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Carcerality and the elimination of Indigenous people in Canada

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Abstract

Drawing from the logic of carcerality, and refined through theories of settler colonialism, I argue in this paper the following. First, carcerality is not just a tactic of settler colonialization in Canada for bodily controlling populations, but a key feature of settler colonial claims to land and territory; imposing carceral spaces on Indigenous people is a fundamental necessity for the expectations and ambitions of settler colonialization, and as settler colonialization in Canada is ongoing, the expansion of these carceral spaces likewise continues. Second, carceral theory can be used to analyze how Indigenous people are made to “disappear” from settler-dominated spaces, and expose the interlocking roles of state power and social prejudice in these “eliminations.” As all kinds of frontier spaces—urban, rural, and otherwise—are assimilated into the settler colonial assemblage, Indigenous people are forced into mobility that itself is both carceral and eliminatory. Understanding carcerality as something pervasive in settler society, and not just limited to the criminal justice system, changes how we must approach decolonization.

KEYWORDS

assemblage, Canada, carceral space, settler colonialism

Key messages

- For Indigenous people, incarceration is experienced in the whole of Canadian society, not only in prisons.
- Restricting movements and forcing movements are both part of settler colonial carcerality, and they are produced by structures like the state and ordinary settler Canadians.
- Settler colonial carceral circuitry creates a “carceral churn” in which Indigenous people are constantly forced into or out of colonial spaces until they either assimilate or are eliminated from society.

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INTRODUCTION

It is by now well known that, currently and historically, Indigenous people are over-represented in Canadian prisons and the criminal justice system more generally (Robinson et al., 2023). However, while important questions have been asked regarding this imbalance, including about the roles of racism, poverty, and colonial legacies, I posit a different question: what if the over-representation of Indigenous people in the criminal justice system is actually just one manifestation of a much larger drive to “capture” Indigenous people? Drawing from the logic of carcerality, and refined through theories of settler colonialism, I argue the following. First, carcerality is not just a tactic of settler colonization for controlling populations, but a key feature of settler colonial claims to land and territory; imposing carceral spaces on Indigenous people is a fundamental necessity for successful settler colonization, and as settler colonization in Canada is ongoing, the expansion of these carceral spaces likewise continues. Second, carceral theory can be used to analyze how Indigenous people are made to “disappear” from settler-dominated spaces, and expose the interlocking roles of state power and social prejudice in these “eliminations.”

This paper relies on three intersecting geographical analyses: carcerality (and especially carceral circuitry as an evolving, changing topography of power); assemblage theory; and settler colonial theory. I have previously argued that there is a real need to examine settler colonial societies and states through the lens of assemblage theory in order to escape the limitations of structural and state-centred approaches to understanding settler colonialism (Barker, 2021). As I outline below, settler colonization needs to be understood as a dynamic process, one that proceeds in multiple directions from a plurality of imperial centres simultaneously. Far too frequently, Patrick Wolfe's (1999) famous—and useful—observation that settler colonialism is a structure, not an event, is approached too directly, and it is only structures like states, borders, and similar power formations that are seen as driving or “doing” settler colonization. Further, as structures, these are often portrayed as unchanging or static. The reality, as I describe in detail throughout this paper, is that the settler colonial assemblage is constantly generating new carceral spaces and new ways of limiting Indigenous mobilities, and targeting new frontiers for expansion, all driven by both state and social pressures, involving an enormous number of settler people in both official and unofficial capacities. It is this combination of carceral logics informing settler colonial assemblages that is particularly destructive to Indigenous peoples, and also enforces an enduring pillar of unfreedom at the core of Canadian society.

The intent with this paper is to nuance ongoing studies of settler colonial geographies at a high level, drawing from broad observations across Canada and across time in an attempt to reveal how settler colonial societies such as Canada change formations without changing trajectory. My concern is with recognizing patterns that reveal settler colonial continuities where they might be missed and, more deeply, with understanding how settler colonization reacts to challenges from Indigenous communities in resistance, and carceral logics can broadly be seen as one of these patterns. Local manifestations of these carceral logics as understood through assemblage theory will reveal further overlaps and contradictions, and it is my hope that this intervention can serve to help frame future place-specific and case-study driven research.

Carcerality, assemblage, and settler colonial theory

This paper is particularly motivated by the work of Gill et al. (2018) on “carceral circuitry.” Responding to calls to move carceral analyses beyond walls and fences (see also: Mincke, 2015), they assert the need for “a meta-institutional geography of the carceral,” meaning “not simply a geography ‘above’ carceral institutions, but one that enquires beyond them, combining supra-, sub-, inter-, intra- and extra-institutional imaginaries and perspectives” (Gill et al., 2018, p. 184). They note that tracing carceral circuitry rather than simply analyzing institutions reveals an expansion of carceral space into “increasingly diverse places such as immigrant detention centres, homes, factories, hospitals and psychiatric asylums, hotels, schools, poor areas of the city and ghettos and camps” (Gill et al., 2018, p. 184, citations removed). They tie this spread to “mutations in the neoliberal landscape, inclusion of criminal justice systems in industrial systems for the generation of value, criminalization of the poor and othered communities, the mobility and agility of finance capital and the expedient generation of surplus populations” (Gill et al., 2018, p. 184). Many of the effects that they observe in this expansion of carceral circuitry are coterminous with dominating, displacing, and extractive effects of colonization. It has been well established that systems of global capital—and their associated processes (imposing private property, dehumanizing labouring and unfree classes, and exploiting particular places in extractive and transformative ways)—have spread along with colonization (Pasternak, 2015; Walia, 2021).

Alongside this conceptualization of carceral circuitry, I also deploy the concept of assemblage to properly account for the changeability, variety, and process-oriented nature of settler colonial societies such as Canada. Settler colonial societies are not rigid in their approaches to Indigenous dispossession, displacement, and elimination, any more than their “end point” of self-indigenization is pursued through only one means or with only one final form. Rather, settler colonial societies are moving, changing, internally contradictory, and both adaptable and enduring. As such, I undertake a close examination of carcerality in settler colonialism through the spatial lens of assemblage theory. In analyzing settler colonization through assemblage, I turn in particular to Dittmer's (2014) articulation of assemblage theory and complexity theory in relation to geopolitics. Dittmer (2014, p. 387) defines assemblages, drawing on DeLanda's work, as “wholes characterized by relations of exteriority,” meaning:

... that the component parts of a whole cannot be reduced to their function within that whole, and indeed they can be parts of multiple wholes at any given moment. The parts are nevertheless shaped by their interactions within assemblages, and indeed it is the capacities, rather than the properties, of component parts that are most relevant in understanding resultant assemblages.

Dittmer (2014, p. 387) goes on to note that there are three axes on which the capacities of assemblages are applied, thus component parts can be defined as “material/expressive, territorializing/deterritorializing, and coding/decoding.” All three axes are fully evident in the production of settler colonial carcerality.

The “material/expressive” axis works to materially impact conditions through the focused assertion of power, or to influence changes in discursive understandings such that material conditions are altered or recontextualized. Consider residential schools, an example I will discuss frequently. The discursive desire to educate “the Indian” out of “the child” existed prior to the systemic establishment of residential schools, and continues to this day after the end of the residential school project. As Sarah de Leeuw (2007, p. 341) describes, residential schools were part of a “lineage of colonial schooling practices.” In the broadest sense, these practices are based on the settler colonial ideology “premised on the conviction that Aboriginal peoples required transformation” (de Leeuw, 2007, p. 341), and evidence persists that this continues to be a problem in mainstream schooling today through the use of testing cultures and lack of attention to economic inequalities which specifically harm Indigenous students (Mullen, 2020). However, for a time, the settler colonial assemblage brought into alignment the social ideologies of white settler supremacy, Christian evangelicalism, and a positivist, linear approach to human evolution, with the material structures and resources of the schools, their integration into the capitalist economy of the expanding settler society, and the physical presence—and abuse—by teachers and other school officials (MacDonald, 2019; Truth and Reconciliation Commission of Canada, 2015). Likewise, territorializing and deterritorializing is a constant feature of settler colonial land transfer (Veracini, 2010). Indigenous homelands are deterritorialized by a variety of processes—from treaties negotiated with the state, to squatting and theft by settler collectives—while the urbanization of cities from Vancouver, to Winnipeg, to Toronto creates an ahistorical settler territory, one that is (and declaratively always has been) a settler space, and which is definitely not Indigenous space, as that is seen as destroyed or exiled (Freeman, 2010). Finally, the coding and decoding of settler colonial society is evident in the resonance between state legislation and popular settler colonial assertions of Indigenous people as inauthentic as part of narratives of land transfer. The coding on Indigenous people as in need of control—even if not openly criminal—was codified in the *Indian Act*, which granted the Crown the legal power to determine who was and was not Indigenous. MacDonald and Gillis (2017, p. 40, citations removed) note that “[a]s an administrative classification of the federal government, Indigenous peoples have no control over status ... and allocating status is a tool the state uses to demarcate (and thus control) supposedly ‘inauthentic’ and ‘authentic’ Indigenous people and consequently grant differentiated rights and privileges.” Meanwhile, because most settler Canadians equate holding status with being “legitimately” Indigenous, they are increasingly able to ignore or dismiss claims made as or by Indigenous people, who the settler government simply denies are Indigenous at all (Palmater, 2014).

As settler territory is projected across the landscape in increasingly hegemonic—though certainly not homogeneous—ways, a carceral complex is developed consisting of interlocking carceral spaces, each addressing different aspects of the perceived threat or advantage to settler society associated with the mobility or immobility of Indigenous communities. This carceral complex can roughly be divided into four types of carceral space: reserves, urban frontiers, “care” facilities, and prisons. This carceral complex does rely extensively on state power and mechanisms designed specifically to generate carceral spaces for Indigenous people, but settler people and communities are also recruited into this process. These non-state actors include both individuals who are tacitly protected by the state system, and corporate entities which co-opt and redirect state structures for mutual (public-private) benefit. How and why settler people and collectives produce, replicate, and call into being these carceral spaces are the questions I take up next.

Carcerality and relationality

Indigenous peoples’ ideas of place and belonging rely on networks of relationality. Relationality, in an Indigenous context, refers to the premise that all aspects of creation are connected. These connections are conceptualized and articulated in a wide variety of ways across Indigenous traditions (Larsen & Johnson, 2012), from the Blackfoot philosophy that holds that the material world is the manifestation of the underlying interactions of energy waves that make up “reality” (Little Bear, 2004), to the building of relationships through processes of care and adoption during the making of the world, as in Haudenosaunee traditions (White, 2018). In both these and a huge variety of other contexts, the world is understood through a framework of ever-widening networks of relationship, reciprocity, and responsibility. Mohawk-Anishinaabe scholar Vanessa Watts (2013) contrasts this deep relationality with EuroAmerican ontologies rooted in division and abstraction. The “place-thought”—Indigenous knowledges generated relationally with land and place—of Indigenous peoples is so fundamentally different to ideas of place premised on hierarchy and dominance that Indigenous people have been repeatedly conceptualized by settler societies and structures as lacking knowledge, sophistication, or culture. As a consequence, settler people repeatedly developed and pervasively deployed social systems to limit the perceived threat of Indigenous people, including “policies and practices [that] reflected racial assumptions about Indigenous people, some

built on 'science' like eugenics, others reflecting popular prejudices about the incapability of Indigenous people to live like civilized white folk" (Baldry et al., 2015, p. 176). More specifically to the settler colonization of Turtle Island, we see the revulsion and rejection of Indigenous relational practices in the portrayals of Indigenous peoples as savage and doomed, yet also scheming and threatening, generating a drive to confine Indigenous people both "for their own good" as well as for the "protection" of the settler population.

Based on the supposed inability of Indigenous people to separate from nature, become civilized, and disappear into the white settler order, separations are imposed along cross-cutting lines, fracturing Indigenous networks of relationships. I intentionally use the term "separations" rather than "segregations" here, because the divide is not intended to be permanent, or a form of "separate but equal." Rather, these separations are premised on the assumption of Indigenous elimination and/or assimilation, and thus are intended to eventually disappear or be removed. Restriction to reserve lands separates Indigenous peoples from sacred sites, from traditional food and medicine sources, and from other Indigenous communities. The lack of housing on those reserves separates some individuals, forced to move (usually to urban centres) to find housing, from the community members they leave behind. The criminalization of Indigenous lifeways, from bans on ceremony to restrictions on fishing and hunting, results in further separations as Indigenous individuals are targeted for systemic segregation, removed from the land and community completely, and stored in prisons or forced to remain near probation officers. All of these separations are attempts to ensure that Indigenous relationality does not compete with colonial place relations, and ultimately Indigenous relationality is destroyed along with Indigenous people themselves, atomized and digested by the settler colonial assemblage.

IMPOSING CARCERAL SPACE: ENCLOSURE AND CONTROL

As Gill et al. (2018) describe, the expansion of carceral spaces is produced through and also required for the expansion of circuits of capital. Many of the reasons that Gill et al. assert for focusing on carceral circuitry in their examination of global capital are very relevant here, including the way that carceral spaces shape certain movements of people and things and makes those movements compulsory; circuits recur and wrap around to their point of origin; and, most importantly, circuits—while not intending to be seen or perceived—can be mapped, revealing the function of different parts of the circuit that might not be obvious otherwise. And as it is well established that settler colonialism is not coterminous with capitalism, they are deeply entangled, it makes sense to apply some of the same approaches that Gill et al. have used to analyze carcerality and capital to the combination of carcerality and settler colonialism.

Settler colonial assemblages have many effects and function in a diffuse, decentred way, but one common feature of settler colonization is the reproduction of "land"—as an integrated, complex, living environment—as "property" (Bhandar, 2016). For land to be made material and exploitable, it must be extracted from Indigenous networks of being in which the land is more-than-human and relies on complex systems of relationship and responsibility to maintain and sustain multiple lifeways. Since not all Indigenous people can be practically removed, especially because of Indigenous traditions of anticolonial resistance, Indigenous peoples' relationships with land and place are targeted for displacement in a different way: through carceral impositions that make Indigenous people both physically distant and conceptually alien to their wider territories. Carceral formations are constructed and proliferated to make Indigenous people "disappear" from the land—a form of "elimination" as theorized by Wolfe (2006), and matching Veracini's (2010) list of "transfers"—by both bodily restraining Indigenous people within material constructs and barriers, and creating narratives of belonging and distancing that rely on these constrained spaces being "natural" environments for Indigenous people.

While assemblages are dynamic and flexible, they do create patterns according to their internal logics. Tracing the carceral circuitry of settler colonialism, three major areas of bodily carcerality are revealed: surveillance—control of bodily movement; deprivation—control of bodily maintenance; and punishment—control of bodily integrity. Elements of all three carceral controls are usually present throughout the settler colonial assemblage.

Surveillance

In all of the carceral spaces discussed, Indigenous people are heavily observed, meaning that settler officials or institutions intrude on the private, familial, community, and ceremonial lives of Indigenous people in order to stamp out undesirable behaviour. In residential schools, for example, staff including administrators, teachers, nurses, and janitors constantly monitored students for violations of standards including speaking their own language. At the same time, neither students nor their families had any say in issues of standards or curriculum, and punishment for failure in classroom lessons was also common. As such, Indigenous children were always monitored for "delinquent" behaviour that might have indicated a persistent attachment to Indigeneity (such as not speaking English). Similarly, the state has often empowered Indian Agents to exercise extensive surveillance over Indigenous reserves. Crucially, though, this surveillance both exceeds state policy and agency. In the present, the observation of Indigenous children in care is diffused through a number of roles, including social workers, teachers, nurses, and others whose individual observations are systemically linked. Perhaps most importantly, this also includes

foster parents and caregivers, neighbours, and other social relations. These forms of non-state surveillance can nevertheless activate state powers. As de Leeuw (2014, p. 66) notes:

The reasons Aboriginal families are being reported, investigated, and intervened into are not, on the main, based on the physical or sexual violence and abuse about which there is such clear language in publications promoting child welfare. Instead, as reports by multiple First Nations community-based organizations emphasize, even though Aboriginal children are less likely than non-Aboriginal children to face physical or emotional abuse, they are more likely to be investigated for reasons of neglect.

Neglect, de Leeuw (2014, p. 65) argues, is a “slippery term” that is “much more ambiguous than the language about abuse” as defined by the Ministry of Children and Family Development. This is an example of the coding/decoding function of the assemblage, wherein the state does not explicitly describe a concept like neglect, but instead allows individual actors to recognize it when they see it—framed by settler colonial biases.

Deprivation

Alongside surveillance, Indigenous peoples have been made less mobile or immobile through material deprivation. Indigenous people have frequently been denied necessities of life including food and water in order to make them more pliable, and more likely to go to and stay in one of the carceral spaces produced by settler society. Food has been especially important in this regard, as malnutrition essentially imprisons Indigenous people in limited life options. Residential schools are infamous for participating in the food deprivation of children. The Mohawk Industrial School in Brantford, Ontario, which was the residential school for many children from the Six Nations of the Grand River First Nation, was referred to colloquially as “the mush hole” for the awful gruel that was the primary food served to the children (Graham, 1997). In other, more sinister circumstances, the deprivation was very intentional, as food historian Ian Mosby (2013) has shown through archival documents that prove multiple residential schools conducted starvation experiments on children. Reserves more broadly are centres of food deprivation, with most reserves being intentionally designed and situated to be insufficient for community agriculture, and remote enough from urban centres to make food options extremely limited (Belcourt, 2018). In places such as British Columbia (BC), where few treaties were signed that might outline standards for allotment of reserve lands, reserves were calculated on the basis of 20 acres per family, among the smallest in Canada and hardly suitable for primary production of sufficient food to sustain the community (Barker & Battell Lowman, 2019). And of course, for the many Indigenous people whose lifeways relied on large game hunting and often traversing huge territories to intercept herd migrations, the reservation was not occupied by choice. Rather, as James Daschuk (2013) has described, successive Canadian governments, and most notably that of Canada's first Prime Minister, John A. Macdonald, engaged in wholesale slaughter of buffalo, caribou, and other game animals in order to force Cree, Métis, and other free Indigenous peoples of the plains onto reservations. Food was not the only necessity constrained: water has also been withheld or denied to Indigenous people. For example, many railway lines are situated on or adjacent to reserves (as federal land, the Crown can license reserve territories for construction of infrastructure without consulting Indigenous communities). In the early 20th century, one such reserve—Lytton, a Nlha7kámpx community in the Fraser River Valley—experienced a fire outbreak. Despite being directly adjacent to the Fraser River, the community was not able to access the local water stores which were reserved for use by locomotives passing through on the rail line that ran between the reserve and the river (Kelm, 2012). This is an example of the growing complexity of the territorialization/deterritorialization function of the settler colonial assemblage over time. The deprivation of Indigenous people is directly linked to the extraction of resources from Indigenous territories, a key goal of settler colonialism. At various times, this deprivation has been driven by or restrained by government policies, yet has not abated. Residential schools are now closed and Indian Agents no longer issue passes to leave reserves, but widespread food poverty remains in both reserve and urban communities. This does not have one cause, but many, including isolation, undermining of Indigenous economies by direct competitors, environmental racism destroying traditional food sources as in places like Grassy Narrows, and many others. Many Indigenous communities attempt to stave off this deprivation with food sharing, especially of traditional foods, but “these endeavours are seasonal, are limited by financial constraints for harvesting transportation and equipment, and the yield varies greatly depending on the success of the harvest” (Skinner et al., 2013, p. 2). As such, deprivation can only be countered by incredible expenditures on the parts of Indigenous communities, and then only uncertainly, which has a deleterious effect on Indigenous people's health. Billy Ray Belcourt (2018, p. 3) has referred to an “exhausted existence” caused by “world breaking events” as the larger problem facing Indigenous communities of which malnutrition is just one manifestation.

Punishment

While surveillance is intended to prevent Indigenous people violating carceral boundaries, whether of the residential school, the reserve, or elsewhere, and deprivation is intended to make it harder for Indigenous people to resist incarceration, punishment is conspicuously deployed to

generate the affective immobilization of Indigenous peoples through fear and intimidation. "Punishment" here should not be read in a legal sense, but rather in the broader use of violence against Indigenous bodies for the transgression of being Indigenous. Residential schools are by now well known for harsh physical punishments—though not mandated or universal, many schools used extreme physical punishment to discipline Indigenous children. As MacDonald and Gillis (2017, p.43, citations removed) describe:

Numerous practices were physically brutal. Traditional braids were cut, hair was shorn, and traditional clothing and all personal articles were taken. Understanding the high level of coercion in the IRS system and reflecting a Foucauldian analysis, the Assembly of First Nations (AFN) described the schools as "total institutions." That is, institutions in which "all activities of the children—eating, sleeping, playing, working, speaking—were subject to set time tables and to regulations determined by staff ...". Comparing the IRS to penitentiaries, the AFN highlighted the difference between the almost complete control wielded by adult staff and the almost total powerlessness of their young charges ... In addition, the use of corporal punishment was widespread, as was the incidence of verbal, emotional, physical, and sexual abuse ... Thus, the schools made every effort to discipline the physical bodies of Indigenous children in order to mould them into something controllable and knowable and, importantly, something which would not threaten the life of the white population.

Indian Agents and police were and are just as likely to be brutal to Indigenous people through the 20th century as residential school staff have been, and there was little repercussion. Due to legislation at both federal and provincial levels, Indigenous peoples could not hire a lawyer between 1927 and 1951, could not vote until 1960, and thus had almost no avenues of recourse for state abuses (MacDonald & Gillis, 2017).

It is important here to remember that even as police perpetrate violence against Indigenous people perceived as being "out of place," they do so not only as agents of the state. Rather, police—like residential school staff—operate from a position of settler colonial memory and culture (Bruyneel, 2021). The Saskatoon police officers who murdered Salteaux teenager Neil Stonechild in 1990 did not need a policy or legislation to direct their actions. It was understood within the police community that this practice was "good." Neil Stonechild, a Cree man living in Saskatoon, was found dead of hypothermia in a rural location. Saskatoon police officers were eventually accused of abducting Stonechild, transporting him out of the city, and abandoning him, an occurrence so common it was given the name "starlight tours"—see Reber and Renaud (2010) for an overview of the incident and trial, and Lugosi (2011) for a critical assessment of the inquiry into Stonechild's murder. Despite the two individual police officers losing their jobs, there was no systemic wrongdoing found by an inquiry a decade after the murder (Razack, 2014). The inquiry did not find anything amiss because punishment for Indigenous spatial violations—like being in town, where white settlers live, instead of the reserve or the "Indian neighbourhood"—was expected. This is further evidenced by the responses to white settler violence discussed below.

Together, surveillance, deprivation, and punishment are the actions that define the shape and territorialization (or deterritorialization) of settler colonial carceral spaces. As well, it is not just the application of these techniques to Indigenous people by the state, but also the refusal to sanction or punish those who commit harms against Indigenous people and communities. High profile Indigenous activists, such as child and family advocate Cindy Blackstock, have been actively and illegally watched by the Canadian government—not because Blackstock had committed a crime, but rather because she had successfully helped sue the Canadian government over Indigenous child welfare issues (Blackstock, 2016). Meanwhile, that Indigenous lives are treated as disposable is exemplified in the fiasco around the investigation of serial murderer Robert Pickton in BC through the early 2000s. Despite Indigenous women disappearing in large numbers from the Downtown East Side (DTES), Vancouver police refused to investigate these disappearances. They assumed that the Indigenous women were poor, drug addicts, and/or prostitutes and that such people just sometimes "go elsewhere" (Harper, 2006, p. 36). An inquiry into the investigations that concluded in 2012 cited racism and misogyny towards Indigenous women as key barriers in apprehending Pickton, despite his having attempted murder charges stemming from an attack on Wendy Lynn Eistetter, a sex worker, in 1997. The Missing Women Inquiry was launched by the government of BC in response to massive public outcry over the handling of not just the Robert Pickton case, but also the lack of investigations into the consistently high numbers of missing or murdered, often Indigenous, women from the DTES. Although noting that the final report is a "thorough and conscientious document" that "examines the processes of marginalization and notes that the overrepresentation of indigenous women in the missing and murdered women is related to the legacy of colonialism in Canada," Kim Stanton (2013, pp. 84–85) also notes that the inquiry leading to the report has been called a "travesty" and a "debacle," and that the findings are much more limited than they should be. So it is not just that Indigenous communities are observed, restricted, and punished that produces this carceral circuitry, it is that they are prevented from accessing systems of their own to either prevent or punish those settler people who engage in acts of violence. This is not just a result of institutional policy or poor legislation, but also very much the result of settler colonial social and cultural narratives about Indigenous people and the inevitability of Indigenous disappearance which code Indigenous people, especially women and femme people, as already disappearing and without value. All of this is compounded by the passage of time, as impacts of enforced malnutrition, criminalization, and imprisonment, and denial of basic life necessities, have created new limitations on Indigenous people. It is this system of carceral spaces, and the "churn" it produces, that I now describe.

CARCERALITY AND THE ELIMINATION OF INDIGENEITY

In this section, I describe four types of space that function together in Canada to incarcerate Indigenous people (see Figure 1), and also to shape and control their movements between the four types of space as part of the process of elimination (see Figure 2).

Prisons and other forms of incarceration within the justice system are the most obvious types of carceral spaces, and for many Canadians, Indigenous people have been normalized in prisons and as criminal. The Northwest Mounted Police, the precursor of the modern Royal Canadian Mounted Police (RCMP), were created by Prime Minister Macdonald to discipline the Métis and Cree of the prairies who had the temerity to attempt to live freely in their own territories (Bell & Schreiner, 2018). Indeed, Indigenous people have been and often are criminalized, arrested, and incarcerated for such threatening acts as dancing, fishing, or travelling, along with more common crimes. As of January 2016:

Indigenous adults accounted for one-quarter (25 per cent) of the inmate population in federal penitentiaries, even though Indigenous peoples comprise only 4.3 per cent of the total population ... The over-representation of Indigenous peoples is especially pronounced for females, who represent 35 per cent of admissions to federal or provincial/territorial correctional services, while males account for 23 per cent ... Indigenous youth are also disproportionately affected: while they constitute 6 per cent of the youth population, they make up 30 per cent of youth in custody ... (MacDonald & Gillis, 2017, pp. 47–48, citations removed)

MacDonald and Gillis (2017, p. 48) go on to note that Indigenous people in prison account for 30% of all “use of force incidents,” constituting a form of ongoing torture. This is especially concerning given John Hansen's (2015, p. 2) observation that, despite the introduction of sentencing circles and other “Indigenized” interventions in the criminal justice system, “restorative justice programs have not produced a dramatic impact on reducing overrepresentation in the wider Canadian correctional institutions.”

The second type of carceral space, despite the benign nomenclature, are systems of care. This includes residential schools, which ostensibly provided benefits to Indigenous children directly, and their communities by extension, but which consistently enacted brutal, cruel, and extensive acts of surveillance, denial, and punishment (see: MacDonald, 2019; MacDonald & Gillis, 2017; Woolford, 2013; Woolford and Gacek, 2016). It also

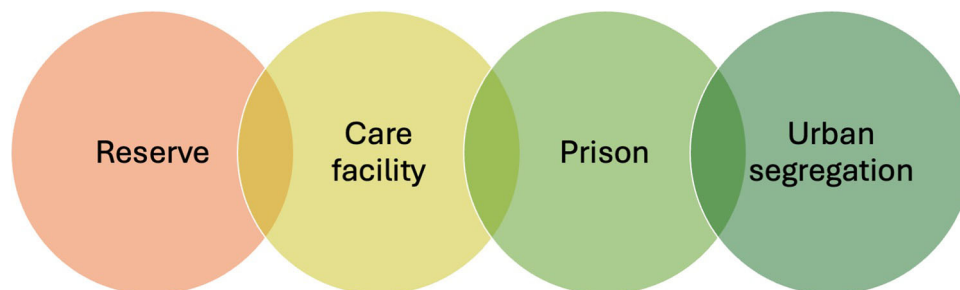


FIGURE 1 The interlocking carceral spaces of settler colonialism.

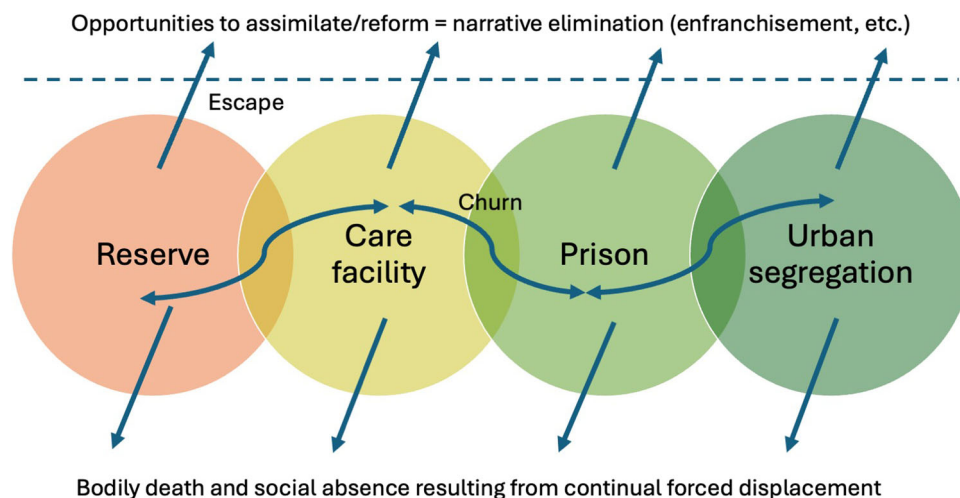


FIGURE 2 Carceral churn and forced mobility through carceral spaces encouraging forms of elimination.

includes a great deal of health service provision (or lack thereof). Another example is that of sanatorium care for Inuit and other northern communities dealing with tuberculosis outbreaks in the early to mid-20th century. As Lisa Stevenson (2012) outlines, the doctors and nurses who undertook these programs were not from the north; had little understanding of cultural practices, kinship connections, and attitudes towards illness and medicine among Inuit communities; and frequently forced Indigenous patients—against their will—to travel to sanatoriums far away in the south, unlikely to return home or see their families ever again. Stevenson refers to this as a form of “anonymous care,” the provision of a care-type service, but without any actual concern for the person receiving care. In the present, Indigenous children taken into custody experience this same kind of anonymous care. The child and family services system in Canada takes Indigenous children into care at an astonishing rate, and this system too extends well past its official limits, recruiting teachers, parents of other children, and anyone else who might be willing to raise a concern about an Indigenous child. Following on from the “60s Scoop”—the policy of mass apprehension of Indigenous children that guided child and family services for over two decades—MacDonald and Gillis (2017, p. 46) assert:

The practice of removing Indigenous children from their communities continues, and currently there are more Indigenous children in care now than there were Indigenous children in residential schools in any given year. Indigenous children and families are significantly more likely to have interactions with the child welfare system, as they are over-represented in each stage of child welfare decision-making. Indigenous families are four times more likely to be investigated by child welfare organisations than non-Indigenous families.

Indigenous parents have had to fight to have children returned who were taken through “birth alerts,” where a physician initiates a child apprehension literally at the moment of birth on the assumption that the mother (almost always Indigenous) will not be a good parent, despite research indicating that this harms both parents and children and does not actually improve child safety (Doenmez et al., 2022). It should also be noted that the assemblage continues to produce ongoing de-/re-territorialization effects in spaces of health care, manifesting as forms of private health care which are expanding in many provinces, including Ontario and Alberta. During the COVID-19 pandemic, long-term care homes in Ontario showed higher rates of infection and mortality than similar care homes in BC. Unsurprisingly, Ontario has a much higher rate of for-profit care homes than BC (58% to 34%), and for-profit care homes “pay lower wages, have lower staffing levels, hire more part-time and casual workers and have more turnover than nonprofit homes” (Liu et al., 2020, pp. E1541-2). While these privatizations of services affect all Canadians, they affect Indigenous communities more given the significant lack of services and hostility of the existing health care system at present. Private health care services combined with racial poverty exclude Indigenous people from care provision, and racism and anonymous care in public services similarly pose serious barriers to access. In this way, expanding access to systems of public social care—from education and medical care to child welfare and old age care—can be seen as an internal competition or incoherence within the settler colonial assemblage that, regardless, does not affect the ultimate outcome of producing a carceral regime for Indigenous people.

Third, there are several ways that reserve spaces are made carceral, while also perniciously equivocated with Indigenous homelands. Indigenous people have complex understandings of relationships to reserve lands and territories. My focus here, however, is how settler Canadians understand Indian reserves. Consider the affective reactions among residents of southern Ontario, as related by sociologist Eva Mackey (2016), who owned property near the site proposed for the establishment of a new reserve. Immediately settler residents rejected the possibility of Indigenous presence, asserting that Indigenous people would not care for the land properly—a hypocritical and baseless claim (consider, for example, the city of Sarnia, often colloquially called “Chemical Valley”). This is an assertion based on perceived belonging—settler Canadians belong wherever they assert their sovereignty, even on Indigenous lands, while Indigenous people only belong in spaces designed to control and contain them. A prime historical example of reserves as fully and obviously carceral is the Pass System. The Pass System was a policy of the RCMP with the firm endorsement of the federal government, and requiring the bureaucratic management of Indian Agents. Under this system, any Indigenous person seeking to leave their reserve, for any reason, needed written permission from their local Indian Agents on behalf of the (previously named) Department of Indian Affairs (DIA). As Kenton Storey (2022, p. 138) relates, this was not a legal requirement but simply the exercise of colonial power, given that Indigenous people had “a treaty right to leave their reserves as they wished and that the DIA could enforce the Pass System only by misusing the Vagrant Act alongside extralegal disciplinary measures.” As Alex Williams relates in the documentary film, *The Pass System* (2015), one Indian Agent in what is currently called Saskatchewan refused to grant a pass to an Indigenous farmer to sell his grain at the exchange. He was forced to wait until after white settler farmers had sold theirs, driving down the price he could ask, deepening poverty on the reserve and increasing his and others’ reliance on government rations.

The Pass System was only enforced on limited areas and for a limited period of time (for a brief history, see: Smith 2009), but it is one of many manifestations of the state institutionalizing or formalizing what settler Canadians already expected and, in many ways, enacted—that Indigenous peoples should stay out of settled space, and that reserves were at best a form of anonymous care, a place to go until they disappeared. That Indigenous people have never disappeared nor stayed confined to reserve spaces is in no small part a driving force behind various efforts to reform the reserve system, most of which—from the 1969 White Paper to the 2010 *First Nations Property Ownership Act*—attempt to turn reserve lands over to private ownership (Pasternak, 2015). In so doing, the state is not simply attempting to eliminate its fiduciary responsibility to Indigenous people, but trying to reduce the amount of land it must administer. The settler colonial pressure to turn

land into property has constantly driven the reduction of land seen as legitimately belonging to Indigenous people by the settler population, including the Haldimand Grant—which I mention as I was raised on what should have been the border of this territory—that originally agreed to 950,000 acres of land by treaty to serve as a homeland for Haudenosaunee people fleeing the American Revolution in 1784. Over several centuries, it was taken by a variety of means—legal and extra-legal contracts, squatting, forging of documents and refusing to recognize Indigenous documentation in courts, political machinations by colonial elites, settlers fundamentally transforming landscapes, and others—until now only 45,000 acres, the Six Nations Reserve, remains “recognized” as their territory (New Media Lab, 2024).

This brings us to the fourth part of this carceral system: urban spaces essentially deemed “frontier”—often impoverished neighbourhoods in major cities such as Winnipeg, Regina, or Vancouver. As Mark Rifkin (2014) articulates, the frontier is a movable space of exception, something that exists in the settler colonial mindset that can be projected onto any space that is deemed not sufficiently territorialized by the settler colonial assemblage. Cities such as Winnipeg have recently been the subject of important analysis through the lens of settler colonialism (see for example: Dorries et al., 2022), and have been shown to be lively places of Indigenous occupation, resistance to colonialism, and social and territorial decolonization. Indigenous presence and agency has been inextricable from the rise of many cities. While Canadian urban populations identifying as Indigenous rose quickly in the late 20th century, it would be a mistake to think this was due only to people fleeing reserves. As Howard and Lobo (2013) explain, this climb has a great deal to do with changing definitions of “Aboriginal” (or other current terms) in use by everything from informal social services to census questions. Further, as Dorries et al. (2019, p. 4, citations removed) articulate in the introduction to their volume *Settler city limits*:

Settler cities are built on lands that always already belonged to Indigenous peoples. Settler colonialism reterritorializes space, constructing the grounds for the establishment of settler society. However, settler attempts to effect territorial dispossession and the concomitant disavowal of Indigenous claims to space and subjectivity are necessarily incomplete.

In that context of contested urban space, settler colonial carcerality relies on the identification of places that have been insufficiently constituted as colonial, as a frontier to be made subject to further colonization. “Insufficiently constituted” is used here intentionally as that judgement relies entirely on the perception of settler society, rather than on the lived experiences of Indigenous people. As I have elsewhere described (Barker, 2021), wherever Indigenous claims are contested and settler people can perceive an opportunity for personal gain or advantage, they will move to simultaneously discursively and physically displace Indigenous people. This results in the creation of perceived urban ghettos, places not yet settled—as evidenced by the presence of Indigenous people—but eventually settleable. This plan for frontier transformation relies on, among other key strategies, the demonization of urban Indigenous populations both as Indigenous generally and specifically for the supposed qualities that are associated with urban populations, such as drug use or gang involvement. Probably the most infamous example is the aforementioned DTES in Vancouver, which for decades served as a place where those displaced by the rapid gentrification of the Vancouver urban core could move and remain in the city (Culhane, 2003; Liu & Blomley, 2013). As class and poverty in Vancouver mapped onto colonialism and race, Indigenous residents were pushed off traditional territories to make way for developments like Stanley Park (Mawani, 2005), and were pressured along with Chinese, Black, and other racialized groups of non-Indigenous “exogenous Others” into the spatial confines of the least desired (for capital extraction) part of the city. These parts of Vancouver have come to be associated with levels of frontier violence, especially settler and non-Indigenous men harming Indigenous women, which Martin and Walia (2019, p. 16) attribute the tendency of settler colonization to target “Indigenous women in order to destroy families, sever the connection to land-based practices and economies, and devastate relational governance of Indigenous nations.” This underscores the key point that these urban spaces are violent not because of the presence of Indigenous people, but because of the coloniality of settler people. With the DTES demonized by settler society, with its economic systems stymied, and with property values low—for Vancouver—developers have moved in to gentrify this area (Burnett, 2014). Not only does this again displace marginalized and disproportionately urban Indigenous populations, it also destroys grassroots services and community cultures that have been built over time. This is a key point, because it is not just that urban frontiers are carceral in that Indigenous people cannot easily leave—they are also pressurized, which leads to a discussion of enforced mobility.

Carceral churn

Following from analyses of these four carceral formations, we again return to concepts of circuitry and assemblage: as with the DTES “frontier” being put under pressure by settler colonial transformations and impositions, Indigenous people are often forced to move from one carceral space to another. As Chris Mincke (2015) notes, physical mobility is no longer a sign of the absence of carcerality, and carcerality can be conceived of as managing a journey or a transition in which bodies may be in significant—if controlled—motions. For example, release from prison may mean a move to a half-way house or other care facility; aging out of the foster care system may result in a move to an unhealthy and impoverished urban space. An Indigenous person who is made to move from one of these carceral spaces is often forced to stay in motion, moving through the different

carceral spaces in the system, trying to escape the detriments of them in turn only to be trapped by a different set of spatial problems. This same situation faces the Indigenous person released from a hospital or treatment centre, pushed out of a tenement targeted for development and gentrification, or forced off-reserve due to inadequate housing that is either unavailable or unhealthy. With respect to carceral circuitry, Gill et al. (2018) assert that within a given circuit, mobility is imposed and compulsory. In reference to prisons, they argue:

Mobility becomes a way to ensure the exposure of inmates to the demands of social life, whilst it is often the powerful who enjoy the luxury of stillness or withdrawal... For many inmates this means that instead of finding themselves with nothing to do, they are increasingly likely to find themselves answerable to a 'militarist ideology' ... that propels them to engage in a series of activities that promise to render them suitable and useful future liberal subjects, including education programmes, fitness schemes, training, employment and victim compensation schemes ... (Gill et al., 2018, p.193, citations removed)

What Gill et al. are describing is paralleled in spaces of settler colonial carcerality.

One remaining point to address, though, is who in settler colonial society controls these movements through carceral circuitry. The answer in some ways depends on which of these spaces Indigenous people are in or transiting between—sometimes it is courts and police, sometimes white gentrifiers, sometimes politicians and business leaders. Indigenous people are adjudicated by settler Canadians, broadly and in diffuse ways that coalesce into action, based on their performance in these spaces. Indigenous people are incentivized to adopt non-threatening politics and reject participation in protest movements, but more often than not, regardless of performances of whiteness or class, Indigenous people are judged as insufficient, insincere, or to have failed in their efforts and are moved to another carceral space in the system where they face different challenges, with fewer resources, and are adjudicated again. This non-optional mobility creates a “carceral churn” that slowly encourages assimilation or death of Indigenous bodies as part of the overarching goal of settler colonial society to permanently remove Indigenous alterity (Figure 2). Assimilation here does not necessarily imply official policies of assimilation as per 19th- and 20th-century *Indian Act* and supporting legislation, but rather an acceptable level of non-threat to the settler polity. It requires a clear subsuming of Indigenous identity within Canadian subjectivity—the end goal of what Glen Coulthard (2014) has called the colonial politics of recognition, and which result in official gestures towards Indigenous cultures alongside the elimination of Indigenous sovereignty.

As such, whether actively or tacitly, the settler colonial assemblage's primary relationship to Indigenous people is one of violence in the name of erasure. Many Indigenous individuals cannot survive assimilation into settler society, or can never perform an assimilation acceptable to settler society, and the children who died in residential schools and prisoners who die in prison are testament to that fact. Meanwhile, those who are released are often carriers of significant psychological and physical damage and have lost connections to friends and relatives who could help the individual make sense of the world around them—so as people are released from these institutions, they are not necessarily granted freedom because there are so few places they can go, and they definitely cannot stay in the institution (nor would most want to). This pressure of enforced mobility creates a deep tension around being “kept in” or “pushed out” of carceral institutions, exemplified by the challenges around contemporary Indigenous children in care “aging out.” While many Indigenous youth would not want to be in foster care, turning 18 and suddenly losing all supports within the child welfare system is not a better alternative (Fast et al., 2019).

Likewise, pressure can be created through a denial of material resources, on reserve and in urban communities. In both contexts, housing is often at crisis levels which drives individuals away from communities and relations both in search of better material conditions for themselves, and also in the hopes of providing relief to family and community members who remain. However, the options for where these individuals may go is limited—whether urban, suburban, or rural, settler colonial spaces are permeated with the threat of violence towards Indigenous people. Indigenous people who are unlucky enough to be identified by authorities as violating settler space are often treated brutally, whether by police officers like those who murdered Neil Stonechild, or by “ordinary” settler people. Settler people doing violence to Indigenous people is a deep, powerful tradition in Canada that predates and informs the current state, so police often refuse to investigate the murders of Indigenous people (for example, see: Klein, 2014; Nasser, 2020). Even when Indigenous people are blatantly murdered—for example, white settler farmer Gerald Stanley murdered unarmed Cree man Colton Boushie in Saskatchewan—settler perpetrators have been frequently released by a jury of their peers after claiming self-defence (MacDonald, 2021). In this, Indigenous people are made “unmurderable” because their lives are seen to have less value than settler property. Property owners like Stanley police their own claims to private property, and endemic colonial racism continues to bar justice, accountability, or redress through appeals to sympathetic colonial authorities and communities. Dallas Jovic (2020, p.11, emphasis in original) refers to the 2015 murders of Colton Boushie and Jonathan Styres (a Mohawk man murdered by Peter Khill in rural Ontario) as “political execution (albeit one committed by an *unofficial* deputy of the state).”

The key take-away here is that all of these spaces designated for Indigenous people, whether officially or narratively, from reserves to urban frontiers, are interconnected—creating a system through which Indigenous bodies are moved with limited agency. This system removes them from social participation and increasingly atomizes individuals from communities, applies enormous pressure to assimilate backed by enormous capacities for violence, and is ultimately designed to grind Indigenous individuals down, through endless repetition of the carceral churn, until Indigenous nations, communities, and polities are erased from contemporary settler colonial spaces.

CONCLUSION

Understanding carcerality as a key, enduring feature of the settler colonial assemblage reveals a range of important insights that discrete studies of settler colonialism or carcerality do not individually highlight. First, carcerality adds an element to our understanding of elimination as a process. Carceral spaces are often purported by humanitarian settlers to be spaces of preservation of Indigeneity—as many original proponents of reserves articulated, for example—or indeed are asserted to be benevolent gifts of colonization, along with popular myths of “free education” and “tax breaks” as racial bonuses for Indigenous people. However, in so much as carceral spaces both concentrate and constrain Indigenous people, they also work to clear the lands beyond these carceral spaces of Indigenous presence. This clearance is necessary for settler collectives to attach to particular places in both material and affective terms (Barker, 2021). Carceral analyses allow us to trace the front lines of settler colonial invasion, even as the settler colonial assemblage multiplies in form and functions across a variety of spaces with a great degree of seeming randomness. Carceral spaces are one of the effects of frontier invasion and roll-back, comprising spaces of exception (where Indigeneity is targeted for elimination), like islands in the much wider sea of settler colonial space (where Indigeneity is already presumed to be eliminated regardless of the presence of Indigenous bodies or sovereignties). In effect, carceral spaces are the evidence of attempts to tame and discipline the frontier, evidence of both the eliminatory trajectory of settler colonialism and also of the inability of settler societies to fully efface Indigenous presence from the land.

The importance of assemblage thinking is revealed in the degree to which the contradictions of settler colonization create a seeming house of mirrors. As Wood and Rossiter (2022) discuss in relation to the property regime of BC, the process of settlers claiming the land across various regimes—from before the existence of the province to the present structure—was not just uneven, it is ongoing and involves many competing elements. Some of those include organs of the state seemingly at odds with each other. Following sustained activism including previous court cases in BC and beyond, the 1973 Calder decision created a state of “uncertainty” throughout BC. Aboriginal title, while unclarified, was real and forced a great deal of “political churn” as both political and corporate elites grappled with the fact that their attempts to impose one spatial order over another had failed (Wood & Rossiter, 2022). But despite these organs of the state being at odds—and despite further clarification on Aboriginal title through Supreme Court rulings such as *Delgamuukw v. British Columbia* (Supreme Court of Canada, 1997)—“a deeply settler logic ... continued to thwart the ability of citizens, governments, and the courts to imagine a political geography in BC and Canada based on another conception of sovereignty” (Wood & Rossiter, 2022, p. 113). This is precisely the missing piece in many analyses of the settler colonial spaces in Canada, including those that involve extractive economics and corporate actors: they are joined in the settler colonial assemblage by much wider communities and social institutions of settler people operating on relentlessly colonial logics. Even when state institutions are forced to protect Indigenous interests, usually by Indigenous activism creating leverage in those systems, the assemblage will respond by shifting the shape of the system. In the wake of *Delgamuukw v. British Columbia*, the state launched efforts such as the BC Treaty Process to attempt a political solution to the question of Aboriginal title—this has widely failed, but it represents the coding/decoding function of the assemblage as work. Any definition of land as property can be accepted, so long as everyone agrees that the settler colonial claim is paramount.

Taken together, carcerality and assemblage encourage us to analyze settler colonial dynamism, something that can be difficult because of the variability of settler colonial projects—the variability of structures and institutions which can be understood through assemblage, and the movement of populations at least some of which is only explainable through a carceral analysis. In order to understand the ways that the assemblage co-produces Indigenous erasure, situated identities and cultures of place, and the material economies on which those are sustained, we need to understand that it is both variable and consistent. The settler colonial assemblage can manifest in a huge variety of forms, and settler people have a great deal of agency in shaping those. However, it must by necessity manifest other, specific forms in order to pursue the elimination of Indigeneity and the control of populations deemed “Other” by the settler society, and one of those is the circuitry of settler colonial carcerality as applied to Indigenous people. Conceiving of carcerality and assemblage together in the service of settler colonial discourses requires us to think of the effort to impose the effective condition of carcerality on Indigenous people as something generated from multiple, changing directions. This, then, underscores the need to think of carcerality in the service of settler colonialism “beyond walls and fences,” but also beyond institutions, corporations, and states.

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