. Subsequent research should explore several issues identified in this research.

First, further studies should concentrate on tracking offenders after release and examine their experiences in the aboriginal community. Particular attention should be paid to the number of offenders who establish and continue interdependent ties with Elders or other community members.

Second, subsequent studies should include a wider array of aboriginal communities. Do their members practice traditional punishment techniques that involve different degrees of shaming? Are they informal as reported in this study, or do they represent formal relationships with correctional facilities because their power to rehabilitate is being officially recognized? How successful are these varied connections in enhancing offenders' sense of shame and community and establishing reintegrative connections among community members? Precisely which members are involved and what is their level of involvement? Further study in other regions and communities will add to our knowledge of current punishment practices that may be utilizing shaming techniques.

Third, further study should focus on the degree of shaming involved in keeping non-native offenders from committing future crimes. As reported in chapter four, the potential exists for ex-offenders to establish authoritative relationships with community members. When this occurs shame plays a role in

adverting future criminal behaviour. To what extent does this occur to the proportion of the non-native inmate population that does not re-offend?

Finally, the reduction of recidivism rates I reported in chapter four contrasted sharply with our knowledge of population trends of natives in prison. It is necessary to replicate the study to determine if these results mark a new trend, or if they simply are anomalous.

Conclusion

Notwithstanding the tremendous practical and intellectual resources that underscore rehabilitation, it has largely failed to achieve its intended results. Over 50 percent of the general population consist of reoffenders. The figure is significantly higher for native inmates. Traditional programs that have been designed to “reform” offenders and prepare them for community reintegration after their release have had little effect in reducing these figures.

According to Braithwaite the underlying problem lies within the reform model. It presumes a weakness of individual character than can be corrected. After release, regardless of behavioural or attitudinal modification, offenders face stigmatization. Although they may have acquired new skills, education or strategies to abstain from alcohol and drug use, they maintain their master status as deviant. Individuals labelled as deviants have few legitimate opportunities to

participate as equal and productive citizens. As a result, cycles of reoffending continue.

Braithwaite maintains that the key to breaking this cycle is to invoke intense feelings of shame within offenders for committing acts of wrongdoing. Shame develops through attachments to significant others in the family and community. Through the process of building attachments, offenders develop a sense of the hurt and pain the criminal act causes not only victims, but other community members as well. At the same time community members come to view offenders outside of the deviant label. As the process continues, shame becomes an internal mechanism of social control against committing future crimes.

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Appendix A

Sample	Conviction Type	Recidivism Rate Before Program	Recidivism Rate After Program	% Change
N=40 Non-Native	Break & enter, theft, minor assault, drunk driving, narcotics,	46.9%	47.7%	+.08%
N=40 Native	Break & enter, theft, minor assault, drunk driving, narcotics,	64.6%	15.5%	-49.1%

Chart 1.1

Comparison of Recidivism Between Native and Non-Native Program Participants

VITA

Surname: Nelson

Given Names: Bruce George

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University of Victoria	1992 to 1998
Okanagan University College	1987 to 1992

Degrees Awarded:

B.A.	Okanagan University College	1992
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Title of Thesis:

Shame and Reintegration of Aboriginal Offenders Who Participate in Native Cultural Awareness Programs While Incarcerated

Author



Bruce George Nelson
September 21, 1998