CRIME AND CRIMINAL JUSTICE IN NUNAVUT:
AN EXPLORATION IN ABORIGINAL PEOPLES AND CRIMINAL JUSTICE POLICY.

by

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Crime and Criminal Justice in Nunavut: An Exploration in Aboriginal Peoples and Criminal Justice Policy

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Crime And Criminal Justice In Nunavut: 
An Exploration In Aboriginal Peoples And Criminal Justice Policy.

Abstract

Recent judicial and quasi-judicial inquiries concerned with the delivery of criminal justice services to Aboriginal people have pointedly and consistently remarked that there exists a need for change in the relationships between aboriginal communities and the criminal justice system and its agents (Alberta, 1991; Manitoba, 1991; Nova Scotia, 1989). These inquiries have illustrated the disparities which exist between Aboriginal and non-Aboriginal persons vis-a-vis the criminal justice system and the fact that they have continued unabated since they were first identified in 1975. Although Aboriginal people comprise only two and one-half percent of the Canadian population, for example, they form twenty percent of the national prison population.

Reviews of the official crime records for the Northwest Territories (N.W.T.), between 1977 and 1992, have revealed rates that are consistently three and one-half to five times the national rate per 100,000 population overall and as high as six times the national rate for some offence categories (Canadian Centre for Justice Statistics, 1994). Violent and property crime accounted for the majority of offences reported during the study period, 1977-1992, with N.W.T. residents being charged with an offence 2 to 3 times more often than residents of the provinces. The clearance rates for all offences in the N.W.T. were approximately 2 to 3 times that found in Southern Canada with adult males being most likely to be charged with an offence. Despite its best efforts to deal with these crime problems, the Government of the Northwest Territories is constrained by its colonial relationship with the Government of Canada and its system of consensus government which, in turn, reduce the effectiveness of criminal justice policy in the North.

While these rates cry out for government action within the current Northwest Territories, the creation of Nunavut Territory in 1999 offers unique opportunities for the development, implementation, and evaluation of crime policy tailored to meet the needs of a predominantly-Aboriginal population. While the Territorial policy sections differ from their provincial government counterparts by having frequent community-level contact, they share the need for quick and simply-stated solutions to the questions, which their respective Minister might face, concerning social problems. This has often resulted, at least in the area of crime policy, in policy-makers using descriptive statistics of crime to illustrate epidemiology of crime while ignoring other tools, such as social scientific theories of crime or inferential statistics which could point towards the aetiology of crime in that jurisdiction. Political expediency needs to be tempered with useful and informative descriptions of the problem, plausible explanations for its occurrence, realistic policy options, and methods of evaluation.

This dissertation seeks to provide Northerners, both the governors and the governed, with an understanding of the value of this type of policy information. It is envisioned that this dissertation will contribute to the growing body of literature written on both the North and the administration of criminal justice vis-a-vis Aboriginal peoples. One of the specific implications for Northerners is the applicability of coercive tutelage and resistance in understanding and dealing with both the increasing crime rates in the North and the introduction of large-scale social change. The general state of socio-cultural adaptation among Dene, Métis, and Inuit is that unless the levels of meaningful participation in the delivery of justice services are dramatically increased, aboriginal methods of social control will become a thing of the past or a cultural icon without modern relevance.
It is believed that the use of a methodology that employs both inter- and intra-method as well as sequential triangulation offers a unique examination of the crime problem within the Northwest Territories and Nunavut. Building upon the use of officially recorded crime statistics which illustrates the epidemiology of crime in the North, typical crime policy options will be explored (more police, etc.). The use of census and that same officially-recorded crime data will permit the grounding of various theories of crime and permit the exploration of policy options which should differ from those typically created through the sole use of descriptive statistics. Public meetings held within different regions of the Northwest Territories offer different policy inputs and options than those provided through the use of official records and census data. Finally, interviews with key informants within the public sphere offer researchers yet another set of inputs and understanding of the crime problem and possible solutions. It is believed that this research strategy is unique, outside of official commissions and inquiries or government-sponsored studies, in the study of Aboriginal peoples, their communities, and crime.

Current efforts to reform the Northern criminal justice system will be presented and their efficacy as policy options will be explored. While many of these efforts are in their infancy, the rhetoric of community-based justice appears to be subordinate to the reality of the institutions of the dominant Anglo-Canadian justice system and the vested interests of the practitioners within that system.

Finally, this dissertation seeks to "make meaning" of the policy context within which the criminal justice policy of the Northwest Territories and Nunavut is made. It is hoped that this dissertation will offer more than a contribution to the extant literature on the North and Aboriginal peoples. It is hoped that this dissertation will contribute to the recognition of the unique criminal justice policy needs of Northerners and be useful in the formulation of criminal justice policy for both the Northwest Territories and Nunavut. Such use could be as simple as assisting Northerners in their negotiations with the federal government for additional resources for the administration of criminal justice or as complicated as seeking changes in federal legislation, e.g., Criminal Code, that better meet the needs of Aboriginal peoples in the North and other parts of Canada.

Crime et Justice criminelle à Nunavut:
Une exploration des autochtones et de la politique de justice criminelle.

Résumé

Des récentes enquêtes judiciaire et quasi-judiciaires concernant les notifications de la justice criminelle attribuées aux aborigènes ont révélé, d'une manière significative et logique, qu'une intervention dans les relations entre les communautés aborigènes et le système de justice criminelle et ses représentants s'avérerait nécessaire (Alberta, 1991; Manitoba, 1991; Nova Scotia, 1989). Ces enquêtes ont mis en évidence les disparités existantes entre les aborigènes et non-aborigènes par rapport au système de justice criminelle, ainsi que leur intensité restée inchangée depuis qu'elles ont été reconnues pour la première fois en 1975. Bien que les autochtones ne représentent seulement que deux et demi pour-cent de la population canadienne, ils représentent par exemple vingt pour-cents des incarcération de la prison nationale.

Des études sur les rapports officiels de criminalité dans les Territoires du Nord-Ouest entre 1977 et 1992, ont indiqué des taux égalant régulièrement trois fois et demie à cinq fois le taux national pour une population de 100,000 habitants, et dépassant jusqu'à six fois le taux national pour
certaines catégories de délits (Centre canadien de la statistique juridique, 1994). Crimes de violence et délits contre la propriété représentaient la majorité des infractions enregistrées pendant la période d'étude, entre 1977 et 1992, ainsi que les résidents des Territoires du Nord-Ouest accusés des délits 2 à 3 fois plus souvent que les résidents des provinces. les taux de classement pour tous les délits commis dans les Territoires du Nord-Ouest représentent environ 2 à 3 fois ceux enregistrés dans le sud du Canada, ainsi que les hommes étant plus susceptibles d'entre accusés d'infractions. Malgré tous ses efforts pour résoudre ces problèmes de criminalité, le Gouvernement des Territoires Nord-Ouest se trouve contraint par sa relation coloniale avec le Gouvernement du Canada et son système de consensus gouvernemental, lequel, à son tour, réduit l'efficacité de la politique de justice criminelle dans le Nord.

Alors que ces taux appellent à une action gouvernemental à l'intérieur des actuels Territoires du Nord-Ouest, la création du territoire de Nunavut en 1999 offre des occasions uniques de développement, d'accomplissement, et d'évaluation d'une politique du crime adaptée aux besoins d'une population à prédominance aborigène. Bien que les lignes de politique territoriale différent de leurs contreparties gouvernementales provinciales, en ayant un fréquent contact au niveau communautaire, elles partagent le besoin de solutions rapides et simplement formulées à leurs questions. Leurs Ministres respectifs pourraient bien être confrontés à certaines de ces questions relatives aux problèmes sociaux. Ceci a souvent entraîné, du moins dans le domaine de politique criminelle, les responsables politiques à utiliser des statistiques descriptives des infractions pour illustrer l'épidémiologie du crime tout en faisant abstraction d'autres facteurs tels que les théories scientifiques sociales du crime, ou les statistiques déductives qui pourraient indiquer l'étiole du crime dans cette juridiction. L'opportunisme politique a besoin d'être tempéré par des descriptions utiles et informatives du problème, des explications plausibles des circonstances ainsi que des méthodes d'évaluation.

Cette thèse a pour but de pourvoir ce genre d'informations aux habitants du Nord, que ce soit les gouverneurs ou les gouvernées. Il est prévu que cette thèse puisse contribuer au nombre croissant d'écrits sur le Nord et sur l'administration de la justice criminelle vis à vis des autochtones. L'une des implications particulières des habitants du Nord est l'applicabilité d'une tutelle contemporaine ainsi qu'une résistance à la compréhension et au traitement des taux croissants d'infraction dans le Nord ainsi qu'à l'introduction d'un changement social de grande échelle. L'état général d'adaptation socio-culturelle parmi les Denes, Métis et Inuits se limite à des méthodes autochtones de contrôle social qui deviendront démodes, ou alors une icône sans rapport actuel, à moins que les niveaux de participation effective, dans l'attribution de notifications judiciaires soient radicalement augmentés.

On pense que l'emploi d'une méthodologie qui nécessite à la fois des méthodes internes et intermédiaires, ainsi qu'une triangulation séquentielle, peut offrir une étude unique du problème du crime à l'intérieur des Territoires du Nord-Ouest et à Nunavut. Basé sur l'emploi d'enregistrements officiels de statistiques criminelles qui illustrent l'épidémiologie du crime dans le Nord, des choix de politique typiques du crime seront étudiés (renforcement des forces de police, etc...). L'emploi de recensements et de ces mêmes enregistrements officiels d'information criminelles permettront de fonder différentes théories sur le crime et d'explorer des choix politiques qui devraient différer de ceux typiquement basés sur le seul emploi de statistiques descriptives. Les assemblées publiques organisées à l'intérieur des différentes régions des Territoires du Nord-Ouest proposent des idées et choix politiques différents de ceux proposés à partir de l'emploi d'enregistrements officiels et de renseignements intercensitaires. Enfin, les entretiens avec les informateurs clé à l'intérieur du domaine public offrent aux chercheurs encore un autre ensemble de données et de compréhension du problème criminel, ainsi que d'autres solutions possibles. On pense que cette stratégie de
recherche dans le domaine des autochtones, de leurs communautés et de leurs crimes est unique, externe aux commissions et enquêtes officielles, ainsi qu’études initiées par le gouvernement.

Des efforts actuels pour réformer le système de justice criminelle dans le Nord seront présentés, ainsi que leur efficacité, puisque des choix de politique seront analysés. Alors que nombreux de ces efforts sont encore à leur début, la rhétorique de la justice communautaire apparaît comme subordonnée à la réalité des institutions du système judiciaire à dominance Anglo-canadienne et des droits acquis des praticiens à l’intérieur de ce système.

Enfin cette thèse a pour but de “donner une signification” du contexte politique à partir duquel est créée la politique de justice criminelle des Territoires du Nord-Ouest et de Nunavut. Il est espéré que cette thèse puisse offrir plus qu’une contribution à la littérature, déjà existante, sur le Nord et les autochtones. Il est espéré que cette thèse puisse également contribuer à la reconnaissance des besoins de l’unique politique de justice criminelle des habitants du Nord et qu’elle puisse également être utile à la formulation de la politique de justice criminelle dans les Territoires du Nord-Ouest ainsi qu’à Nunavut. Un moyen pourrait être aussi simple, que le fait d’assister les habitants du Nord dans leurs négociations avec le gouvernement fédéral, afin d’obtenir des ressources supplémentaires pour l’administration de la justice criminelle, ou aussi compliqué, que le fait de chercher à modifier la législation fédérale, par exemple, faire en sorte que le code criminel réponde plus aux besoins des autochtones dans le Nord ainsi que dans les autres régions du Canada.
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Part 1 - The Curtain Opens

1. Introduction
   i. The Problem Statement .......................................................... 1
   ii. The Policy Research Questions ............................................... 7
       a. Primary Research Question ................................................ 7
       b. Secondary Questions ...................................................... 7
   iii. Operational Definitions ...................................................... 9
       a. Power Relations ................................................................. 9
       b. Public Policy ................................................................. 9
       c. Policy Knowledge ............................................................. 9
       d. Development Relations ...................................................... 10
           1. Modernization ............................................................. 10
           2. Westernization ............................................................ 10
       e. Colonialism and Its Variants ............................................... 10
           1. Neo-Colonialism ......................................................... 11
           2. Internal Colonialism .................................................... 11
       f. Dependency ............................................................................ 11
       g. Community Development ..................................................... 12
       h. Community vs. Community-Based ....................................... 12
   iv. Organization of the Dissertation ............................................. 13
       a. Whither the Traditional Chapters? ..................................... 13
       b. Chapter Organization .......................................................... 14

2. The Nature of Public Policy .................................................. 17
   i. Introduction ................................................................................ 17
   ii. What is "Policy"? ..................................................................... 18
       a. Establishment of General Principles .................................. 19
       b. Examination of the Range of Possible Alternatives ............ 23
       c. Implementation of a Chosen Alternative or Policy .............. 47
       d. Monitoring/Evaluating a Policy’s Success ......................... 51
   iii. Distinctions Between “Policy” and “Public Policy” .............. 55
       a. Defining the Private and the Public Realms ....................... 55
       b. Public Problems and Moral Panics .................................... 57
       c. Defining Public Policy ......................................................... 60
   iv. Social Sciences, Humanities, and Public Policy Research ...... 63
       a. Disciplinary Boundaries or Disciplinary Blinders ............... 63
       b. Can We Incorporate Context and Process into Public Policy Analysis? . 67
vi. Are There Any Inherent Limitations Within The Research Strategy? 157
vii. Where Does This Leave us Now? 159

Part 2 - Introducing the Cast

4. A History Aboriginal/Non-Aboriginal Contact in Canada 161
   i. Introduction 161
   ii. Aboriginal/non-Aboriginal Relations as Relations of Relative Worth 163
       a. Nuisances: European-Aboriginal Relations, 1885-1945 166
       b. Wards: European-Aboriginal Relations, 1945 to the Present 173
   iii. Contact Histories or Histories of Contact? 185
   iv. The Utility of Culture Areas as Units of Analysis 188
       a. The Culture Area Concept 188
       b. The Subarctic Culture Area 189
       1. The Ecological Niche - Northwest Territories 189
       2. The Peoples and Their Cultures 191
       3. A Brief History of Aboriginal/non-Aboriginal Contact 197
       c. The Arctic Culture Area 201
       1. The Ecological Niche - Circumpolar North 201
       2. The Ecological Niche - Northwest Territories 203
       3. The Peoples and Their Cultures 207
       4. A Brief History of Aboriginal/non-Aboriginal Contact 220
   v. Conclusion 236

5. An Environmental Scan of the Northwest Territories 240
   i. Introduction 240
   ii. Census Data and the Northwest Territories 243
       a. Demographics 243
       b. Dependency 249
       c. Education 250
       d. Labour Force and Income 252
       e. Housing 254
   iii. Conclusion 256

Part 3 - The Curtain Opens

6. Measuring and Understanding the Extent of Northern Crime 258
   i. Introduction 258
   ii. What Do the Crime Statistics Tell Us About Northern Crime? 259
       a. Uniform Crime Reports as Measures of Crime 259
       b. Comparing National and Territorial Crime Rates 264
       c. Comparing Territorial and Regional Crime Rates 279
   iii. Conclusion 290

7. Location Quotients and Crime Policy 293
   i. Introduction 293
   ii. The Origins and Methodology of Location Quotients 294
   iii. Location Quotients of Crime 296
   iv. Location Quotients of Crime and the Northwest Territories 299
       a. LQCs and Crime in the North, 1977 300
b. LQCs and Crime in the North, 1982 .......................................................... 302  
c. LQCs and Crime in the North, 1987 .......................................................... 306  
d. LQCs and Crime in the North, 1992 .......................................................... 310  
v. Conclusion ........................................................................................................ 313  

8. Interpreting the Data to Make Meaning of Northern Crime .................................. 315  
   i. Introduction ..................................................................................................... 315  
   ii. The Growth of Criminological Theory .......................................................... 316  
   iii. Applying Current Criminological Theory to Crime  
        Amongst Aboriginal Populations ................................................................. 318  
            a. Theories and Thematic Models Describing “Aboriginal” Crime ........... 315  
            b. “Other” Contributing Factors in “Aboriginal” Crime ......................... 322  
               1. Demographics .................................................................................. 323  
               2. Education ....................................................................................... 324  
               3. Employment/Unemployment ............................................................ 325  
               4. Correlations Between Socio-Economic Conditions and Crime ........ 325  
   iv. The Need for Theoretical Integration .......................................................... 327  
   v. Testing Southern Theories of Crime in a Northern Policy Arena .................. 328  
       a. Theory: Poverty, Income Inequality, and Community Crime .................. 328  
       b. Data and Measures ............................................................................... 331  
       c. Findings: What are the Correlates of Violent Crime? ............................... 334  
   vi. Conclusion ...................................................................................................... 335  

9. Understanding Community Standards and Northern Crime .................................. 337  
   i. Introduction .................................................................................................... 340  
   ii. Community-Level Perceptions: Economics or Crime? ................................. 341  
   iii. Community-Level Perceptions: The Causes and Incidence of Crime .......... 342  
   iv. Community-Level Perceptions: Satisfaction or Dissatisfaction? ................. 346  
   v. Community-Level Perceptions: Alternative Activities .................................. 347  
       a. Bush/Land Camps .................................................................................. 348  
       b. Community Perception .......................................................................... 348  
       c. Information Workshops ......................................................................... 351  
   vi. Conclusion ...................................................................................................... 352  

10. Responding to Crime in Aboriginal Communities ...................................................... 353  
    i. Introduction .................................................................................................. 353  
        a. Limitations to Law Reform Approaches .............................................. 356  
        b. Limitations to Community Policing Approaches ................................. 357  
        c. Limitations to Situational/Opportunity-Reduction Crime Prevention Approaches 357  
        d. Limitations to Social Development/Community-Based Crime Prevention Approaches 358  
    iii. Crime Prevention Efforts Within Canadian Aboriginal Communities ........... 358  
        a. A Non-Aboriginal Understanding ......................................................... 358  
        b. A Different Understanding ................................................................... 359  
    iv. Examples of Aboriginal Community Justice Initiatives .............................. 361  
        a. Types of Initiatives ............................................................................... 362  
        b. A Comparison of the Initiatives ............................................................. 365  
    v. Another Understanding: Measuring Success ................................................. 366  
    vi. Conclusion .................................................................................................. 369
Part 4 - The Grande Finale or A New Beginning?

11. Addressing Community-Based Justice in the North
   i. Introduction ................................................................. 373
   ii. Policy Alternatives: Seeking a New Understanding of the Problem.. 374
   iii. Policy Alternatives: Charting a Course of Action ..................... 412
   iv. Resources: "Deeds Not Words" ........................................ 415
   v. Conclusion .................................................................. 417

12. Policy Knowledge and Crime Policy in Nunavut
   i. Introduction ................................................................. 419
   ii. From Environmental Surveys to Crime Policy .......................... 420
   iii. From Crime Statistics to Crime Policy ................................ 422
   iv. From Location Quotients of Crime to Crime Policy ................. 426
   v. From Theories of Crime to Crime Policy ................................ 427
   vi. From Community Concerns to Crime Policy ........................... 429
   vii. From Crime Prevention Programs to Crime Policy .................. 434
   viii. Where Do We Go From Here? ......................................... 435

13. Bibliography .................................................................. 438

14. Appendices .................................................................. 479
   i. Evolution of the Community Self-Government Concept ............ 480
   iii. Terms of Reference and Work Plan
        for a Customary Law Task Force in Nunavut ....................... 489
   iv. A Law Awareness Program for Youth
        - Scouts Canada's Law Awareness Badge Requirements for Cubs.. 491
   v. Ndilo Youth Crime Prevention Program (Ndilo Chekoa Program) 492
   vi. Services Supported by the Department of Justice (G.N.W.T.)
        Through as Contribution Agreement with the Yellowknives Dene Band 496
<table>
<thead>
<tr>
<th>Figure</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1</td>
<td>The Northwest Territories as Part of Canada</td>
<td>4</td>
</tr>
<tr>
<td>Figure 2</td>
<td>Elements of the Policy-Making Process (Simplified)</td>
<td>19</td>
</tr>
<tr>
<td>Figure 3</td>
<td>Competition Within Sociological Constraints</td>
<td>20</td>
</tr>
<tr>
<td>Figure 4</td>
<td>Policy as an Action or No-Action Decision</td>
<td>25</td>
</tr>
<tr>
<td>Figure 5</td>
<td>Webbers Sub-Fields and Types of Policy Knowledge</td>
<td>27</td>
</tr>
<tr>
<td>Figure 6</td>
<td>Dunn's Expanded Utility Model and Adaptation</td>
<td>30</td>
</tr>
<tr>
<td>Figure 7</td>
<td>Policy in a Temporal (Lifestyle) Context</td>
<td>37</td>
</tr>
<tr>
<td>Figure 8</td>
<td>Policy as a Cyclic Event Applied to Responsible Government</td>
<td>42</td>
</tr>
<tr>
<td>Figure 9</td>
<td>A Comparison of Linear and Triadic Processes in Policy Making</td>
<td>45</td>
</tr>
<tr>
<td>Figure 10</td>
<td>Different Understandings and Practices - Theory and Praxis in Ndilo</td>
<td>50</td>
</tr>
<tr>
<td>Figure 11</td>
<td>A Comparison Between Private and Public Policy</td>
<td>57</td>
</tr>
<tr>
<td>Figure 12</td>
<td>Domains of Academic and Applied Policy Analysis</td>
<td>61</td>
</tr>
<tr>
<td>Figure 13</td>
<td>An Instrumental Approach to Public Policy</td>
<td>68</td>
</tr>
<tr>
<td>Figure 14</td>
<td>Typical Organizational Model of Decision-Making</td>
<td>73</td>
</tr>
<tr>
<td>Figure 15</td>
<td>Typical Process Model of Policy-Making</td>
<td>75</td>
</tr>
<tr>
<td>Figure 16</td>
<td>Typical Group Model of Policy-Making</td>
<td>76</td>
</tr>
<tr>
<td>Figure 17</td>
<td>Typical Elite Model of Policy-Making</td>
<td>77</td>
</tr>
<tr>
<td>Figure 18</td>
<td>Typical Rational/Rational Choice Model</td>
<td>79</td>
</tr>
<tr>
<td>Figure 19</td>
<td>Incremental Model of Policy Change (Resources Allocation)</td>
<td>81</td>
</tr>
<tr>
<td>Figure 20</td>
<td>Policy Issue Development Within the Garbage Can Model</td>
<td>82</td>
</tr>
<tr>
<td>Figure 21</td>
<td>Policy Issue Development Within the Garbage Can Model</td>
<td>84</td>
</tr>
<tr>
<td>Figure 22</td>
<td>A Systems Model for Understanding Public Policy</td>
<td>84</td>
</tr>
<tr>
<td>Figure 23</td>
<td>Anthropology and its Subfields</td>
<td>103</td>
</tr>
<tr>
<td>Figure 24</td>
<td>The Triangulated Research Strategy Employed</td>
<td>157</td>
</tr>
<tr>
<td>Figure 25</td>
<td>Lithman's Typology of Inter-Ethnic Strategies</td>
<td>166</td>
</tr>
<tr>
<td>Figure 26</td>
<td>Tribal Boundaries Among the Subarctic Indians of Canada</td>
<td>194</td>
</tr>
<tr>
<td>Figure 27</td>
<td>Inuit Cultural Development in Alaska and Canada</td>
<td>207</td>
</tr>
<tr>
<td>Figure 28</td>
<td>Tribal Boundaries Among Inuit of North America</td>
<td>209</td>
</tr>
<tr>
<td>Figure 29</td>
<td>Northwest Territories Population, 1921 to 1991</td>
<td>244</td>
</tr>
<tr>
<td>Figure 30</td>
<td>Comparisons of Demographic Indicators, Denendeh and Nunavut, 1980 - 1992</td>
<td>245</td>
</tr>
<tr>
<td>Figure 31</td>
<td>Population of the N.W.T by Sex and Age, 1991</td>
<td>246</td>
</tr>
<tr>
<td>Figure 32</td>
<td>Ethnic Composition of Denendeh and Nunavut, 1991</td>
<td>248</td>
</tr>
<tr>
<td>Figure 33</td>
<td>Comparing Methods of Presenting Canadian Crime Statistics</td>
<td>265</td>
</tr>
<tr>
<td>Figure 34</td>
<td>Crime Rates in Canada by Category and Year, 1977 - 1992</td>
<td>266</td>
</tr>
<tr>
<td>Figure 35</td>
<td>Crime Rates in the Northwest Territories by Category and Year</td>
<td>267</td>
</tr>
<tr>
<td>Figure 36</td>
<td>A Comparison of Canadian and Northwest Territories Crime Rates, 1977 - 1992</td>
<td>268</td>
</tr>
<tr>
<td>Figure 37</td>
<td>Comparison of Sexual and Non-Sexual Violence by Jurisdiction in Canada, 1992</td>
<td>269</td>
</tr>
<tr>
<td>Figure 38</td>
<td>Comparisons of the Canadian and N.W.T. Violence Rates, 1977 - 1992</td>
<td>270</td>
</tr>
<tr>
<td>Figure 39</td>
<td>Comparison of Robbery Rates by Jurisdiction in Canada, 1992</td>
<td>271</td>
</tr>
<tr>
<td>Figure 40</td>
<td>Property Offences in Canada and N.W.T, 1977 - 1992</td>
<td>272</td>
</tr>
</tbody>
</table>
Figure 40 - Other Criminal Code Offences in Canada and the N.W.T.,
1977 - 1992 .................................................. 273
Figure 41 - Total Criminal Code Offences in Canada and N.W.T., 1977 - 1992 ........... 274
Figure 42 - Drug Offences in Canada and N.W.T., 1977 - 1992 .......................... 275
Figure 43 - Provincial/Territorial Offences in Canada and N.W.T.,
1977 - 1992 .................................................. 276
Figure 44 - Clearance Rates in Canada and the Northwest Territories ..................... 278
Figure 45 - Total Criminal Offences in the N.W.T. by Regions, 1977 - 1992 ................. 279
Figure 46 - Comparing Sexual Violence Rates in the Northwest Territories,
1977 - 1992 .................................................. 282
Figure 47 - Comparing Non-Sexual Violence Rates in the Northwest Territories,
1977 - 1992 .................................................. 283
Figure 48 - Comparing Property Offence Rates in the Northwest Territories,
1977 - 1992 .................................................. 286
Figure 49 - Comparing Total Criminal Code Rates in the Northwest Territories,
1977 - 1992 .................................................. 287
Figure 50 - Comparing Drug Offences in the Northwest Territories,
1977 - 1992 .................................................. 288
Figure 51 - Comparing Provincial Offence Rates in the Northwest Territories,
1977 - 1992 .................................................. 289
Figure 52 - The Cycle of Poverty .......................................................... 291
Figure 53 - Drug Offences per 100,000 Population in the N.W.T., 1977-1992 ............... 330
Figure 54 - The Criminal Justice System and the Community Justice Committee ...... 380
## List of Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1</td>
<td>Five Stages of the Policy Cycle and their Relationships to Applied Problem-Solving</td>
<td>39</td>
</tr>
<tr>
<td>Table 2</td>
<td>Basic Policy Evaluation Techniques</td>
<td>54</td>
</tr>
<tr>
<td>Table 3</td>
<td>Paradigms in Social Science</td>
<td>98</td>
</tr>
<tr>
<td>Table 4</td>
<td>Comparisons of Quantitative and Qualitative Paradigms Assumptions</td>
<td>100</td>
</tr>
<tr>
<td>Table 5</td>
<td>A Comparison of Emic and Etic Approaches to Knowledge</td>
<td>153</td>
</tr>
<tr>
<td>Table 6</td>
<td>Differing Perspectives on Aboriginal Self Government in Canada</td>
<td>184</td>
</tr>
<tr>
<td>Table 7</td>
<td>Historical Periods in the Western Subarctic</td>
<td>187</td>
</tr>
<tr>
<td>Table 8</td>
<td>Dependency Rates in the Northwest Territories, 1991</td>
<td>249</td>
</tr>
<tr>
<td>Table 9</td>
<td>Language Use in the Northwest Territories, 1991</td>
<td>250</td>
</tr>
<tr>
<td>Table 10</td>
<td>Highest Levels of Schooling in the Northwest Territories, 1991</td>
<td>251</td>
</tr>
<tr>
<td>Table 11</td>
<td>Labour Force Activities, 1991</td>
<td>252</td>
</tr>
<tr>
<td>Table 12</td>
<td>Average &amp; Personal Income, 1991</td>
<td>253</td>
</tr>
<tr>
<td>Table 13</td>
<td>Household and Family Characteristics in the N.W.T., 1991</td>
<td>254</td>
</tr>
<tr>
<td>Table 14</td>
<td>Size of Family Households, 1991</td>
<td>255</td>
</tr>
<tr>
<td>Table 15</td>
<td>Rates Per 100,000 Population &amp; Location Quotients for Sexual Violence in the N.W.T.</td>
<td>303</td>
</tr>
<tr>
<td>Table 16</td>
<td>Rates Per 100,000 Population &amp; Location Quotients for Non-Sexual Violence in the N.W.T.</td>
<td>304</td>
</tr>
<tr>
<td>Table 17</td>
<td>Rates Per 100,000 Population &amp; Location Quotients for Property Crime in the N.W.T.</td>
<td>308</td>
</tr>
<tr>
<td>Table 18</td>
<td>Rates Per 100,000 Population &amp; Location Quotients for Other CC Offences in the N.W.T.</td>
<td>309</td>
</tr>
<tr>
<td>Table 19</td>
<td>Rates Per 100,000 Population &amp; Location Quotients for Crime in the N.W.T.</td>
<td>312</td>
</tr>
<tr>
<td>Table 20</td>
<td>Correlation Matrix of Violent Offences, 1991</td>
<td>334</td>
</tr>
<tr>
<td>Table 21</td>
<td>Regression Analysis for Violent Offences, 1991</td>
<td>335</td>
</tr>
<tr>
<td>Table 22</td>
<td>Contrasting Normative Orders and Legal Systems</td>
<td>432</td>
</tr>
</tbody>
</table>

Part 1 - The Curtain Opens

Chapter 1

Introduction

We have made the point that in charting a path for reform we must be careful not to create unnecessary dichotomies; in particular in calling for recognition of distinctive Aboriginal justice systems, we must not signal the abandonment of reforms in the non-Aboriginal systems. As has been clear from our discussion, the development and implementation of Aboriginal justice systems will be evolutionary, and there will a continuing need for bridges between the two systems.

Royal Commission on Aboriginal Peoples (RCAP), Bridging the Cultural Divide (1996).

I. The Problem Statement

Recent judicial and quasi-judicial inquiries undertaken due to major legal and policy pressure concerned with the delivery of criminal justice services to Aboriginal people have pointedly and consistently remarked that there exists a need for change in the relationships between aboriginal communities and the criminal justice system and its agents (Alberta, 1991; Manitoba, 1991; RCAP, 1996). These changes may be as simple as including Aboriginal elders in the existing sentencing process or as complex as establishing a parallel or separate criminal justice system for Aboriginal peoples and their communities (Macklem, 1991). The realpolitik contradiction, however, often results in criminal justice agencies and communities being at odds with one another as governments struggle to achieve symbolic policy and program changes in the face of Aboriginal communities and leaders seeking actual changes that are developmental in nature (Swiderski, 1989).

Current constitutional developments and the most recent Québec provincial referendum have also contributed to renewed interest in the policy of Aboriginal affairs and the socio-structural and legal positions occupied by Canada's first inhabitants (Dyck, 1991). These legal and constitutional positions have resulted in policy actions, and inactions, being taken by the federal government that no longer promote the policy of protecting and assimilating Canada's Aboriginal peoples but
recognizes them as distinct peoples and seeks to address, albeit in a limited manner, the issues of self-determination and the settlement of land claims. However, many of the underlying issues which contributed to Aboriginal acts of opposition to the many proposed constitutional and policy changes have their origins within the Eurocentric ideology of race, discriminatory government policies and practices, and Canada’s colonial history. Indeed, many of these same issues have only recently been addressed by academics or criminal justice practitioners.

These issues cover the broad range of the human condition, including: contradictory cultural imperatives, systemic discrimination, language difficulties, over-representation within the prison population, and differential socio-demographic conditions (Canada Law Reform Commission, 1991, Manitoba, 1991; RCAP, 1996). Partly as the result of the interplay of these conditions, many Aboriginal persons have found themselves in conflict with institutions of the nation-state which, according to many observers, has sought to achieve a ‘policy’ of cultural extinction by marginalizing them as a people, discounting their value and belief systems and imposing a social control system of little or no cultural relevance. Nowhere is this more evident than within the related fields of law and criminal justice.

The application of Anglo-Canadian laws and systems of social control in Canada has been likened to “a conquest by law” rather than through force of arms (cf. Dickinson, 1994; Green and Dickason, 1989; Jefferson, 1983; Patenaude, 1989). This ‘conquest’ was undertaken with little or no concern for the existence of Aboriginal law and legal beliefs and was marked by occasional clashes on a local scale and the open warfare of the First and Second Riel Rebellions (1870 and 1885). Legal historians John Dickinson (1994) and Hamar Foster (1994) offer examples, respectively of the clash between French colonial law and legal beliefs and those of the Aboriginal peoples in New France during the seventeenth and eighteenth centuries and a similar clash between the legal beliefs and practices of English common law and Aboriginal law in the colony of British Columbia prior to and shortly after it entered the Canadian Confederation. Both of these latter authors argue that neither Aboriginals nor non-Aboriginals fully understood the laws, legal beliefs, and methods of social control practiced by the other and misunderstandings were commonplace. More recent examples are offered by historians Douglas Cole and Ira Chaikin (1990) concerning the suppression of potlatch complex by Canadian authorities in British Columbia. The ‘law’ was firmly grounded in Eurocentric values and beliefs in the superiority of those values and the peoples carrying them into the New World. Public policies concerning crime and criminal justice were extensions of these racist ideologies (Kline, 1994).
Many academic policy analysts argue, on one hand, that for a public policy to be evaluated as an "effective" policy, it requires clear, concise, attainable statements that are reflective of commonly held values and beliefs, clearly measurable activities/procedures to gauge success, and resources adequate to the tasks. On the other hand, however, many "applied" policy analysts or public policy practitioners argue that often these same qualities are either hidden within the rhetoric of policy instruments or are missing by design to avoid political and/or bureaucratic accountability (cf. Doern and Phidd, 1983; Dunn, 1994; Etzioni, 1967; Garson, 1986; Nagel and Neef, 1978; Pal, 1992). Few academic and applied analysts of public policy appear to agree, however, with Canadian political scientist Leslie Pal's (1992:2) comments that although public policies usually contain a course of action, or the "intentions, goals and means" to accomplish the stated policy, they also must be seen as a course of "action or inaction chosen by public authorities to address a given problem or interrelated set of problems."

Current public policy vis-a-vis Aboriginal peoples in Canada is neither clear nor concise, lacking in coordination and strategic vision, and falls within the jurisdiction of several federal government departments/agencies. Public policy for Aboriginal peoples in Canada may be interpreted as either a course of preferred inaction or as "muddling through" (Lindblom, 1959), "tinkering with the existing systems" (Dye, 1987), and/or "the Indian problem" (Dyck, 1991). Within the province of British Columbia, for example, recent statements1 by provincial cabinet ministers concerning Aboriginal gaming ("one law for all British Columbians"), land claims ("only five percent of Crown land in the province"), and justice ("not negotiable") illustrate that the federal government's claim to constitutional jurisdiction over "Indians and lands reserved for Indians" may confound rather than simplify the discussions of Aboriginal justice reform in Canada. Criminal justice reform vis-a-vis Aboriginal peoples has often been linked to the success of other public policy initiatives and reforms, namely: self-government, self-determination, land tenure/land claims, gender equality, and criminal law reform in general. Thus, the criminal justice policy pond is 'muddied' and the reflecting vision of Aboriginal justice is unclear.

The social and historical conditions facing Aboriginal peoples throughout the provinces are mirrored within the N.W.T. Indeed, as Northern planner Andy Swiderski (1989:3) notes, "To a significant degree the history of the Canadian North is the history of the Nation, and indeed it encompasses significant global phenomena, and as such, cannot be isolated through reductionism."

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1 It is important to note that many of these comments were made during the months prior to the signing of the *Nisga’a-Canada Agreement in Principle* (1996).
Figure 1  The Northwest Territories as Part of Canada.
The Northwest Territories (N.W.T.) stretches across three time zones, and covers nearly three million square kilometres. and yet has a total population of only 57,000 residents, of whom Dene comprise 22 percent, Métis account for 18 percent, Inuit are 35 percent, and the remainder non-Aboriginal (Statistics Canada, 1993). Although the Canadian Shield covers large portions of both "Southern" Canada and the N.W.T., it is possible to delineate these regions in terms of their respective physical environments. The peaks and watersheds of the Mackenzie Mountains provide the western boundary of the Northwest Territories, Canada's largest, single jurisdiction. Expanding eastward and northward from that mountain range one finds two distinct geographies: subarctic taiga within the treeline and arctic tundra which is found above the treeline.

Recent years have borne witness to the immense social, cultural and political change within the N.W.T. (Patenaude, 1990; Swiderski, 1989). Indeed, the commitment to a stronger territorial government and the desire for increased local autonomy to deal with issues which affect the lives of Northern residents on a daily basis is far from a recent phenomenon. Aboriginal and non-Aboriginal Northerners are continuing their quest for political empowerment which began during the 1950s. Many community leaders are, now, focusing on local autonomy within criminal justice administration as one area of empowerment, but are doing so without a clear understanding of the nature or extent of crime or criminality. The gradual evolution from a tutelary style of government, as some observers have labelled it, into responsible public government is continuing. Aboriginal cultures and legal traditions are being examined to provide both policy and program alternatives to the current, retributive system of criminal justice (Finkler, 1992; Canada LRC, 1991; RCAP, 1996).

The nature and level of crime among its predominantly Aboriginal communities of the N.W.T. have been increasing throughout the latter half of the twentieth century especially during the last decade. Although the Legislative Assembly of the Northwest Territories has debated the issue of crime, it has done so mainly from the perspective of examining the practices and perceived failures of the current system of criminal justice to adequately deal with the needs of offenders and their victims. The findings of their examinations have, until recently, been used for political purposes within the Legislative Assembly rather than to change public policies outside its chambers.

The creation of a new Northern territory, Nunavut ("our land" in Inuktitut), by dividing the current Northwest Territories will occur during 1999. The negotiation and settlement of the Nunavut Agreement (1995) culminated nearly three decades of ethno-political development among Inuit of the Eastern and Central Canadian Arctics. The subsequent creation of Nunavut will signal the beginning
of the breaking of the chains of dependency on "outside" or southern agencies to solve local and regional problems (cf. Irwin, 1988; Griffiths and Patenaude, 1988, 1989). Unlike the Northeastern Québec Agreement (1977) and the recent Nisga’a-Canada Agreement-in-Principle (1996), however, neither the Nunavut Agreement nor those working papers which preceded it have dealt adequately with the issues of crime, criminality, and the administration of criminal justice in a newly created Nunavut Territory. The administration of criminal justice in Nunavut might be developed in the same manner as the previous territories rather than the creation of a new 'level' of government or the devolution of new legislative powers by the federal government.

Traditional Inuit methods of social control, such as gossip, song-duels, banishment, and execution, may be neither relevant nor permitted given the rapid social change which most Inuit have experienced (cf. Griffiths, Zellerer, Wood, and Saville, 1995; Irwin, 1988; Swiderski, 1985). The creation of permanent settlements and the imposition of Euro-Canadian systems of criminal justice, education, employment, and religion have contributed to a way of life that is far removed from the static images of Inuit life during the early post-contact period and within which traditional methods of law and social control may not be effective. Similarly, the high rates of crime within the contemporary Northwest Territories (from which Nunavut will be cleaved) are 4 to 6 times higher than those found within Southern Canada (Canadian Centre for Justice Statistics, 1994) and, therefore, are indicative that the Anglo-Canadian system of law and social control is not entirely effective either. While a number of basic Inuit concepts of law and social control remain which could be ameliorated within the contemporary Euro-Canadian and/or a hybrid Inuit/Euro-Canadian criminal justice system, the options for crime policy remain open.

In order for criminal justice policy-makers to create effective and realistic crime policy for the Northwest Territories and Nunavut, several different types of data are required. These range from accurate and timely crime and population data to information gathered by way of public meetings and interviews with key informants, such as local leaders and other public figures. Academic policy research, of this sort, may contribute to the development of informed criminal policy by providing both background information and impetus for change through its conclusions.

The intertwining of discussions concerning the Aboriginal peoples of Canadian, the Northwest Territories, and Nunavut offers an interesting challenge in this instance. In order to create the backdrop for informed discussion and analysis of the crime in the jurisdiction of Nunavut, it is
necessary to discuss the Dene, Métis, Inuit, and non-Aboriginal peoples of the North. Although these groups will be presented in brief, the emphasis and focus of this dissertation will be the crime and crime policy for the three regions which comprise Nunavut, namely: Baffin, Keewatin, and Kitikmeot regions and their predominantly-Inuit populations.

ii. The Policy Research Questions

It is paramount that the reader recognizes that this dissertation is unlike many typical dissertations which seek to prove a research hypothesis. This study will contribute an exploratory examination of the ways social science research, and the various forms of policy knowledge can inform public policy in the area of Aboriginal peoples and the administration of justice. It is not intended to be a study of the relevant policies themselves, but how they can be studied. It is intended, therefore, that the descriptions of the various policy knowledge be in-depth considerations of those knowledges. They serve as exemplars of the process, which is the focus. Thus, even the formulation of policy options and recommendations in the conclusion is an exercise in keeping with this goal. Those recommendations also serve as exemplars of the policy process.

a. Primary Question:

In what manner might analyses of the officially recorded crime data and the historical and contemporary positions occupied by Canada's Aboriginal peoples, especially Inuit within Nunavut, contribute to the development of informed crime policy in Nunavut? In what manner are existing socio-political conditions and public institutions promoting or inhibiting the development of criminal justice reform for the residents of Nunavut?

b. Secondary Questions:

Although these group of questions may constitute a dissertation topic, in their own right, they provide structure by which the primary research question will be answered.

1. How does a "public problem," as defined by Gusfield (1972) become transformed into a public policy?
2. What constitutes an effective public policy in terms of its requisite constituent elements?
3. Do academics and criminal justice practitioners employ different foci in their analyses of crime/criminal justice policy? If so, what differentiates these respective foci and why?
4. Which elements of the Aboriginal/non-Aboriginal contact histories within Canada and the Northwest Territories continue to contribute to the current state of dependency and role conflict within the existing criminal justice system?

5. What is the picture of crime in the N.W.T. and Nunavut? What is our best understanding of that picture and what is necessary to improve it [the picture of crime]?

6. What types of crime policy might be developed from an examination of the picture of crime in the N.W.T., and Nunavut, using different types of analyses (e.g., descriptive statistics, inferential statistics, community-level meetings, etc.)? How might these crime policies differ?

7. With regard to the administration of criminal justice, have Inuit from Nunavut incorporated the experiences of other Aboriginal justice initiatives (e.g., Hollow Water) and land claims settlements (e.g., Northeastern Québec, Nisga'a), into the Nunavut A.I.P.? Do these developments represent an internal or external (community vs. government agency) locus of control? Were they successful or not? What policy lessons can be learned from these experiences?

8. What implications do the block funding arrangements within the N.W.T. Community Empowerment Strategy hold for the development of crime policy and the administration of criminal justice in the N.W.T. and Nunavut?

9. What systemic changes are required for the current criminal justice system to address the needs of an Aboriginal, communitarian system within the highly individualistic, Anglo-Canadian legal system? Does criminologist John Braithwaite's (1989) general theory of re-integrative shaming offer a theoretical construct which could be transformed into a criminal justice policy?

10. What is community-based justice and does a community-based justice policy exist within the Northwest Territories? In what manner might 'community-based' justice, as in community corrections, differ from "community-based" as often promoted by federal and territorial governments?

The choice of the Northwest Territories and Nunavut as research sites is to provide a unique study of criminal justice reform within an ethnically-diverse, predominantly-Aboriginal, jurisdiction. Throughout this dissertation the single most important criminal justice policy alternative for the North will be explored, namely: a paradigm shift from retributive to restorative justice and the accompanying shift in the locus of control.

It is believed that the results of this analysis will permit the author to make suggestions to Northerners, both the governors and the governed, that will assist in the development of a comprehensive crime policy for the contemporary Northwest Territories and the new Nunavut Territory and in breaking the cycle of dependency in which community residents look to outside agents for the solution to community problems (Crawford, 1985; Finkler, 1981, 1983).
iii. Operational Definitions

a. Power Relations: describes the single most important component within public policy studies, "power" and its application to public problems and public policy. The concept of power is regarded, herein, as transformative and processual rather than as a possession. Indeed, it owes its origins to sociologist Max Weber (bases of power, authority) and, to a lesser degree, social philosopher Michel Foucault (power, knowledge and resistance). Power and power relations are herein defined as:

Power is the transformative ability to influence and achieve a desired change in another individual, group, or society; Power relations are the exercise of power by individual or institutional authorities and resistance to that exercise of power by individuals or groups through various methods relative to the immediate and historical situation.

Institutional authority and power is often the locus of study when dealing with policy issues in the North due to slow lack of cohesion among Aboriginal organizations. The methods used to wield power, which itself is regarded as a strategy aimed at achieving an observable goal, may vary from moral persuasion to public policy, legislation, through to coercion and the use of force (including arms). The methods of resistance are spatially and temporally determined but may include the same or similar methods of the one exercising power (Swiderski, 1985: notes).


A public policy is an exercise of power through the act of governance to remove or ameliorate a defined social problem; It consists of the intentions or objectives of government which have been given legitimation through consent, coercion or legislation and a desired change in human behaviour; It is characterized by consistent and repetitive application; Public policy may include both action and inaction on the part of government.

c. Policy Knowledge: Whereas public policy is regarded as action or inaction by government(s), such activity is often based upon the analysis of specific data or "policy knowledge" (Webber, 1992). Indeed, as policy analyst David Webber (1992:386-387) notes, information of all
types may be used to assist policy-makers in their decision-making and the activity of decision-making is most often a solitary task and the selection and weight given to any type of knowledge is based on the worldview of the policy analysts and/or policy-maker. This dissertation will employ Webber’s (1992:389) definition of policy knowledge, namely:

Policy knowledge is the body of human knowledge available to assist policy-makers in their understanding of the causes and consequences of the outputs of government and the subsequent societal impact.... Types of knowledge refers to the extent to which policy knowledge is systematic, the extent to which it is objectively verifiable, and the intended purpose of the knowledge.

d. Development Relations: Public policy concerning the Canadian North has been subject to an ignorance of the region and its peoples, lack of a clear strategic vision for its place in Canada, and Eurocentric perspectives concerning modernization and, by extension, westernization of the region (Page, 1986; Patenaude, 1990; Robertson, 1985). The relations of power in the development in the North have, until recently, been dominated by Southern-trained, non-Aboriginals with limited commitment to the North and its peoples. The processes of modernization and westernization are defined herein to include:

1. Modernization is seen as a developmental process by which individuals change from traditional, low-intensity technological ways of life to a more complex technologically advanced and rapidly changing style of life. This process is often held to be synonymous with westernization; a belief which is both incorrect and ethnocentric. This concept describes the process of non-Occidental areas adopting the cultural, economic and political trappings of Western Europe (and, by extension, of North America) and thereby becoming like the donor region. Rather than proceeding through a natural modernization of its cultural institutions and technology base, the westernized society in a colonial relationship becomes dependent upon the technology and services of the donor region.

2. Westernization describes the process of non-Occidental areas adopting the cultural, economic and political trappings of Western Europe (and, by extension, of North America) and thereby becoming like the donor region. Since neither development or modernization nor industrialization need be derived from Europe or the other western nations, these terms should not be used to describe westernization (Mayes, 1982:37).

e. Colonialism and its Variants:

Whereas the typical definition of colonialism has regarded it as a form of imperialism whereby a foreign power is not only involved in the extraction of wealth but also in the direct political rule of
the subjugated nation (Anderson, 1974:32), such a definition fails to capture other processes which are often subsumed within it or emerge as part of the process of colonialism. One of the processes inherent within colonialism is that of sovereignty. Canadian historian William R. Morrison (1986:246-247) has identified the sovereignty imposed upon the North by the Canadian government as being of two types, "symbolic" and "developmental", which often occur concomitant to colonialism. Symbolic sovereignty "consists of actions taken to fulfil the formal requirements of sovereignty under international law...aimed at the citizens of other countries" (1986:246). On the other hand, developmental sovereignty is the consolidation of that sovereignty when "...the government formulates a policy for the development of territory under its control. This kind of sovereignty ranges far beyond symbols, and thus has a tremendous impact on native people" (1986:247). Colonialism is often processual and develops into neo-colonialism and internal colonialism:

1. Neo-Colonialism: is an outcome of colonial and/or multinational-corporate domination "whereby economic control is retained even though political dependence has been granted...characterized by 'unequal exchange'...between the exploitative neo-colonial nations [such as Ottawa] and their exploited [the North]" (Lee and Newby, 1983:147).

2. Internal Colonialism: is the final component of the colonial experience. Anthropologist Roger Keesing (1981:513) presents this occurring as "within an ethnically diverse nation-state cultural domination, and economic and political domination and exploitation of minorities."

f. Dependency: While normally perceived in negative terms, according to British sociologists David Lee and Howard Newby (1983), dependency may be regarded as a matter of reorienting behaviour and cultural institutions away from traditional values towards modern ones. Lee and Newby (1983: 147) note that dependency may be either economic or psychological in nature with the former based upon Marxist principles that "capitalist development of some parts of the world is based upon the exploitation of others" and is consistent with the practices of colonialism and its variants. Similarly dependency may be regarded as psychological in much the same manner as described within Morrison's (1986) definition of developmental sovereignty whereby the subordinate group internalizes the belief that the ways of the dominant culture or society are both desirable and superior to their own ways. The principles of coercive tutelage are evident within the psychological aspects of dependency since the dependent individual or group believes that they must conform to the new ways or the support and services of the dominant group will be withheld or withdrawn.
g. Community Development: This definition owes much of its genesis to the community development movements which sprang up in Québec during both the Quiet Revolution of the 1960s and the first half of the 1970s decade (cf. Alary et al., 1990; Lamoureux et al., 1989). Contemporary concepts of community development (cf. Richardson, 1986; Susut, 1981) promote modernization efforts wherein the locus of control has shifted from being found external to the community to being found within it. Indeed, it is Susan Susut's (1981:25) definition of community development, namely:

an educational and motivational process enacted at the community level (on a community basis) to encourage people to solve their own problems (self-help) as they define them (felt needs) based on the fullest participation of local people in the decision making process (citizen participation) through a heightening of community involvement (social animation) and the building up of local leadership (leadership training) in order to organize for action (action for social change) to take more control over their lives (self-reliance and self-determination). Resources and technical aid from outside the community, including government, may be called in when necessary which is utilized throughout this dissertation. This all-encompassing definition speaks the language of political action and provides a useful conceptual framework for the devolution of many criminal justice-related services and programs to the communities of the Northwest Territories and Nunavut.

h. Community vs. Community-Based: discusses the basic conflict between the local and external locus of control issue in criminal justice or other government programs. Whose needs do these programs serve and who exercises control are paramount concerns addressed by this definition. A community program occurs when:

The programs and services which have been identified, designed and implemented by government agents rather than community members and leaders. Not only does the locus of decision-making remain outside the community but, so too does the power to define the problem and the mandate to respond to it.

While there is no evidence which supports a claim that decentralization of programs is more effective than those programs supported from a central office, evidence is conclusive, however, that "grass-roots" or "bottom up" programs, i.e., identified by local people as required to meet a local need, have a greater potential for success. These are hallmarks of a community-based approach.

It is possible to define community-based programs and services as:
Those programs and services which have been identified and internalized by community members and leaders as necessary for the healthy functioning of the community. This awareness may have developed as the result of generally high levels of problems, tragedies or intervention from outside the community. The community leadership remains as the locus of decision-making control and large numbers of community members support or participate in the program or service.

iv. Organization of the Dissertation

a. Whither the Traditional Chapters?

This dissertation explores several areas of interest to Northerners and others interested in the administration of criminal justice vis-a-vis Aboriginal people in Canada and it's North, including:

1. The history of contact and conflict between Aboriginal peoples in Canada and the Northwest Territories and many of typical attitudes and beliefs held by both Aboriginals and non-Aboriginals as a result of those experiences;
2. The rapid social and cultural change which Northern Aboriginal peoples, especially by Inuit, have experienced during the last century;
3. The inherent conflicts between restorative and retributive systems of justice with special reference to Inuit traditional law and methods of social control;
4. The nature and extent of officially recorded crime in the contemporary Northwest Territories from 1977 to 1992, inclusive, to provide both an understanding of contemporary problems and to serve as a starting point for future policies and strategies;
5. The nature, extent, and desired response to crime within communities of the contemporary Northwest Territories and those regions which will form Nunavut as perceived by community residents, leaders, and elected officials;
6. Recent developments and linkages between community and political development and criminal justice administration as they relate to the development and implementation of public policy in the N.W.T.

This dissertation departs slightly from the typical organization for a dissertation within the social sciences. Traditional discussions concerning theory, for example, will be included within two other chapters, first, as part of the discussions concerning the role of theory within the realm of public policy studies and, second, within those discussions concerning the historical and contemporary socio-structural positions of Aboriginal peoples within Canadian society and the incidence and prevalence of crime and criminality within Aboriginal communities.
A review of the extant literature is also completed within this non-traditional organization. While it is common to employ a distinct literature review to frame the context of the study at either the beginning of the study (a deductive approach) or at the end of the study (an inductive approach), this dissertation will introduce readers to the relevant literature throughout the discussions of public policy, law and society, Aboriginal peoples and their situations, and recent studies and programs which have been implemented to address those situations. As such, the extant literature will be addressed in a manner which precludes either turning back or skipping forward to the literature review for clarification.

This dissertation is an exploratory exercise which seeks to understand the manner by which social science research can inform public policy in areas of Aboriginal peoples and the administration of criminal justice. As such, the extant literature and the most appropriate theories are still being explored and examined. These organizational choices were made to give structure to the arguments "as they evolve" rather than to assume that the relevant literature and theories can be presented at the beginning of the dissertation to provide guidance or direction for the following analysis or at the end of the dissertation to permit comparing and contrasting of the events with the literature and theories. In doing so, this dissertation walks a fine line between the deductive and the inductive processes in social science research.

b. Chapter Organization

In order to accomplish the goal of answering the primary and subsidiary research questions, this dissertation has been organized into four interrelated parts. This will enable readers to be introduced to, and become familiar with, the policy environment of the North and the major economic, legal, and political events which are shaping the lives of people therein.

"Part 1 - The Curtain Opens" is so titled because its three constituent chapters offer readers their first glance at the stage and its settings through a brief introduction to the research problem (Chapter 1) and how this dissertation will explore the issues which are contained within it. Chapter 2 explores the field of public policy from the constituent elements of policy/public policy and what constitutes policy knowledge to how a public problem may evolve into a public policy. It offers readers an introduction to some of the models which are commonly used to analyze public policies. Chapter 2 further explores the issue of public policy research by asking which social science discipline is best equipped to explore the field, what policy research questions should be asked in
this instance, and offers readers the definitions which will be employed throughout the dissertation. Chapter 3 offers the reader an introduction to many of the methodological challenges of studying crime in Canada’s Northwest Territories and presents an overview of the crime situation in that jurisdiction between 1977 and 1992, inclusive. Chapter 3 presents a discussion of the methodological choices available to Northern researchers, the research strategy employed throughout this dissertation, and the relative strengths and weaknesses of such a strategy.

“Part 2 - Introducing the Cast” offers readers an introduction to the history of contact and conflict between Canada’s Aboriginal and non-Aboriginal populations (Chapter 4) and the socio-structural positions currently occupied by Aboriginal peoples (Chapter 5). Readers are introduced to the peoples and the land of the contemporary Northwest Territories and the regions that will soon become Nunavut. Discussions are framed in the traditional and contemporary experiences of Dene, Métis, and Inuit through the use of ethnohistorical accounts, recent government studies, and the 1991 Canadian census.

“Part 3 - The Drama Unfolds” continues our exploration of the North by examining the problems with defining and measuring crime in Canada and its territories. Chapter 6 explores the official records of crime in the Northwest Territories through the use of R.C.M.P. detachment-level records of crime for the period of 1977 to 1992, inclusive. Chapter 6 offers a descriptive analysis of the major crime categories in the North. The results of this analysis are presented in a comparative manner by, first, comparing the N.W.T. and Canadian rates of crime and, second, by comparing the regions of the N.W.T. to each other. Chapter 7 offers readers another technique, location quotients, through which they may used to analyze crime in the north and elsewhere. Chapter 7 brings the level of analysis down from the territorial and regional levels of Chapter 6 to the community level and shows the relativity of crime at that level. Chapter 8 steps outside the usual realm for policy-makers and many policy analysts and ventures into the areas of social science theory and inferential statistics. After a short discussion on the range of the extant literature on theories of crime and crime amongst Aboriginal peoples, the need for theoretical integration and the creation of flexible thematic models will become evident. Once that discussion is complete, the results of the Northwest Territories profiles of the Canadian census and annual summaries of the detachment-level crime reports are combined and examined using a typical theory. Chapter 9 returns from the abstract notions of theory and statistical analysis and brings the reader back to the study of crime at the community level. The problem of crime at the community level was explored through a number of interviews, public meetings, and community-radio discussions held...
Chapter 10 explores the theory and application of crime prevention programs in Canada and, specifically, within predominantly-Aboriginal communities. The goal here is to identify common elements from among successful programs.

"Part 4 - The Grande Finale or a New Beginning" supports British criminologists Dee Cook and Barbara Hudson (1993) description of criminology as being comprised of five genres, namely: mainstream, administrative, radical, critical, and feminist criminology. In many ways, the three Chapters which comprise Part 4, and this dissertation as a whole, are concerned with the area which they describe as "administrative criminology" since they are concerned primarily with criminal justice policy questions and assisting criminal justice practitioners in policy-making. Chapter 11 presents a number of policy options which Northerners, both the governors and the governed, might wish to consider in the development of crime policy for Nunavut. Throughout both Chapter 11 and Chapter 12 readers will be asked to look at the development of the crime policy and criminal justice system that will serve Nunavut. Chapter 12 provides the conclusion for this dissertation as it brings together the issues presented throughout the chapters in Part 3 and readers to use the types of policy knowledge which has been presented, explore how a liberal and conservative policy-maker might interpret that policy knowledge, and to examine the work which has been completed, or remains to be completed, in the development of effective crime policy for Northerners. Given those activities, the question posed in the title of Part 4 should become clear.
Chapter 2
The Nature of Public Policy

If criminologists want to become more effective in helping to reform criminal justice and law enforcement, Szabo reasoned, they need to understand how the political process deals with proposals for changes in policy and what constraints it places upon the translation of ideas and analysis into action.


i. Introduction

One of the most fundamental problems faced by researchers concerned with policy-making and its analysis is defining and delineating the subject area from the myriad of human endeavours. This chapter explores some of those difficulties and how this definition process shapes the results obtained by the policy researcher. Six questions will provide structure to the discussions which follow, namely: "What is public policy?", "What constitutes the policy environment?", "What is the role of social science research in public policy?", "What is the role of theory in public policy?", "What is policy information and its role in policy-making?", and "Should we study the policy context or the policy process?" By seeking answers to these questions, this chapter will illustrate how a public problem is created and, eventually, transformed into a public policy. In addition, it is also hoped that by providing an overview of the policy field in this manner that a bridge between what has been labelled as the domains of "academic policy research" and "applied policy research."

Borrowing from the views of political scientists David Braybrooke and Charles Lindblom's (1963) view of policy evaluation as a social process, it becomes possible to regard policy-making and policy analysis as interactive processes involving several key players or institutions such as, but not restricted to, legislatures, provincial or federal bureaucracies, media, public action groups, target groups and academics. This reordering process must be seen as proceeding from a condition requiring change to its transformation into a public problem followed by the creation of a policy/public policy framework, action or inaction by those individuals and groups charged with its implementation and evaluation of the results of the policy/public policy upon the initial condition. Emphasizing the processual aspect of its root 'polity', for example, a policy researcher may interpret the data at hand as implying the application of a knowledge base to affect a specific course of action rather than its other dimension which is the institution of governance.
ii. What is "Policy"?

Unlike the singular meaning contained within and implied by the English word "policy," its French counterpart *politique* has a dual meaning, namely, politics and policy. While Hok Lin Leung (1985:1) offers a simplistic definition of policy as "a set of decisions and actions designed to achieve a desired state of affairs," Canadian political scientists G. Bruce Doern and Richard Phidd (1983:19) note that "Policy and politics are in many respects the same thing, since both deal with ideas and with the power to actually implement ideas in a world of large structures and institutions and in the face of numerous uncertainties." The following section discusses the constituent elements of the concept of policy and the significant, if not pivotal, role played by "power" in the context of policy and policy-making.

Although diverse, the literature base revolves around a central definition, paraphrased somewhat differently by each author, on the nature and study of the policy in question. Indeed, various definitions of policy abound, including:

A definite framework for plans or fundamental principles selected from several alternatives that have been agreed upon in light of existing and anticipated conditions, to guide and influence present and future decisions or courses of action (Golany, 1976:2);

A set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where decisions should, in principle, be within the power of those actors to achieve (W.I. Jenkins, 1978:15);

and,

A policy defined in this way has three important elements: (i) there has to be a defined state of affairs, (ii) there must be a consensus and purposeful undertaking of decisions and actions, and (iii) there must be some recognizable causal relationship between the desired state of affairs and the decision and actions taken (Leung, 1981:1).

What emerges from these definitions is the general belief that the nature of policy is threefold and provides a base for policy development or procedures by which a chosen policy may be effected and, in recent years, evaluated. Indeed, whatever else it implies, policy deals with change and the power to effect that change. This is presented in Figure 2. The three basic elements of policy include: 1) establishment of general principles by which decisions may be made; 2) examination of the range of possible alternatives; and 3) implementation of a chosen alternative or policy. A fourth
element has assumed increasingly importance in policy studies: evaluation. The underlying rationale for this increasing role may be found in the paradigm shift from the study of policies to the study of how policies were developed and implemented.

a. Establishment of General Principles

Policy is often an expression of the values and beliefs held by the decision-makers and, occasionally, those being affected. As such, policy establishes the principles through which operational decisions are made. The integration of those facts and values within the policy-making process has been examined by political scientists Alexander Motyl (1987) and Martin Rein (1976, 1983).

Figure 2 Elements of the Policy-Making Process (Simplified).

Within his Social Science and Public Policy (1976), political scientist Martin Rein argues that policy (in this case “public policy” which is explored later) must be understood in terms of the specific values and beliefs which give meaning to the policy in question rather than within the comfortable isolation of the policy process. This search for facts and their ideological interpretation by policy makers is of prime concern to Rein (1976). He presents the notion that the problem or issue that the policy attempts to address, the questions asked by the researcher, and the outcomes to be measured will be shaped by the values and beliefs of the policy maker. Indeed, Rein (1976) presents three policy propositions for criticism:
1. **Values Organize Facts**: Objectivity may be forfeit when strong values or beliefs are held by proponents on either side as their values give meaning to the facts.

2. **Facts Are Compatible With Different Values**: This proposition offers the view that the same facts may be interpreted by persons holding opposing beliefs as it is the individuals ordering of their world which gives meaning to the "facts".

3. **Facts Organize Values**: Scientific inquiry permits identification of both crucial underlying values and reification of those individual values (Rein, 1976: 250-252).

Although Rein (1976) offers provisional acceptance of the former two propositions, he outwardly rejects the latter. In so doing, he seeks to understand the tension between that which he labels "questions of value" and "questions of truth" and proceeds to discuss them, albeit rather sceptically, in a manner similar to sociologist David Wagner's (1984) integration of competitors.

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1. **Theoretical Structure**:

   - **Theory One** (T1)
   - **Theory Two** (T2)

   The theoretical structures of theories T1 and T2 are entirely different.

2. **Domain of Explanation**:

   - T1
   - T2

   The phenomena explained by Theory One (T1) and Theory Two (T2) overlap to a large extent.

3. **Conflict in Predictions**:

   - T1
   - T2

   The predictions of Theories One (T1) and Theory Two (T2) conflict over a very large part of their common explanatory domain.

**Figure 3 Competition Within Sociological Constructs.**


Martin Rein's later *Social Policy: Issues of Choice and Change* (1983) offers warnings, by way of several case studies, to cease our "muddling through" with ambiguous policy research and disciplinary confusion. Building on the basic values and beliefs within society, i.e. humanitarian and egalitarian aims, Rein (1983) presents social science's contribution to policy research as presenting the policy makers with "both rational choices for social action and understanding social problems such as housing and health care" (1983:343). In *Social Policy: Issues of Choice and Change* (1983), Rein shifts his focal point from the underlying principles involved in policy research to the purpose
of social policy and the institutions which affect those policy decisions. Indicative of this focal change is his discussion of the differences which may arise between organizational standards and societal norms:

Institutions serve many purposes, but we cannot assume, without reservation, that they all represent humanitarian and equalitarian aims, i.e., maximizing the development of individual capabilities. For example, social service institutions develop procedures for selection that also serve as instruments of social discrimination because they allocate persons to different career lines in accordance with their capacity to adapt to the ethics and values of business and industrial production. Institutions in our culturally diversified society appear to be rather uniformly geared to the needs and preferences of only one segment of society — the idealized middle class (Rein, 1983:71).

What is implicit within Rein’s (1983) comments is the notion that the range of alternatives may be predetermined by the actors within the social institution itself. Russian political scientist Alexander Motyl (1987) offers support for this perspective and a discussion of how hegemonic interests may also influence the relative worth associated with each alternative policy solution.

Although not explicitly discussing hegemonies and hegemonic interests, American policy analyst David Webber (1992:385) offers a discussion that is based on the premise that policy knowledge and, in turn, policy decisions are also influenced by the “differing and competing worldviews and belief systems held by producers of policy research and those of its intended users. Indeed, he finds support for the current discussion within his own earlier works (1986, 1987) and those of Dunn (1980) and Sabatier and Jenkins-Smith (1988) concerned with the “two communities” metaphor, whereby these differing and competing worldviews impede not only the flow of information between researchers and government policy-makers but, also their daily interaction. In addition to such differences, Webber (1992: 385) notes that “policy analyses are often used... to enhance organizational credibility, occupy “turf” and delay undesirable decisions.” Such factors will, most likely, continue to influence the acceptance or rejection of certain policy knowledge and subsequent choices of policy alternatives.

Policy analyst Dunn (1992) also discusses the notions of “policy knowledge” but places such knowledge within the structural context of the policy process. “Policy analysis is part of a system,” he notes, “of norms, values, roles, and resources forming the social arrangements within which knowledge-related activities are carried out” (1992: 420). The initial stages (or arrangements) within
Perhaps, community justice can help people in communities better than the current system has done. What is community justice? We haven't come up with a definition, but we think that it ties into many of the ideas on self-government detailed in the Bourke Report. Community justice has several guiding principles: 1) it stems from the inherent right to self-government, 2) it fits into the processes of land claims and self-government, 3) it is part of a belief that the goal of public government is to serve all residents of the North; this means that it will respect the collective rights of Aboriginal peoples and the need for public government. Community justice will also

1. **Knowledge Mandating:** Knowledge mandating involves decisions about what kinds of policy analysis should be conducted, and, indeed, whether policy analysis should be conducted at all...

2. **Knowledge Production:** Policy analysts are expected to produce knowledge which is "applied," "usable," or "problem-oriented"... policy research and policy analysis is produced for specific clients in and out of government...

3. **Knowledge Structuring:** Policy analysts conduct original research as well as structure existing knowledge by synthesizing, evaluating, and transforming into potentially useful products research-based evidence and conclusions... efforts to structure (and restructure) knowledge that is believed to be policy-relevant...

4. **Knowledge Storage:** Policy analysts use libraries and other conventional storage systems as well as computerized data bases to store and access knowledge which they and others have produced...

5. **Knowledge Distribution:** Policy analysts distribute to policy-makers, policy stakeholders, and other analysts knowledge which has been produced, structured, and stored...

6. **Knowledge Utilization:** Although the community of policy analysts utilizes the knowledge produced, structured, stored, and distributed by individual analysts, the principle intended beneficiaries are policy-makers and other stakeholders in the policy-making process... (Dunn, 1992: 420-421).

Examining the Northwest Territories' experiences with "community justice," general principles in policy begin to emerge. During a meeting in 1992 between community representatives and government officials, the, then, Deputy-Minister of Justice for the N.W.T. asked "What is it we plan to achieve?" and offered his vision of community justice, stating:

First, we need to ask ourselves what is it that the current system of laws seeks to do? Is the public protected from violent crime? Are the needs of victims being met? Is there an understanding of the underlying principles of justice and the rule of law? Is there respect for those principles? I don't think these goals are being met within the current system of justice.

Perhaps, community justice can help people in communities better than the current system has done. What is community justice? We haven't come up with a definition but we think that it ties into many of the ideas on self-government detailed in the Bourke Report. Community justice has several guiding principles: 1) it stems from the inherent right to self-government, 2) it fits into the processes of land claims and self-government, 3) it is part of a belief that the goal of public government is to serve all residents of the North; this means that it will respect the collective rights of Aboriginal peoples and the need for public government. Community justice will also
be in keeping with the bringing of government to the community level as mentioned in the Beatty Report on restructuring government...

We need to remember one thing, the laws and *Criminal Code* are good where people don't know each other but, here in the communities, everyone knows everyone else. Having the court come from outside a community into place where they don't know anybody has resulted in the criminal justice system becoming overloaded and our jails bursting at the seams... having people from within the community deal with problems as they arise is one way to strengthen the community's bonds and increase harmony in the community (Patenaude, 1992: fieldnotes).

These comments offer the underlying principles of community justice as a mixture of principles drawn from the existing criminal justice system and the predominantly-Aboriginal communities of the Northwest Territories. Having the conflicting notions of the 'rule of law' and 'customary law' as seen by juridically-trained, non-Aboriginals coupled with the bringing of decision-making of government to the community-level as envisioned by Aboriginals as the guiding principles for community justice might, unfortunately, result in community justice being expensive rhetoric rather than reality.

What has been presented thus far, in rather broad terms, has been the policy or policy-making context. The policy context involves an identification of the policy issue and the values involved in its conceptualization as such, rather than the policy-making process (choosing a range of alternatives, adopting a recommended course of action, goal setting and resource gathering) and implementing the chosen policy. Thus, we effect a return to the first of the two Janus-like faces of policy, whose second face is the institution of governance is conceptualized as subordinate to the first face which seeks the creation of a knowledge base for policy-makers in their decision-making.

**b. Examination of the Range of Possible Alternatives**

The first step towards a review of the possible policy alternatives to a problem is, simply, to define the problem. What exactly is it, that, which we seek to change or remove? Although the definition of the problem is paramount within policy decision-making and evaluation, the inability to define the problem is also important. A situation may simply not be defined as a policy problem for reasons analogous to the defining of a criminal event. Such reasons may include that the problem and solution are located outside the organizational mandate of the institution to which the policy-makers belong or its prioritization as a mere concern rather than as a problem requiring action. More likely, as Webber (1992) notes, there continues to exist a high degree of definitional imprecision
concerning what constitutes either a policy problem, policy knowledge, or public policy. Indeed, much ink, time and effort may be needlessly expended if a consensus does not exist concerning the definition of the problem.

An example of the difficulty which may ensue from incomplete problem-definition may be drawn from the over-representation of aboriginal offenders within Canada's prison population. Here, three independent public policy researchers may approach the same issue from different perspectives and identify the problem as either: lack of access to criminal court services (lawyers, paralegals, etc.), limited aboriginal participation as criminal justice practitioners, or the need for an aboriginal system of criminal justice. Indeed, such oversimplification in the definition of the problem may be guided by the individual researcher's values and will determine both their perception of the issue as a policy problem and the range of possible alternatives (Webber, 1992; Dunn, 1992).

The identification of the policy problem and an examination of the types of available policy knowledge may offer policy researchers their initial glimpses into the notion that action is an inherent and requisite component of either private or public policy. The identification of the policy problem (including whether, or not, the issue is a private or public policy problem) is the first step toward the implementation of the policy. In many ways, the policy problem is presented and its components examined for possible problem areas. This involves a decision whether to take action or to take no action as seen in Figure 4 (Dunn, 1992, 1994). For many policy analysts, the decision on whether to take action or not is the hardest decision they face. The anxiety of not acting and having that choice turn out to be inappropriate for the situation is as terrifying as having acted and having made the wrong strategic decision. Once the decision to act has been made, the myriad of tactical decisions which follow may often be made using a schedule or check-list (see Dye, 1992). In closing, however, it should be noted that the cycle of action/no-action is an iterative process and may be seen as several instances of action/no-action flowing from each of the three possible outcomes presented in Figure 4.

Examples of the action/inaction dilemma may be drawn from the uncertainty of what constitutes community justice in the Northwest Territories and under whose mandate it is located. As early as November, 1991, it was noted that Territorial Court judges and the Justice of the Peace Court Administrator were promoting what they perceived to be "community justice" in their respective areas of responsibility (Patenaude, 1991: fieldnotes). These activities included: elders sitting as a sentencing panel for the judge's use, to Youth Justice Committees renamed as "community justice
committees”, committees “who report to the judge,” or a local Justice of the Peace holding a “community court.” Although the concepts of community development and empowerment would leave the decision-making at the community level, there needed to be a consistent message going from the judiciary and the Department of Justice to the communities. While the latter decided that initial action in the form of a community justice “manual” and pamphlets needed to be produced for community consumption, poor implementation has delayed production of the desired effects.

![Policy Diagram](image)

Figure 4 Policy as an Action or No-Action Decision. Adapted from: W. Dunn, “Assessing the Impact of Policy Analysis: The Functions of Usable Ignorance.” (1994).

Governance and knowledge are the two Janus-like faces of policy and policy-making (Brooks, 1993). Governance, itself, is the act of a few deciding what is in the best interests of the whole of society and exercising power to accomplish those interests. Power, in this instance, is the transformative use of resources to effect those desired changes in another individual, group, culture, or society. Action is the primary aspect of governance since it transforms the notion of power into the praxis of power. Indeed, policy requires activity to be effective and, as such, it is the primary constituent element of policy/public policy.

The locus of power within the act of governance may be found within both the private and public spheres of society with the former being conducted by a board of stockholders or directors while the latter instance is most often conducted by an elected body. Power may also be viewed within the individual policy-maker (Chief Executive Officer, Premier, etc.) and the organizational
(agency, department, etc.) contexts. David Webber (1992) explores the individual context while Max Weber (1970) examines the organizational foci of power. Motyl (1987) offers a bridge between these two foci by exploring the hegemonic context of policy-making.

Building upon the notion that policy-making involves both action and the exercise of power, Webber (1992:389-392) notes that the policy knowledge and its use are both complex and linked to the experiences and belief system of the policy-maker. Policy-makers, according to Webber, employ eight identifiable 'sub-fields' and six 'types' of hierarchical policy knowledge. Webber (1992) argues that policy-makers consciously weigh these knowledge types from "1" (highest) to "6" (lowest) as:

1. **policy-maker (personal) knowledge**: popular accounts that explain how a policy works; this knowledge can be communicated by a policy-maker to a citizen;
2. **journalistic knowledge**: information and reports widely available that describe and explain a policy issue;
3. **practitioners' experience or clinical knowledge**: comprehensive accounts by these involved about how a policy actually works;
4. **policy research**: specific studies that attempt to systematically explain a specific policy;
5. **policy oriented research**: disciplinary research that was not undertaken to study a specific problem but that has immediate application for explaining how a policy works; and,
6. **disciplinary research**: academic books, articles, and reports undertaken to "contribute to an academic body of knowledge" that are helpful in understanding the basic background within which a policy must operate (Webber, 1992:389-392).

Although Webber offers an insight into the oversimplification of the definition and use of policy knowledge and its subsequent under-estimation and under-employment within the realm of policy practitioners, there are two points which are intriguing about his model as presented within Figure 5. First, he argues that the largest number of producers and consumers of policy knowledge is to be found at the level of disciplinary research and that this broad knowledge base decreases the closer one gets to the policy-maker and the policy decision (Webber, 1992:391). Second, the apparent reverse of this direction occurs when the policy-maker weighs the information with the apparent value increasing as one gets closer to the policy-maker (Webber, 1992:406).

One implication of the production of such policy knowledge, for policy analysis, is that a full range of possible alternatives may not be presented to policy-maker due to the personal and
hegemonic interests of policy analysts and advisors closest to the policy-maker. To counter these influences, Webber argues for the expansion of criteria used in evaluating research in policy studies, including "extradisciplinary criteria like completeness, relevance to policy-makers, and adequacy for supporting policy recommendations.... [and] the systemic production, distribution, and use of policy knowledge in the policy process" (1992:414).

More often than not, as pointed out by Webber (1992), the values and beliefs expressed here are not those held by the general population, but those of the dominant hegemon which comprises either the political leadership or bureaucratic rank and file. These values and beliefs are to be discerned from inquiries concerned with the context within which the policy is designed. The manner by which values and beliefs may influence policy-making, for example, is found within political scientist Alexander Motyl's *Will the Non-Russians Rebel? Ethnicity and Stability in the USSR* (1987). Motyl's prophetically titled text provides a discussion of the role of hegemonies within a federal state apparatus. Discussing the state's pursuit of political, class and ethnic authority patterns, Motyl (1987) presents the inevitable tug-of-war between the state, attempting to maintain its existing authority patterns, and those political, class, and ethnic forces in society which seek to achieve their own goals and, he claims, undermine the stability of the state.
While he discusses ethnicity and the state in much the same manner as many contemporary writers (cf. Anderson and Frideres, 1981; Bolaria and Li, 1985), Motyl focuses on the role played by ethnicity rather than class differences within the state apparatus. Indeed, the value of this approach is illustrated within Motyl's (1987) discussions of ethnic power (the use of resources for the creation and movement within ethnic hierarchies) and ethnic domination (the control of state institutions along ethnic lines). Motyl further argues that the six power dimensions of demographic size, economic modernization, social development, cultural vitality, communication capacity and organizational capacity may become integrated within and gain control of various state institutions in society. Defining ethnic domination within a federal state, he notes "an ethnic group that is dominant in five or six categories may be termed hegemonic; one that dominates in three or four is dominant; where no one ethnic group is hegemonic or dominant, ethnic balance may be said to exist" (1987:29).

The hegemonic ethnic group, or ethnic hegemon, is often in a unique position in terms of access and resources. Such hegemonies may have extensive, preferential access to the state's resources based upon the large numbers of its members among the state's personnel and, often, play a leadership role within those institutions. There is, perhaps, no better example of ethnic hegemony, or the operation of ethnic patterns of authority and domination, than that exercised by the incursive ethnic group once a colonial situation has been established.

Motyl's (1987) comments are, in turn, supported by those of criminologist Merry Morash (1982). Quoting the earlier works of M. Musheno, D. Palumbo and J. Levine (1976), Morash (1982) noted the players or stakeholders within the bureaucracy are one of the primary variables which must be entered into the policy equation. Indeed, Musheno, Palumbo and Levine (1976) commented that "The extent to which public interest goals can be reached depends entirely on how well they serve the self-interests of those who are responsible for executing the policies in question" (in Morash, 1982:14). This may be seen within which the activities of the colonial regimes of Great Britain and France, and the internal colonialism of the Dominion government provide examples of the ethnic domination of the state's institutions within Canada.

Two examples of ethnic hegemony may be found, first, within the language requirements for promotion within the federal public service or the French-only legislation governing public signs within the province of Québec and, second, in the application of hegemonic interests within Québec's policy-making concerning northern development, i.e., James Bay hydroelectric development and resistance by the Grand Council of the Crees of Québec within the courts. Here, we see the
struggle of marginalized group against the hegemonic interests of francophone Québécois embodied within that government's development policy.

Within the Northwest Territories, for example, it is possible to understand the approach initially taken towards the operation of community justice, by the Department of Justice, in terms of the hegemonic interests of the policy-makers. Prior to 1992, those senior Department of Justice and Territorial Court officials involved with community justice were juridically-trained lawyers whose orientation reflected their misbeliefs that Justices of the Peace and Justice of the Peace Court were community justice as the individual justices were recommended by the community, lived in the community, and, therefore, their sentencing reflected the community's values and belief. Indeed, the majority of Justices of the Peace differed from the community since, in the main, they were non-Aboriginal, spoke little or none of the local Aboriginal language, and whose day to day activities revolved around the small Euro-Canadian community. Although the locus of control remained within the formal justice system, Department of Justice officials continued in their beliefs that the 'community' was involved in their "community court" (Patenaude, 1992: fieldnotes).

This limited worldview of community justice re-affirms the primacy, from the juridically-trained perspective, of the legal profession and the judiciary in the administration of criminal justice and community justice services. Missing from this perspective are the beliefs that the community can function as the locus of control and that community justice would operate prior to, or instead of, the formal criminal justice processing of offenders. Thus, it is possible to understand that a problem is defined and a policy designed and implemented based partly on the values and beliefs of the policy makers. Other influences may include the costs associated with the policy change, the public's rather than the policy-maker's perception of the problem and its solutions and, finally, who is it a problem for? What is a "policy" problem? The problem statement attempts to offer a rationale for action which defines the problem and how it arose, a statement of ownership which identifies who it affects and, finally, who must act to change the situation.

In "Assessing the Impact of Policy Analysis: The Functions of Usable Ignorance," Dunn (1992) offers a discussion concerning the use of "knowledge of what needs to be known to improve the efficacy of policy analysis and other applied science specialties in contexts of practice" wherein he notes three possible outcomes of applying policy knowledge and making a decision to act: 1) the situation improves, 2) the situation remains the same, or 3) the situation worsens (see Figure 4). Dunn (1992) joins these outcomes with the one interesting fact, i.e., the research and development
costs of the policy decision, which is often overlooked by policy-makers. While they usually remain focused on the operational and maintenance costs of each aspect of the policy decision, Dunn (1992) notes that the costs of 'doing nothing' or 'doing something' (alternatively, several 'somethings') need to be explored along with cost and service delivery levels by decision-makers (see Figure 6). While still useful, Dunn's (1992) model should be revised downward to illustrate the reality of exploring policy options rather than the use of policy knowledge in an abstract sense.

The discussions surrounding the transfer of responsibility for correctional services in the N.W.T. offers readers a Northern example of the interplay between hegemonic interests and costs in decision-making. During early 1992, the policy document *Strength At Two Levels: Reshaping Northern Government* was released. It recommended that responsibility for providing correctional services should be transferred from the Department of Social Services to the Department of Justice. This recommendation resulted in the drafting of numerous discussion papers, a series of negotiations to effect the transfer, and the signing of a Memorandum of Understanding by the Ministers of the two departments.

An early discussion paper explored five options for the transfer of community correctional resources and requested that each option (or model) be evaluated in terms of the continuity of
service delivery and cost effectiveness rather than mere expediency of the transfer. When this discussion paper was written, the transfer of correctional facilities was not seen as a problem due to the unique service they provided, however, the transfer of community corrections and open custody young offender services was problematic. This was due, in part, to the corruption of Community Corrections Specialists positions into senior social workers and case managers at the regional level. These models included:

1. **Cessation Model:** Transfer occurs with immediate cessation of Social Services tasks by the 12 Community Corrections Specialist positions with no incremental positions available to "backfill" the 12 Person Years (PYs). Immediate impact is felt by Social Services in program delivery as that department assumes increased responsibilities without support from Corrections. Decreased levels of service delivery are evident as many ill-prepared workers must cope with increased workloads, no technical support, and dependence upon Specialists for more technical and complex services is not addressed. This model is particularly problematic for Social Services where PYs have been "corrupted" by Regional Superintendents to perform other responsibilities such as Area Supervisor, Senior Social Worker, etc.

2. **Mentoring Model:** Transfer occurs with gradual cessation of Social Services tasks by the 12 Community Corrections Specialist positions and increased adoption of those tasks by Community Social Services Workers (CSSWs). Although desirable, no incremental positions are made available to "backfill" the lost 12 PYs. Immediate decrease in levels of service delivery by both CSSW's and 12 Specialists is felt by Social Services as classroom and on-job training occurs. CSSW's become more proficient in and assume more Correctional case-management responsibilities under Corrections tutelage. Gradual and increasing impact felt by Justice as 12 Community Corrections Specialist positions become freed for community development and justice program delivery. This model facilitates the least difficult transfer between GNWT departments.

3. **Transition Model:** Transfer occurs with immediate cessation of Social Services tasks by the 12 Community Corrections Specialist positions. FMB submissions must request 12 incremental (2-3 year term) positions available to "backfill" the vacated PYs to partially meet service delivery needs. These incremental term positions will assume current Community Corrections Specialist duties and begin training/mentoring of CSSW's to carry out complex and technical tasks. Community Corrections Specialists begin community development and related tasks as directed by Justice. Slight disruption and overall impact will be experienced in service delivery. Although expenses associated with this model are higher than the other models, it facilitates a smooth transfer between GNWT departments.

4. **Regional Model:** Transfer occurs with continued delivery of Social Services tasks by the 12 Community Corrections Specialist positions. Although highly desirable, incremental positions may not be requested for 12 incremental positions. Resources for community development and transfer of community-based corrections responsibility to municipal or district/ regional governments,
such as 12 incremental positions and additional O&M funds, are made available and transfer is encouraged. Legislative changes are drafted and enacted. Contribution agreements are put in place with respective governments. This model may be operated independently or as an extension of the Transition Model (Model 3). Impact upon Social Services is high initially but decreases as each community/district/region becomes interested and competent in this area. The majority of costs are incurred during the early two years.

5. **Probation Service Model**: Transfer occurs with program delivery and community development responsibilities being assigned to the Community Corrections Specialist positions. There is no requirement for incremental positions. Immediate impact is felt by both Social Services and Justice as the former sheds itself of adult and young offender responsibilities while the latter assumes those same responsibilities. Two or three probation officers are assigned to a region with one assuming supervisory/managerial responsibility for the region's community corrections programs and services, including community development and support for the Justice of the Peace program. In terms of supervision, the contract model employed by CSC-Parole in Manitoba and Saskatchewan could be adapted for the NWT. The Probation Service Model was employed in the NWT during the 1967-1972 period with success. This slightly more expensive model may operate independent of other models or as an extension of either the Transition or Regional models (Models 3 or 4). The majority of expenses would be travel-related O&M expenses as the positions would operate, most likely, from a regional centre. This model may be used as a springboard from which to develop services and programs utilizing Model 4 (Regional Model) (Social Services, 1992: 1-2).

The eventual policy decision was made, interestingly enough, using a number of knowledges other than cost and effectiveness, including such knowledges as the history of service delivery in the region and the personal qualities of individuals to be transferred. Unfortunately, service delivery suffered and the decision-makers did not appear interested, in this instance, in the concept of usable ignorance (i.e., What do we still need know about this policy decision?), nor were they interested in entertaining any forward planning provisions (i.e., What do we do when the MOU expires? What resources will we require at that time?).

Whereas the policy goal may be stated in global, all-encompassing statements such as:

1. the goal of the aboriginal justice policy will be the reduction of the numbers of aboriginal inmates in the prisons of this jurisdiction,
2. the goal of the aboriginal justice policy will be to encourage the involvement of local community members and leaders in the sentencing process,
it must also be cognizant of the external and internal forces which influence its shape and, ultimately, its success. This involves, in part, determining who are the decision-makers and the degree of tolerable change which the policy may effect given the sociopolitical environment within which the policy analyst operates (Majchrzak, 1984). The offering of informed policy options, however, requires more than the consensus and understanding of the policy environment suggested by political scientists Ann Majchrzak (1984) and Timothy Plumptre (1988), respectively. Indeed, the policy analyst should be cognizant of the various policy knowledges and contexts from within which the policy decision is made and implemented (Dunn, 1992; 1994).

Dunn (1994:192-194) discusses the importance of context within the forecasting within policy analysis. More than that he offers his readers three contexts within which to consider policy analysis: institutional, temporal, and historical. Indeed, he notes:

... Variations in institutional incentive systems are a key aspect of differences in institutional contexts, as represented by government agencies, businesses, and nonprofit research institutes. Forecasting accuracy tends to be greater in nonprofit research institutes than in businesses or government agencies.... In turn, the temporal context of a forecast, as represented by the length of time over which a forecast is made (for example, one quarter or year vs. five years ahead), affects forecast accuracy. The longer the time frame, the less accurate the forecast. Finally, the historical context of forecasts affects accuracy. The relatively greater complexity of recent historical periods diminishes forecast accuracy, a pattern that is evident in the growth of forecasting errors since 1965 (1994:192-193).

Missing from Dunn's (1994) statement, however, is the utility of the cultural or hegemonic context. The cultural/hegemonic context, along with the institutional, temporal, and historical contexts, are key to understanding the construction of policy knowledge, policy forecasting, and how the policy decision is eventually made and implemented.

In the cultural/hegemonic context, the policy analyst is required to be aware of the interests of both the policy initiators and policy recipients. Knowledge of which cultural imperatives are at work within the policy's target group will assist analysts in their knowledge construction and dissemination activities. For example, during the summer of 1990, the municipal council of Oka, Québec gave permission to extend a golf course onto land held to be sacred by the Mohawks of the adjacent Kanasatake Reserve. The actions of the municipal council may reflect ignorance of Mohawk cultural values and beliefs rather than intransigence and resulted in the armed siege flashed to television sets across the nation. A fuller understanding of Mohawk cultural imperatives and less
emphasis on the hegemonic interests of the non-Aboriginal business leaders on the Oka council could have facilitated the construction of different policy knowledges and policy responses on the part of the Québec and Canadian governments. Community corrections initiatives in the Northwest Territories offer further examples of the importance of the cultural/hegemonic context for policy.

Prior to 1993 respected Inuit hunters and elders within three Baffin Region communities operated open custody "camps" to help Inuit youth serving periods of open custody. Their paperwork and administrative responsibilities were kept to a minimum and many of those tasks were often carried out by the region's Community Corrections Specialist, who recognized the strengths of the contractors were in their ability to work with youth and the respective cultural imperative was on "doing... not on talking about it," albeit on paper (Patenaude, 1993: fieldnotes). Shortly after the transfer of the correctional mandate to the Department of Justice, the contract supervision for these open custody camps was transferred to the manager of the regional secure custody facility and the tenor of interaction changed. The camp operators were, thereafter, instructed to provide daily counts, daily ratings of their performance for incentive pay and privileges, and progress reports to the secure custody facility. The camp operators were so incensed by these changes in operational policy that they approached their respective Members of the Legislative Assembly and the media complaining that their programs would no longer be 'Inuit' programs but mere extensions of a non-Inuit correctional centre. In addition, they threatened to withdraw their services if these new requirements were not removed (Patenaude, 1993: fieldnotes). If the manager involved had placed more emphasis to the aspects of Inuit culture and less on the operational policies found within secure custody facility, perhaps, these conflicts could have been avoided.

The terms 'institutional' and 'organizational' contexts may be employed interchangeably. The institutional structure and culture will shape and constrain the policies which are developed by, or in conjunction with, the institutional entity. Governments are traditionally less likely to change or adapt their policy stance than non-public agencies. Unlike public policy, where the policy-maker is defined as the individual holding political office (see Plumptre, 1988), the policy-maker in the non-public sphere is usually one of a number of senior managers within a corporate entity.

The decision-makers in the private or corporate context are, often, spatially connected and large-scale change more tolerated than within the public sphere. Often, it is the location of the policy-maker within the organization which influences its ability to produce policy or policy outputs. Dunn (1994: 314) identifies a few examples of this type of organizational constraint, noting "The
organizational structure and processes available to implement programs may limit efforts to achieve objectives. For example, excessive centralization, poor management, and low morale limit the effectiveness and efficiency of public programs." The organizational location of the GNWT's community justice program within the Department of Justice offers an example of the slow pace of change and the constraints placed upon those changes by the organizational structure.

With the transfer of correctional resources from the Department of Social Services to the Department of Justice, new responsibilities were added to the Coordinator, Community Corrections' duties. These responsibilities included reorienting the duties of the regional staff, who reported to him, towards the provision and expansion of community justice programs and services at the community and regional levels. Unfortunately, the organizational location of community justice and the orientations of some senior staff did not contribute to the success envisioned by such a move. During this time, for example, the Director of Corrections (to whom the Coordinator reported) went on sabbatical leave and was temporarily replaced by one of the Coordinator's co-workers. Nearly six months after assuming the temporary position, the acting Director exclaimed to the Coordinator that he "just realized that what you're doing is not community corrections, after all... it's quite different" (Patenaude, 1993: fieldnotes).

Similarly, Department of Justice underwent two reorganizations, during early 1994 and early 1996, which affected the organizational status and position of community justice decision-makers. Between those two years, the position of Coordinator, Community Corrections, was deleted and replaced with a newly-created and higher profile position, the Director, Community Justice. The organizational position of the community justice program was also changed and placed into a newly created Community Justice Division. Between 1994 and 1996, this newly-created, high profile Division was moved back under the mandate of the Corrections Division as part of the new Corrections and Community Justice Division. While outsiders may not appreciate the nuances of a name change and the organizational position of the community justice program, these are indicators to analysts and knowledgable bureaucrats that point towards the declining importance of that program either to the Department of Justice or the GNWT.

The historical context of a policy alternative may be considered as important as the cultural/hegemonic context or problem it seeks to address. Political scientist Grover Starling (1988) notes that policy issues have both a historical context and a temporal lifespan (similar to a session of the legislature). Indeed, he offers four propositions concerning the uses and abuse of history within policy analysis, including:
Proposition 1 - All current problems have historical contexts

Proposition 2 - Each generation learns certain lessons that influence how it views the present

Proposition 3 - While history teaches lots of little lessons, it teaches one big lesson about setting goals - nothing ever works out quite the way policy makers intended or expected

Proposition 4 - Historical analogies can suggest new options or fresh approaches to problems (Starling, 1988: 264-265).

Starlings' (1988) comments have links to the organizational constraints discussed herein, namely: the notion of keepers of the institutional historical knowledge. With changes to the organizational location and/or transfers among long-serving individuals ("keepers of institutional memories"), the collected wisdom of that organization may be altered, often irrevocably, many past mistakes revisited, and valuable resources wasted in the process. An example of this may be seen within the urban legends surrounding the removal of Claire Wilkens from the N.W.T. Corrections Service during the mid-1970s. One such urban legend contends that Wilkens, who helped create and shape the Corrections Service during the early- and mid-1970s, was removed from his position for making a supposedly-racist comment when he questioned the wisdom of trying to try rehabilitating Inuit offenders using assimilationist programming (Patenaude, 1991: fieldnotes). Within a couple years of his removal, staff continued to avoid discussing Wilkens, his work and accomplishments, and the institutional memory of him subsequently faded.

A second dimension to the historical context concerns the society's history. A nation or region with a history of colonialism, for example, often turn to the practices of neo-colonialism and internal colonialism when dealing with their own hinterland regions (Kellough, 1980). Similarly, they often take several years to collectively rid themselves of a type of psychological dependency on outsiders (see Morrison, 1986) since many of their previous realities were defined by extra-territorial officials. The historical context also has support from within the criminological literature (cf. Austin, 1983; Fisher, 1969; Kania, 1983).

Political scientists Starling (1988) and Howlett and Ramesh (1995) offer two distinct dimensions of the temporal context to policy analysis which shift focus from the distantly-historical to the recently-historical context. While both Starling (1988) and Howlett and Ramesh (1995) begin their examination of the temporal context from a historical perspective, they part company at that juncture. Whereas Starling (1988) notes that policies and policy issues have a finite life-span,
Howlett and Ramesh (1995) argue that policies and policy issues merely disappear from public view for a period of time only to emerge in a new or slightly-revised format.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Events</th>
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<tbody>
<tr>
<td>I. Structural Change</td>
<td>- Oil Crisis &amp; Economic Recession</td>
</tr>
<tr>
<td>II. Structural Strains</td>
<td>- Increasing Short-Term Admissions</td>
</tr>
<tr>
<td></td>
<td>- Decreasing Resources for Corrections</td>
</tr>
<tr>
<td>III. Growth of Generalized Belief</td>
<td>- Fine Options Programs Decrease Short-Term Admissions</td>
</tr>
<tr>
<td></td>
<td>- Desire to Incarcerate Only Violent Sexual Offenders</td>
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<tr>
<td>IV. Trigger Events</td>
<td>- Increasing Prison Populations</td>
</tr>
<tr>
<td></td>
<td>- Frequent Riots &amp; Disturbances</td>
</tr>
<tr>
<td>V. Mobilization for Action</td>
<td>- Examination of Canadian &amp; U.S. models</td>
</tr>
<tr>
<td></td>
<td>- Electronic Monitoring Pilot Projects</td>
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<tr>
<td></td>
<td>- Media coverage of Pilot Projects</td>
</tr>
<tr>
<td>VI. Social Control</td>
<td>- Electronic Monitoring Programs</td>
</tr>
<tr>
<td></td>
<td>- Adaptation of Corrections Acts and Regulations</td>
</tr>
</tbody>
</table>

Figure 7  Policy in a Temporal (Lifestyle) Context. Adapted from: Grover Starling, Strategies for Policy Making (1988).

Starling (1988) examined five different policy issues over time to determine if there existed any temporal linkages within the building of policy agendas. His research determined that, not only were there temporal linkages between these issues but, that there existed a distinct temporal lag between the systemic intensity of an issue (normal public attention paid to an issue) and the institutional intensity of the response to that same issue (1988:85). Although the intensity of the systemic agenda began at a higher level and peaked sooner than the institutional agenda centred around the same issue, the latter continued to raise steadily and continued longer than did the former. Starling also noted that the structural stresses and changes within society contribute to the formation of these agendas and that subsequent policy action is often triggered by an exceptional event (1988:84-85). These contribute to a life-cycle of events as seen in Figure 7.
The Canadian experiences with electronic monitoring programs, for example, offer support for Starling's (1988) notion of a policy initiative possessing a life-cycle. During the 1970s and 1980s Canadians had to deal with the real and relative deprivations brought about by the oil crisis and the recession of the period. These structural changes to Canadian society resulted in increases within the nation's prison populations which continued to grow and, in most cases, began to exceed the design capacity of the federal and provincial/territorial correctional systems. The development of fine options programs, for example, occurred as correctional jurisdictions west of Lake Superior realized that the proportional use of their short-term, institutional bed-spaces was increasing for fine-default as the economy continued its downward spiral (cf. Griffiths, Yerbury and Weaver, 1987; Hylton, 1982; LaPrairie, 1990; McCaskill, 1970, 1985; Patenaude, Wood and Griffiths, 1991; Verdun-Jones and Muirhead, 1979/80). The success of these programs in western Canada and the use of other intermediate sanctions elsewhere (notably within U.S. states) contributed to a general belief and the public's desire that carceral sanctions be restricted to violent and sexual offenders while offenders who commit lesser offences receive significantly less punitive sentences. Indeed, the development of intermediate sanctions offers an understanding of the interrelationships between the concrete systems of punishment and changes in the economic and social conditions in society.

Rising custodial costs, riots, and disturbances plagued many jurisdictions during the late 1970s and early 1980s, many politicians, correctional planners and policy analysts looked to experiences with electronic monitoring programs, in the United States, as methods of reducing the impact of the structural strains on the system by keeping non-violent, youthful offenders out of the prison environment. The State of Virginia was able to reduce its prison populations and expenditures without compromising public safety, for example, by turning to electronic monitoring (Kuplinski, 1990). Research by Wood and Brown (1989) indicated that electronic monitoring can reduce pre-trial detention within correctional facilities, albeit accompanied with the caveat that it should be used supplemental to rather than in place of other sound correctional practices. In Canada, correctional officials pointed out to their political masters that legislative changes were not required, for the most part, due to the flexibility of the federal Prisons and Reformatories Act (1970) and most provincial acts. Pilot projects in British Columbia and Ontario mirrored the U.S. institutional experiences and showed its benefits within a probation environment.

Canadian political scientists Michael Howlett and M. Ramesh (1995) approach the temporal issue from a somewhat different, albeit related, perspective. Indeed, they build upon Brewer's (in Howlett and Ramesh, 1995) notion "...of the policy process as an ongoing cycle. It recognized that
most policies did not have a definite life cycle — moving from birth to death — but seemed to recur, in slightly different guises, as one policy succeeded another with only minor or major modification. Thus, Brewer's (1974) comments could be interpreted as saying that most major policies do not emerge and disappear, but once their initial life-cycle has been completed are resurrected and given a new outward appearance while remaining inwardly the same or similar to their previous form. Indeed, the emperor has a new set of clothes! To explain this concept further, Howlett and Ramesh (1995: 11-12) "disaggregate the [policy] process into a series of discrete stages and sub-stages" which they, in turn, refer to as the "policy cycle." Once this disaggregation is complete, they offer the attractive "logic of applied problem solving" as a guiding principle and relate the stages within that logic to the stages in the policy cycle. This linear process and series of relationships are presented in Table 1.

Using Howlett and Ramesh's (1995) notion of policy as a recurring cycle, let us examine the life-cycle of one policy drawn from the Northwest Territories and its re-emergence in two similar forms, namely responsible public government.

<table>
<thead>
<tr>
<th>Phases of Applied Problem-Solving</th>
<th>Stages in Policy Cycle</th>
<th>Policy Stages Defined:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Problem Recognition</td>
<td>1. Agenda-Setting</td>
<td>1. &quot;the process by which problems come to the attention of governments&quot;</td>
</tr>
<tr>
<td>2. Proposal of Solution</td>
<td>2. Policy Formulation</td>
<td>2. &quot;the process by which policy options are formulated within government&quot;</td>
</tr>
<tr>
<td>3. Choice of Solution</td>
<td>3. Decision-Making</td>
<td>3. &quot;the process by which governments adopt a particular course of action of non-action&quot;</td>
</tr>
<tr>
<td>4. Putting Solution into Effect</td>
<td>4. Policy Implementation</td>
<td>4. &quot;the process by which governments put policies into action&quot;</td>
</tr>
<tr>
<td>5. Monitoring Results</td>
<td>5. Policy Evaluation</td>
<td>5. &quot;the processes by which the results of the policies are monitored by both state and societal actors&quot;</td>
</tr>
</tbody>
</table>


Since the early 1960s Northerners have been clamouring for responsible public government in the North. The level of socio-cultural change across the North has been both rapid and immense
and been accompanied by similar changes in the political arena. The creation of the Government of the Northwest Territories (G.N.W.T.) and its move from Ottawa to Yellowknife, during 1967, seemed encouraging to both Aboriginal and non-Aboriginal Northerners. The publication of the Report of the Mackenzie Valley Pipeline Inquiry (1971) and the limited recognition of the Aboriginal cultural and legal rights by the federal government during the early 1970s were followed by proposals for the division of the N.W.T. and the settlement of major land claims in Québec (i.e., James Bay Agreement and Northeastern Québec Agreement).

Based on the recommendations of the Drury Report (1980), the GNWT announced its Devolution Policy (1981) and subsequent Design for Devolution: A Public Discussion Paper on Proposed Local Government Legislation (1983) and, thus, signalled their intention that the local community councils and committees should be considered the “Prime Public Authority.” Swiderski (1993:9) note that while the basic thrust of the initial Devolution Policy (1981) was to:

1. support and encouraged devolution of responsibility for delivery of government programs and services to the community level;
2. maximize local decision-making with respect to program delivery;
3. community choice as to the extent of responsibility assumed,

the Design for Devolution (1983) restated these principles, including the belief that the community council should be the prime public authority responsible for co-ordinating GNWT sponsored bodies.

The settlement of specific and comprehensive land claims, including Western Arctic Claim: The Inuvialuit Final Agreement (1985) and the Sechelt Agreement (1985), provided additional impetus for the GNWT to proceed with its Prime Public Authority (P.P.A.) strategy with the institution of GNWT Transfer Policy, 11.05. This policy and various policy discussion papers issued during 1988 restated and expanded on the basic principles of the PPA Strategy and identified two alternative models through which communities could negotiate the transfer of programs and services from the GNWT. Although offering two models, Swiderski (1993:10) noted that the GNWT favoured and promoted the latter of the following two models:

Option 1: consolidation of existing responsibilities;
Option 2: consolidation and/or enhancement of community (local) governments.
Unfortunately for the communities of the North, decades of dependancy amongst the Aboriginal communities and the expanding, predominantly non-Aboriginal territorial bureaucracy contributed to both a lack of political will and the eventual non-fulfilment of these policy goals over the next 3 years.

The resurrection of this policy would be triggered by a combination of the election of many empowerment-minded Members of the Legislative Assembly (MLAs) during the 1991 territorial election, the release of *Strength At Two Levels: Reshaping Northern Government (1991)*, and the creeping fiscal realities of the early 1990s. Within *Strength at Two Levels* (1991) were numerous principles and value statements reminiscent of the policy statements detailing Prime Public Authority as well as a comprehensive restructuring plan for the GNWT. The revised Community Transfer Initiative (C.T.I.) would replace the earlier PPA strategy. The C.T.I. included arrangements for:

1. multi-year agreements to turn over GNWT programs with attendant fiscal and human resources to local community governments;
2. block or semi-block funding;
3. considerable flexibility to reallocate funds and/or reconfigure programs to suit local conditions and priorities as determined by the community government (Swiderski, 1993: 20-21).

Once again, however, the C.T.I. would be hampered, not by a lack of political will, but by structural pre-conditions which would either inhibit the number of communities taking part in the initiative and/or its success. These included:

1. previous assumption of other programs or services;
2. the effective and stable financial performance of previously assumed functions;
3. a demonstrated level of community motivation, self-reliance and consensus with regard to accepting major new responsibilities (Swiderski, 1993: 21).

Although the Eastern Arctic community of Cape Dorset would serve as a successful CTI pilot project, due to the provision of additional GNWT resources (Patenaude, 1996: fieldnotes), the program would also repeat the failures of the PPA strategy and, in turn, be replaced by the Community Wellness/Empowerment Strategy (1996). While not discussing the contents of this new strategy, it is possible to see the cyclic nature of some policies in much the same manner as presented by Howlett and Ramesh (1995). In short, we see that the underlying ideology of
Community empowerment remained evident while the triggering events differed for each of the Prime Public Authority (PPA) — Community Transfer Initiative (CTI) — Community Wellness/Community Empowerment Strategy (CWS/CES) over time. The minor changes within the content of each policy varied only slightly according to the changes in the triggering events and the players involved in the process. The interest of local communities for these policies also varied which resulted in their eventual demise. Based on the lack of success in this area, one may wonder what new form of community transfer of powers and responsibilities will emerge after the Community Wellness/Community Empowerment Strategy has fallen by the wayside.

As appealing as Howlett and Ramesh's (1995) argument appears, it still offers policy in both a linear manner and in terms of "stages" or a "cycle" which infers a "life-cycle" approach. Policy cycles, like human parents, complete their respective stages and leave new beings to replace them. However, missing from both Starling's (1988) and Howlett and Ramesh's (1995) discussion on the temporal context of policy are the impacts of timing and lifespan of a project within private policy or lifespan of a government vis-a-vis the electoral cycle.

The former involves the knowledge of when to advance an issue, or not, or whether to attach a particular policy on the coat-tails of another, higher profile, policy given the focus of the organization or government department (Plumptre, 1988). The latter refers to the "window of
opportunity" which policy-makers may have to create and implement policy decisions. What is meant by the term “window of opportunity” is the lifespan of the government in power, namely: election — forming a government — learning to govern — governing — preparing for the next election — calling an election, and its limited window of opportunity to implement new policy.

Support for both the notions of timeliness and “opportunity may be found within part of an interview of policy analyst Charles H. Levine by Timothy Plumptre (1988) during which the former comments:

- Be prepared. Wait for the right time — the right window. You may have to wait one year or a year and a half. Then when the window opens, you have to move fast. There are times when it’s in vogue to build things up and there are times when it’s in vogue to tear things down....
- If you’re too early, people forget; they say, that’s very nice, but what are you going to do for me today? If you’re just right, you get the credit. If you’re too late, you’ll get criticized.... Don’t put it in too early. That’s hard, and it requires real discipline.... You have to take account of things like the electoral cycle, caucus, and the mood of the House.... (Plumptre, 1988: 308).

Indeed, practical experience has shown that the window of opportunity to create and implement new policy, as opposed to resurrecting old policy, may have only a six to nine month opening during the middle of an electoral cycle and prior to preparing up for a new election. This small window is not surprising given that the focus of most politicians is on the next election rather than the promises of the previous one!

A review of Figure 9 reveals that policy research does not follow a strictly linear process. Rather, it complies with the temporal and life-cycle foci presented by Starling (1988) and Howlett and Ramesh (1995), respectively, as well as political scientist Anne Majchrzak’s (1984) comment that policy is multidimensional, it incorporates both the past and the future into an empirical approach and is responsive to both the values of the study users, such as policy analysts and program managers, and researchers. The interplay between the policy problem, as seen within a triadic process, those making the policy decision and the implementor/evaluator becomes quite active as the process continues. Unfortunately, the policy-making locus within large organizations and bureaucracies may be extremely difficult to determine due to the size and complexity of the organization and the magnitude of change which is permitted by the organization (Pal, 1992; Putt and Springer, 1989).
The magnitude of the change effected by a given policy may be categorized as either incremental (minor, limited scope, short-term change), fundamental (major, comprehensive, long-term) or a mixture of the two known as either "mixed scanning" (Etzioni, 1976), "bounded rationality" (Wildavsky, 1979), or "disjointed incrementalism" (Lindblom, 1959), which seeks fundamental changes adapted incrementally over time. The notion of fundamental change is based within the rational-comprehensive model of decision which requires that policy-makers have all knowledge, theories, and/or alternatives be known and ranked prior to the policy decision being made (see later section concerning "Rational Model"). Unfortunately as noted by Charles Lindblom (1990), Amitai Etzioni (1976), and Michael Hayes (1992), rarely does the policy-maker have either the knowledge, time or the necessary political support to advocate fundamental change. Contrasting the notion of fundamental change is incremental change which accepts the realpolitik limitations of incomplete knowledge, time and resources, as well as the constraints of previous policy initiatives and the need to make political compromises in order to accomplish successive, often-unrelated, small-scale changes. Etzioni (1976) takes a middle of the road approach to policy noting that one can plan for and achieve fundamental change through a series of selected, incremental changes aimed at achieving a fundamental goal.

Political scientist Michael Hayes, in his *Incrementalism and Public Policy* (1992), offers both support for Howlett and Ramesh's (1995) recurrent policy cycles and a succinct explanation of the prominence of the former and latter concepts, noting that the realpolitik aspects of policy change:

...typically takes place through subsequent policy "cycles." The failure of policies to completely solve problems, or the generation of unforeseen (and often unwanted) consequences, are simply dealt with in later years as new problems....

According to Charles Lindblom, incrementalism in policy-making stems, first and foremost, from inherent limitations on human rationality. Where rational decision-making requires a process of calculated choice among alternatives, policy-making is typically a process of mutual adjustment among a multiplicity of actors having different self-interests and divergent conceptions of public interest. Agreement on objectives is impossible because the participants hold different conceptions of the problem at hand and adhere to different values. Moreover, limits on human cognitive capacities and the costs of acquiring reliable information force policy-makers to operate with incomplete knowledge at best. Time constraints limit attention to politically feasible alternatives differing only marginally from previous policies. Given a lack of consensus on ends or means, outcomes will represent little more that lowest common denominators acceptable to a sufficient number to permit action. Thus large policy changes will occur gradually, if at all, through a process of
feedback, or "successive approximations," as experience with minor policy changes gives rise to new demands for modification or expansion, setting off a new policy cycle. At best, he says, policy will change through a succession of small steps that may add up to a significant difference over a number of policy cycles (Hayes, 1992: 4,13).

As this suggested by this quotation, the private sector may see it institute wide-scale policy change far more easily than the public sector, although neither is likely to fully institute fundamental change.

1. Linear Policy Process:

2. Triadic Policy Process:


Having determined the range of alternatives acceptable to the decision-makers and their values, the policy analyst must provide a broad range of alternatives to address the policy problem. If only one policy option is offered by the policy researcher, e.g., only one of five courses of action, the situation may begin the change from policy research to policy advocacy. What is policy advocacy and how does it differ from policy research? Within his Understanding Public Policy, policy analyst Thomas Dye (1987) offers a succinct explanation of the, subtle and not so subtle, differences between policy analysis and policy advocacy:

*Explaining* the causes and consequences of various policies is not equivalent to *prescribing* what policies governments ought to pursue. Learning *why* governments do what they do and what the consequences of their actions are is not the same as saying *what* governments ought to do, or bringing about changes in what they do.
Policy advocacy requires the skills of rhetoric, persuasion, organization, and activism. Policy analysis encourages scholars and students to attack critical policy issues with the tools of systematic inquiry (Dye, 1987:7).

Dye's (1987) explanation offers the basic difference between analysis and advocacy: scientific rigour rather than rhetoric. "The first pre-eminent task of policy analysis," according to Doem and Phidd (1983:561), "is to penetrate the rhetoric and examine the underlying ideas." This boundary is often blurred, however, by researchers who have taken ownership of an alternative and promote it to the near exclusion of all others.

A stage-craft analogy may be employed to summarize this part of the discussion. The works of Dunn (1992, 1994), Motyl (1987), Rein (1976, 1983), and Webber (1992) may be regarded as having framed the stage and providing the curtains behind which the policy 'play' takes place. However, the actors require additional backdrops to provide the background and a finite area within which to ply their craft. This backdrop requires that we return to the works of Golany (1976), Jenkins (1978) and Leung (1981) to define "policy." From these works emerges a general definition of policy, as distinct from "public policy", as:

A definite framework of interrelated means to achieve selected goals based upon a consensus of fundamental principles and alternatives that are within the ability of the actors to achieve and will influence future decisions or courses of action.

Implicitly rather than explicitly stated within this definition is the need for policy to be capable of withstanding the rigours of being evaluated. This criterion is assuming increasing importance, especially within the area of applied or public policy research. Having completed the laying of the backdrop by defining policy, the rest of the props and set of the policy "stage" must be erected by implementing the chosen policy or alternative.

Once a consensus regarding the nature of the policy problem has been achieved, it may be possible to determine either a number of possible solutions to it or, at least, a similar number of compromises which are acceptable to most of the stakeholders (Majchrzak, 1984; Plumptre, 1988). Once the policy problem and acceptable solutions have been defined, it becomes necessary to take action or implement the policy alternative.
c. Implementation of a Chosen Alternative or Policy

The overall implementation of a chosen alternative or policy involves several interrelated processes of establishing a course of action, prioritizing its goals and objectives, marshalling the requisite resources (including Galbraith's [1983] concept of organizational power) to accomplish those same results, promulgation and, finally, the evaluation of policy to guide and shape future policy efforts (Dunn, 1994; Dye, 1987; Howlett and Ramesh, 1995; Majchrzak, 1984; Starling, 1988). More than any phase within the policy process, it is the actual implementation phase which determines whether or not a policy is effective as it involves the translation of policy goals into programs and, eventually, practice those goals are fulfilled (Brooks, 1993; Pal, 1992).

Policy implementation may be seen as a hermeneutic process which involves a struggle between both ideals and reality and between individuals and organizations. Support for this claim is found within two passages presented by Pal (1992). The first passage is drawn from Giandomenico Majone and Aaron Wildavsky’s “Implementation as Evolution” (1984) which illustrates the role of individuals within this process:

Implementation is evolution. Since it takes place in a world we never made, we are usually right in the middle of the process, with events having occurred before and (we hope) continuing afterward.... When we act to implement a policy, we change it. When we vary the amount or type of resource inputs, we also intend to alter outputs, even if only to put them back on track where they were once supposed to be. In this way, the policy theory is transformed to produce different results. As we learn from experience what is feasible or preferable, we correct errors. To the degree that these corrections make a difference at all, they change our policy ideas as well as the policy outcomes, because the idea is embodied in the action (in Pal, 1992: 177).

The second passage not only serves to illustrate the struggles and difficulties of policy implementation but, serves to define policy implementation:

Implementation is therefore an execution process, an elaboration, a realization of schemes and conceptions. It takes place in the real world, with its multitude of powers, authorities, and organizations, and therefore is inevitably a struggle. The beginning of wisdom on matters of implementation is the understanding that it is both difficult and experimental. People who dislike surprises should not be implementors. The more hopeful view is that implementation, if it happens, puts policy into action, makes it more concrete, and inevitably changes it from its original conception and design. No amount of implementation planning in the policy design phase will cover every eventuality. That is why implementation should be treated as a test, an opportunity to learn, and if possible to amend (Pal, 1992: 177).
Building upon Pal's (1992: 174) view that "No policy can ever be designed in such a way as to contain every conceivably important administrative detail," we arrive at the point where the question "What would constitute an ideal or "perfect" process for implementing a policy and would such conditions be attainable within the real world?" Indeed, it is these same types of implementation details and concerns, however, by which policies are often regarded as successes or failures.

To answer this question, Pal (1992) echoes political scientists Brian Hogwood and Lewis Gunn's notion that perfect implementation of policy is neither attainable nor desired given the realities of social and political life in Canada.² Howlett and Ramesh (1995) contribute to the answer by offering a discussion on what they term "the realities of policy implementation," noting:

For a host of reasons relating to the nature of the problems, the circumstances surrounding them, or the organization of the administrative machinery in charge of the task, programs may not be implemented as intended. These are the realities of implementation, as distinct from the stated objectives and the procedures prescribed for achieving them (Howlett and Ramesh, 1995: 154), which, in turn, partially supports Lindblom's earlier comments (in Hayes, 1992) concerning incrementalism and offers an introduction to a discussion of the requirements and problems of policy implementation. They offer further support noting that "implementation is affected by its social, economic, technological, and political contexts.... It is therefore quite common for implementors to strike compromises with groups in order to make the task of implementation easier" (Howlett and Ramesh, 1995: 155, 156).

Within the implementation process further steps are taken to marshall and apply the requisite resources to effect the policy and its goals and objectives. Starling's (1988) earlier comments ²Pal (1992) presents Hogwood and Gunn's ideal qualities of policy implementation:

1. No insurmountable external constraints,
2. Adequate time and sufficient resources,
3. Required combinations of resources are available;
4. Policy is based on valid theory,
5. Cause and effect relationships are direct and uncluttered,
6. Dependency relationships are minimal,
7. Objectives are agreed upon and understood,
8. Tasks are specified in correct sequence,
9. Perfect communication and co-ordination, and
concerning mobilizing for action as part of the life-span of a policy become relevant at this point. Not only do policy-makers need the requisite fiscal and human resources necessary to accomplish the policy goals, they also require examples of similar policies upon which to draw. These examples will, in turn, assist in mobilizing the requisite political and organizational resources. Today, we find that individuals, charismatic or not, are often not given the same level of credibility which society lavishes on the same individual when they represent an "organization." The organization is often credited, deserved or undeserved, with a degree of support and cohesiveness which is not given to an individual.

As many Western states continue their shift from an industrial to post-industrial society, the status and power of the organization takes on increasingly more importance for the study of policy. Power continues to exert a significant amount of influence and increasing role in determining policy problems by determining whether or not the issue is worthy of support. Thus far, the notion of power has been implicit rather than explicit within the discussion. If the impression that power plays an insignificant role in policy has been given, such a perception could not be further from the truth.

Of particular salience to this discussion is the concept of the organization, such as a public government or the print media, which may be the greatest source of power in terms of its ability to mobilize resources and influence the direction of issues. The concept of power must not be reified but, must be regarded in a Weberian context, as a transformative mechanism whose value is found within its ability to influence others and mobilize resources. Canadian political economist John Kenneth Galbraith (1983) presents "organizational power" in this same context and forcefully argues that the organization is the greatest source, in the modern day context, of power due to its credibility and ability to marshall resources and bring them to bear on a specific issue or problem. Indeed, Galbraith (1983:78) argues that a dialectic of power exists between those who exercise power and those who resist counter its application.

With regards to power, in this case organizational power and its ability to marshall resources (including knowledge), Galbraith (1983) conceptualizes it in a manner similar to sociologist Anthony Giddens' (1979) discussion on knowledge as a mechanism for domination by elites and to philosopher Michel Foucault's (1980) belief that power and knowledge are part of the same Damoclean sword: domination on one side and liberation or empowerment on the other. Foucault (1980) and others have noted that knowledge is only partially released to the general public and, that this release of information, is an exercise of power/powerlessness. This may be extrapolated to an
organization which can provide structure, mobilize resources such as knowledge and funding, and promote an issue as requiring a policy solution, amend an existing policy to deal with the issue or recommend the elimination of a policy in its entirety.

The Ndilo Chekoa Program operated by the Yellowknives Dene Band offers an example of both the process of implementing a crime prevention program and the problems associated with attempting to tailor a program to policy (see Patenaude, Goulet, Wood, and Stancato, 1994). During 1992, the Yellowknives Band Council approached the Department of Justice and Yellowknife School District Number 2 for core funding to operate an after-school program for troubled youth members of the Band (see Appendix 5).

<table>
<thead>
<tr>
<th>a. Linear Theory</th>
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<tbody>
<tr>
<td>A → B → C</td>
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<tr>
<td>Proposed Concept</td>
</tr>
<tr>
<td>Observed Phenomena</td>
</tr>
<tr>
<td>Empirical Consequences</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>b. Ndilo Praxis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Assistance → Better Self-Image → Greater Success Socially</td>
</tr>
<tr>
<td>Less Delinquency → Less Arrests</td>
</tr>
</tbody>
</table>

**Figure 10  Different Understandings and Practices - Theory and Praxis in Ndilo.**
*Source: A.L. Patenaude et al, Ndilo Youth Crime Prevention Program (1994).*

The Ndilo Chekoa Program was conceived by a small group of mothers who approached the issues of school drop-outs and youth delinquency from a social development rather than crime control perspective. They believed, as did Hackler (1974), that by providing educational assistance to at-risk youth that an improved self-image would be created which, in turn, would provide greater social success as seen in Figure 10. Difficulties immediately arose as both organizations claimed that the program was beyond their respective mandates and that the Band should be referred to the other agency for support. These difficulties were compounded by disagreement on causal linkages between the provision of meals, computer games, recreation and improved self-image until the, then,
Minister of Justice, Hon. Stephen Kakfwi, intervened by stating to his senior officials that "this was exactly the type of programs that the communities need" (Patenaude, 1993). The globally-defined policy of crime prevention was, in fact, seen only through the restricted, narrow focus of a direct cause-effect relationship rather than one of removing the causes of delinquency through positive social development.

What remains to be discussed, within the broad area of what constitutes policy, are the related processes of monitoring the progress of policy alternative and evaluating the efficacy of the policy.

d. Monitoring/Evaluating a Policy's Success

How does one measure the success of a given policy or a specific policy analysis? Do we measure intents, outputs and impacts, inputs and processes, changes in social conditions, or costs? In common with the definitions of policy, there is also a broad range of definitions concerning which of these variables should be examined. These include:

The main functions of evaluation in policy analysis are the provision of reliable and valid information about policy performance; the clarification and critique of values that underlie the choice of goals and objectives; and the provision of information for problem structuring and practical inference (Dunn, 1994: 419-420)

Policy evaluation is learning about the consequences of public policy (Dye, 1987:351)

The concept of policy evaluation thus refers broadly to the process of finding out about a public policy in action, the means being employed and the objectives being served. How deep or thorough the evaluation is depends on those ordering its initiation and/or those undertaking it (Howlett and Ramesh, 1995: 168)

Policy evaluation seems deceptively simple, but determining whether a program's effect is as intended, in a world in which every effect has multiple causes and every cause a vast stream of effects, is sometimes maddeningly difficult, if not impossible (Pal, 1987:38)

The systematic application of social science research procedures for assessing the conceptualization, design, implementation, and utility of social intervention programs (Rossi and Freeman, in Pal, 1987:39).

What emerges from these definitions is the notion that the overall function of policy evaluation is to gather information concerning the context and performance of a given social policy. This function is to provide information concerning causes of policy problems, the implementation of
policies and programs, the ongoing operations of the programs, and the effects of policy initiatives vis-a-vis those same policy problems. Such information may be gathered while the policy and its attendant programs are still in effect, as a monitoring function, or once they have been completed as an evaluative function.

Although he offers policy analysts an understanding of both policy monitoring and policy evaluation, Dunn (1994) does so in the same manner as most policy analysts and blurs the typical distinctions between these two concepts. Indeed, this ‘blurring’ is indicative of the differences between academic and applied approaches to policy studies as well as among the practitioners within the latter group. From his perspective, monitoring is an ex post facto activity which provides policy analysts with claims, factual premises, and causal relationships about public policy once they have been implemented and operating for some time. Policy monitoring, Dunn (1994) notes, performs four major functions, including:

1. **Compliance.** Monitoring helps determine whether the actions of program administrators, staff, and other stakeholders are in compliance with standards and procedures imposed by legislatures, regulatory agencies, and professional bodies.
2. **Auditing.** Monitoring helps determine whether resources and services intended for certain target groups and beneficiaries (individuals, families, municipalities, states, regions) have actually reached them.
3. **Accounting.** Monitoring produces information that is helpful in accounting for social and economic changes that follow the implementation of broad sets of public policies and programs over time.
4. **Explanation.** Monitoring also yields information that helps to explain why the outcomes of public policies and programs differ (Dunn, 1994: 335-336).

Examples of the process and results of policy and program monitoring may, once again, be drawn from the Ndilo Chekoa Program operated by the Yellowknives Dene Band. Monitoring of this program was conducted by the Community Justice Specialist for the Yellowknife Region, herself a member of the Yellowknives Dene Band. Her Band membership notwithstanding, this woman’s tireless efforts ensured that the Band’s administration complied with all operational and reporting requirements of the contribution agreement (a contractual arrangement between the Department of Justice and the Yellowknives Dene Band). As part of her auditing function, the Community Justice Specialist quickly realized that the amount of computer equipment was inadequate to meet the needs of the high number of youth participants in the program and worked with others in the Department
of Justice and the Ndilo Chekoa Program to reallocate program funds to purchase additional computers. Had the program not been monitored by the Community Justice Specialist, inadequacies in the weekend and summer camp program would not have been identified and, in turn, steps taken to correct and improve the situation.

Monitoring, Dunn (1994) notes, contributes information concerning the outcomes and, therefore, performance of a given policy initiative. Later, Dunn (1994: 403) expands on this point and argues that policy monitoring differs from policy evaluation since:

... monitoring is used to produce information about the causes and consequences of policies and programs. Monitoring is therefore primarily concerned with establishing factual premises about public policies. Evaluation, by contrast, is primarily concerned with establishing the value premises necessary to produce information about the performance of policies. Monitoring answers the question: “What happened, how, and why?” Evaluation answers the question “What differences does it make?”

Like monitoring, evaluation is also an ex post facto examination of a policy and its programs. Unlike monitoring activities, however, evaluation activities typically occur once the program begins to wind down or is completed. Evaluative research conducted within the fields of policy and public policy employ the same methods and techniques as evaluation research in other fields (see Appendix 7).

As previously mentioned, however, the boundaries between monitoring and evaluation activities are often also blurred by policy analysts and policy makers alike. Evaluations of policies and programs are increasingly focusing on the compliance and auditing functions, noted by Dunn (1994), in order to make them more accountable to the funding and regulatory agencies. An example of this blurring is presented in Treasury Board-Canada’s Guide on the Program Evaluation Function (1981) which integrates program implementation, monitoring, and evaluation into four basic evaluation issues. Although these issues may be used in measuring the effectiveness of a policy, they are more appropriate for evaluating incremental rather than fundamental policy change.

What has not been agreed upon, thus far, is the choice of whether to measure outputs and impacts, inputs and processes, changes in social conditions, or costs as asked in the beginning of this section. This is due, in part, to the fact that such measures are determined by the individual evaluator and stakeholders, including the agency or organization being evaluated. The Ndilo Chekoa
Program offers an example of this phase of the evaluative process. During the open stages of the evaluation of this program, the primary investigator met with the Yellowknives Dene Band Council to determine what measures they wished to have evaluated. Using a list of evaluation types drawn from Patton (1985)(see Appendix 3), representatives from the Band were able to choose not only the type of evaluation which would be conducted but, were also able to identify issues and contribute questions which they thought might be useful. Thus, they contributed to both the breadth and depth of the evaluation.

<table>
<thead>
<tr>
<th>Basic Policy Evaluation Techniques</th>
<th>Classes of Evaluation Issues</th>
<th>Basic Evaluation Questions</th>
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<tbody>
<tr>
<td><strong>Policy Rationale</strong></td>
<td>(Does the policy make sense?)</td>
<td>— To what extent are the objectives and mandate of the policy still relevant?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Are the activities and outputs of the policy consistent with its mandate and plausibly linked to the attainment of the objectives and intended impacts and effects?</td>
</tr>
<tr>
<td><strong>Impacts and Effects</strong></td>
<td>(What has happened as a result of the policy?)</td>
<td>— What impacts and effects, both intended and unintended, resulted from carrying out the policy?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— In what manner and to what extent does the policy complement, duplicate, overlap or work at cross-purposes with other policies?</td>
</tr>
<tr>
<td><strong>Objectives Achievement</strong></td>
<td>(Has the policy achieved what was expected?)</td>
<td>— In what manner and to what extent were appropriate policy objectives achieved as a result of the program?</td>
</tr>
<tr>
<td><strong>Alternatives</strong></td>
<td>(Are there better ways of achieving the results?)</td>
<td>— Are there more cost-effective alternative policies which might achieve the objectives and intended impacts and effects?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Are there more cost-effective ways of achieving the existing policy goals?</td>
</tr>
</tbody>
</table>


These discussions have presented the four basic elements of policy, namely: 1) problem identification, 2) establishment of general principles by which decisions may be made, 3) examination of the range of possible alternatives, 3) implementation of a chosen alternative or policy, and 4) evaluation of the policy. These elements are also the present within the field of public policy.
iii. Distinctions Between “Policy” and “Public Policy”

a. Defining the Private and the Public Realms

One of the recurring difficulties for those researchers interested in the field of general policy studies is the typical focus of available published materials. The corpus of "policy" literature offers material written mainly from a "public policy" perspective and concerned with a specific applied focus such as "social policy", "housing policy", "recreation policy" and "criminal justice policy." Yet, while many policy analysts continue to misuse the terminology of the social sciences incorrectly, e.g., "ethnography" as synonymous with "qualitative methods" (see Pollitt, Harrison, Hunter, and Marnoch, 1990; Thomas and Robertson, 1990), so too, do many social scientists misuse the terminology of policy analysis, e.g., "policy" as synonymous with "public policy".

The discussions to this point have primarily dealt with the generic concept of “policy” and have done so, in order to illustrate the common areas shared by “public” and “private” policy and to serve as a foundation upon which will be built further discussions concerning the nature of public policy. It becomes necessary, at this point, to delineate between these two areas of policy studies.

An example of the business sector’s approach towards the use of policy is offered by market analysts Arthur Thompson, Jr. and A.J. Strickland in their Strategy and Policy: Concepts and Cases (1978) which, although dated, serves as an exemplar of that sector’s conceptualization of policy:

An organization’s overall master plan for dealing with these real-life aspects of its existence is the core of what managerial strategy and policy is all about. In general, then, strategy and policy embrace the managerial activities associated with defining a purpose and mission, working out a comprehensive master plan for the organization, marshalling the resources requisite for strategic accomplishment, and directing pursuit of chosen goals and objectives (Thompson and Strickland, 1978:4).

Although this statement positions ‘policy’ with ‘strategy’ and illustrates a long-term focus rather than the five-year cycle which typifies public sector planning, it nonetheless shares many of the conceptual components of the previous operational definition of “policy.” These common areas include an interrelated framework for action, shared principles, and a set of common goals.

Thompson and Strickland (1978) further note that policy may operate at more than one level within an organization and that, within the business sector, ‘policy’ is more often used synonymously
with 'operational policy' or 'procedures.' Indeed, the interrelations among an organization's purpose, objectives, goals, strategy, and policy are such that:

Taken together, an organization's purpose, objectives, and goals set forth exactly what the organization intends to do and to accomplish — in both the short run and long run. Purpose delineates the organization's service mission to customers and to society; objectives and goals serve to indicate the organization's priorities and commitments to specific actions and specific results. Strategy, then, addresses the issue of precisely how the desired results are to be accomplished; it is the means to the end; the game plan; the outline of how things are to be done. Policy refers to strategy implementation — the organizational procedures, practices, and structure associated with administering and operating the organization on a day-to-day basis. In conjunction, organizational purpose, objectives, goals, strategy, and policy define the overall plan for the organization and the guidelines and principles by which it is to be managed (Thompson and Strickland, 1978: 14-15).

Although retail outlets may have 'operating policies' or hotels may have policies regarding check-out times, these 'policies are not 'public policies' even though they deal with the public. The domain of 'private' policy may be regarded as that vast area of human activity that is either self-regulated or not specifically regulated by government. In addition, such private organizations may enact 'policies' for their privately-owned space or operations, e.g., charitable organizations, private interest groups, retail chains, etc. However, these so-called policies may affect the community-at-large even though they are neither allocative, extricative, regulatory, nor are they operated in the 'public' interest by one or more levels of government (Brooks, 1993; Dye, 1994; Howlett and Ramesh, 1995).

Pal (1992:3) presents this 'blurring' of the policy line and correctly identifies the locus which distinguishes private from public policy:

Individuals, organizations, and governments may all have policies. A person may have a policy of never picking up hitchhikers; a corporation may have a policy of employment equity for women and native peoples. Public policies stem from governments or public authorities. However, private policies can affect the public, as when an oil company has a policy of avoiding high-cost, frontier exploration. Moreover, private interests often try to persuade governments to accept their policy recommendations, such as business associations lobbying to reduce taxes. A policy is deemed a public policy not by virtue of its impact on the public but its source.

Crime is a multidimensional problem and criminal justice policies must be cognizant of the interrelationships between other areas of public policy and itself. The following discussion offers an
examination of the notion that public policy, like the laws which regulate society, is an integral component within Western society's continuous reordering of itself, its social institutions and relationships between the governed and those who govern. In order to do so, the notions of an issue being either created or transformed into a public problem by the media and its continuous presentation in a manner calculated to create a sense of moral indignation or "moral panic" are discussed. The range of definitions of "public policy" will also be examined to provide an operational definition.

b. Public Problems and Moral Panics

From a criminological perspective one of the most important functions of the media, regardless of medium or format, is to contribute to the corpus of common knowledge through its reporting of the incidence of deviance and societal reactions to it. Rather than attempting to define deviance, the following discussion will present the notions of a public problem and a moral panic as these two concepts relate to the creation and implementation of public policy.

1. Typical Public Policy Process:

   ![Diagram of Public Policy Process]

2. Typical Private Policy Process:

   ![Diagram of Private Policy Process]


News organizations and the media play an exemplary role in contributing to and maintaining much of the public's common knowledge concerning a certain problem such as the incidence of either specific types of crime or overall crime. Sociologist Joseph Gusfield (1981) has been credited
with defining this process as the "culture of public problems" which involves the acknowledgement that an unacceptable situation exists, the empowerment of a group to correct the situation and a designated course of action to resolve the problem. Gusfield (1981) discussed the roles of knowledge and responsibility in the construction of public problems but, also their cultural and structural aspects, noting:

The structure of public problems is then an arena of conflict in which a set of groups and institutions, often including governmental agencies, compete and struggle over ownership and disownership, the acceptance of causal theories, and the fixation of responsibility. It is here that knowledge and politics come into contact. Knowledge is a part of the process, providing a way of seeing the problems, congenial or contradictory to one or another way in which political responsibility is fixed. It may emerge from religious institutions, from science, from folklore. Whatever its source, the appeal to a basis in "fact" has implications for the practical solutions sought to public problems (Gusfield, 1981:15).

It is possible to note, therefore, that the manner in which a public problem is spoken of by the populace forms its cultural level, while those actions taken as a result of the cultural level form its structural level (Gusfield, 1981). The media provides a source role as it provides for the publication of the knowledge of the problem, as well as what Gusfield (1981) misdefines as a cultural role as it aids in the determination of how that knowledge is interpreted and perceived.

The creation of a public problem often occurs as the result of the filtration of source information by journalists and its organization into themes or topics. Sociologist Mark Fishman (1978) argues, for example, that such a process often leads to the perception of public problems such as "crime waves." Indeed, Fishman (1978:531) claims that "crime waves are little more than the continued and heavy coverage of numerous occurrences which journalists report as a single topic (for example 'crimes against the elderly')," whereas Stuart Hall et al (1978) argue that the common practice for newspapers is to report news events as part of a specific newsworthy theme; A process involving the selective inclusion/exclusion of materials to create a specific theme.

The maintenance of such themes often lead to a sense of moral indignation and, for some, a sense of fear among the news-consuming public. This phenomenon has been labelled as a "moral panic" by criminologist Stanley Cohen (1972), who discussed it in detail, noting:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a
threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself (Cohen, 1972:9).

Indeed, the last component of this quotation, namely "the way the society conceives itself" is of prime concern to the media in its role as watchdog and as a contributor in the creation of public policy. Hall et al (1978) summarize the concept of a moral panic as a process whereby a consensual view of society is created, made public, and reproduced for a short period of time. Discussing crime news, for example, they note that:

crime involves the negative side of that consensus, since the law defines what the society judges to be illegitimate types of action. Ultimately, the law, created by Parliament, executed in the courts, embodying the will of the population, provides society with the basic definition of what actions are accepted and unacceptable, it is the "frontier" marking "our way of life" and its connected values (1978:66).

For some time now, for example, British criminologists have been commenting on the "growth" of the crime problem within Great Britain since 1960 (cf. Bottomley and Coleman, 1976, 1984; Bottomley and Pease, 1986; Chibnall, 1977). Having reviewed the incidence of violent street crime, which they report as extremely small in relation to the public anxiety over it, Bottomley and Coleman (1984) offer the hypothesis that the fear of crime or "moral panic" is generated and maintained by the popular press. Fear of crime, they argue, is merely one symptom of the anxiety created by the rapid social change which Britain has undergone since the close of the Second World War and a general belief that increased policing and punitive measures imposed by the criminal courts will allow society to regain control over its problems.

Having shown that the media selectively gathers, organizes and presents news findings in a manner calculated to create a negative consensus of society and a subsequent moral panic around a perceived public problem, the role of a public policy may be to effect some measurable and positive social change based on that problem. The revisions to the Criminal Code dealing with
impaired driving provide an example of this impact which the media may have in creating a moral panic. The changes in the penalties for initial and subsequent impaired driving convictions were changed partly as a result of the lobbying efforts of the Mothers Against Drunk Driving (M.A.D.D.) and partly due to the creation of moral panic through the publication of dramatic impaired driving cases where there was either loss of life, substantial property loss, or both. Similar results have occurred within the charging policies of the federal Department of Justice which, in 1985, began charging the aggressor in spousal assault cases.

c. Defining Public Policy

With a micro-level issue transformed into a macro-level problem within the public consciousness by the media and others, an institutional response is now required. This is the essence of a public problem: a response by an identifiable public agency is required to remove the causes of problem or assist those affected by it. While the role of a public policy is to effect social change, the nature of public policy has been debated by numerous scholars from nearly as many disciplines. Eminent public policy analyst Thomas Dye reduces the academic and semantic debate surrounding the defining of public policy to the axiom "Public policy is whatever governments choose to do or not to do" (1976:1). Yet, public policy has a far greater scope than this simple axiom.

There seem to be nearly as many definitions of public policy as there are policy analysts to espouse them (cf. Chandler and Chandler, 1979; Dye, 1987; Edwards and Sharkansky, 1978; Lindblom, 1959, 1968; Pal, 1987; Solomon, 1981, 1983). This section explores the notion of public policy and its recent shift from academic policy analysis to applied policy analysis.

Having previously asserted the need to identify the problem, the greatest difficulty in discussing public policy is defining and labelling the concept. The exercise of labelling an entity as a public policy, according to policy analyst Charles Jones (1984), is itself problematic since most public policy definitions are written in the abstract and fail to identify "public" as a specific entity within public policy. Implicit within Jones' (1984) arguments is the notion that the term "public" may not be reflective of society but, of smaller "communities of interest" whose membership is fluid over time.
Yet, the exercise of determining the domain of public policy must be undertaken prior to any academic or applied policy analysis. Pal (1987) notes that not only is public policy defined by its problem definition, goals and instruments (see Figures 5 and 12) but, in addition:

Public policies have the following key features: they are guides to actions and decisions established in the public domain, they contain a definition of a problem or a cluster of problems, they enunciate goals, have instruments of implementation, encompass actions as well as inactions and have internal standards of success and failure (Pal, 1987:125)

Further to Pal's (1987) comment concerning the definition of public policy, the following definitions serve to identify the range present within the field of public policy:

Public policy is whatever governments choose to do or not to do. Governments do many things. They regulate conflict within society; they organize society to carry on conflict with other societies; they distribute a great variety of symbolic rewards and material services to members of the society; and they extract money from society; most often in the form of taxes. Thus, public policies may regulate behaviour, organize bureaucracies, distribute benefits, or extract taxes—or all these things at once (Dye, 1987:2);
A policy consists of intentions or objectives, to be given effect through law, regulation, expenditures, or in other ways, that define the government's view of how some aspect of society should evolve or of conditions that should prevail. A policy may prescribe how certain institutions or individuals are expected to behave, or it may define certain benefits members of the public will receive (or penalties they will suffer) under specified conditions (Plumptre, 1988:107); The primary difference between policy, as generally defined, and public policy is that public policy is regraded as an activity of government taken to achieve governmental as opposed to "societal" ends.... Policy declares the underlying value and establishes the overall direction of activities within the organization. Procedures establish the specific means by which the policy can be implemented (Ekstedt, 1991:77,84);

Canadian public policy is best viewed as an interplay among ideas, structures and processes in which the direction of causality operates both ways, from society and economy to politics and government and vice versa (Doern and Phidd, 1983:560).

Emerging from these definitions are four common threads: 1) establishment of general principles by which decisions may be made, 2) examination of the range of possible alternatives, 3) implementation of a chosen alternative or policy, and 4) evaluation of the policy.

Two additional components need to be added to illustrate what occurs after the government has interceded to deal with a perceived public problem, i.e., the need to examine the actions of bureaucrats to maintain government structure and those symbolic actions done to the public by the agents of government in the process of governing. Since an increasing emphasis has been placed on the evaluation of public polices, policy analysts have become interested in how certain policies were chosen rather than understanding the reason why they were chosen. While such a focal re-alignment offers valuable insights into the exercise of power and governance, it is an area beyond the current scope of this dissertation.

For the purposes of this dissertation, "public policy" is operationalized as:

A public policy is an exercise of power through the act of governance to remove or ameliorate a defined social problem; It consists of the intentions or objectives of government which have been given legitimation through consent, coercion or legislation and a desired change in human behaviour; It is characterized by consistent and repetitive application; Public policy may include both action and inaction on the part of government.

Yet, if public policy is accepted as a dynamic act of governance, there must also be strategy which permits the governed to have input into the development and implementation of the public
policy. Interestingly, many policy analysts and governments only approach the public to build ex post facto support for their policy choice. Several theories and models have been developed and implemented to facilitate and evaluate public policy, or have they? Perhaps, one of the reasons for such theoretical development and modelling has been to legitimate the labelling of public policy analysis as a "science" and academic discipline in its own right rather than examining it as an art. The following section explores the interrelated notions of social science research and theoretical growth in public policy analysis.

iv. Social Sciences, Humanities and Public Policy Research
   a. Disciplinary Boundaries or Disciplinary Blinders?

   As mentioned earlier, public policy research is concerned with the transformation of publicly-held values and beliefs into action by public agencies, departments, or governments yet, whose training, area of expertise, and techniques offer the best approach to understanding and explaining the policy situation or should provide a leadership role in determining the policy actions? This section explores a few of the social sciences and humanities that might contribute to the development of public policy. Although generalizations, these comments are indicative of the utility of some of the various academic disciplines, both singularly and combined with one or another, to the analysis of public policy and decision-making within the public sphere.

   The economic origins of policy science often point policy researchers towards the notions of optimization of resources and cost-benefit in the decision-making process (Dunn, 1994; Dye, 1987). Political scientist Roger Scruton (1982) offers a starting point for this discussion:

   All political thinkers are faced by the question of the extent to which their discipline or science is distinct from, incorporates, or is incorporated by, economics. Social policy always requires expenditure, and often has economic effects; all policy therefore has economic aspect, even if it is not concerned with economic ends. Hence the permanent tendency of governments to occupy themselves with questions of economics, resulting perhaps in direct government intervention in the economy, or a kind of dogmatic non-intervention which has just as large immediate and intended effects (Scruton, 1982: 138).

   We might ask ourselves, therefore, 'if we're seeking the optimal return on our investment of, say, time and public resources, then why wouldn't an economist offer the best policy advice?'

   Economics, as Scruton (1982) notes, offers an understanding of the costs in public resources and
the actions of government in the micro and macro-levels of trading and exchanges between groups. The economist may be able, for example, to examine and forecast the costs of a new piece of legislation, e.g., mandating 25 year minimum sentences for murder, to assist policy-makers and planners in determining the allocation of fiscal resources. However, public policy is about the public, i.e., people as individuals and as members of groups in society, and economics lacks the depth of understanding of the human condition that other social sciences and the humanities might provide to policy-makers.

Political science would seem the next likely candidate for either the best understanding of or leadership within the policy field. Incorporating political philosophy and political theory with an understanding of economics and sociology, political science would seem to be an amalgamation of of several discipline and perspectives. It remains focused on or preoccupied with the concept and application of power and power relations between groups (see Foucault, 1980, 1989; Motyl, 1989; and Weber, 1922). Political scientists may be able to offer policy-makers unique insight into the gathering of public support concerning single issues or groups of related issues surrounding, for example, the environment or renewable resource harvesting. Within the area of criminal justice political science makers may offer policy-makers relevant information concerning the degree of public support for the decriminalization of prostitution in Canada. Such power relations may assist the policy maker to understand the tenor of the interactions between groups, but they fail to offer a fuller understanding of the individuals within the "public" in public policy.

"Those who ignore history," or so the axiom states, "are doomed to repeat it." The discipline of history offers policy researcher a temporal axis. A historical approach offers researchers the benefit of past conditions and attempts to influence them through the use of public policy. Historian Helen Buckley's From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces (1992) offers an unique insight into the conditions, stakeholders, and policies which sought to assimilate an entire culture area and promote agriculture as an economic alternative. Indeed, through the use of historical documents Buckley (1992: 21-25) was able to discern five common problem areas present among Aboriginal communities in Northern Manitoba since the Second Riel Rebellion (1885), namely: i) weakness of the resource base, ii) separateness, iii) dependency, and iv) rents in the social fabric of Aboriginal communities. These conditions continue to be part of the ongoing experiences of Aboriginal peoples throughout Western and Northern Canada. Within the area of crime and criminal justice, historians such as Owen Carrigan (1991) offer insight into both crime and incarceration trends in Canada and the effects of economic and political upheaval, such as war and economic depression, have played on the penal policies of that nation.
If we return to Auguste Comte's (1822) view of sociology (as the historical and contemporary study of human organization using cumulative, progressive scientific knowledge to produce general laws that will, in turn, predict behaviour and solve social problems), policy researchers are given both a group focus and the function of prediction. Using this starting point, sociology offers a greater potential to understand the relations between groups and between groups and the larger state. It brings together the economical, political, and historical conditions of human existence into a single disciplinary rubric. Sociologists may be able, for example, to examine the changes in the family, e.g., divorce, etc., within a province and predict an increase in future youth crime based on increases in the number of children in provincial care. Yet, unlike anthropology, even sociology fails to closely examine the underlying values and beliefs within the decision-making process.

It was one of the canons of anthropology, Bronislaw Malinowski (1926), who was credited with the axiom that "anthropology should study the minutae of everyday life." Using techniques which involve long-term, sustained contact with the people with whom they are studying, anthropologists may offer policy-makers understanding into the values and beliefs, both as functional institutions within a society and as they relate to specific course of action being planned. For criminal justice policy-makers, for example, anthropology offers insight into the cultural relevance and possible effects of implementing specific programming for Aboriginal sex offenders in custody. Yet, even though anthropology has the study of value and belief systems as its stock-in-trade and policy-making is the transformation of public values into public action, it, too, can be found lacking when examining crime, criminality, and criminal justice policy-making.

Human geography and urban planning offer a unique approach to determining the problems, such as crime, within a given area and between areas. Location theory, for example, grew from the efforts of geographers and economists, during the seventeenth and eighteenth centuries, to explain the location and concentration of economic activities (Gregory and Gertler, 1994). Concerned with spatial behaviours, social geographers and urban planners developed a simple coefficient, the location quotient, to determine the percentage share of a given activity within an area relative to that same activity within the regional or national aggregates (Goodall, 1987). This technique also allows criminologists and criminal justice planners to examine the relative concentration of crime within several areas and to create policies and programs accordingly.

As an academic discipline, criminology has laid claim to the areas of crime, criminals, victims, and the way society deals with them. While other disciplines may claim that they also study these
topics, few can claim that these areas are the extent of their domain of study. As such criminology has created expertise and a reputation (some would call it a ‘mystique’) for the scientific study of crime and the creation of crime/criminal justice policy. However, this disciplinary expertise has been created through the integration of theory and research from the disciplines previously mentioned as well as others. It may be said, perhaps, that this is the greatest strength of criminology as it is capable of dealing with a specific area of human existence using the strengths of different disciplines in a focused manner. Criminologists can deal with the creation of crime policy by using the strengths of several disciplines employing temporal, spatial, cultural, and other foci in their study of crime.

Having expressed a disciplinary bias for the use of criminology and criminologists to study topics associated, however loosely, with the field of crime, it must be stated that criminology is not a “super-discipline” capable of solving the problems of the world on its own. Indeed, nothing could be further from the truth.

According to policy analyst James Gilsinan (1991), criminology and criminal justice policy must be integrated within overall social scientific study. Gilsinan (1991:209-212) notes that this should be carried out using ever-narrowing, hermeneutic circles. He argues that these circles, which could be seen as metaphorical trips to the well of knowledge, should involve researchers with various disciplinary backgrounds identifying the problem, understanding its construction as a public problem, and identifying the policy environment. A second circle would involve the determination of the policy needs to deal with the identified problem and the potential results of action to meet those needs while a third circle, as advocated by Gilsinan (1991), is the implementation of public policies to meet the identified needs of the problem and the evaluation of the efficacy of these same policies. This final circle, he notes, also offers opportunities for the testing of promising theories through the implementation of public policy.

The first two circles, it seems, have potential implications for the development of new criminological theory and/or refinement of existing theories whereas the final, or third, circle could lead to the testing of existing models of policy analysis or the development of new models. An interesting result of the interactions within each of these three circles is that more than just the policy problem, policy statement, and policy outcomes are discovered but, also the agendas of the policy players (stakeholders and decision-makers) are examined through the process.

The research questions and methodology employed throughout this dissertation may be seen as interdisciplinary. Indeed, the secondary research questions deal with subject matter that is either
anthropological, criminological, economical, historical, political, or sociological in nature. This exploratory research is similar in intent and content with Gilsinan's (1991) hermeneutic circles of inquiry.

b. Can We Incorporate Context and Process into Public Policy Analysis?

If we accept, on one hand, that policies are extensions of the values and beliefs held by the individual policy makers and the values and beliefs attributed to the organization to which they belong, then, the notion of context is easily put into the practice of public policy analysis. On the other hand, if we reject that view in favour of public policy analysis merely being an *ex post facto* analysis of a decision using well-defined criteria as a checklist to be followed, then context takes a subsidiary position to the role of process. Which do we, as public policy analysts, choose? Context? Process? Or both?

As the previous discussions have illustrated "context" is important in developing, implementing, and evaluating public policy. Previous events and policies, for example, give policy analysts partial understanding of the policy problem and how to develop and implement new policies and programs to deal with that particular problem. Two elements are missing, however, from the equation, namely: the instrumental and theoretical contexts of public policy.

First, an understanding of the instrumental context of public policy analysis will enhance any public policy analysis. The instrumental context attempts to make meaning of public policy by placing it solely within the frameworks of legislation and government institutions (Brooks, 1993; Doern and Phidd, 1983; Dye, 1987; Howlett and Ramesh, 1995; Pal, 1992). The instrumental context positions policy-making within the constraints of legislation and regulations.

Taking an instrumental approach to public policy it is those same instruments which both mandate and give meaning to policy actions. Canadian political scientists G. Bruce Doern and Richard Phidd (1983), for example, developed a schema to classify public policy instruments based on the amount of legitimate coercion which they bring to bear. Their schema ranged from self-regulation (least coercive) to public ownership (most coercive) which may also be seen in the same light as the amount of government influence and/or control within each component of the schema. This was partially illustrated by the descending order of policy instruments, from legislation through regulations to strategic and operational policies, presented in Figure 13.
Although the use of a schema to classify policy instruments is useful, the realpolitik practices of government intrude into the discussion at this point. The hierarchical nature of government agencies, departments, and commissions tend to place less emphasis on the nature of the policy instrument and more emphasis on the hierarchical position of the instrument as seen in Figure 13.

Within the Canadian context, for example, the constitutional positions of the federal and provincial governments places provincial and municipal legislation subordinate to federal legislation. Federal legislation is often regarded as the enabling legislation for most provincial and territorial legislation and public policy. The federal Prisons and Reformatories Act and attendant regulations, for example, serves as the enabling legislation for the establishment and operation of correctional services by the provinces and territories. These jurisdictions, in turn, enact their own Correctional Services Act (Alberta) or Corrections Acts (NWT) and regulations which enable the operation of correctional services and programs within their respective jurisdiction. The strategic policy of the

organization (or mission statement) gives meaning to the legislation in as much as it translates the relevant act and regulations into value statements and program goals for the organization. Programs are enabled by the relevant legislation, shaped by the strategic policy of the organization, and provide for activities to achieve that policy. Operational policies, often termed 'procedures', direct those individuals actually involved in the activities of the public organization.

As this brief overview suggests, actual government involvement and control lessens further down the 'policy chain' one travels. Indeed, individual decision-makers at each descending level adopt increasingly more responsibility and control over the decisions and activities at that level while the influence of the policy-maker or government agency decreases. Similarly, decision-makers at each level create policy which puts the values and beliefs contained within the policy statements of the previous, super-ordinate, level into clearer and more attainable statements. As much as legislation enables the creation of subordinate policies, programs, and procedures, these same subordinate entities must also be in harmony with their superior levels. As such, subordinate policies must not contradict but, be in harmony with the policies or legislation enabled by the superior level nor step outside the mandate set by that superior legislation.^[4]

Second, the theoretical context of public policy analysis needs to be addressed. What gives meaning to public policy analysis? Is it the models used to explain how policy decisions are made? Is it how policy analysts utilize theory? Public policy analysis, according to Dye (1987:20), employs conceptual models to understand political life and decision-making. These models attempt to:

1. simplify and clarify our thinking about politics and public policy;
2. identify important aspects of policy problems;
3. Help us to communicate with each other by focusing on essential features of political life;
4. Direct our efforts to better understand public policy by suggesting what is important and what is unimportant; and
5. Suggest explanations for public policy and predict its consequences.

An interesting realpolitik example of the hierarchical nature of policy instruments may be found in view held by some policy analysts that, in the absence of a superior policy or legislation prohibiting an action, that any action is possible, i.e. "There's nothing to say that we can't do it." In the absence of legislation expressly prohibiting banishment, for example, policy-makers felt that they were permitted to create a policy concerning the banishment of trouble-makers from communities.
Numerous authors have also attempted to give public policy analysis the gleam of scientific respectability by grafting “theory” to their discussions of the field. What has emerged from their attempts, however, has been an awareness that while they have used the label of “theory” they have, in fact, been discussing models of public policy (see Brooks, 1993; Dunn, 1994; Dye, 1987; Hayes, 1992; Howlett and Ramesh, 1995; Pal, 1992).

Dye (1987) serves as a springboard to this discussion since he avoids the notion of theory arguing that “social problems are so complex that social scientists are unable to make accurate predictions about the impact of proposed policies. Social scientists simply do not know enough about individual and group behaviour to be able to give reliable advice to policy makers” (1987:17). He supports the use of ‘models’ of choice to understand similar ‘problems’ such education, criminal justice, social welfare, etc. Indeed, Dye’s (1987) models provide invaluable direction for the study of the individuals involved in the decision-making and how a public policy decision may be made. Missing from his approach is a ‘theory of policy’ or ‘theory or policy analysis’ whereas his comments that social scientists do not know enough about social realities implies that there is a role for ‘theory in policy.’

Dunn (1994) enters the ‘theory in/of policy’ debate by introducing “descriptive theory” and “normative theory.” Both theories are, in fact, logically consistent propositions to produce policy information, argues Dunn (1994: 80-81), with the former seeking to understand the policy problem and the latter seeking to solve it. He returns to the debate with discussions of theoretical forecasting and, what he terms as, “rational-comprehensive theory” and “disjointed-incremental theory.” Theoretical forecasting, Dunn (1994: 222-231) notes, involves an understanding of the past occurrences and mapping of policy arguments to devise predictions about future events. These theoretical forecasts employ an analysis of the causal assumptions of various theories coupled with historical trends and may include: potential futures (unbounded range of choices), plausible futures (historically-bounded range of choices), and normative futures (range of choices bounded by policy goals and objectives). Dunn’s (1994: 275-279) use of the term ‘theory’ to describe policy models is not atypical of the genre as seen within his descriptions of “rational-comprehensive theory” and “disjointed-incremental theory.” These descriptions are merely restatements of the rational/rational choice and incremental models of public policy analysis (see Dye, 1987; Hayes, 1992).

Brooks (1993) titled the second chapter of his Public Policy in Canada (1993) “Theories of Public Policy and, in doing so, he offers students an opportunity to examine public policy from the
theory of perspective. "A theory provides an explanation of why things happen the way they do...." noted Brooks (1993:26), "The role of theory is to make sense of the facts by explaining how they are connected." Indeed, his belief on the use of theory in policy is to explain why the state behaves in the manner it does and who benefits from those actions. In a similar manner to many policy analysts, Brooks (1993) employs the term 'perspective' interchangeably with the term model. His examination of these perspectives includes a pluralist, public choice, and Marxist model of political decision-making. These 'perspectives' are, in effect, social scientific theories which are applied to give meaning to the state's actions vis-a-vis public policy.

Pal (1992) offers support to Brooks (1993) view of the importance of theory in public policy analysis. He takes an integrative approach to the theory of theory in debate arguing that theory can inform policy while models explain it. He offers the belief that:

...there can be no real separation of theory from practice. Every "practical" and "applied" piece of policy analysis is informed by theory, whether consciously or not. The impatience that practitioners sometimes express with academic treatises is to some degree well-founded (many such treatises are atrociously written), but they should not be rejected merely because they are theoretically aware. Good policy analysts keep abreast not only of their areas of expertise but of the wider policy and social science literature. Doing so keeps the windows of the mind open, and encourages the flexibility and deep grasp of issues that only theoretical agility can provide (1992: 26).

Rather than explore theory in the core disciplines and their respective relevance to public policy analysis, Pal (1996) accepts the ability of theory to provide a meaning to the structural factors evident in policy studies at the macro level of analysis but argues for the use of models to explain, and give meaning to, the micro level activities of decision-makers. Three models are advanced by Pal (1992: 26-34), including: structural determinancy (personal and political choices are determined by the individual's systemic/structural position and values), rational actor (everyone regardless of culture, ethnicity, status, etc., acts according to rational choices and principles), and meaning systems (everyone is autonomous but guided by meanings attached to phenomena and symbols). These models give meaning to theories produced by the spectrum of social science disciplines.

Pal (1992) offers readers a reminder of the importance of these theories and models:
There are three important factors to remember about these broad families of theory: 1) they indicate nothing more than the general logic of the relationship between structures/systems/situations, actors, and interpretations those actors adopt. Within each family there are wide variations in approach; 2) the categories are not mutually exclusive. There are, for example, rational-choice Marxists, and the study of NSM [New Social Movements] has examined the structural foundations of their rise in modern capitalist states. Indeed, the more all-encompassing and elaborate a theory, the more likely it is to integrate all three logics into its explanatory framework; 3) the academic orientations produce research that is primarily aimed at explanation, not at policy amelioration per se (Pal, 1992: 34).

There remains missing from the equation, however, a definitive answer to the question of whether a ‘theory of’ public policy exists. Social scientific theory exists to help us make meaning of the general conditions and the overall phenomena in question while models of public policy exist to help us understand the actors and their respective actions within a specific, decision-making instance or process. These discussions have illustrated that the literature fails to provide a ‘theory of’ public policy analysis’ while arguing for an expanded role for ‘theory in’ public policy analysis.

For the purposes of this dissertation, it is accepted that a theory of public policy analysis has yet to be developed and that theory has a major role to play within public policy analysis. That role is to provide an understanding and integration of context with process within public policy. Yet, having stated the prominence of the ‘theory in’ perspective and the use of ‘policy models’ to explain, or make meaning, of the respective policies, we need to explore those models which exist to give meaning to the actors and actions involved within the analysis of public policy.

v. Models of Public Policy Decision-Making and Analysis

The following section offers readers several of the models which have been developed and implemented to both facilitate and evaluate public policy. While this section is illustrative of the breadth of the field of policy analysis, it is neither all-encompassing in the choice of models nor are the descriptions exhaustive. The models presented within this section, including their relative strengths and applicability to the development of “crime policy”, include: institutional, process, elite, rational/rational choice, garbage can, incremental, game, and systems models of policy analysis.

Regardless of the model of choice, each model seeks to simplify the phenomenon in question and to place it into a conceptual framework which may facilitate its comparison with similar phenomenon. As with any model, such as Figure 6, it must be appropriate for the subject matter
and, according to Dye (1987: 29), it must also:

1. Simplify and clarify our thinking about policy and public policy;
2. Identify important aspects of policy problems;
3. Help us to communicate with each other by focusing on essential features of political life;
4. Direct our efforts to better understand public policy by suggesting what is important and what is unimportant; and,
5. Suggest explanations for public policy and predict its consequences.

a. Institutional Model

If a researcher were looking for a model which explains the status quo they would need to look no further than the institutional model. Based on a belief that a problem does not become a public problem until governments take ownership of the problem and adopts a formal rather than informal approach to its solution. The institutional model of analysis reifies the public policy by offering three characteristics, namely: legitimacy (to the problem and its solution), universality (of its application to all citizens) and the coercive application of its monopoly on the use of force (Dye, 1987). Its emphasis remains on the structure of institutions, their interrelationships and behaviour

Figure 14  Typical Institutional Model of Decision-Making.  
Adapted from: Thomas Dye, Understanding Public Policy (1987).
over time. As such the institutional model would be interested in the common core within the 
relationships between diverse divisions within or between departments (Doern and Phidd, 1983) and 
their impact on patterns of institutional behaviour such as presented within an organizational chart.

The linkages between public policy and government institutions requires further examination.
One area of interest that deserves such investigation is the relation between institutional structure 
and policy outcomes, either intended and unintended, upon certain groups within society. The 
marginalization of aboriginal peoples and, to a lesser extent, women within Canadian society may 
be interpreted as one such outcome. Indeed, Chandler and Chandler (1979:97) note:

By excluding some participants and including other, by defining access points and 
influence opportunities, institutional arrangements may reflect effective power 
relationships and influence likely to produce policy outcomes. They must therefore 
be viewed as among the most pervasive constraints and dynamics on both the style 
of policy making and the substance of policy change.

b. Process Model

Although similar in many ways to the institutional model of policy analysis (e.g., focus on 
structure and organization), the process model presents the notion that public policy is the result of 
interactions between political forces and processes. In that sense, it is the dynamics of policy-
making which the process model analyzes. This approach permits public policy analysts to simplify put a degree of order into the context by following a general outline contained in Figure 15.

Yet, what is implicit within Dye's (1987) model and explicit within Jones' (1984) model is the notion of problem resolution or change being a result of the process. Indeed, Jones (1984) would perceive the public policy problem as an issue that requires government intervention, categorize the functional activities of and between those institutions involved as systems of government behaviour, and compare those activities in terms of the output they produce. Interestingly, detractors of this model have portrayed its focus on such process rather than content issues as a weakness in comparison to the institutional model.
The value of studying the process rather than content is typical of the paradigm shift among many academic and applied public policy analysts. This paradigm shift refocusses our attention from traditional examinations of "what" public policy decisions are made to "how" and "why" they are made and "what" are the implications of those decisions (Doem and Phidd, 1984). This means studying the manner by which decisions are made, within bureaucracies, as opposed to the decision itself.

c. Group Model

The group model of public policy analysis stems from the premise that public decisions are influenced by the ability of interest groups to bring to bear resources that will affect how they are perceived and treated by society and government. Individuals form common interest groups and either formally or informally use the power of that organization (Galbraith, 1983) to press a government institution for change.

According to Dye (1987:27), for example, the role of the political system is to control intergroup tension by "(1) establishing rules of the game in the group struggle, (2) arranging compromises and balancing interests, (3) enacting compromises in the form of public policy, and (4) enforcing these compromises." Such analysis may have some commonality with the structural-Marxist view of the state as an arena of struggle (Ratner, McMullan and Burtch, 1987). In that respect, changes in the relative power exercised by one interest group is accompanied by both a
shift in public policy emphasis towards that group's interests and a reduction in the influence of and public policy attention given a competitor. Most political activity is centred on the forming of alliances and coalitions between interest groups and offsetting their political pressure.

Motyl's (1987) analysis of hegemonies, for example, may be interpreted as having a high degree of commonality with both the group model and, as the subsequent discussion notes, the elite model of public policy analysis. The search for equilibrium between groups and their respective spheres of influence may be interpreted, using this model, as the primary function of public policy.

d. Elite Model

Motyl's (1987) discussion of hegemonies can apply equally to the elite model of public policy analysis as it does to the group model. Having seen that persons sharing common values and beliefs form interest groups and apply their relative power, as an organization, to influence public policy, it becomes a relatively easy transition to accept that such individuals may possess a higher or lower degree of individual autonomy and resources by reason of their ascribed or achieved position within the group, the bureaucracy or the larger society. These resources may then be brought to bear in order to influence the political environment. A public policy analysis utilizing the elite model would regard the acts of governance, therefore, as public policy initiatives undertaken to reflect the needs of the elite.
Dye (1987:29) reflects on this point and points towards the creation of common knowledge when he states: ""the people" are apathetic and ill-informed about public policy, that elites actually shape mass opinion on policy questions more than masses shape elite opinion. Thus, public policy really turns out to be the preferences of elites." It may be argued, that control of the news media will shape both common knowledge of public problems and public policy solutions (cf. Cohen, 1972; Ericson, Baranek and Chan, 1987, 1989, 1991; Gusfield, 1981; Hall et al, 1978; Voumvakis and Ericson, 1984).

An examination of the manner by which Dye's original elite model (the right-hand model in Figure 18) has been treated within the literature reveals those who would argue for a variant (the left-hand model in Figure 18) accepts the existence of not of a single omnipotent, elite, but of the existence of several interrelated elites. These interrelated elites share common values, view the political structure as designed to meet their class or group interests, and compete among themselves on a very narrow range of issues. Public policy viewed through the elite model lens may be seen not as explaining the status quo but protecting it and, therefore, although it is unlikely that serious public policies to ameliorate the status of aboriginal peoples would occur within an elite
system of governance, it is not impossible.

e. Rational Model

According to Dye (1987), the rational model is held as the most idealized, but seldom used model, of public decision-making. He notes that the rational model assumes that public policies are developed in a manner calculated to achieve the maximum level of social gain at the least overall expense. The rational model of either decision-making or public policy analysis assumes that a wide survey of pertinent information (social, economic, political, cultural, etc.) is available to those involved in the decision or analysis (Dye, 1987; Lindblom, 1968). This model requires that the analytic process not be reduced to a strict financial equation of costs and benefits but, that the researcher must:

1. Know all the society's value preferences and their relative strengths;
2. Know all the policy alternatives available;
3. Know all the consequences of each policy alternative;
4. Calculate the ratio of benefits to costs for each policy alternative; and,
5. Select the most efficient policy alternative (Dye, 1987:32).

These points are clearly illustrated within Forester's (1989) criteria for effective policy-making. Indeed, Forester notes that while policy-makers need to have:

1. a well-defined problem;
2. a full array of alternatives to consider;
3. full-baseline information;
4. complete information about the consequences of each alternative;
5. full information about the values and preferences of citizens; and
6. fully adequate time, skill, and resources (Forester, 1989: 49-50),

they usually suffer through:

1. ambiguous and poorly-defined problem;
2. incomplete information about alternatives;
3. incomplete information about the baseline, the background of "the problem";
4. incomplete information about the consequences of the supposed alternatives;
5. incomplete information about the range and content of values, preferences, and interests; and
6. limited time, limited skills, and limited resources (Forester, 1989: 49-50)

which limit the options available to policy-makers. While this model is the most widely accepted, its goals of knowing all available alternatives/consequences are rarely achieved.

Figure 18 Typical Rational Model of Decision-Making, Adapted from Thomas Dye, Understanding Public Policy, (1987)

Although the rational model is presented as a process, what often occurs is an adaptation of the rationalist model working with limited time, incomplete knowledge, misperceptions concerning public values and, finally, bureaucratic and political interference. These realities are presented by Pal (1987), not in the same manner as Dye (1987) has presented them as an ideal construct but, in a simple and logical fashion.

The public policy process is akin to a mosaic given the large number of interest groups and competing interests from which emerge a preferred course of action to deal with a public problem. Rather it seeks to put order into that mosaic by arguing for a rational (logical) and task-oriented method of decision making whose basic elements are:
1. **Objectives:** The first step in making a decision is knowing what one wishes to do or accomplish. This necessarily involves a statement of the problem as well as of goals.

2. **Alternatives:** Once the problems and goals are identified, the second step is to identify the options or means by which the objectives are to be attained.

3. **Impacts:** Each alternative will consist of a bundle of costs and benefits, positive and negative impacts on the problem.

4. **Criteria:** A fourth step is to rank all of the alternatives in order of desirability, but this requires some explicit criterion such as least-cost for a given objective.

5. **Models:** The final step before actual implementation is the construction of a model or models to help predict the empirical consequences of the chosen alternative (Pal, 1987:44).

This rational process implies that the adopted policy will result in fundamental rather than either incremental change or "mixed scanning" (fundamental/incremental mixture).

**f. Incremental Model**

The incremental model may be the most prevalent model of policy-making within Western industrialized and post-industrialized societies due to its economic conservatism. Both Dye (1887) and Lindblom (1959, 1968) regard the rational and instrumental approaches as polemics with the latter as a response to the former. Indeed, rather than the fundamental change sought by the rational model, the incremental model regards public policy as an extension or continuation of previous government policies and expenditures with changes of limited scope.

This approach is more firmly based in reality than the rational model since it realizes that the constraints of time, information and past commitments influence policy-makers more than the full range of alternatives or consequences (Lindblom, 1968). More conservative than all but the elite model of policy analysis, this model uses the past levels of public expenditure as a base from which to modify current and future expenditures and to implement new programs. According to Dye (1987:36-38), the rationale underlying such an approach may include:

1. Lack of complete resources,
2. Acceptance of the legitimacy of previous programs,
3. Current and past expenditures may preclude radical change, and
4. Political expediency (this approach reduces conflict, maintains stability and preserves the political system).
This approach is especially productive within a pluralist society, such as Canada, where "in the absence of any agreed upon societal goals or values, it is easier for the government to continue existing programs rather than to engage in overall policy planning toward specific societal goals" (Dye, 1987:38).

g. Garbage Can Model

The mixed scanning approach may be interpreted as a reaction to the limitations inherent within both the rational and incremental models (see subsequent section for a description of the latter model). The garbage can model, proposed by policy analysts James March and Johan Olsen (1979), rejected both the rational-incremental continuum and Etzioni’s (1979) mixed scanning approach as overly presumptive.\(^5\)

From their perspective, policy decision-making was too ambiguous and unpredictable to 'scanties' or make meaning of through the use of the so-called scientific models of the day. Arguing

\(^5\) Etzioni’s (1967) approach to the limitations of both these models was to suggest that optimal decisions involved a broad, often cursory, survey of the available options, a decision concerning which option is most likely to succeed, detailed analysis of that option, and implementation of the policy option.
that policy-makers rarely appreciated the causality or goals associated with a given policy statement, March and Olsen (1979) sought to make meaning of the process by illustrating that policy stakeholders usually contribute both policy problems and solutions to a metaphorical 'garbage can' as part of their ongoing involvement in the policy-making process. According to the approach taken by March and Olsen (1979), policy-makers decide on courses of action, including the setting of policy goals and the allocation of resources, in a manner which is both unpredictable and dependent upon the policy issue and solution percolating to the top of the heap within the garbage can, whereupon it is discovered and acted upon. What is missing is how certain issues rise to the top of the garbage can, perceived as issues, acted upon, and result in the creation of public policy.

Starling (1988) builds upon these notions and those of political scientists Roger Cobb and Charles Elder (1971) to expand upon the problems and solutions which March and Olsen (1979) see heaped into the garbage can model of decision-making. Accepting Cobb and Elder's (1971) observations that:

1. The distribution of influence and access in any political system has *inherent* biases. Consequently, it will operate to the advantage of some and the disadvantage of others.

2. The *range of issues and alternative solutions* that will be considered is restricted. All forms of political organizations have a bias in favour of some
concerns and suppression of others. Some issues are, in effect, organized out of the system. The popular balance of forces can change these priorities only slowly. In short, "there is a strong bias in favour of existing arrangement and agenda questions; and the legal machinery of that system is designed and operated to reinforce and defend that bias."

3. Thus, prepolitical or predecision processes play a critical role in determining which issues and alternatives are considered. Decision-making councils often do little more that "recognize, document, and legalize, if not legitimate, the monetary results of a continuing struggle of forces in society at large" (Cobb and Elder, in Starling, 1988:67-68).

Starling (1988) notes that these biases within the system of government (e.g., capitalist) and the organization (i.e., government department) serve as filters to determine which issues are either 'incubated' to see what form they will take or 'dissipated' and cast aside from serious consideration. This process is illustrated within Figure 20.

Starling (1988) goes on to discuss the incubation and/or dissipation of policy issues within the garbage can model. He notes that although some issues, and solutions, do make it to the 'top of the heap' or the institutional agenda of the government agency in question, they often lack the political support to propel them further. Other issues, he notes (1988:75-77), enter a form of gestation whereupon either the problems or the solutions may grow (independently or in tandem) until they come to the attention of political action groups, political actors, and policy-makers. The inherent difficulty with this model, however, is that solutions to problems are often gestated and emerge without any clear problem definition. They become, in a sense, solutions in search of problems to solve.

h. Systems Model

An attractive model to analyze public policy, the systems approach is predicated on the belief that public policy is the response of a political system to those environmental forces which are brought to bear upon it. This may be viewed as the interplay between forces (environmental inputs), the political system (structures and forces within government) and outputs (allocation of resources through public policy instruments) as presented earlier within Figure 5.

The systems model offers several questions which, in turn, provide direction to the public policy analyst, namely:
1. What are the significant dimensions of the environment that generate demands upon the political system?
2. What are the significant characteristics of the political system that enable it to transform demands into public policy and to preserve itself over time?
3. How do environmental inputs affect the character of the political system?
4. How do characteristics of the political system affect the content of the public policy?
5. How do environmental inputs affect the content of public policy?
6. How does public policy affect, through feedback, the environment and the character of the political system? (Dye, 1987:42)

An analyst employing the systems model would find the political system as an arena of struggle between the environmental demands from various interest groups and existing public policy requirements. This is both a strength and detractor of the systems model. The systems model offers, at first glance, an abstract method of understanding the contributing factors which led to a particular public policy rather than its consequences which may be more applicable to academic rather than applied public policy study. This is not the case, however, since the outputs are compromises rather than fundamental changes and allow for a spiral rather than circular feedback loop which refocus and regenerate new environmental inputs.

Figure 21  A Systems Model for Understanding Public Policy. Adapted from Thomas R. Dye, Understanding Public Policy (1987).
This method often conforms to the "mixed-scanning" method of introducing fundamental change in an incremental manner (Etzioni, 1976) to a population which has a large degree of faith in the political system. The systems model offers an pragmatic approach to understanding the situation of the criminal justice system in the Northwest Territories and its desire to make a fundamental change to become more responsive to the needs of aboriginal peoples but, to do so in a mixed scanning manner. The value of this model lies in the questions it engenders rather than the answers it finds.

vi. Theories or Models: The Use of Social Science in Public Policy Analysis

The challenges of employing either theory or analytic models within policy and public policy research have been presented throughout this chapter in a binary fashion: yes or no, positive or negative, or best-worst choices. Hopefully, what this discussion has illustrated is that the choice is not simply between modelling and theorizing but, one of focus within public policy analysis. While public policy analysts have yet to develop a “theory of policy,” we see that they continue to argue for use of social science “theory in policy” to give meaning to macro-level policy problems and solutions. Micro-level policy analyses, however, have tended to focus on the actions of the decision-makers in the problem-solving process.

Although the battles between those persons who would make public policy analysis into a "science" and those for whom it should remain a “craft” or an “art” continue, policy analyst M.E. Hawkesworth (1988: 19-20) notes:

... there is an unresolved tension between commitment to rationalization of the policy process and resignation to the limits of scientific authority established by the fact/value dichotomy. This tension is manifested in expressions of acute frustration that scientific policy prescriptions continue to be superseded by political considerations at critical points in the decision-making process. Professional policy scientists have repeatedly decried the irrationality and the intrigue which produce particular policy decisions. Policy texts have identified strategies to increase the likelihood that technical knowledge will be will be used in decision-making. And a great deal of attention has been devoted to a variety of mechanisms for increasing the relevance of policy science in the contemporary policy process. The proponents of the applied social science model of policy analysis do not doubt that existing canons of social science afford the technical base necessary for rational policy prescription. Convinced that the technical knowledge essential to sound decision-making exists, policy scientists confront a practical question: how to create opportunities for deploying policy expertise within the prevailing system. They accept that their role is limited to empirical investigations bearing on policy questions.
No single model of public policy analysis, such as those presented herein, is capable of examining and explaining every policy, or policy decision. If such were the case, why would noted policy analysts such as Dye (1987), Lindblom (1959, 1968), Pal (1987) and others present such numerous models? Rather than decrying these models as false prophets, however, the public policy analyst must, first, select the most appropriate type of policy knowledge upon which to act. Then, subsequent to the choice of policy knowledge, should the policy analyst seek out theories or models to make meaning of the situation, implement a course of action and evaluate its outcomes.

Indeed, public policy analysts need to be cognizant of two issues: 1) the deceptive lure of 'science' when conducting public policy analysis, and 2) the choice of models and methods will shape the eventual analysis. First, the call to be 'scientific' often lures the public policy analyst away from the fact that policy-making is a political activity not a scientific one. Choices are made for political gain, according to Hawkesworth (1988) and Starling (1988), not scientific fulfilment. In this sense, perhaps the garbage can model is the most realistic of the models presented herein. Second, policy analysts need to understand the context of the public policy arena and the alternatives which are available to them. Although a public policy problem may be understood through a either single policy lens (e.g., journalistic or personal knowledges, rational or incremental models) which offers the "best fit" or a hybrid model which, in turn, may offer more explanatory and predictive strength. It is at this point, however, that the policy-maker and/or policy analyst must be aware of the methods available to collect information and create policy knowledge. These social science methods for data collection will be explored and their relevance to the Canadian Arctic examined in the following chapter.
Chapter 3

Research Methods and Policy Knowledge in the North

Knowledge is always the knowledge of humans, and it is not something with which humans are naturally equipped; it must be acquired. Its establishment requires an effort. Since it is thus the result of wilful acts, it may be asked what the intention is which is behind the pursuit of scientific knowledge...


1. Introduction

When this chapter was first contemplated, it was envisioned that it would be a "quick and dirty" exercise. Short discussions concerning the need for triangulation of qualitative and quantitative approaches, their application within a cross-cultural environment, and then the discussion could move on to other, possibly, more important things. However, this was not to be the case. The phenomena of crime is one concern which both Aboriginal and non-Aboriginal Northerners are struggling to address. Yet, just as Northerners differ in many ways from persons in Southern Canada, so, too, does the nature and extent of crime in Canada’s Northwest Territories. Or, does it? Do the unique environmental conditions, both physical and social, influence how information concerning crime is gathered in the N.W.T. How do we, as criminal justice policy analysts, construct our policy knowledge concerning crime in the North? This chapter seeks to address those and other policy concerns.

One of the challenges faced by social scientists writing within the paradigms of their own, "established" or core disciplines is not straying too far from the centre of their respective discipline. Peripheral social science disciplines, such as criminology and policy studies, do not labour under such restrictions due, in part, to the interdisciplinary nature of their respective discipline. Both policy analysts and criminologists are often criticized for the broad scope of theoretical explanations for crime and the methodologies which they have chosen to employ. Although criminological theories are evolving, for example, many "criminologists" have merely applied or adapted the theories of their previous discipline, e.g. psychology, sociology, law, etc., to criminological subjects. The same can be said of their choices in methodology which have often focused on the processes of data collection rather than the design of the research and the analysis of its findings.
While correctly emphasizing the reliability and validity aspects of a research study at hand, all too often, criminologists and criminal justice policy analysts have incorrectly reduced their methodological concerns to whether they should employ a qualitative or quantitative approach. This reduction has resulted in the writing of many methodology texts extolling the virtues and benefits of one approach while minimizing those of the other. Rather, given the extent of public policy knowledge, the primary methodological question should become "Given the limitations which exist within policy knowledge, which methodological approach offers the greatest contribution to creating and disseminating policy knowledge concern crime?"

Political scientist James Coleman (1975) offers both caveats and direction for the study of policy impacts which help to make meaning of the discussions, thus far. As much as it has been argued, thus far, that there exists no theory of public policy analysis Coleman makes a similar claim regarding the existence of methods within the policy sciences. He argues that "...there is no body of methods, no comprehensive methodology, for the study of the impact of public policy" (1975:19) but that, like criminology in that same respect, the so-called policy sciences borrow their methods from the other social sciences. Coleman (1975:21) continues his discussion of the conceptualization and measurement difficulties faced by policy analysts by offering his re-interpretation of Cronbach and Suppes' (1969) earlier definitions6 of "conclusion-based research" and "decision-oriented research" noting that he will call "... that research which is designed to advance knowledge in a scientific discipline "discipline research," and will call that research designed as a guide for social action "policy research"" (Coleman, 1975:21).

To assist policy analysts, Coleman (1975:22-33) offers six general principles for understanding of the role of methodology within public policy analysis and to guide their inquiries. They include:

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6 Coleman (1975: 21) cites L.J. Cronbach and P. Suppes' *Research for Tomorrow's Schools* (1969) use of these two types of knowledge, describing them as:

The first is "conclusion-oriented research," in which the aim is to arrive at certain conclusions about what is, descriptively, the state of affairs. This research is designed to contribute to knowledge in a substantive area, and directly or indirectly to contribute to theory. The second is "decision-oriented research," in which the aim is to provide information that is important for policy decisions that must be made.
1. For policy research, partial information available at the time an action must be taken is better than complete information after that time.

2. For policy research, the ultimate product is not a "contribution to existing knowledge" in the literature, but a social policy modified by research results.

3. For policy research, results that are within high certainty approximately correct are more valuable than results which are elegantly derived but possibly grossly incorrect.

4. For policy research, it is necessary to treat differently policy variables which are subject to policy manipulation, and situational variable which are not.

5. For policy research, the research problem enters from outside any academic discipline, and must be carefully translated from the real world of policy or the conceptual world of a client without loss of meaning.

6. For policy research, the existence of competing or conflicting interests should be reflected in the commissioning of more than one research group, under the auspices of different interested parties where possible. Even in the absence of explicitly conflicting interests, two or more research projects should be commissioned to study a given policy problem.

These methodological 'principles', according to Coleman, are necessary to differentiate between disciplinary and policy knowledge within public policy analysis.

Two themes are central to that line of inquiry and this dissertation include: i) the construction of knowledge and ii) the utilization of that knowledge within criminology and criminal justice policymaking. Inherent within these themes are discussions concerned with differences between obtrusive and non-obtrusive methodologies, *emic* and *etic* approaches to interpreting social and cultural phenomena, and areas of diversion and convergence between qualitative and quantitative research.

These are areas of interest not only to criminologists but, also, to any researcher interested in examining the conflicts between both oral and written histories, traditional and scientific knowledge, and the interaction between communities and institutions. Those Aboriginal peoples living in Canada's N.W.T. provide an interesting case study of the approaches and techniques employed in the construction of knowledge within the social sciences and how that knowledge may be interpreted and utilized by both researchers and policy-makers concerned with criminal justice.\(^7\)

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\(^7\) To accomplish that goal, it becomes necessary to explore not only Western scientific approaches, but those approaches which are appropriate to locating and understanding the rich deposits of traditional knowledge located in the Northwest Territories. Unfortunately, due to time and page restraints, the exploration of traditional scientific approaches to knowledge will not be explored within this dissertation.
The purpose of this Chapter and the discussions contained within it, therefore, is to provide an examination of the construction of both social science and policy knowledge about the North, including the approaches and techniques employed in that construction, and the manners by which it may be utilized by those with an interest in crime, criminal justice, and criminal justice policy.

The "Rationale" section explores the construction of knowledge within the Western scientific notions of science. Within the traditions of western scientific knowledge the concepts of ontology, epistemology, and paradigm will be discussed along with their impacts on the creation of policy knowledge will be discussed. The manner of presentation is similar to that used to discuss the models of public policy analysis in Chapter 2.

The "Methodological Approaches" section of this Chapter moves the discussion past the abstract concepts within the previous section into the realm of policy knowledge, the practical. Rather than revisit the earlier discussions concerning the models of public policy analysis by asking "Who should study public policy?" and "Do we explore policy context or policy decisions?", this section explores the choices to be either obtrusive or non-obtrusive in a researcher's approach to data gathering, the actual research strategy or paradigm employed, and, finally, how a policy researcher chooses to present their respective findings. To create the appropriate context, examples will be drawn from the Northern policy environment. Although the creation and use of official crime records will be introduced within this section, Chapter 4 will explore these materials in depth as part of the discussion of Northern crime.

The "Research Design" section will present the actual design employed throughout this dissertation. As such, this section presents the inherent strengths and limitations to the design and conduct of this research. As a sequentially-triangulated endeavour, the strengths of official records of crime, census data (Census - 1991), community or public views, and the perspectives of key informants are heightened and their individual limitations reduced.

It is envisioned that this research design will provide social science and policy knowledge that will, in turn, assist both experienced and novice researchers in understanding crime and criminality in the North and further reduce the rift in understanding between Southern-based academe and field locations in the North.
2. Rationale

a. The Ordering of Things: Ontology, Epistemology and Paradigms

Reviewing recent journal articles concerned with crime and deviance, ranging from anthropology to criminology, criminal justice, family violence, law and legal studies, public policy studies and sociology, it appears that the number of qualitatively-oriented publications has decreased markedly in favour of those with a more quantitative orientation. Both of these approaches offer unique perspectives for those interested in crime and criminal justice policy. Yet, our scientific understanding of the social phenomena in question, namely criminal acts and state responses to those acts, is shaped and guided not by descriptions of the criminal acts and their frequency, but by our ontological assumptions, epistemologies and paradigms.

The interrelationship between the concepts of ontology and epistemology, for example, is presented by John Wilson (1983:2). He notes that "Ontology has to do with what exists, what is real. Epistemology has to do with knowing, how we can know what is real" (1983:2). A paradigm is the "disciplinary matrix" which defines both the problem and the appropriate methods to gather information concerning the phenomena in question (Lett, 1987:32). One of the major problems encountered by social scientists when discussing these concepts is their lack of consensus regarding what is meant by the terms themselves. For example, is it possible to find varying applications of the what constitutes a paradigm and its correct usage (Harris, 1979; Kuhn, 1970; Lakatos, 1970; Laudan, 1977; Wagner, 1984) within sociological literature. Thus, the task of this section is to explore the notions of knowledge construction within the social sciences which, in turn, define the domain of inquiry for crime policy research and the methodologies employed therein.

1. Ontology

The search for an all-encompassing definition of ontology may provide the researcher with endless hours of activity, most of it frustrating. On one hand, Wilson (1983) notes that ontology is the search for knowledge of what is real rather than the study of processes by which we gained that knowledge. According to Nicholas Abercrombie, Stephen Hill and Bryan Turner (1988:171), on the other hand, "ontology is concerned with the nature of existence. Ontological assumptions are those assumptions which underpin theories about what kind of entities can exist." Still another author, Roger Scruton (1982:332-333), holds that it is the study of "what is held to exist in itself, what only as a mode or determination of something else". He offers the countering position that ontology:
is used in a similar sense by some analytical philosophers (e.g. Quine) to mean, not the study of being but rather the class of things supposed to exist by a theory. Such a usage is also familiar among social scientists. It is often important to distinguish the ontology of a belief or practice from the ontology of the theory which explains it. Thus a functional explanation of witchcraft, unlike the practice of witchcraft, will not normally imply the existence of disembodied spirits (Scruton, 1982:332-333).

Scientific inquiry, as Thomas Burger (1987) noted, is a human activity carried out for human purposes, such as creating order out of such ontological chaos. To do so, scientists engage in the practice and process of science, namely:

the structure and processes of discovery and verification of systematic and reliable knowledge about any relatively enduring aspect of the universe, carried out by means of empirical observations, and the development of concepts and propositions for interrelating and explaining such observations (Pelto and Pelto, 1978:22).

The conduct of science is not carried out within isolation but within the community of scholars. As criminologist Theodore Palys (1989) noted this requires the commitment (and subsequent development of a "thick skin") to submit one's research to scrutiny by members of that same community. The epistemological assumptions, paradigms, foci, methodology, and results will then be examined by other scholars and through a communicative process either proved, disproved, or improved. As previously noted, epistemologies flow from our formation and categorization of concrete facts as either real or unreal. Examples of epistemologies which provide both the foundations of knowledge and the scientific method are to be found within Weber's writings concerned with the "ordering in thought of empirical reality" and Foucault's power-knowledge discourse in the rise of the medical/psychiatric professions.

2. Epistemology

The construction and validation of knowledge among and across the different social strata have been examined by numerous theorists from a variety of disciplines and approaches, notably anthropology, communications, law, and the sociology of knowledge. Epistemology, which is concerned more with the construction than the validation of knowledge, may be defined as the study of the process by which humans acquire knowledge of the external world (Abercrombie, Hill and Turner, 1988; Burger, 1987; Lett, 1987; Palys, 1989). Yet, we may ultimately reduce the construction of knowledge to a single question: "How do we know what we know?"
Propositional knowledge, for example, is based upon knowing the facts of the reality in question and asserting either truth or falsehood to those facts. Such knowledge requires the existence of three constituent elements: truth, belief, and evidence. Indeed, anthropologist James Lett (1987) notes:

Any particular claim to knowledge is warranted if the claimant is making a true assertion about the world that he or she sincerely believes based upon sound evidence. No philosopher or reasonable person would deny that truth and belief are necessary conditions for propositional knowledge — but philosophers and reasonable people do disagree, and disagree frequently, about what constitutes sound evidence for knowledge. The pursuit of epistemology, therefore, most often is concerned with the question of evidence (Lett, 1987:15).

Yet, propositional knowledge has several epistemological foundations. Lett (1987), Palys (1989), and others have noted that knowledge claims require that one or more of these foundations are required to justify its translation into a scientific fact. These include:

a. **Sense Experience**: direct sensual contact with the phenomena in question. This may involve not only observation (Palys, 1989:6) but also the other physical senses of hearing, touching, tasting, smelling, and sensitivity to temperature, light, etc (Lett, 1987:16);

b. **Logic**: the argument reaches a conclusion based upon specified rules of inquiry, e.g. if human mortality is accepted and you are a human therefore you must be mortal (Palys, 1989:6);

c. **Authority**: the knowledge claim is supported by a recognized expert in the field or institutional authority. If the authority's knowledge is not reliable, however, then acceptance of that knowledge is not warranted (Lett, 1987:17);

d. **Consensus Gentium** ("Common Sense"): an unreliable, although frequently used, source of knowledge claims. *Consensus gentium*, is often supported by statements such as "I know it's true because everybody knows it's true" or "that lightning never strikes twice in the same place" (Lett, 1987:17);

e. **Intuition**: being unable to identify the source of the knowledge claim, the individual appeals to their audience that they "know" about something but are unable to explain it further, e.g. the existence of deities, how to raise children, etc. are often claimed by intuition (Palys, 1989:17);

f. **Revelation**: the acquisition of special knowledge revealed through supernatural communication (dreams, visions, visitations, sacred books, etc.). Revelation is indistinguishable from intuition (Lett, 1987:18);

g. **Faith**: an unsupported and tautological claim to knowledge based upon belief in something which, in turn, guarantees the certainty of that belief (Lett, 1987:18).
Although Lett (1987) and Palys (1989) agree that these epistemologies are fallible and, hence, do not explain the totality of the phenomena in every situation, they assist the scientist in their ordering of the world around them. The scientific approach to knowledge is built as much upon these epistemologies as it is upon the activities of the scientists themselves. Examples from three epistemologies are offered as examples: positivism, idealism, and realism.

Generally speaking, positivism may trace its origins to *The Positive Philosophy of Auguste Comte* (1896), wherein Auguste Comte insists that the scientific inquiry must deal solely with observable phenomena and construct general laws to explain and govern them. Thus, a positivist would suggest that the natural and social worlds should be studied using the same scientific laws to explain both the general phenomena and its specific circumstances in a value-free manner (Abercrombie et al., 1988; Wilson, 1983). From the notion of general laws to explain behaviour emerges the inherent determinism of cause-effect relationships, whereby events are treated as processes involving responses to stimuli, rather than the interaction between social beings holding preconceived values.

In ontological terms, positivists hold the social world to be similar to the natural world and attempt to explain it in like terms. From an epistemological perspective, however, positivists would be in agreement with Wilson's (1983) summation of positivism within the social sciences, namely:

Social life is assumed to have properties (e.g. the degree of social inequality) which vary over time. The goal of theory is to formulate propositions which predict the quantity of this variation from one setting to another, using other variations to explain it. The assumption is that social action is concrete, quantifiable, and susceptible to scientific analysis (Wilson, 1983:13).

Implicit within this statement, however, is the notion only those facts which have withstood empirical observation are "true" and, thus, worth knowing.

Idealism proposes that the world should be understood through the subjective meanings attached to the actions by the actors. In ontological terms, idealists tend to view the world in much the same terms as Shakespeare's oft paraphrased soliloquy, "the whole world is but stage and we, are but actors playing parts" (my apologies to the Bard for paraphrasing him thus). Indeed, they would argue that the rules of the natural world do not apply as reality is a construct within our consciousness. From an epistemological perspective, the goal is to determine the rationale and motives granted to each activity by the actors involved in it (Wilson, 1983:8-9).
Realism may be explained in the much the same manner as Wagner (1984:57-60) explains theoretical competition. It (realism) takes elements from two competing ontologies, positivism and idealism, to explain the world and the phenomena which occurs within it. According to Wilson (1984), the realist ontology regards the social world the product of the interplay between the material world, conscious human agency, and the unconscious reproduction of structure to govern their actions. The realist epistemology seeks to understand the linkages between trends in observable phenomena and the underlying structure which give them meaning. General patterns and the specific meaning shape the phenomena of everyday life for the realists.

Max Weber, like his mentor Heinrich Rickert, sought to overcome "the infinity of reality" by reducing reality to the finite categories of what is real and what is not real. Both hoped that the human mind could accept such categorical knowledge more readily than infinity, and thereby introduced a neo-Kantian sense of order into the study of social phenomena, noting that:

All efforts to acquire intellectual knowledge of the infinite reality through the finite human mind, therefore, rest on the tacit assumption that in each case only a finite part of this reality can be scientifically grasped, and that it alone is "essential" in the sense of "worth knowing" (in Burger, 1987:73).

Thus, Weber accepted both the Kantian notion that reality was worth knowing and the Kantian caveat that we can never know exactly what material world is in itself but, instead, we can only understand it through the categories which we create to give it order (Burger, 1987; Collins, 1986). This was also in total agreement with Rickert's view that:

what is immediately given in the human consciousness is a flow of unformed sensations, of experience. They are vague and formless contents of human awareness. When humans have ideas of such sensations and assert that these ideas have certain categorical forms, such as existence, knowledge of concrete facts is constituted. Humans know a concrete fact when they judge that the idea of a particular sensation has the (categorical) form of, e.g., existence

Like many German nineteenth-century philosophers, Weber interpreted the scientific world in terms of polemics: naturwissenschaft (non-human, natural science) and geisteswissenschaft (human or cultural science) or nomothetic (producing general, scientific laws) and idiographic (producing case-specific interpretations)(Collins, 1986; Palys, 1989).
Weber held that the purpose of sociology, and indeed social science as a whole, was not only "to produce general laws, but to understand the meaning of particular events" (Collins, 1986:35). The method developed by Weber to bridge the gap between the general and the particular was the technique of verstehen or understanding. This understanding was, itself, to be found within the geist or "spirit" of the actors and the event and was to be used in developing ideal or categorical types from our history of idiographic-interpretations of similar events (Collins, 1986). As Rickert had earlier done, Weber held that objectivity of a fact was "due to the acceptance of this value by all those who want knowledge there is a intersubjective agreement that a certain content ought to given a certain categorical form" (Rickert in Burger, 1987:65).

Thus, it is possible to regard the construction of knowledge as an ordering of the infinite, natural and social worlds, into categorical realities which comply with the scientific practices of the period. While the rigours of validity and reliability are methodological concerns, they are influenced by the paradigm favoured by the dominant scientists within each discipline and the focus of the researcher. Indeed, one may find that within their own particular discipline that theoretical, methodological, and other divisions exist, eg. structuralist versus instrumental Marxism, quantitative versus qualitative, insider versus outsider perspective, etc. These divisions have been described by Martyn Hammersley and Paul Atkinson (1983) as the conflict between the social and natural worlds and the resultant choice between conflicting social science paradigms.

3. Paradigms

While the ordering of the natural and social worlds may be seen as the realm of epistemology (i.e. assigning finite categories to the infinite world), it is the application of paradigms within the social sciences which further refine such epistemological categorizations. Such categorizations dictate, in turn, which theories and methods may be employed within that framework. Within his innovative work, The Structure of Scientific Revolutions, Thomas Kuhn (1970) offers a definition of what constitutes a paradigm and its general use within the social sciences.

Paradigmatic research, according to Kuhn (1970), is the scientific inquiry of one or more scholars which is, then, assessed by other scholars who share the common research traditions of one "school" of thought or another. Although Lett (1987), Palys (1989), and others have noted the failure of epistemologies to explain in toto the external world, it was Kuhn's (1970) pioneering work concerning the nature of scientific inquiry which showed how the scientific community structures and,
hereby, validates scientific knowledge. Yet, what constitutes a paradigm within the social sciences and, in particular, criminology?

Philosopher Kuhn (1970) offers two distinct conceptualizations of "paradigm" throughout his early works. For Kuhn (1970), this duality is not a problem as:

On one hand, it stands for the entire constellation of beliefs, values, techniques, and so on shared by the members of a given community. On the other hand, it denotes one sort of element in that constellation, the concrete puzzle-solvers which, employed as models or examples, can replace explicit rules as a basis for the solution of the remaining puzzles of normal science (Kuhn, 1970:175).

The first conceptualization, that of shared notions of what constitutes scientific research, is deeply rooted within the commitment to submit one's work to scrutiny of like-thinking scholars as noted previously by Palys (1989). This practice has led, in turn, to the creation of "schools of scientific thought" which determine what, indeed, is a scientific fact. The second conceptualization actually precedes the former as it is, itself, the process by which these disciplinary matrices are created. Successful research becomes reified as ideals or exemplars, within the scientific community in which it occurs, and is, then, dissected to emerge as the theory and method practised by members of that scientific community as shown in Table 4.

On one hand, dominant paradigms:

consist of particular ontological assumptions and particular epistemological principles and embody as well a set of theoretical principles, from which, ideally, specific testable theories are derived. Perhaps most importantly, paradigms include a definition of the appropriate domain of inquiry to which those epistemological and theoretical principles are to be applied (Lett, 1987:32).

On the other hand, paradigms fall aside, when confronted with anomalies which they cannot explain (Kuhn, 1970:52-77), and are replaced with others which account for more of the anomalies than did the previous paradigm. Kuhn (1970) describes this process alternately as "scientific revolutions" and "paradigm shifts".

This type of activity has been described by Kuhn (1970:463) as the establishment of "disciplinary matrices" and by others as scientific research strategy (Harris, 1979), research programme (Lakatos and Musgrave, 1970), and research tradition (Laudan, 1977).
<table>
<thead>
<tr>
<th>Approach/Methodology</th>
<th>LITERARY</th>
<th>ETHNOGRAPHIC</th>
<th>ETHNO-METHODOLOGY</th>
<th>SURVEY RESEARCH</th>
<th>BEHAVIOURAL</th>
<th>ACADEMIC</th>
<th>POLITICAL ECONOMY</th>
<th>ERISTIC</th>
<th>SYMBOLIC</th>
<th>POSTU-LATIONAL</th>
<th>FORMAL</th>
</tr>
</thead>
</table>
| **Approach**<br>Novel<br>Traditional<br>Anthropology<br>Freudian<br>Life History<br>Psychobiography<br>Case studies | **Novel**<br>Traditional<br>Gentleman<br>Explorer<br>e.g. Tyler<br>Anthropology<br>e.g. Lewis<br>Psychobiography<br>Freudian<br>case studies | In-depth descriptive studies of small-scale bounded communities e.g. Firth | Ethnography of everyday life in complex society to categorize & code actors' meaning systems in their "definition of the situation" e.g. Spradley, Garfinkel; Transactional Analysis (from Boas) | Descriptive study of large populations, by standardizing content & sampling (collects data at a single point in time) | Modern behavioural science (Pauler, Skinner, Pareto, Michels, Laswell) | Policy analysis<br>Linguistics<br>Location theory<br>Child development<br>Child Spatial analysis | Historical synthesis; historiography; e.g. Toynbee, Gibbons; Psychoanalytic theory; Sociological treatises (Webb); Library criticism (e.g. E. Wilson) | Grounded Marxism (Detailed empiricism in theoretically determined categories) (e.g. Frank) | Dialectics (thesis/antithesis) | Mathematical economics<br>Psychometrics<br>Sociometrics<br>Game theory<br>Learning theory<br>Symbolic philosophy | Euclidean geometry<br>Graph theory<br>Organization models<br>Network analysis | **Objective**<br>Historical<br>Synthetic<br>Inductive (Small-scale) | **Analytic**<br>Abstract<br>Formal<br>Deductive | **Source:** Marilyn Gates, *Research Design Seminar.* (1987: SA-857 seminar notes)
The value of the notions of ontology, epistemology, paradigms to scientific research may be found in the structure of scientific research which results from their use. In his *The Culture of Public Problems*, Joseph R. Gusfield (1981) offers numerous examples of the interplay between *consensus gentium* (common sense) and scientific research to construct knowledge. Indeed, he notes the manner through which he distinguishes between "public" and "scientific" facts and that:

The knowledge of the scientist is knowledge in the abstract. Presupposing a universal audience it need make little effort to wrest practical significance from data or conclusions. It need make no concessions towards persuasion. The knowledge of the practitioner, the political official, the bureaucrat, the journalist, is knowledge-in-use. If not governed by such knowledge, we are at least influenced by its consequences (Gusfield, 1981:75),

The difficulties which arise when disciplines clash, such as law and anthropology, and may be minimized when both the problem and the mechanism for understanding it are compared and evaluated using similar criteria. Indeed, not only does the discipline of legal anthropology offer an example of two competing, but commensurate, paradigms explaining anomalies which its competitor is incapable of explaining but, so, too, do the competing approaches to data gathering (unobtrusive vs. obtrusive), the overall strategies or paradigms of research (qualitative/quantitative/triangulated), and the methods of conveying the findings (*emic* and *etic*).

**b. Is Methodological Synthesis Possible?**

Within his *Research Design: Qualitative & Quantitative Approaches*, educational psychologist John Creswell (1994) offers one of the few texts which brings together the abstract concepts of ontology, epistemology, and paradigm and applies them to concrete applications within research methodology and design. Many other methodologists merely present these concepts as if they were one and the same as theory (cf. Maxfield and Babbie, 1995; Renzetti and Lee, 1993; Strauss and Corbin, 1990) or are inherent to the methodology employed (see Brewer and Hunter, 1989; Palys, 1989). Creswell (1994) offers his readers an understanding of the consequences of their ontological, epistemological, and paradigmatic choices for the type of study they conduct and the methodology they seek to employ.

Throughout this text, Creswell (1994) employs the label "paradigm" in the same manner which many other researchers employ "methodology" or "perspective" with regard to qualitative or
### Table 4

| Cresswell's Comparison of Quantitative and Qualitative Paradigms Assumptions |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| **Assumptions** | **Question** | **Quantitative** | **Qualitative** |
| Ontological Assumption | What is the nature of reality? | Reality is objective and singular, apart from the researcher. | Reality is subjective and multiple as seen by participants in a study. |
| Epistemological Assumption | What is the nature of the relationship of the researcher to that researched? | Researcher is independent from that being researched. | Researcher interacts with that being researched |
| Axiological Assumption | What is the role of values? | Value-free and unbiased. | Value-laden and biased |
| Rhetorical Assumption | What is the language of research? | - Formal  
- Based on set definitions  
- Impersonal voice  
- Use of accepted quantitative words | - Informal  
- Evolving decisions  
- Personal voice  
- Accepted qualitative words |
| Methodological Assumption | What is the process of research? | - Deductive process  
- Cause and effect  
- Static design - categories isolated before study  
- Context-free  
- Generalizations leading to prediction, explanation, and understanding  
- Accurate and reliable through validity and reliability | - Inductive process  
- Mutual simultaneous shaping of factors  
- Emerging design - categories identified during research process  
- Context-bound  
- Patterns, theories developed for understanding  
- Accurate and reliable through verification |


Quantitative methodologies. The lineage of his use of 'paradigm' can be traced back to the work of Jane Smith (1983), from whom he borrows the domain of the quantitative research paradigm as including "the traditional, the positivist, the experimental, or the empiricist paradigm" (Creswell, 1994:4) and that of Yvonne Lincoln and Egon Guba (1985) which includes "constructivist approach or naturalistic...the interpretative approach... or the postpositivist perspective" within the qualitative 'paradigm'. Deconstructing the two dominant research strategies, i.e., qualitative and quantitative, Creswell (1994) contrasts their constituent elements to one another using their ontological, epistemological, axiomatic, rhetorical, and methodological assumptions arguing that these
distinctions influence the design and conduct of all phases of the research. These elements and their respective differences may be seen within Table 4.

For the purposes of this dissertation, such a synthesis of research assumptions offers a clear understanding of the strengths and focus of the quantitative components (crime and census data) and the qualitative components (community meetings and key informants). Furthermore, it aids in understanding the rationale underlying those methodological choices made in the gathering, analyzing, and reporting of the data concerning the Northwest Territories.

iii. Methodological Approaches:

a. Qualitative, Quantitative, and Triangulated Paradigms

One of the inherent difficulties within the social sciences is the elusiveness of a consensus surrounding the categorization of the various research strategies. Educators Catherine Marshall and Gretchen Rossman (1989, 1995) note that nowhere is this more the case than within the distinctions between qualitative and quantitative research paradigms due to the lack of a consensus and agreed upon definition.

A review of several research methodology textbooks supports this claim (Babbie, 1989; Bailey, 1982; Nachmias and Nachmias, 1967; True, 1989) with Creswell (1994) appearing to be the sole light in the methodological wilderness with his cries for researchers to understand the basic assumptions underlying these distinctions. For the most part, these texts have usually listed a mere two references to either "qualitative data" or "qualitative research" within their respective indexes, as opposed to numerous entries related to quantitative-oriented research. One of the obstacles to that consensus has been the tendency on the part of many researchers to link field research with qualitative research (Babbie, 1989; Marshall and Rossman, 1989). This may be due, in part and the concepts of 'fuzzy logic' notwithstanding, to the fact that "field research more typically yields qualitative data: observations not easily reduced to numbers" (Babbie, 1989:261). Indeed, this may be the essence of the qualitative/quantitative distinction, namely: the numerical value assigned to the observations recorded (Bailey, 1982; True, 1989).

b. Qualitative Paradigms

Representative of the view which links qualitative research, as a whole, with field research
is David Nachmias and Chava Nachmias' (1987) *in choate*, or incomplete, comment that:

> Qualitative researchers attempt to understand behaviour and institutions by getting to know well the persons involved, their values, rituals, symbols, beliefs, and their emotions. Applying such a perspective, one would, for example, study poverty by immersing oneself in the life of the poor, rather than collect data with a structured interview schedule (Nachmias and Nachmias, 1987:287-288).

Yet, while this comment offers the first iteration, so to speak, of what constitutes qualitative research, a more complete definition emerges when Marshall and Rossman (1989:46) note that:

> In short, the strengths of qualitative studies should be demonstrated for research that is exploratory or descriptive and that stresses the importance of context, setting, and subjects' frame of reference.... The qualitative design follows Thomas' (1949) proposition that it is essential in the study of people to know just how people define the situation in which they find themselves...

Having presented the notion that the issue for research is not which methodological strategy or paradigm to chose, but when to employ them, a brief discussion of those methods which have dominated qualitative research in the North is required. While the methodological options are numerous, few have been chosen by those conducting social science research in the North. The traditions of Northern research have, for the most part, shunned away from such quantitative approaches as experimentation/quasi-experimentation and content analysis in favour of traditional ethnographic research, archaeological research, museum research, the collection of life histories, ethnohistorical research and traditional historical research (Carmack, 1971; Carr, 1964; Collins, 1984; Fenton, 1966; Lucey, 1964; Mandelbaum, 1973; Sturtevant, 1966; Trigger, 1982).

The four-fields of study within the disciplinary realm of anthropology, for example, cover a large number of research strategies within the social sciences. As the discipline itself is a victim of continuous internecine battles over what its scope and methods should encompass, it seems somewhat ironic that a criminologist, Richard Kania (1983), provides an appropriate definition of anthropology. In his "Joining Anthropology and Law Enforcement" (1983), Kania offers both an example of that scope and the inherent difficulty of such breadth when he notes that:

> Anthropology, the scientific study of our human species in all of its physical, cultural, and social diversity, already is a synthesizing discipline, spreading its holistic intellectual umbrella over all of the activities of human kink, certainly among them the
law and its enforcement. But this is hardly more than a sophism, for anthropology is best known for its inquiries into the "primitive" human condition and few anthropologists have concerned themselves with industrial societies.... Recently, however, some anthropologists have turned their attention to modern, industrial societies. And because of the diversity within anthropology and the multitude of interests held by its practitioners, anthropologists, especially in physical and social anthropology, have made significant contributions to the law enforcement field and, more generally, to all of criminal justice and criminology (Kania, 1983:495).

Anthropology offers science more, however, than the study of separate cultures, seeking to identify both individual and general traits among those its studies. This endeavour at hand, for example, may be classified (with apologies in advance to any sociologist who reads this passage) as the anthropology of knowledge approach to the study of law. After all, who better to study those who study the law in action than anthropologists steeped in the traditions of ethnographic fieldwork?

Figure 22 Anthropology and its Subfields.

1. Traditional Ethnographic Research

Traditional ethnographic research, according to Carmack (1971) seeks to determine the nature and extent of cultural diffusion between geographically adjacent cultures and reconstruct, if possible, the temporal sequences of cultural change through first-hand contact with the culture-bearers. Anthropologist Clifford (1986) places ethnography between them, commenting:
Ethnography is actively situated between powerful systems of meaning. It poses its questions at the boundaries of civilizations, cultures, classes, races, and genders. Ethnography decodes and recodes, telling the grounds of collective order and diversity, inclusion and exclusion. It describes the processes of innovation and structuralism, and is itself part of these processes (in Clifford and Marcus, 1986:2-3).

It could said, without fear of criticism, that traditional ethnographic research has dominated the conduct of social science research in the North since the time of Boas (1885) and will continue to do so as both governments and aboriginal political organizations have discovered the value in ethnographies to illustrate either cultural change over time or as the result of interaction with the resources and demands of the ecological niche.

Within the Northwest Territories, there has been a tradition of excellent ethnographic research which has continued since the fieldwork conducted by Franz Boas during the early 1880s. Based upon twelve months of fieldwork under conditions which were both physically and emotionally demanding, Boas' *The Central Eskimo* (1885) was primarily a descriptive rather than inferential study of Inuit living within the Cumberland Sound and Davis Strait areas of Baffin Island. Two themes emerge and remain at, or near, the surface of Boas' (1885) descriptions of Inuit life, namely:

1) The use of an eclectic perspective using complete descriptions from all available information and collection techniques; and,

2) The use of systematic fieldwork moving from key informant to key informant in selected subject areas. It has been said by some that moved from such individuals only after he had "milked them dry of all valuable information" (Harris, 1968).

However, the latter was more often implicitly rather explicitly presented through Boas' lack of identification of his aboriginal informants or their comments.

The first chapters of Boas' *The Central Eskimo* (1885) were written, apparently, to conform to the requirements of his funding body, the German Polar Commission, and provide excellent descriptions of the physical geography and cartography of the area. From that point onwards, though, it appeared that Boas' main concerns were:

1. The accurate representation of the culture with a respect for the accomplishments of the culture-bearer;

2. Noting the phenomena of culture contact and change; and,
3. Commenting on the relationships and dependence of the contemporary (1885) settlement patterns and migrations to the physical environment.

Boas (1885) conducted his research using what would become the model for many American ethnographers during the next sixty years, namely participant observation and interviewing key informants. These primary methods were augmented by the use of Inuit geographical names and informant-drawn maps (probably to appease his funding sources). Throughout his fieldwork Boas (1885) continuously followed the patterns of 'observe-describe-classify-accept the local world-view' of the phenomena which he then presented in the language of the external world-view. The fact that he spent a twelve month period in the Baffin gave the advantage of presenting the seasonal variances in subsistence food-gathering and social activities.

It must be said of Boas (1885) that although he remained true to basic empirical methods by referring to previous accounts (Hall, 1865; Lyon, 1824; Parry, 1821), his work did not lead to easy verification by his contemporaries due to the state of Arctic transportation at that time. In closing, it must be said that one of the most significant contribution made by Boas (1885), was his classification of social behaviours as either "traditional" or "changed" in their expression. He used, for example, the term "shooting" to illustrate those behaviours which had changed from their common Inuit form due to European influence and "harpooning" for those traditional forms of the same subsistence hunting event.

Today, there exists a strong tradition of field-based research in Canada's North which has been built upon the foundations provided by Boas (1885). Often employing the same techniques under similar conditions to those which Boas endeavoured, there have been notable studies published concerning Inuit social organization and socialization (Balikci, 1970; Briggs, 1970; Damas, 1972; Matthiasson, 1975; van Stone, 1959, 1967, 1970), changes in settlement patterns and community disintegration (Berreman, 1955; Honigmann and Honigmann, 1965, 1970; Mayes, 1978, 1982; Paine, 1971, 1977; Vallee, 1967;), and traditional Inuit methods of social control and conflict resolution (Finkler, 1975, 1981a; Graburn, 1969; Hoebel, 1954, 1967; Pospisil, 1978; Rasing, 1983; Schechter, 1982; and van den Steenhoven, 1955, 1959).

2. Archaeological Research

Archaeological research is concerned with the collection and measurement of the physical
evidence of a culture or society which may, or may not, exist at the present time (Jolly and Plog, 1979; Nelson and Jurmain, 1982; Willey, 1964). Indeed, having determined the existence of a social unit, archaeologist seek to understand the changes which took place during its lifespan. As archaeologist Clifford Hickey (1977) notes:

this means that he must proceed through a definite series of steps in analysis. As a first order of business, he must define his system by setting forward the sub-systemic components he wishes to study. Most often this will take the form of a functional analysis. The genesis of this static perspective of his data may be based on analogical arguments of various types, or on formal analysis which suggest function, or on any other logical basis which is seen as relevant to the specific case (Hickey, 1977:9-10).

As a discipline, it seeks, according to Willey (1964:35), to contribute an understanding of "both the particulars of the past in specific times and places and to generalizations about past events." To accomplish this goal, archaeologists apply numerous techniques which not only exhume and preserve physical traces of man's passage in time but, also infer and attribute socio-cultural meaning to those same artifacts (Willey, 1964:35-36). Since archaeological remains are typically non-documentary, they provide a chronological record which historical documents are unable surpass (Sturtevant, 1966).

Arctic archaeology has flourished since the days of the Canadian Arctic Expedition (1913-1918) and the Fifth Thule Expedition (1921-1924). The discovery of Dorset, Pre-Dorset, and Thule sites continues to the present day. Although "digs" have been conducted throughout the Northwest Territories, Baffin Island in the Eastern Arctic provides excellent examples of current archaeological research and field studies due to the record of social and historical changes which have taken place there. Sabo (1981) and MacDonnell (1977) are typical examples of modern research.

Examining culture change among the Thule, George Sabo III (1981) conducted numerous excavations near Lake Harbour, N.W.T. at Okivilialuk, Talaguak and Itinapik. Within his Thule Culture Adaptations on the South Coast of Baffin Island, N.W.T. (1981), he presents an ecological analysis of the effects of climatic change upon the Thule culture in southern Baffin Island. Through his examination of cultural artifacts, faunal remains (including sea mammals), and structural traces he was able to argue that not only had Thule subsistence-settlement patterns changed over time but, were also extremely flexible unlike the ecological specialization practices of their Dorset predecessors (Sabo, 1981).
Whereas Sabo (1981) examined the cultural adaptations within a society as the result of ecological changes, Barry MacDonnell’s *The Innigen Settlement, Baffin Island: An Example of Post-Contact Eskimo Habitation Structures* (1977) sought to explain changes within a society based upon cultural traits introduced by another cultural group. MacDonnell (1977) was able to examine the structural remains of several Historical Inuit houses in the western area of Cumberland Sound. His excavations were integrated with historical accounts of the area. The results, published as part of his doctoral dissertation, included evidence that European whalers and traders had provided the impetus for establishing permanent camps and housing structures. What was amazing, however, was this was carried out in the face of a general lack of wooden building supplies and that the internal arrangement continued to follow traditional Inuit household patterns (MacDonnell, 1977). With the advent of permanent housing, MacDonnell (1977:124-125) noted that illness and mortality rates among Inuit skyrocketed.

Indeed, it should be noted that archaeology in the Canadian Arctic has also pursued traces of non-aboriginal or European contact, such as the discovery and restoration of Kellett’s Storehouse on Dealy Island and the discovery of the graves and bodies of three of Franklin’s crew at Beechey Island near the current site of Resolute Bay, N.W.T.

3. Museum Studies

Museum studies are presented by Fenton (1966) as permitting the study of vanishing technologies in societies where field study is still possible in order to provide an understanding of the material culture and a base for the testing of new ideas in the field. The other aspect of museum studies permits the examination of cultural change among long-extinct societies based upon cultural relics and fetishes. As these two limited definitions note, this type of research has its roots firmly planted within the traditions of archaeology and ethnology as both groups have returned from their "time in the field" with various cultural properties of the society under review. In her Master of Library Studies thesis, *Inuit Oil Lamps at the Nunatta Sunaqtangut Museum, Frobisher Bay, Northwest Territories*, Joanne Bird (1982) offers an example of how the latter aspect may be put into practice.

One of the idiosyncrasies of colonial nations has been the collection of physical artifacts from so-called "primitive societies" and the establishment of museums, such as the British Imperial Museum and the U.S. Smithsonian Institute, in which to hold them.
Etymologically, a museum is a place dedicated to the muses. Although astronomy and history were perhaps more at home there than dance and erotic poetry, the force of that etymology was clearly manifest two thousand years ago in the Museum of Alexandra.... Modern museums, too, have been called secular temples, and the spirits of certain muses of the muses still inhabit and sometime inspire them; but the common denomination of modern definitions of "the museum" is distinctly material. Museums are institutions devoted to the collection, preservation, exhibition, study, and interpretation of material objects. Insofar as they are "anthropological" museums, in the broader Anglo-American sense of the term, they are the archives of what anthropologists have called "material culture." Characteristically, these objects of material culture are the objects of "others"—of human beings whose similarity of difference is experienced by alien observers as in some profound way problematic (Stocking, 1985:3-4).

This tradition has, until recently, relied on the archaeologist to gather/plunder the cultural artifacts from the society under review. Again, this is idiosyncratic of western societies notably those passing through the imperial segment of their development, that gathering cultural property from other less-developed societies is evident of ownership and demarcation between themselves and the "others". Anthropologist James Clifford (1985:238) notes one such difference "For in Melanesia one accumulates not to hold objects as private goods, but to give them away, to redistribute. In the West, however, collecting has long been a strategy for the deployment of a possessive self, culture, and authenticity."

One step away, although a tiny one at that, is the re-orientation of many collections into "living" exhibitions which portray some of the current cultural activities of the society under review and, in turn, permit the type of study described by Fenton (1966). Examples of this type of research may be seen in museums which specialize, for example in Northwest Coast (North America) or Amazonian (Brazilian) indigenous peoples. Simon Fraser University's Museum of Archaeology and Ethnology or the University of British Columbia's Museum of Anthropology, for example, often ring with sounds of carvers and the aroma of fresh cedar as Northwest Coast artists practice their crafts.

Although excellent collections of Dene and Inuit material culture from the Northwest Territories may be found within the National Museum of Man (Ottawa, Ontario), the Smithsonian Institute (Washington, D.C.), and the British Museum (London, U.K.), there are other non-academic concerns which must be addressed. During the last few years many Inuit, such as former-Northwest Territories MLA Peter Ernérk and former-President of the Inuit Tapirisat of Canada Rosemary Kuptana, have argued that anthropologists and archaeologists have been little more than common grave-robbers in their collection of both Inuit material culture and the physical remains of their
ancestors. Their outspoken remarks have finally prompted the territorial and federal governments to enforce existing legislation in the regard and to pressure foreign governments and museums for the return and reinterment of many Inuit remains.\footnote{The emotion which this issue is found within Kenn Harper's ethnohistorical account, *Give Me My Father's Body: The Life of Minik, the New York Eskimo* (1986), and 1990-1991 editions of the *Nunatsiaq News*, concerning Peter Ernerk's campaign to have Inuit remains returned.}

4. Life Histories

Life histories are the collected accounts, according to ethnohistorian David Mandelbaum (1973), of the life of an individual, completed or ongoing, which emphasize their coping with society rather than the societal perspective. The corpus of Arctic literature contains numerous Inuit accounts which appear, at first glance, to be "life histories" and range from "snapshot" accounts of a short period in an individual's life to chronological accounts of that person's life from their earliest reflections to the present (which was often once they had become an elder in the group).

More indepth analysis reveals, however, that these accounts fall into one of Mandelbaum's (1973) two categories. These categories differentiate between a life history study, aimed at describing how the individual copes with society over time, and a life passage study which describes how a society copes with the stream of individuals over time. Three excellent life histories have been gathered by Dorothy Eber (1975, 1977, 1989) which, in turn, describe the lifestyles of Inuit of the Cape Dorset area since the arrival of Qallunaat whalers, traders, and missionaries.

As with participant-observation and ethnographic interviews, life histories may be biased by the style and conduct of the actual interview and by inconsistent interpretation/translation. These are concerns which must be addressed by the gatherer of life-histories. Two additional concerns which may influence the gathering of life histories: the time between the occurrence and recording of the events and the marginality of the subjects. The former has been an area of theoretical rather than operational concern.

In his article on life histories, Mandelbaum (1973) notes the different views on this matter, starting with Boas' (1943) belief that the value of life histories are somewhat dubious as "...they are valuable rather as useful material from a study of the perversion of truth brought about by the play
of memory with the past. Indeed, Mandelbaum (1973) notes anthropologist Clyde Kluckhohn's (1945) position on the value of life histories, stating that:

Kluckhohn recognized the many problems of reliability, validity, and interpretation that are involved in the use of life histories, but saw their potential advantages for studies of social change, as clues to implicit themes, as documentation on roles, as demonstration of socialization and enculturation, as an entry into understanding personality, as a view of the "emotional structure" of a way of life, as a means toward understanding variations within a society, and also of seeing the "common humanity" among peoples. Yet the use of life histories, as he appraised it 1945, was more promise than actuality (p. 133): "Perhaps the most salient conclusion which emerged from our survey of published life history documents was the deficiency of analysis and interpretation" (Mandelbaum, 1973:178).

The latter concern questions the representativeness of these persons who willingly open their 'souls' to the outsider and the purpose of such openness in the writing of their life history. Often those individuals first encountered by field researchers are marginal in relation to the society and much the same may be said of those who permit the writing of their life histories. Eber's (1975) two main informants were marginal but, not in the negative sense normally attributed to that term.

Peter Pitseolak was marginal, in terms of his moving into the settlement of Cape Dorset, rather than remaining in his camp at Keatuk, and his photographic activities accentuated this 'marginality'. Pitseolak was exceptional in both his later leadership of Keatuk and his desire to preserve a record of the old ways for future generations, both Inuit and Qallunaat. His niece, Pitseolak Ashoona, was not marginal in either of the ways mentioned in relation to Peter Pitseolak; she was a typical Inuk woman in most ways, save for her exceptional artistic ability which caused her marginalization. Ashoona presents the image of a woman in the act of becoming an artist and her life once she has become an accomplished artist. Her story, if this is the correct use of that term, was told simply to a Qallunaat woman who asked her to do so, rather than for any specific purpose on Ashoona's part. This is typical of many Inuit of her generation.

5. Traditional Historical Research

Traditional historical research has often limited itself to the study of the past as reflected in written records, with pre-literate cultures lacking their own written history are held as lacking any history (Sturtevant, 1966). Indeed, Sturtevant argues that the nature of the written evidence has often restricted traditional historical research to the political, dynastic and military history of a society.
rather than the areas of interest to anthropologists and ethnohistorians, namely the cultural and political spheres of social life (Sturtevant, 1966:10).

Yet, history must be much more than the recording of great events in literate societies and the ritualistic consultation of vast libraries by successive generations of students. While including the definition offered by Sturtevant (1966), history also seeks to help man to understand duality of inherent in the 'truth' of his past and present situations in terms of socially significant activities occurring in a changing world, or as Carr (1964) simply put it "an unending dialogue between the present and the past." According to Lucey (1958), for example, such historical 'truth' is found within the "permanent, basic factors and forces (causes and conditions) behind historical continuity and change in human history", namely: man, the physical world, the cultural milieu, and the supernatural. History, according to Carr (1964:55), is also a study in the discipline's duality which is found, first, within the term itself which he holds to mean "both the inquiry conducted by the historian and the facts of the past into which he inquires" and, second, within the dual functions of the discipline, namely "to enable man to understand the society of the past, and to increase his mastery of the present."

While the notions of what constitutes history, historical fact, and the methods utilized to determine historical fact are excellent measures of traditional history, i.e., accounts of economic, military or political events which occurred in literate societies, they fail to adequately address the history of non-literate, aboriginal societies throughout the world, but notably among the Amerindian populations of North America. Historians steeped in the written traditions of Western society have found that both Dene and Inuit societies have practised an oral rather than written history. This has resulted in a history of the North that is primarily European or Euro-Canadian in form and content due to the lack of published materials written by Aboriginal authors (see Little Bear, Boldt and Long, 1984).

Excellent examples of historical research conducted in and about the North include Doug Wilkinson's *Arctic Fever: The Search for the Northwest Passage* (1971) and Pierre Berton's *The Arctic Grail: The Quest for the North West Passage and the North Pole 1818-1909* (1988). Both authors made judicious use of primary (journals, letters, diaries) and secondary documents (contemporary records, reviews, etc.) to present their readers with a compelling account of the major themes of Arctic exploration during the nineteenth century. Although they both offer insight into the leadership and stamina of the various exploration parties, only Wilkinson (1971) includes a
description of the roles played by either Dene or Inuit. The differing roles played by two Dene leaders, Chipewyan chiefs Chawchinahaw, Cooneequessee, and, most importantly, Matonabbee and Akaitcho, in Heame's wanderings towards Coppermine are deftly explained by Wilkinson (1971). Yet, for the most part neither historian chooses to present the aboriginal perspective of the same events. Perhaps, this is due to the inability of their sources, through choice or omission, to address the non-literate history of the Chipewyan.

This approach towards understanding the Aboriginal history of North America continues to the present day. Many authors, including those who claim to present the aboriginal perspective of the relations between aboriginal peoples and the Euro-Canadians, often fall prey to their own professional biases and the corresponding lack of written aboriginal accounts of events. Historian Cornelius Jaenen, for example, attempts to present the aboriginal perspective in his "Amerindian Views of French Culture in the Seventeenth Century" (1988), yet presents only five directly quoted passages by Aboriginal speakers within an article which contains a total of twenty-six contemporary quotations!

6. Ethnohistorical Research

The task of redressing this inadequacy has been taken up by the ethnohistorian, including such notable authors as William Fenton (1966), June Helm (1978), Harold Hickerson (1966), William Sturtevant (1966), and Bruce Trigger (1982, 1986). Yet, ethnohistorical research should not be regarded as a panacea in this regard. Indeed, that inadequate state of affairs has improved little since Harold Hickerson's (1966) comment, that "In general, historians whose work involves Indian-European relations have been as ignorant about culture as anthropologists have been as naive about history.... A quick look through the ethnohistorical journals will disclose that there is little culture in them" (in Fenton, 1966:72).

Ethnohistorical research is subject to broader interpretations due to the dual nature of its field of inquiry: the intersection of anthropology and history. Trigger (19822) presents the view that "there merely seems to be a tacit agreement that ethnohistory uses documentary evidence and oral traditions to study changes in non-literate societies from about the time of the earliest European contact," whereas, the aim and methodological concerns of ethnohistory are, according to Sturtevant (1966) to produce:
a description parallelling as closely as possible what would be possible in field ethnography, even though the evidence is not what the anthropologist has himself observed, overheard, and been told, rather what others, non-anthropologists, have learned and written down (Sturtevant 1966:7).

The historical accounts of aboriginal peoples throughout North America have been found mainly among the records of fur-traders, missionaries and government agents, who expressed their own biases and hidden agendas through their accounts. Yet, having commented on their biases, these same biases must not be seen as a rationale for discarding the valuable information which may be discerned. Carmack (1971) notes the value of such accounts:

even where ethnographic methods are the primary technique employed in reconstructing the cultural past, there exist documents which, when properly interpreted can greatly improve the study.... Thus, only through the use of documents can requisitely detailed data on past cultural forms be obtained, which is necessary for testing the validity of basic concepts about structure, function and process. Further, documentary studies often lead to the establishment of time levels for cultural reconstruction, to which one may work backwards in time using ethnographic methods (Carmack, 1971:130).

Examples of ethnohistorical research in the Canadian North have been increasing over the since the early 1960s. These increases may be due, in part, to the hearings of the Mackenzie Valley Pipeline Commission of the 1970s and the multi-disciplinary nature of its report.

In their "The Traditional Fishery on Deh Cho: An Ethnohistorical and Archaeological Perspective" Christopher Hanks and Barbara Winter (1991) present an example of the successful application of field surveys, informant interviews, and published and unpublished accounts (anthropological/archaeological/historical) to determine the location of Dene fishing camps along the Mackenzie River and to suggest reasons for their relocation. During the conduct of their interviews of the residents of Fort Good Hope, Hanks and Winter (1991) were encouraged:

to use an emic, or Native, perspective so that we would begin to understand how they viewed their use of the camps and tenure on the land. The outcome of this collaboration was a model designed to use Slavey toponyms as variables in the development of an archaeological survey strategy (Hanks and Winter, 1991:47).

Their research revealed that although much of the Dene material culture changed as the result of contact with Euro-Canadians, Sahtu-Dene riverine use did not dramatically change as the result of
that same contact. Today, as in the past, the people of the region continue to hunt, trap, and fish in much the same manner and locations as they have for millennia.

7. Focus Groups

The *emic* approach (which is discussed later) demands the researcher possess an in-depth knowledge of the local language, seeks to discover the meaning of the events and categories assigned to them by the culture-bearer, using fieldwork which is primarily a series of interviews rather than participant observation (Pelto and Pelto, 1978). The first *emic*-oriented technique which has potential for criminological research in cross-cultural situations is the use of focus groups. Often likened to group interviews, this technique relies on the facilitator to provide a series of focused questions and the group for the direction which the discussion takes from that point onwards. Focus groups may be employed to validate other qualitative and quantitative research results and, in turn, to validate secure interpretations of those research results (if the facilitator and/or group participants choose to pursue that direction).

The commissioning of academic research by the *Royal Commission on Aboriginal Peoples* has instigated numerous scholarly discourses on the role of aboriginal justice, crime and delinquency among Aboriginal communities. At the present time, Lutra Associates Limited, a northern consulting firm is completing its research into family violence in the disparate communities of Lutsel K’e (formerly Snowdrift) and Yellowknife, N.W.T.

To determine the nature and extent of family violence, Lutra Associates have conducted a series of focus groups and selected personal interviews among the public in both of those communities, residents of MacAteer House (a Yellowknife women’s shelter) and inmates incarcerated at the Yellowknife Correctional Centre. Their focus was directed at five issues:

1. How do Aboriginal people define violence.
2. What is the nature of family violence.
3. What are causes and extent of family violence.
4. What services are there for victims and abusers? Are they effective or relevant?
5. Recommendations to deal with family violence.

Throughout their early meetings in Lutsel K’e the researchers found that definitional problems
surrounding family violence translated into operational problems when programs and services are being developed or delivered. Their informants noted, for example, that definitions of family violence varied as they responded to different situations or scenarios. In addition, they found that the definition of abuse centred around the issue of intent to harm or manipulate the other person and that the notion of acceptable behaviour was changing, e.g., punishing a lazy wife was not accepted.

Although changes in the non-acceptance of violence are occurring, the incident of child, spousal and elder abuse is continuing and remain firmly within the "dark figure of criminality" since they are not reported to police (Brantingham and Brantingham, 1984; Fattah, 1991). Returning to the focus groups for a moment, during one group session held in Yellowknife the prevalence of violence was reported as "ever pervasive" and "extremely high" as was the correlation of such violence with alcohol consumption.

The so-called acceptance of intra-family violence was noted with the comment that "we hope it will be better tomorrow." Interestingly, such views and government intervention mirror the development of programs and services in the field of alcohol addiction. These views, as those expressed by the participants and their subsequent lack of reporting to police, give support to Brantingham and Brantingham's (1984:49) view that people may not report such an offence to the police since they may not perceive it as a offence or, if they do perceive it as such, fail to report it since the offender is a family member. In addition, many victims state that they did not report it since the family would be split while the offender was incarcerated and the potential shame of both the abuse and penalty upon extended family members.

Finally, this round of focus groups revealed the need, they claim, for both the community and researchers to understand that family violence in the North began with the breakdown in community support patterns. In order to advance our knowledge in this area and its possible impact on criminological theory would require indepth interviews.

8. Public Meetings

Scholars conducting scientific research in the N.W.T. must obtain a valid Northwest
Territories Science License which is based, partly, upon community consultation. This initial community consultation must not be regarded, however, as the conclusion of the consultation/participation processes. Indeed, the researcher must not only continue to correspond with the Hamlet and Band Council and inform them of the progress of, and any changes to, the research project but, must schedule public meetings within the community once the project moves into the North.

Under ideal conditions, the researcher should follow the proper protocols of corresponding with the respective Regional Council, followed by a personal request for permission to present themselves and their research proposal at a regularly scheduled meeting of the Council. This process permits each community to be informed and their concerns to be addressed at one time. Similarly, the appropriate Hamlet or Band Council must be individually approached. Once again, this enabling process empowers the community to determine whether or not the research is acceptable and, if desired, to participate in its adaptation.

Following the "official" public meeting the researcher should attempt to undertake its "unofficial" counterpart. This entails arranging through the Hamlet/Town Council for a "public" or "open community" meeting to discuss the project and the meet the members of the research team. To accomplish the goals of informed consent, albeit at the community rather than individual level, the socio-legal researcher must ensure that both a capable interpreter/translator and sufficient numbers of the research proposal are available in the local Aboriginal language. Once again, this process empowers the community and permits their participation to occur through means other than the elected Council's permission to conduct research.

Public meetings in contemporary Dene and Inuit communities present non-aboriginal researchers, especially those attending their first such meeting, with a unique learning experience. Beginning with a prayer by an elder or community leader, the meeting may last for several hours as tradition demands that each person who wishes to speak must be allowed to do so with a minimum of interruption. A common factor in cross-cultural fieldwork is the requirement to interpret both

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10 Non-federal government researchers are required by the Scientists Act, RSNWT 1974, c.S-4, to acquire a valid science licence. The process for obtaining such a licence also involves ethics review by the researchers' academic institution, community consultation, review by the Science Institute of the N.W.T., and promises to provide the local community and the Science Institute with copies of the completed research and reports.
questions and responses which, in tum, multiplies the time required to complete the meetings by as much as factor of four. An interesting, albeit sometimes frustrating, component of community meetings is the method by which many older Dene or Inuit answer questions, namely, by way of a story rather than by a direct answer. Indeed, the socio-legal researcher may glean more valuable information from the telling of the story than from a direct "yea" or "nay" response.

One fact which is often overlooked in public meetings is that they serve to identify key members within the community: potential supporters and/adversaries, family alliances, marginal members of the community, and, finally, those members who have been informally designated as "gatekeepers" or intermediaries between the community and outsiders. For these reasons, as well as the political and legal requirements, researchers must participate in community meetings. The Traditional Dene Justice project involved a series of public meetings throughout its three year lifespan. These meetings informed the community about the study's progress, validated its findings to date, and suggested further resources. This is in sharp contrast to its counterpart study in the Eastern Arctic which employed community meetings more as a method of informing the communities of it results rather than to solicit validation and additional information.

9. Community Radio Networks

The methods of intra-community communications throughout the Northwest Territories are a unique combination of traditional methods and modern technologies. During traditional times in the camps, information was transmitted by word of mouth and by observing the actions of others. The traditional technological foundation of aboriginal peoples was based upon a subsistence mode of production which did not require a literary tradition nor did it possess the necessary resources to support such a tradition. Thus, among Inuit for example, word of mouth was the most common form of information transmission with the elders, or inummanit, passing the old ways to the new generations through the telling of stories. These were often supplemented by the telling of myths and legends by the shaman, or angakkq. The arrival of Europeans and Euro-Canadians along with their technology heralded changes in the form of Inuit oral tradition rather than its content.

The large-scale introduction of Euro-Canadian communications technology and the creation of artificial settlements throughout the Eastern Arctic have both contributed to the adoption of municipal-style government and the use of AM/FM radio stations to meet some of the needs of Inuit oral tradition and consensus decision-making. To consult with the local community, researchers
now, have more avenues from which to approach a larger number of community residents and, conversely, to be discussed by members of that community.

Each community in the North possesses a local Frequency Modulated (FM) radio station for local programming as well as the rebroadcasting of both CBC-North and Inuit Broadcasting Corporation (IBC) programmes. These radio stations provide the researcher with a unique opportunity to promote the community consultation process through the use of radio interviews and talk-shows. While the former offers the researcher an opportunity to promote their project to a large audience, it may perpetuate the scenario in which researchers, not only academics but, those researchers in the employ of government or industry, hear the voices but not the words of Northerners. Gamble (1986:21) recounts the example of how this occurred in the community of Rae:

Through all this, the Chief, the band council, and the people of Rae were subjected to countless meetings as federal and territorial officials and their consultants and specialists came and went. The people at Rae remained concerned about the health problems, but to that original concern was added a new one - the moving of the whole town. They quietly pointed out the need to stay near their fishing nets on the lake. They said that they didn't need to be near the highway. They talked of the value and meaning of their community in a geographical and historical context. They repeatedly spoke of who they were as a people. This was all done quietly and repeated many times. It was clear that the people didn't want to move.

There were more meetings at which engineers and administrators pressed home the merits of the new town and highlighted the problems with Rae. Eventually the southern officials got what they needed to justify what they wanted to do for the people of Rae. The Chief said that if all these outsiders really wanted to build the town so much, to go ahead, but the people from Rae probably wouldn't move. This was taken to be local endorsement for the project (Gamble, 1986:21).

The use of a "talk show" format on local and regional radio stations offers the researcher with a dynamic opportunity to present and discuss their research with a much broader Inuit audience. Once again, the requirements of translating the presentation and attendant questions and answers will constrain the researcher and the amount of issues which can be discussed. This is offset, however, by the personal involvement of both the researcher and the study group.

Yet, although qualitative research strategies may yield rich and descriptive data about a study group, there are limitations. Secondary data analysis, for example, is much more difficult to conduct using qualitative materials than, say, survey information. Today, there is an increasing tendency on the part of government agencies, and others, to seek to identify and understand the incidence and
prevalence of certain social phenomena, such as crime and delinquency. For such an analysis, the social scientist must adopt one of several quantitative strategies or approaches.

c. Quantitative Paradigm

The subtitle of this chapter asks the question of whether the social scientist is more interested in words (descriptive, non-numerical analysis) or numbers (inferential, numerical analysis). Having described qualitative research strategies as seeking to describe the phenomena and present it in either emic or etic terms, it becomes necessary to present the basic components of quantitative research.

The most common purpose of quantitative data analysis, methodologist Earl Babbie (1989: G7) argues, is to convert social science observations "into machine-readable form which may, in turn, permit the numerical representation and manipulation of observations for the purpose of describing and explaining the phenomena that those observations reflect". An application of quantitative research strategies is presented by criminologist Victor Jupp (1989), who notes:

Quantitative criminological research, then, views aspects of crime and criminal justice as objective phenomena. They are treated as being measurable and therefore amenable to statistical analysis as in the formulation and testing of explanatory and predictive models of crime causation. Aspects of the social world, it is assumed, can be simplified and represented by such models (Jupp, 1989:27).

What remains at the heart of such definitions is the notion that social phenomena is not only objective and quantifiable but, also measurable. This is reflective of the tendency to equate measurement or quantification of phenomena, a legacy of the physical sciences, with scientific validity.

This section will present brief descriptions of several quantitative research strategies which have been supplementing and, in some cases, replacing, the traditional methods of ethnographic research, archaeological research, museum research, life histories, ethnohistorical research and traditional historical research. What it will not describe, however, are the various statistical techniques or levels of analysis employed within the social sciences.

During the last twenty years there has been a new interest among social scientists in the use
of demographic or population studies, census reports, court or legal records, and content analysis (cf. Castle, 1986; Finkler, 1982; Meister, 1986; Moran, 1986; Wiedman, 1986). This apparent change in direction has been indicative of the emphasis placed upon aggregate levels of analysis among not only the social sciences, but also within the planning and delivery of government services (Abele, 1983; Bouchard, 1983; Finkler, 1982; Jupp, 1989; Larocque, 1983; Warring, 1990).

This may also be reflective of a new emphasis being placed on "applied" rather than theoretical approaches to social research. Political scientist Francis Abele (1983) notes that:

Applied social research asks very specific questions — for example, what will be the effect upon the family structure or the rate of alcoholism in Sachs Harbour if the Beaufort Sea Exploration Program is approved and people from Sachs are employed in the program on certain terms? The purpose [of] such research is to determine the real cost of the proposed project, and to provide information which will reduce social costs and maximize benefits (1983:8-9),

whereas, theoretical research seeks to answer general, broad-based questions.

The current Canadian trepidation concerning race/ethnic-relations and the state, especially in areas of social control, provides an excellent case-in-point. Anthropologist Joan Ryan (1985) notes that many police forces in Canada have created interdisciplinary race-relations teams to deal with the rising incidence of crime among visible minority groups. An advocate of such interdisciplinary teams, albeit guardedly, Ryan (1985) also questions their "applied" nature:

They exist but there should be many more of them. A good example of such a team is the race relations division of the Calgary Police Force. The team is made up of constables from several minority groups and of community advisors who are professional persons (including academics) and themselves also members of minority groups. I cannot rationalize that an anthropologist working for the Royal Canadian Mounted Police (RCMP) is an advocate of the type that I can cope with. However, no doubt persons in this situation who infiltrate native groups on behalf of the RCMP, national defence (or any other political or government group) have their own rationale (Ryan, 1985:213).

Depending upon your perspective, it is either fortunate or unfortunate that researchers cannot benefit from the recording of an offenders' race, ethnicity, or similar variables on the Uniform Crime Reports (UCR) used by police forces throughout Canada. This debate continues to plague researchers and does not seem to be nearing a conclusion at this time.
This shift towards applied research has also shown a move towards both an aggregate and a more positivist approach on the part of official agencies and some academics in reacting to crime. Indeed, rather than asking "Why do certain individuals commit crime?", we now find that the question being asked "What is the extent of crime across the nation?". This emphasis clearly illustrates that the ecological distribution of crime is becoming one of the major determinants in the allocation of government programmes (Finkler, 1983; Jupp, 1989). We evidence a resurgence of interest in and the utility of criminology's early cartographic school when, in order to understand the nature and extent of crime within Northern communities, it becomes necessary to employ a hybrid analysis, based on an understanding of the demographic composition of those same communities and the criminal statistics gathered about them.

1. Demographic Analysis

According to Abercrombie, Hill and Turner (1988:63) demography may be defined as:

the analysis of the size, structure and development of human populations....The crude statistics of population size and change are provided by the relationship between the birth and death rates and by migration and emigration. Two central features of population structure are the sex and age composition of human groups.

Demographic analysis, therefore, provides an understanding of the ongoing composition (births/deaths/size/membership/location/etc.) of the population being studied. Unfortunately for those social scientists not employed by either government or large private corporations, demographic analysis relies heavily upon the data gathered by such public and private agencies for their respective purposes. Such dependence upon "official" sources has produced less than favourable results and left many social scientists with the impression, according to Bouchard (1983:197), that "our knowledge of northern populations is not that much better than it was a few decades ago."

The gathering and analysis of census surveys provides the most standardized attempt to provide useful data for social scientists, governments, and entrepreneurs. These sources of rich social and cultural data, unfortunately, have been used only infrequently by Northern social scientists in the past (Moran, 1986). Census surveys also provide key insights into the nature of the society not only in terms of the current and historical demographic state of its population, but, also the extent of its industrial production, housing and agriculture (Abercrombie, Hill and Turner, 1988:30). Moran (1986:64) offers the opinion that census data may be used by social scientists, notably
Concurrent with the conduct of the 1991 Canadian census, the Aboriginal Peoples Survey sought to examine the specific conditions under which Indian, Inuit, and Métis live their daily lives. While much of the information sought by this survey was similar to that gathered by the official census survey, it also gathered data concerning the persistence of traditional Aboriginal languages and local participation in broadly-defined, cultural activities. When combined with official crime data, such survey results could offer support to numerous theoretical models of crime, e.g., culture conflict, social disorganization, etc.\textsuperscript{12}

Within the context of the three predominantly-Inuit regions in the Northwest Territories, for example, it is possible to explore the dimensions mentioned by Moran (1986) through an examination of community Family List compiled by the Government Liaison Officers in each settlement. These lists contain the actual family structures, including extended family members residing within each household, and enable kinship relations to be charted through the use of kinship diagrams.

One of the major problems encountered by social scientists conducting demographic or census data analyses in the Northwest Territories is the small population base of a jurisdiction which spans three time zones. Indeed, many of the standard statistical techniques become problematic when dealing with the 63 communities within the Northwest Territories and, often preclude comparisons with communities in Southern Canada.

2. Judicial Records

Recently, both academics and governments have focused on the wealth of information within those records, collectively regarded as judicial records (Castle, 1986; Finkler, 1982). These records include: occurrence and arrest reports maintained by the police, civil, criminal and youth court

\textsuperscript{12} Although this survey offered invaluable data to policy-makers and social scientists, many Aboriginal people followed the advice of the Assembly of First Nations political leadership and refused to participate in this survey.
activities, and institutional and community correctional records. Such judicial records need to be examined to produce a fuller understanding of the changing offender population, groups in society which may be at risk of either offending or being victimized and, finally, the activities of the agents and systems of social control.

Once access is gained to individual case files, maintained by the various police forces, researchers come face-to-face with a wide range and depth of information concerning the nature, frequency, and time of calls for service, the official response to such requests, and the outcomes of the police intervention. Although less reliable than these types of data, information collected by the responding police officer concerning the apparent racial or ethnic identities of the alleged offender and victim may improve our knowledge of the criminality of such groups within society. In an unprecedented move, the R.C.M.P. granted investigators from Crime, Law, and Justice Among Inuit in the Baffin Region, N.W.T. project total access to the operational files among the thirteen Baffin Region detachments which permitted the gathering of such data as discussed herein.

Records maintained by the adult and youth courts in Canada offer both aggregate and case-specific information concerning the accused, their offences, and outcomes as well as process information. Unlike Uniform Crime Reports, those records and reports related to caseload, operations and expenditures of the criminal and youth courts are by their very nature and content prima facie accounts of crime. One judicial document rises above the rest for its socio-legal value, namely: the social inquiry conducted prior to sentencing. Commonly referred to as either a “pre-sentence report (PSR)” or as a “pre-disposition report (PSR),” depending on whether the court is an adult or youth court. These social inquiries examine many aspects of the offenders’ past and current lifestyles and present trial judges with a “window on the soul” of the offender to assist in their sentencing of that individual.

Jointly published by the territorial Department of Justice and Arctic Public Legal Education and Information Society, legal researchers James Posyniuk and Pearl Benyck’s Sexual Assault and Sentencing (1991) offers an example of the value of judicial records. Using the incidence of sexual assault contained within the official crime reports for the Northwest Territories, Posyniuk and Benyck

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Not included within this current discussion are those records maintained as part of the alternative measures processes for young offenders (which are destroyed after a specific “crime free” period) nor those records maintained by after-care agencies such as the John Howard, Elizabeth Frye, or St. Leonard’s societies.
(1991) noted that these records could not provide the qualities which set these actions apart from other and similar acts of violence due to their level of aggregation. While not trained as social scientists, Posyniuk and Benyck (1991) produced a survey of the aggravating and mitigating factors involved in sexual assault sentencing in the N.W.T. between January 1988 and December 1989. In addition to these two categories of factors, their research provided a summary of the nature of the "typical" sexual assault in the North, including the relationships between offenders and victims.

The final group of judicial records are those maintained by the correctional services. Published quarterly as *Key Indicator Reports*, correctional data offer both academics and practitioners information not only on sentence type and length, gender, ethnicity and age, but also information concerning the offender and general populations. Using both descriptive and statistical formats, these reports offer information only on those individuals who have been processed through the law enforcement and judiciary components of the system. Correctional records offer information concerning: the programs which individuals or groups of inmates utilize, the effectiveness of certain treatment interventions, and the changes within both the offender and their home community as recorded through parole and pre-release reports. The information contained in the latter category of reports, for example, may be examined *ex poste facto* to determine the successful conditions for parole and, since they contain similar data (categories and information) to that found within PSRs and PDRs, to confirm any change among local conditions.

Within the Northwest Territories, the Corrections Service Division of the Department of Justice gathers and maintains records concerning admissions to adult gaols and probation and parole clients as well as community- and institution-based records concerning young offenders. The Corrections Information System provides a number of predetermined monthly reports concerning these activities by a large number of variables, including offender's home community, ethnicity, major offence category and sentence length. Unfortunately, these records are closed to most researchers.

These judicial records have been explored to determine their value in the formulation of public policies and programmes to translate those policies into action. Indeed, such records should be examined and compared to produce a fuller understanding of the changing offender population and those groups which may be at risk of either offending or being victimized. This is in agreement with, both, Harald Finkler's (1982) notion that the goal of socio-legal research should be to:

*correlate criminal statistics to variation and change in population characteristics*
including age, sex, ethnicity, and marital status, but also encompassing what Hauser and Duncan (1972) have classified as attained skills or qualifications such as level of education, pre-arrest employment status and occupation (Finkler, 1982:2),

and Sidney Harring's (1989) comment on the role and nature of the "new" legal history, which has been:

to study the broad social impact of the law, rather than the more narrow, traditional focus of legal history on cases, statutes and legal institutions. Coupled with this focus on a broader range of legal questions, the new legal history has examined the impact of law on a broader range of peoples (Harring, 1989:1).

Four excellent examples of the use of judicial records are offered by Joseph Castle's (1986) examination of the court records from colonial Louisiana, Finkler's (1982) use of police, court, and corrections records in the Baffin Region, N.W.T., Hamar Foster's (1989) examination of the court records of colonial Canada during the late 1830s, Sid Harring's (1989) examination of police and court records concerning the application of the criminal law to Copper Inuit in the Coronation Gulf area, and Hayli Millar's (1990) examination of sentencing practices in N.W.T. sexual assault cases.

On one hand, Castle (1986) discusses the use of the entire gamut of court records, including:

the inventories of plantations and households...land surveys, architectural descriptions of houses, accounts of the administration of estates, business and personal contracts, correspondence, copies of wills, marriage contracts, and parish baptismal, marriage and burial records. Also included within the judicial records are petitions to the governing officials from slaves for emancipation, from merchants for licenses to conduct public sales of their goods, from ship captains for absolution from responsibility for losses suffered at sea, and from traders requesting permission to engage in commerce with Europe, the French West Indies, and the English colonies in North America (Castle, 1986:381),

to create an ethnohistorical understanding of everyday life in Louisiana during the 18th century. On the other hand, Finkler (1982) examined only those records maintained in the Eastern Arctic which were of a criminal justice nature. Unfortunately, he noted, examinations of these records often revealed in unsatisfactory results due to "the existing inappropriate format of demographic data for socio-legal analysis, the dated nature of census data, and unavailable information per specific characteristics" (Finkler, 1982:12). The ideal approach would be to integrate the analyses of both Castle (1986) and Finkler (1982) with an ethnohistorical approach, the use of judicial records offers
3. Content Analysis

Content analysis may be seen as the social science technique which permits the systematic, quantitative analysis of observations obtained from archival records and documents as well as the print and visual media (Abercrombie, Hill and Turner, 1988; Nachmias and Nachmias, 1987). Although biased in favour of literate rather than non-literate societies, content analysis may be pursued at two distinct levels: cursory (the general frequency and category of key words) and detailed (the location and numerical frequency of those key words in contextual terms). Nachmias and Nachmias (1987) present the defining criteria for a content analysis as being:

any technique for making inferences by systematically and objectively identifying specified characteristics of messages. Objectivity refers here to an analysis that is carried out on the basis of explicit rules that enable different researchers to obtain the same results from messages or documents. In a systematic content analysis, the "inclusion or exclusion of content is done according to consistently applied criteria of selection; this requirement eliminates analyses in which only materials supporting the investigator's hypotheses are examined" (Nachmias and Nachmias, 1987:333).

A rough example of content analysis may be found with the context of the Eastern Arctic, it would be possible to use key words, such as: crime, deviance, social problem, youth, alcohol/liquor, drugs, etc., to select articles based upon the inclusion or exclusion of those key words in the title or subtitle of the article/information series/letters to the editor in the regional newspaper. That regional paper, Nunatsiaq News, is a bilingual (English/Inuktitut), weekly publication which serves both the region and those predominantly-Inuit communities in Nouveau-Quebec and Labrador. While the editor continues to be Qallunaat, the majority of the news and production staff were Inuit from communities throughout the Baffin Region, N.W.T. Rather than the patronizing relationships which have existed in the past, this relationship has consistently produced good quality journalism from both Inuit and non-Inuit perspectives. Issues of the Nunatsiaq News routinely include articles from the major territorial newspapers, e.g., News North, when the concern is more global in nature.

While not directly employing judicial records, the Baffin Law and Justice Study researchers examined and coded police occurrence files within each of the 13 communities in the Baffin Region. For the criminal justice policy analyst and/or planner, this file data is invaluable since it illustrates not only the entry point to the criminal justice process but, also information on offending and victimization patterns.
Evolving from the concept and application of content analysis are the two interrelated

techniques of discourse analysis and the analysis of discourse. Both techniques permit the
researcher to understand both the content and intent of the communicative act as well as the
construction/devaluation of knowledge in that process.

4. Discourse Analysis/Analysis of Discourse

While the traditional use of discourse analysis offers an analysis of "the domain of language
use that is unified by common assumptions" (Abercrombie et al., 1988:71), philosopher of knowledge
Michel Foucault (1989) and linguists Gillian Brown and George Yule (1983) decry this common use
and subscribe to a more contextual analysis of the discourse. The latter's application of discourse
analysis, for example, is an attempt to "understand language as it is used... what the speakers and
hearers are doing, and not the relationship which exists between one sentence or proposition and
another." Brown and Yule (1983:38-39) define discourse analysis as an examination of:

large-scale features like channel (how is contact between the participants in the
event being maintained — by speech, writing, signing, smoke signals), code (what
language, or dialect, or style of language is being used), message-form (what form
is intended — chat, debate, sermon, fairy-tale, sonnet, love-letter, etc.) and event
(the nature of the communicative event within which a genre may be embedded —
thus a sermon or a prayer may be part of the larger event, a church service). In later
recensions Hymes adds other features, for example key (which involves evaluation
— was it a good sermon, a pathetic explanation, etc.), and purpose (what did the
participants intend should come about as a result of the communicative event).

The analysis of discourse has found its way into the social science literature by way of the
science of linguistics and the limitations of discourse analysis and Foucault's attempts to understand
the incidence of discourse and the underlying reason for its appearance at that particular time
(Foucault, 1970:25-37). Within Naissance de la clinique (1973) he presents an analysis of the
discourse on the changes in the treatment of mentally-ill individuals between the sixteenth and
twentieth centuries. Foucault's analyses of discourse provide a point of departure for discussions
of the institutional levels of knowledge construction. Based upon his interpretations of the growth
of the authority and, hence, power of the medical profession and the rise of the asylum and the
modern prison, Foucault offers an understanding of the formation of the human sciences. Thus, the
analysis of discourse may be defined as the study of knowledge creation over time in order to identify
and understand the incidence of the discourse and the power for whom it creates.
Examples of the analysis of discourse may be found within the weekly pages of the Nunatsiaq News, the Inuktitut-English weekly paper. Beginning with an editorial in the December 15, 1995 issue, the paper has attempted to focus and give rise to the legitimacy of Nunavut and its leadership, and the choices made by that leadership in the face of opposition from the current Government of the Northwest Territories (GNWT). Three months later, the GNWT discourse of domination and resistance by Nunavut's leadership is continuing to create the image of a GNWT bargaining in bad faith, as opposed to the federal government dealing fairly, for the transfer of powers to Nunavut. The clear message for Inuit is that the elected Nunavut leadership is legitimate.

5. Official Police Reports

The various police agencies across Canada gather information concerning the incidence and categories of crime and report it monthly to the various band and municipal governments across the country and the Canadian Centre for Justice Statistics (C.C.J.S.) in Ottawa. These reports, known as the Uniform Crime Reports, list the number of known or reported offences by category or type and the processing of offenders by the police.

While these statistics have their limitations and detractors, they nonetheless provide the most consistent measure of crime and criminality. They provide the central component for our understanding of crime (Blumstein, Cohen and Rosenfeld, 1991; Walker, 1992). The CCJS provides comparative and descriptive statistical information which is aggregated annually. This annual rate is devised to provide a tool for making comparisons between communities with disparate populations. This comparative rate could be expressed as follows:

\[
\text{Crime rate} = \frac{(\text{Crime Index Offences} + \text{Community Population})}{\text{(Comparative Rate)}}
\]

or

\[
\text{Burglary rate} = \frac{(250 \text{ burglaries} + 150,000 \text{ population})}{(100,000 \text{ population})}
\]

would result in the community in question having a crime rate of 166.66 burglaries per 100,000 population.

Within the Northwest Territories, these statistics are gathered by each R.C.M.P. detachment for the community in which they are located, or those communities which they patrol on a regular or as required basis, forwarded to the Sub-Division and Division to R.C.M.P. Headquarters and the CCJS. The creation and use of crime statistics will be discussed in depth within Chapter 5.
5. Hidden Delinquency (Self-Report) Studies

In order to improve their knowledge of crime while reducing their corresponding dependency upon official crime reports, researchers began to employ the "hidden-delinquency" or self-report study and the victimization survey as research techniques. One of the underlying reasons for seeking out alternative sources of information was to address a question of methodology: How do we measure the "dark figure of crime" if police reports gather only part of the overall crime events?

Self-report studies of delinquency have been the focus of much epistemological and methodological debate and criticism within criminology since the 1950s and 1960s (cf. Elliott and Ageton, 1980; Erikson and Smith, 1974; Hindelang, Hirschi and Weis, 1979; Levine, 1976; Schneider, 1981; Skogan, 1975, 1986). The shift from a sole reliance upon official reports to a fusion of official reports and non-official accounts of non-recorded crime was both significant and relatively easy to accomplish. Hidden-delinquency studies vary in complexity and involve:

- small-scale samples of individuals, usually adolescents, who are asked to provide information about the extent to which they have committed crimes of various types in a period of time specified by the researcher. Two methods are used to collect the data: interviews and self-completion questionnaires. With regard to the latter, individuals are typically given a list of items, each of which represents a criminal action, and they are asked to tick those they have committed and to give an indication of the frequency with which they have committed them. With interviews, sample members are asked to admit to committing offences. The interviews may be open-ended or may involve prompts, as when individuals are asked to sort a pack of cards. A criminal offence is printed on each card. This sorting procedure is followed by detailed interviews about those offences they claim to have committed. Whilst interviews lack anonymity, they do permit probing about frequency and intent and allow checking of accuracy (Jupp, 1989:101-102).

Paradoxically, one of the offender categories which is among the most despised by the general and offending population is the sex offender, yet, this group receives more than its proportionate share of attention from the research community. In their survey of incarcerated rapists and child molesters, Groth, Longo and McFadin (1982) found that "the rapists admitted to a mean of 5.2 rapes per man compared to only 2.8 that were documented. The average child molester had been convicted only once, yet the self-reported mean was 4.7 sexual assaults per man" (in Weinrott and Saylor, 1991:287). Approaching the same phenomena from another perspective are those who would use self-report data concerning sexual assault, especially acquaintance rape, as tools for the advocacy of their particular stance.
Most results obtained by these techniques contrasted sharply, as expected, with the official reports (Box, 1981; Fattah, 1991; Garofalo, 1990; Hindelang, Hirschi and Weis, 1981). Although self-reports have confirmed some of the findings evident within official crime reports, Box (1981) found that they exaggerated crime among the lower class and other socially disadvantaged groups. It has also been argued that self-reports, like official crime reports, are fraught with methodological concerns around the issues of comparability of measures and, specific to self-reports, the honesty of the respondents and their representativeness may be questionable. Respondent honesty remains a concern when conducting social science in the North.

Within a cross-cultural research setting such as exists throughout the Northwest Territories, the question of respondent honesty is an ongoing concern to social scientists of all disciplines. During the past eleven years, the author has experienced on numerous occasions the culturally appropriate response of giving "the crazy White guy what he wants to hear.... maybe he'll leave us alone" (Patenaude, 1987). Similarly, among Inuktitut-speaking interpreters, the author found that they occasionally gave what they figured the author wanted to hear rather than a verbatim translation. This factor skews Northern self-report data. To date, there have been no hidden-delinquency studies conducted within the N.W.T. although the recent focus group conducted by Lutra Associates within the Yellowknife Correctional Centre has elements of such a study.

7. Victimization Surveys

As with Uniform Crime Rates and the information gathered through self-report studies, victimization surveys are relative recent and infrequent additions to the criminologists' arsenal. Although suggested during the early 1960s by sociologist Antilla (1964) and carried out two years later, it would take an additional six years for the first wide-scale victimization survey to be conducted within the United States, an additional ten years for similar Canadian survey and the British Crime Survey was conducted during 1982.

Notwithstanding these major forays into the field of victimization surveys, their use has been erratic at best (Fattah, 1991). Perhaps one reason for this spiritless acceptance of victimization surveys may be attributed to the lack of definitional and methodological precision which they share with hidden-delinquency studies. While Fattah (1991) offers an exhaustive list of the advantages of victimization surveys, his definition is less inclusive. The addition of a purposive statement such as Jupp's (1989) would, or so it seems, improve its acceptance:
In victimization surveys, people selected for a sample (of the general population if it is a national survey) are requested to provide information on whether or not they had been victims of specific offences within a specific period of time, and if they had, they are asked whether they had reported their victimization to the police. The primary goal, therefore is to gain some measure of the 'dark' figure of unreported crime, and of the 'grey' figure of crime reported to police but for one reason or another not recorded as such (Fattah, 1991:29 and Jupp, 1989:104).

Another possible reason for the slow acceptance of a technique which lends itself to validating public policy initiatives is the possible range of victimizations within a given society which both Fattah (1991) and Hagan (1983), offer as examples. Fattah (1991) notes that victimization may include: natural, auto-, industrial/technological, structural, criminal and non-criminal victimizations. The variety of opportunities for single or multiple victimizations exists within any of these categories.

Several advantages are offered through the use of victimization surveys, including:

- increased richness of responses in terms of detail;
- temporal and spatial distributions close to reality;
- information concerning the aftermath of the victimization event;
- interaction with and elements of the criminal justice system may be assessed;
- levels of fear may be evaluated; and,
- victim and offender characteristics may be gathered (Fattah, 1991:30).

This discussion would be incomplete, however, without offering the reader an opportunity to assess their "less-than-positive" attributes. These include:

- being limited by the number of crimes and range of jurisdictions canvassed in the data gathering phase and only a limited number of the possible range of victimizations are surveyed (Brantingham and Brantingham, 1984:75-76); and,
- the victims' ignorance of being victimized, desire not to tell, inaccurate or incomplete recall, or unwillingness to complete the survey in a productive manner (Skogan, 1986:95)

Complementary to official crime and criminal justice data both the use of victimization surveys can only improve our understanding of crime and other social problems. This point was driven home during research into the crime situation in Cape Dorset during 1987 and the potential for community action. While the community of Fort Norman has focused on the need for such research, it is
unfortunate for Northerners, that neither the national victimization survey nor a home-grown, NWT study has ever been published with regards to the state of crime and criminal victimizations.

Having presented the emerging trends in quantitative research in the Northwest Territories, it would be inappropriate to pursue this discussion any further without discussing some of the concerns which they raise and the possible reasons behind them. These concerns have included, according to demographer Gilles Larocque (1983:58), a lack of longitudinal analysis, the use of out-of-date information and an apparent inability to assimilate electronic databases, whereas some of the possible underlying causes for concern may have resulted from:

- The collection and compilation of socio-demographic data, except for the census, have been carried out by different departments and agencies for different and specific administrative purposes, not for reporting or conducting research on Indian and Inuit conditions.
- There has been no coordinated, systematic and integrated approach to data collection to support research activities.
- There have been problems in data collection related to undercoverage, and late reporting and recording of events.
- The human resources necessary to fully exploit these databases have not been available (Larocque, 1983:59).

Thus, quantitative data have often been gathered and analyzed at a nominal level (gender/ethnicity/type of offence/case/etc.), and at either a macro-level (territorial) or mezzo-level (community) while ignoring the micro-level (individual). This has been especially the case within criminal justice agencies, although some micro-level studies have been undertaken by members of the medical community (see Atcheson, 1978; Atcheson and Malcolmson, 1976).

d. Triangulation of Paradigms

While these research strategies produce distinct types of information, their value is limited when used in isolation. Although the situation may often dictate the methodological choices, as each strategy possesses their own inherent strengths and weaknesses (Nachmias and Nachmias, 1987; True, 1989; Webb et al, 1972). Nachmias and Nachmias (1987) reflect on this point, noting:

Each of these data collection methods has certain advantages but also some inherent limitations. For example, if we observe behaviour as it occurs (direct
observation) we may miss the reasons for its occurrence (which can be understood with qualitative research). Similarly, if we ask respondents to report on their behaviour verbally (interviewing) we have no guarantee that their actual behaviour (studied by direct observation or existing records) is identical to their reported behaviour. To a certain degree, research findings are affected by the nature of the data collection method used. Findings that are very strongly affected by the method used could be artifacts rather than objective facts. In order to minimize the risk of erroneous conclusions, a researcher can use two or more methods of data collection to test possible hypotheses and measure variables; this is the essence of triangulation. For example, structured interview could be supplemented with in-depth interviewing, existing records, or field observation. Consistent findings among different data collection methods increase the credibility of research findings. On the other hand, discrepancies call for clarifications and further research (Nachmias and Nachmias, 1987:208-209).

This is supported by Webb et al (1972) in their discussion concerning the current dominance of the interview and questionnaire techniques within much of the current social science research. They comment on the intrusive nature of these two methods, or "multiple operationalism" as they call it, and argue for its application:

Interviews and questionnaires intrude as a foreign element into the social setting they would describe, they create as well as measure attitudes, they elicit atypical roles and responses, they are limited to those who are accessible and will cooperate, and the responses obtained are produced in part by dimensions of individual differences irrelevant to the topic at hand....Interviews and questionnaires must be supplemented by methods testing the same social science variables but having different methodological weaknesses....In sampling the range of alternative approaches, we examine their weaknesses, too. The flaws are serious and give insight into why we depend so much upon the interview. But the issue is not choosing among individual methods. Rather it is the necessity for a multiple operationalism, a collection of methods combined to avoid sharing the same weaknesses (Webb et al, 1972:1-2).

Although written from a quantitative perspective, True (1989) also discusses the strengths offered by a multifaceted approach to social science research. In particular, she identifies the compensatory value of such an approach:

If, for example, a structured questionnaire provides good codable data but lacks depth and fails to provide insight, it needs to be supplemented by a few depth interviews. These may be hard to code and may not yield data that can be manipulated statistically, but they may provide background and narrative examples. If you use more than one method and get the same indications each time, you may be more confident that you achieved internal validity in your project (1989:138-139).
Today, there is evidence of an increase in both multi-disciplinary and multi-method approaches to social science knowledge. The following two examples are typical of this change in approach and methodology. Within the discipline of criminology, for example, Robert Menzies' doctoral dissertation, *Doing Violence: Psychiatric Discretion and the Prediction of Dangerous* (1985), provides an excellent example of the integration of psychology and criminology as well as qualitative and quantitative strategies in social science research. Throughout the research phase of *Doing Violence*, Menzies (1985) examined official records from correctional and psychiatric institutions, an conducted an ethnomethodological interpretation of published research concerning forensic evaluations and predictions of dangerousness, and, finally, observed the transactions between clinicians, police, and others involved in the forensic processes. Although the focus of his research is not criminological, arctic and rural planning specialist Andy Swiderski offers a Northern example of the interplay between not only political science and community planning, but also qualitative and quantitative research in his *Development Planning in the Eastern Arctic: The Role of Communities in a Comprehensive Development Strategy* (1989).

Based on five years of residency in the Baffin Region, N.W.T., Swiderski (1989) approached his task with a sensitivity not often expressed by Southern-based researchers. Beginning with the compilation of community profiles and statistical analyses of the those communities, Swiderski (1989) developed a broad-based community questionnaire and a structured interview to explore specific goal expectations vis-a-vis autonomy/dependency and the potential for self-determination which were, in turn, examined in the light of existing legislation and the need for legislative changes. In this regard, what became evident to Swiderski (1989) was that there existed a broad gap in understanding of the issues and approaches to knowledge between Inuit and non-Inuit. Inuit values and beliefs concerning society were based on oral tradition rather than Western "scientific" methods. As previously noted, these two traditions often produce a clash of knowledges such as the clash between scientific and folk knowledge or knowledge and knowledge-in-use.

What remains to be discussed, however, is the final form of triangulation. While the previous researchers have noted the strengths of intra-method (two or more methods within the same paradigm) and inter-method triangulation (one or more methods from different paradigms), only Janice Morse (1991) and John Creswell (1994) have offered the concept of simultaneous- and sequential-triangulation. Within these two research approaches, either or both the qualitative or quantitative paradigms may be used but the sequential nature is the primary focus. Creswell (1994) offers the following definitions:
In **simultaneous triangulation** the researcher answers the qualitative and quantitative research questions at the same time in the study. Results to the qualitative questions, for example, would be reported separately and would not necessarily relate to or confirm the results of the quantitative study. In **sequential triangulation** the researcher conducts two phases of the project, with the results of the first phase essential for planning the next phase. The first questions of Phase 1 are completed before the questions of Phase 2 are raised (1994: 182).

Quite often the former, on one hand, will emphasize a qualitative or quantitative finding with support from an illustration or example drawn from the other paradigm. Sequential triangulation, on the other hand, often involves the application and analysis of one method, e.g., a survey questionnaire, with its findings being utilized and providing direction in the development of an semi-structured, interview guide. Indeed, the methodology employed herein may be interpreted as containing elements of both of these types of triangulation.

e. The Ecological Fallacy

The inherent difficulties involved in collecting macro and micro-level data have resulted in renewed attention being paid to the notion of what constitutes the **ecological fallacy**. The basic premise of the ecological fallacy is that data gathered concerning a specific phenomena through the use of one level of aggregation, such as information concerning crime at an area level, cannot be used to either predict or explain that same phenomena at a different level aggregation such as the individual level of occurrence.

Sociologist Johan Galtung (1967:45) described this process as the ‘fallacy of the wrong level' consists not in making inferences from one level of analysis to another, but in making direct translation of properties or relations from one level to another, i.e. making too simple inferences". Although similar explanations of the ecological fallacy have been offered (e.g., Bursik, Jr., 1986), Patricia and Paul Brantingham (1984) offer perhaps the easiest to read, yet informative, explanation when they state:

Correlations vary with the size and shape of areal units; the numbers vary, and the technical analyses vary. Researchers and writers on crime have more difficulty adjusting their analytic framework as the analyses move up and down through the spatial cone of resolution than they do adjusting their units of analysis. The generic term *ecological fallacy* is applied to research arguments that inappropriately apply conclusions reached from the data from one spatial level of
analysis to another level. Most often inappropriate conclusions are drawn when areal data are used to infer the characteristics of individuals.... Crime and socioeconomic data are usually available in areal totals. The temptation exists to use areal relationships to test individual or group theories. If crime is related to unemployment at a census-tract level, it is very tempting to conclude that individual unemployment is related to individual commission of crimes. It is tempting to conclude that unemployed people commit more offenses than employed people. This shift to an individual level can not be made, of course, only from knowledge about the relationship between crime and unemployment at a tract level (Brantingham and Brantingham, 1984:228).

Recently, one work has come to epitomize these difficulties, at least within scientific and government circles across the North, namely: Lords of the Arctic, Wards of the State: The Growing Inuit Population, Arctic Resettlement and Their Effects on Social and Economic Change (1989). Medical anthropologist Colin Irwin (1989), the author of this report, has conducted extensive research in the Keewatin Region of the Northwest Territories since 1971. Indeed, both his Masters and Doctoral theses were written about these same communities. With regards to this latest research study, Irwin (1989) built upon the strengths of his earlier works having found, for example, that the inherent difficulties to survey research were compounded in the Arctic:

where many elderly people only read and write Inuktitut and certain segments of the population, such as those who are employed and formally educated, are more likely to respond to the questionnaire than others, thereby introducing biases into the data. This problem was overcome by using face to face interviews which were completed in Chesterfield Inlet at the end of 1987 and in Rankin Inlet in the spring of 1988. Approximately 100 interviews were completed in Chesterfield Inlet where the total population is about 294 living in 55 households. In Rankin Inlet 383 interviews were completed of which 42 interviews were from grade 11 and grade 12 classes at the Rankin Inlet High School. These students came from all over the Keewatin Region. The total population of Rankin Inlet is probably in excess of 1,374 made up of about 330 households (Irwin, 1989:35).

Irwin (1989) made a ruinous decision to limit his study a large number of structured interviews coupled with ethnohistorical reconstructions of the social life within those two communities and, in turn, to generalize his findings to the 27 communities which comprise the Kitikmeot, Keewatin, and
Baffin Regions. It was this course of action, rather than many of his conclusions, which lead to his courting the ecological fallacy and eventual political disaster. This claim may be substantiated by examining two points, first, it must be understood that not only were his two study communities disparate in terms of population size and density, their respective histories of contact with Euro-Canadian society contributed to community development which is not comparable to many other Inuit communities. Rankin Inlet, for example, has more in common with either Cambridge Bay and Iqaluit than with Eskimo Point (Arviat). The former two communities each support populations in excess of 1,500 persons, have had extensive exposure to wage economy and other non-traditional economic endeavours, and currently serve as regional centres for the delivery of administration, communication, and transportation services.

Second, Irwin (1989) confuses the notions of prevalence and incidence within his analyses of crime and social disintegration at the community level. When he comments about the social distance between parents and their children in Rankin Inlet, Irwin (1989:45) reported a high prevalence among Inuit parents of the belief that “their children slept all day, and were out all night with people they did not know.” "Not knowing" everyone in the community, he asserts, results in increases in the incidence of not only social dislocation, but also crime. It is translation of individual properties to aggregate (community level) which is the first step which Irwin (1989) takes to cross the ecological fallacy line. His second step is the incorrect inference that these two communities are representative and, thereby, generalizable to the remaining Inuit communities across the North. Yet, notwithstanding these methodological failings, Irwin’s (1989:41) comment that “If current trends continue most of the Inuit living in the Arctic in the year 2025 will be second generation wards of the

Within his doctoral dissertation, Development Planning in the Eastern Arctic: The Role of Communities in a Comprehensive Development Strategy, Andy Swiderski (1989) notes the difficulty in delineating ethnicity as a research variable in the North. Nunavut contains 22 communities varying in size from approximately 100 to 3600 persons. Swiderski offers the following ethnicity-based analysis:

1. Predominantly Inuit Communities (>75% Inuit): 19 communities
2. Ethnically mixed Communities (No One Group 75%): 2 communities: Iqaluit and Rankin Inlet

Statisticians would find it difficult, albeit not impossible, to employ ethnicity as it is currently recorded on the census in the North.
state whose society, economy and culture may have more in common with an urban slum than with the life their grand parents knew" is today beginning to ring true.

f. Obtrusive and Unobtrusive Approaches

While the paradigms used to describe and given meaning to the collection of socio-legal data in the Northwest Territories are limited, so, too, are the choices between whether, or not, to intrude into the lives of the holders of knowledge. These choices also look to the question of "What is the process of research?" doing so at the research design and data collection phases of social research. At this stage, the approach is initially guided by the type of contact desired by the researcher between themselves and the research subjects and will be reflected throughout the data collection and reporting stages of the research process. Let us briefly explore the distinctions between obtrusive and unobtrusive methods of data collection.

1. Obtrusive Approaches

The delineation between obtrusive and non-obtrusive approaches is made on the basis of the type of interaction between and the amount of influence which the researcher has with the person(s) being studied (True, 1989:119). Obtrusive approaches may be generalized as those methods which interfere, however briefly, with the life of an individual or group. The most common methods are also the most direct methods, namely: participant and non-participant observation, questionnaires, surveys, interviews, and, finally, experiments/quasi-experiments. For the most part, these methods require a degree of either face-to-face or voice-to-voice contact between the researcher and the subject (cf. Babbie, 1989; Cook and Campbell, 1979; Jupp, 1989; Lofland and Lofland, 1984; Nachmias and Nachmias, 1987; True, 1989; Webb et al, 1972).

As mentioned here, a certain degree of intrusion into the lives of those being studied is the hallmark of an obtrusive methodology, an example of which is provided by educator Thomas Wilson (1987). Wilson's doctoral dissertation, Ten Years of Network Television in the Eastern Arctic: Cultural Implications for the Diffusion of Educational Technology (1987), was partly based upon three surveys of adolescent Inuit and non-Inuit students in Hall Beach, Igloolik, Iqaluit (formerly Frobisher Bay), and Pangnirtung, N.W.T. He sought to examine the progressive influences of satellite television and the counterbalancing effects of the Inuit Broadcasting Corporation's Inuktitut-language
broadcasting on the personal adjustment of the students. According to Wilson (1987), his instrumentation consisted of:

... the questionnaire, complete with its internal locus of control inventory. Due to the numerous cohorts, several versions of the questionnaire were prepared, each having slightly different variants of certain questions which pertained to each community. The locus-of-control instrument was identical for the six cohorts.

Data consisted of the subjects' responses to each of the questions on the instrument. These were data of the categorical type; several ordinal-level questions were included (media-use questions), as were two interval-level questions (regarding amounts of television watched per week). There were questions to gather the usual demographic information with regard to home community, age, grade, sex, and how much and where the respondent had travelled. Subjects were examined in intact classes; strictest confidentiality of responses was given (Wilson, 1987:99-100).

What appears as evident within this short passage by Wilson (1987) was his lack of concern for the issue of his intrusion into the lives of the students and, by extension, teachers in his study locations. Throughout his research, Wilson (1987) administered a series of questionnaires to cohorts consisting of entire classes within the settlement and regional schools. From the text, it appeared that Wilson (1987) accepted the delivery of social science questionnaires as a normal, and thereby commonplace, activity within the intrusive environment of Northern schools. The degree of intrusiveness posed by the very questions themselves was varied. On one hand, Wilson (1987:250) asked very non-intrusive questions such as "What language do you usually speak with your friends?" to questions which, on the other hand, were highly-intrusive, such as having respondents select a value-orientation style of question, such as "I feel that I don't have much control over what happens in my life/What I do with my life is up to me" or "I like work that asks a lot of me/I don't like work that demands a total effort" (Wilson, 1987:258).

2. Unobtrusive Approaches

In comparison to obtrusive approaches, unobtrusive approaches may be generalized as those methods which do not require contact between the researcher and the subjects in question. Such methodological approaches are nonreactive in nature as they do not elicit a response from the subjects or study group. These methods are best described by social psychologists Eugene Webb, Donald Campbell, Richard Schwartz, and Lee Sechrest (1972:1) as "social science research data not obtained by interview or questionnaire" and as methods "that do not require the cooperation of a respondent and that do not themselves contaminate the response" (Webb et al, 1972:2). The
most common methods are the measuring of physical evidence (accretion/trace/erosion), content analysis (of texts/articles/radio/television), and the use of archival data (public records, census data or judicial records) (Lofland and Lofland, 1984; True, 1989; Webb et al., 1972). The latter two methods are more commonly referred as secondary data analysis as they use data gathered by other researchers for purposes other than their own, current research.

The inferential use of archival data within the Northwest Territories is provided by communications analyst Gail Valaskakis (1978). Valaskakis’ *A Communicational Analysis of Interaction Patterns: Southern Baffin, Eastern Arctic* (1978), also a doctoral dissertation, provides excellent use of secondary data analysis and inference surpassed only by modern historical treatises. She utilizes a respectable combination of primary documents (personal journals and diaries, agency records, autobiographies, etc.) and secondary sources (journal articles, popular accounts, etc.). A passage from Lyon’s (1825) accounts of his explorations throughout the Baffin Island-Foxe Basin area is reflective of those used by Valaskakis (1978:49-50):

> Our visitors did not possess many curiosities, and were certainly not so rich as we found them on our former voyage, the chief articles in which they bartered being their weapons and clothes.... two of the fair sex actually disposed of their nether garments, a piece of decorum I had never before witnessed,

and Nancy Eber’s (1975) life history of Inuit photographer Peter Pitseolak:

> Before there were white people living in Lake Harbour the Eskimo people used to go down to Keetajuak — Big Island — to wait for the ships. The ships that came without any motors. They used to pass Keetajuak on their way to Cape Dorset and the people went there to wait because they wanted ammunition and food — whatever the ships would give them. They traded with skins (in Valaskakis, 1978:48).

Indeed, from such ethnohistorical accounts as these and other modern sources, Valaskakis (1978) offers the conclusion that the electronic media of the post-Second World War period has done little to reduce the degree of control held by non-Inuit over the lives of Inuit throughout the Eastern Arctic.

Once again, it is stressed that the methodological issue should not be whether or not to employ an obtrusive or unobtrusive approach to gather socio-legal data in the Northwest Territories, but **when** to employ them. Indeed, while the researcher will be influenced by the physical environment, the needs and aspirations of the study group, the requirements of the researcher’s
parent organization or funding agency and, finally by their own personal agenda, it will be the local conditions and data sources that continue to determine which methods to apply, either singularly or in conjunction with other methods, and challenge the researcher's ability. A similar position must be taken when dealing with the choice of reporting strategies, either emic or etic, and the audience to whom the research findings will be presented.

iv. The *Emic/Etic* Distinction Within Public Policy Analysis and the Social Sciences

Unlike sociologists and perhaps few others within the social sciences, socio-legal scholars are faced with the unique dilemma of whether to adopt an *emic* or *etic* approach to their research. Directly-related to the question "how do we know that is real?", the issue becomes whether to study and report the culture of the society in question from what Clifford Geertz (1973) described as experience-near or experience far: the *emic* or *etic* approach to knowledge. The importance of this distinction is paramount to socio-legal study in the field. Drawing its examples primarily from anthropological discussions, this section begins with a brief discussion on the importance and origins of the *emic/etic* debate, discusses both issues/approaches, and concludes with an exploratory discussion concerning a possible synthesis of these two approaches.

Lett (1987) presents the discipline of anthropology, for example, as a holistic, comparative endeavour which:

seeks its information and tests it explanations among all the prehistorical, historical, and contemporary cultures to which anthropologists have access... anthropology is the only discipline among the social sciences that has established holism and comparison as ideals to be pursued. As a result, anthropology has been the only social science to be systematically concerned with the distinction between *emic* and *etic* knowledge (1987:61-62).

Thus, he restates the centrality of the *emic/etic* distinction within anthropological inquiry but, neither his interpretation of that distinction nor its origins within yet another discipline, linguistics.

16 An excellent example of this flexibility is found within Jean Briggs' publication *Never in Anger: Portrait of an Eskimo Family* (1970) wherein she was confronted with the extinction of shamanic practices among the among the Central Arctic *Utkuhikhalingmiut*. She then faced the choices of either returning home or studying other aspects of *Utkuhikhalingmiut* culture.
The apparent origin of the terms *emic* and *etic* are to be found within linguist Kenneth Pike's *Language in Relation to a Unified Theory of the Structures of Human Behaviour* (1954). It was Pike's (1954) contention that *phonemes* (principles of language construction) must be distinguished and understood in relation to their *phonetic* outcomes (physical sensation and mental associations). Attempting to understand these two concepts (phonemes and phonetics) and their relationships, Pike (1954) noted the permanent importance of *a priori* typologist:

In contrast to the Etic approach, an Emic one is in essence valid for only one language (or culture) at a time....It is an attempt to *discover* and to describe the pattern of that particular language or culture in reference to the way in which the various elements of that culture are related to each other in the functioning of the particular pattern, rather than an attempt to describe them in reference to a generalized classification derived in advance of the study of that culture (Pike, 1954:8).

Two years later, cognitive or symbolic anthropologist Ward Goodenough imported these distinctions into that sub-discipline from whence it spread and became a central tenet of the discipline of anthropology as a whole.

Lett (1987), as previously noted, offers succinct definitions and discussions concerning the nature of anthropological inquiry. His interpretation of the locus of the emic/etic debate within the realms of ontology and epistemology are no less succinct and are adopted here. He notes:

Emics and etics have nothing to do with ontological issues. Events, situations, relationships, and facts are never either emic or etic. It is possible to speak of emic *descriptions*, or etic *analyses*, or even emic or etic explorations, but it is not possible to speak of emic or etic *things*. Events and entities that belong to the empirical world are simply events and entities; their ontological status remains unchanged whether they are referred to as "emic" or "etic" because emics and etics are first, last, and always epistemological constructs. Whether a particular description, analysis, explanation, or claim to knowledge is emic or etic must be established solely on epistemological grounds (Lett, 1987:62-63).

Thus, we are able to appreciate that the emic/etic distinctions are, in terms of epistemology, valuable in the *validation* of knowledge rather than its *construction*. Yet, having discussed the origins of *emic/etic* and their epistemological value, it remains necessary to describe and discuss these terms.
a. *Emic* Approaches

Although Pike (1954) has been credited with the first wide-scale use of the *emic/etic* labels, anthropologists have employed these distinctions sans labels since Boas (1885, 1943) and Malinowski (1922). The *emic* approach interprets the functional relationships found in a social system through the eyes of the culture-bearer. The emicist is concerned with discovering the "native" perspective. Indeed, Boas (1943) earlier expressed the view:

As soon as we overstep the limits of one culture we do not know in how far these [concepts/labels] may correspond to equivalent concepts. If we choose to apply our classification to alien cultures we may combine forms that do not belong together.... If our serious purpose is to understand the thoughts of a people the whole analysis of experience must be based on their concepts, not ours (Boas, 1943:314).

Malinowski (1922:25) expressed the same belief, namely, that to truly understand another culture, one must "grasp the native's point of view, his relation to life, to realize his vision of his world".

Yet, if a "scientific" approach to knowledge, both its construction and validation, is to be developed, an adequate *emic* definition must be agreed upon. Ironically, one of the canons of the *etic* approach, anthropologist Marvin Harris (1968), offers one of the best definitions of *emic*:

Emic statements refer to logico-empirical systems whose phenomenal distinctions of "things" are built up out of contrasts and discriminations significant, meaningful, real, accurate, or in some other fashion regarded as appropriate by the actors themselves. An emic statement can be falsified if it can be shown that it contradicts the cognitive calculus by which relevant actors judge that entities are similar or different, real, meaningful, significant, or in some other sense "appropriate" or "acceptable" (Harris, 1968:571).

Such an epistemology, as expressed here by Boas (1943), Harris (1968), and Malinowski (1922), often leads the "true" emicist to mistakenly accept the native's categorization as the only valid world-view (Pelto and Pelto, 1978). Yet, the "native's" point of view may be, nay must be, tested in some manner to ensure its validity and adequacy of description. Although Goodenough's (1956, 1965) descriptions of Amerindian language distinctions have been contested, his tests for the adequacy of the "native" view remain one of the more valuable tools in the emicist's cross-cultural tool-kit. Goodenough (1965) offers both self-criticism and a "test of adequacy" when he comments:
One test of the accuracy of this account, as I have said, is that it do not violence my own feel, as informant, for the structure of what is described. This is the subjective test of adequacy. An equally important test is that it provide the alien with the knowledge he needs to use my kinship terminology in a way I will accept as corresponding with the way I use it. This is the objective test of adequacy. An account is deficient to the extent that it fails the test (Goodenough, 1965:261).

Unfortunately, as is the case, many social science accounts of other cultures do not conform with these rather broadly defined tests.

This leads, in turn, to the *emic* disciplinary matrix which demands the researcher possess an in-depth knowledge of the local language and seek to discover the culture-bearer's meaning of the events and categories assigned to them. Fieldwork is primarily a series of interviews rather than participant observation. Pelto and Pelto (1978) summarize the *emic* approach to knowledge as:

1. Primary method is interviewing, in depth, in the native language.
2. Intent is to seek the categories of meanings, as nearly as possible in the ways "natives define things."
3. The people's definitions of meaning, their idea systems, are seen as the most important "causes" or explanations of behaviour.
4. Systems and patterns are identified through logical analysis, especially by a quasi-linguistic analysis of contrast sets.
5. Cross-cultural generalizations must wait for the *conversion* of culturally specific patterns and meanings into more abstracted, intercultural categories.
6. The methodological strategy is fundamentally inductive, for research cannot proceed until the "native's categories of meaning" have been discovered (Pelto and Pelto, 1978:62).

Moving from the abstract to the concrete, oral historian Dorothy Harley Eber (1975, 1977, 1989) offers an excellent example of research based upon *emic* descriptions and analyses. Eber's *Pitseolak: Pictures Out of My Life* (1977) is a life history\(^{17}\) of Pitseolak Ashoona, a niece of renowned Inuit photographer Peter Pitseolak, one of the many world-class artists living in Cape Dorset, N.W.T.

From a methodological perspective, *Pitseolak: Pictures Out of My Life* is the product of taped interviews conducted by Eber, assisted by some of Cape Dorset's most capable interpreters, in the

\(^{17}\) A definition of life histories and their methodological concerns will be discussed in-depth in *Section III: Choosing Between Obtrusive and Unobtrusive Methods.*
Ashoona's home amid the comings and goings of a typical Inuit household. The text is a family tree ripe with the fruits of life experiences: joys, tragedies, birth, deaths and the whole woman. It provides the reader with literary accounts of the life of the Seekooseelak (people of the Cape Dorset area) since the large-scale arrival of Euro-Canadians to that area.

The text presented the perspective of an Inuk woman raised in the camps along traditional lines which included a strong sex-role differentiation in all aspects of Inuit social life. The life history gives the reader an introduction into the lifestyle of the Seekooseelak through the activities, and meanings attached to them, of one of Cape Dorset's major families: Ashoona. Rather than a chronological account of her life, it is organized by references to major life events or occurrences such as births, deaths, natural tragedy, and occasional celebrations, rich with the meaning symbolic to Inuit life.

I had a brother who was mentally retarded. It could not be helped but people wanted to throw him away. They, thought he had the Devil in him. He wasn't like any other human being (1977:67);

They [Shamans] had power over the Inuit — they could bring the animals — and they had the power to kill (1977:18).

The inclusion of an Inuktitut syllabic translation and numerous examples of Ashoona's artwork illustrate that the text was not written solely for social scientists but, also for the general, Inuit and non-Inuit public. Pitseolak: Pictures Out of My Life is more than a factual account of settlement life as it presents Ashoona throughout the various stages of her life and how she perceived the world around her. As a life history, this text is aimed at explaining "what we did" rather than "what we are doing", yet the present does emerge through Ashoona's comments such as "we used to do that" and "we don't do that anymore". For example, Ashoona notes:

This was the old Eskimo way of life; you couldn't give up because it was the only way. Today I like living in a house that's always warm but, sometimes, I want to move and go to the camps where I have been. The old life was a hard life but it was good. It was happy (1977:62).

In closing, it must be pointed out that Eber invested weeks of her time conducting interviews with Pitseolak Ashoona and, in turn, offered her readers both the original words (albeit translated) and interpretations of their meaning relative to Inuit culture. Comparisons with other cultures, to arrive at cross-cultural generalizations, were not attempted by Eber (1977). Finally, both Eber and
her readers were left to infer much of the meaning which Ashoona attached to these events and to build their understanding of the overall Inuit social system from those statements. Yet, for all its strengths, the image of emic research drawn here offers hints that criticism must exist. After all, one may ask, if emic research offers such great strengths why then should we bother with its logical-opposite (etic research)?

b. Etic Approaches

Having described the emic approach to knowledge as a subjective, folk-oriented analysis of social events and systems (Boas, 1943; Malinowski, 1922; Pelto and Pelto, 1978; Pike, 1954), the reader may be left with an impression of the etic approach being its (emic) logical-opposite, a rather cold, analytic approach to knowledge. As with the previous discussion of emic approaches to knowledge, Pike (1954) offers a distinction between emic and etic from which to embark on further discussion. Indeed, for Pike (1954), the etic approach might be called "external" or "alien," since for etic purposes the analyst stands "far enough away" from or "outside" of a particular culture to see its separate events, primarily in relation to their similarities and their differences, as compared to events in other cultures, rather than in reference to the sequences of classes of events within that particular culture (Pike, 1954:10).

This approach requires the eticist to adopt a perspective which is acceptable to the "outside" community of scholars rather than the actors or culture-bearers (Harris, 1968; Lett, 1987; Pelto and Pelto, 1978; Pike, 1954). Thus, the etic approach must satisfy the principles of scientific rigour (validity, reliability, falsifiability, etc.). Once again, if a "scientific" approach to knowledge is to be developed, an adequate etic definition must be agreed upon. In his The Rise of Anthropological Theory, Harris (1968) offers what has since become the classical etic definition:

Etic statements depend upon phenomenal distinctions judged appropriate by the community of scientific observers. Etic statements cannot be falsified if they do not conform to the actor's notion of what is significant, real, meaningful, or appropriate. Etic statements are verified when independent observers using similar operations agree that a given event has occurred. An ethnography carried out according to etic principles is thus a corpus of predictions about the behaviour of classes of people. Predictive failures in that corpus require the reformulation of the probabilities or the description as a whole (Harris, 1968:575).
The etic disciplinary matrix demands the researcher possess the ability to immerse themselves into the culture, practice participant observation and other intrusive methods, and report their generalizable findings using a priori categories which have been accepted by the scientific community. Pelto and Pelto (1978) summarize the etic approach to knowledge as:

1. Primary method is observation of behaviour.
2. Intent is to seek patterns of behaviour, as defined by the observer.
3. Impersonal, nonideational factors, especially material conditions, are seen as significant movers of human action.
4. Systems and patterns are identified through quantitative analysis of events and actions.
5. Cross-cultural generalizations can be made directly, by applying the same methods of observation, with the same outside-derived concepts, to two or more different cultures.
6. The methodological strategy can range from "pure induction" to various mixtures of inductive and deductive research (Pelto and Pelto, 1978:62).


Throughout his text, Condon (1987) presents views of the community based, not on the culture-bearer's attachment of meaning to their world but, in western scientific terms which could be applied cross-culturally and cross-nationally. Although there were the requisite Inuvialuktun/Inuinnaqtun translations of the traditional life stages and the seasons, there appears to be little effort on Condon's (1987) part to include the Inuvialuit world view using their terms. In general terms, Condon (1987) describes in rich detail behaviours which he has observed, but rarely does he attach any local meaning to them. For example:

One fascinating behavioural change we observed was something we decided to call the parka syndrome. This syndrome was characteristic of all teenagers, but tended to be most pronounced in post-pubescent teenage girls. The parka syndrome simply refers to the unwillingness of young girls to take off or even unzip their parkas in public settings. In all probability, it is the onset of menarche and the growth of breasts that make these young people exceptionally modest regarding the exposure
of body parts. While kids will frequently throw off their parkas once they have entered someone's house to visit, teenage girls will invariably keep their parkas on.

When my colleague on this project (Pamela Stern) began interviewing the adolescent girls, she was impressed that the girls appeared more comfortable keeping their parkas on, even if the temperature in the room was quite high. After a time, however, presumably when the girls got used to her and started feeling comfortable in her presence, they would unzip their parkas and then take them off altogether if they were planning a long visit. Such unzipping occurred only if I was absent. On several occasions, I entered the room briefly while an interview was underway, and the young girl present quickly zipped up her parka. On another occasion, two girls were visiting Stem and had taken off their parkas to play a game. As soon as they heard me enter the house, they jumped up and threw on their parkas. By the time I entered the room, they were completely covered and zipped (Condon, 1987:62-62).

What becomes apparent here, is that neither Condon nor Stern were interested in the local meanings of events, but chose to rely primarily on their own observations and reported behaviours, and attach their own inferred meanings to those events. Similarly, Condon (1987) has included portions of "daily routine interviews" and other interviews concerning teenage behaviour, but has failed to attach any subjective meaning to them and, ostensibly, uses them only to support his explanations. Indeed, many long-term Northerners and Eskimologists would likely have asked for such local meanings regardless of their inclusion in the overall analysis.

Having described Condon's *Inuit Youth: Growth and Change in the Canadian Arctic* (1987) in less than glowing terms, from an emic perspective, its value as an etic analysis of the changes occurring in Holman Island during the early 1980s is unquestionable. In terms of both methodology and adequacy of analysis, Condon's (1987) research conforms to Pelto and Pelto's (1978) six points of what constitutes etic research. Indeed, there is little doubt that if another eticist were to attempt to replicate his study that, as Harris (1968) predicts, similar results would be forthcoming.

Moving from the past and recent past into the present, we see two excellent examples of emic and etic approaches to socio-legal research in the Northwest Territories: Griffiths et al's (1995) examination of contemporary crime in one region of the Eastern Arctic and Joan Ryan's (1995) exploration into traditional forms of justice in one region of the Western Arctic. Both studies offer unique insights into how crime and deviance is perceived and reported amongst two diffuse
populations.\textsuperscript{18}

The report \textit{Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, N.W.T.} (1995) concluded the three-year, ethnohistorical study of traditional Dene laws under the "leadership" of anthropologist Joan Ryan.\textsuperscript{19} Ryan's study began during 1990 and serves as an exemplar in \textit{emic} research. Sponsored by the Dene Cultural Institute, the Arctic Institute of North America, and the Lac La Martre Band, this study documented traditional \textit{Dene} law and legal concepts among the \textit{Dogrib}-speaking area of the Northwest Territories.

Ryan (1995) approached the Dene Justice Project from an applied anthropological perspective and resided within the predominantly-\textit{Dogrib} community of Lac La Marte for six to ten months of each year of the study. The locally-recruited research team used "participatory" or action research methods to achieve the stated goals of the study which included:

1. To provide an accurate and complete information base of the traditional laws, rules, mores, values and the means used to establish and maintain social control within one (expanded to five) \textit{Dene} community, based on the oral testimony of \textit{Dene} elders;
2. To document the extent to which traditional laws, rules, mores, values and mechanisms for ensuring social control are practiced today within that community; and,
3. To enhance the understanding and appreciation of \textit{Dene} justice among both \textit{Dene} and non-\textit{Dene} through the publication of the findings of this project and their distribution throughout the \textit{Dene} communities and to the general public (Dene Cultural Institute, 1990:6-7).

While Ryan (1995) provided an excellent, in-depth, ethnohistorical reconstruction of traditional Dene laws and legal beliefs which, in turn, have been widely accepted among both Aboriginals and non-Aboriginals in the North, their contemporary practices received less attention than the other sections.

\textsuperscript{18} These studies will be referred to as \textit{Baffin Justice Study} (Crime, law, and Justice Among Inuit in the Baffin Region, N.W.T.) and \textit{Dene Justice Project} (Dene Traditional Justice Case Study).

\textsuperscript{19} Ryan's "leadership" of the \textit{Dene Traditional Justice Case Study} (as it was originally titled) was nominal for the purposes of attaining financial support from both academe and various governments rather than an expression of command or control. This is typical of both the woman and the strategy of participatory action research in which, she was only one of many stakeholders with "ownership" and "leadership" being provided by the Aboriginal peoples of the area.
Two integral components to the Dene Justice Project were its commitment to community ownership and the establishment of two advisory committees: a community advisory committee (CAC) and a technical advisory committee (TAC). The CAC was comprised of local Dene residents, elders, and leaders which met continuously throughout the project's lifespan. The community advisory committee was able to provide both direction and content (correct Dogrib terminology) for the project. The TAC was comprised of academics, criminal justice practitioners and, most importantly, local Dene elders which met at least twice per fiscal year throughout the life of the project. This interplay between the community and the study personnel would see the study results validated by the community and interest expressed by other Dene communities interested in their own cultural revitalization and justice. The technical advisory committee also provided both methodological and analytical expertise as well as assistance in the publication of the final report, Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, N.W.T., during 1995.

Doing Things the Right Way deviated from many academic publications concerned with law and justice since it was written using the language of the people from whom the information came. This made it acceptable to both those administering criminal justice and those to whom it is administered, rather than being written for a smaller, academic readership.

The other recent, justice-related study of the North, the Baffin Justice Study, also released its final report Crime, Law, and Justice Among Inuit in the Baffin Region, N.W.T., Canada during 1995. Under the leadership of Curt Griffiths, this three-year project was funded by Social Sciences and Humanities Research Council of Canada (S.S.H.R.C.C.) and Justice-Canada grants.

The Baffin Justice Study approached the social problems of the Baffin Region communities by emphasizing the identification of patterns of behaviour from quantitative data and correlating them with social, economic, demographic and other non-ideational factors. Indeed, the objective of identifying and comparing high and low crime communities illustrates the choice of an outsider rather than culturally appropriate perspective. The stated goals of the Baffin Justice Study included:

1. To research the rates & patterns of criminality in the Baffin Region;
2. To research the perceptions of Inuit political leaders and community residents regarding the nature and extent of crime in their communities and to examine the factors that distinguish 'high' and 'low' crime communities;
3. To research the perceptions of both individuals involved in the delivery of justice services and of community residents current services; and,
4. To research the perceptions of criminal justice personnel and Inuit as to the potential for developing alternative, community-based programs to meet the needs of victims, offenders, and the community (Griffiths et al., 1992:1).

The Baffin Justice Study and its final report\(^{20}\) accomplished most of what it had set out to do with very good discussions on the rates and patterns of crime and the perceptions of justice practitioners, notably currently-serving and former RCMP members. The final report lacked equality in coverage between Inuit community views and those of non-Inuit criminal justice practitioners.\(^{21}\)

Yet, having shown the differences in approach to the subjects and in reporting their findings, both the Baffin Justice Study and the Dene Justice Project have provided Northerners with new glimpses and insights into the nature of crime and criminality in the N.W.T. Indeed, it was as much the approaches taken within these two research efforts as well as the data which they provided which is of value to persons contemplating or conducting research in the North or elsewhere.

Having examined examples of *emic* and *etic* research (Condon, 1987; Griffiths et al., 1995; Ryan, 1995), we find that there are as many areas unaddressed as are addressed by this mode of inquiry. Indeed, one question remains unspoken: Is it possible to integrate *emic* with *etic* approaches to knowledge?

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\(^{20}\) Actually, there were two final reports issued during 1995. The first report, *Policing the Baffin Region: Findings from the the Baffin Region Crime and Justice Study* (1995) focused on the unique challenges of policing the thirteen communities within the Baffin Region. The second report, *Crime, Law, and Justice Among Inuit in the Baffin Region, N.W.T., Canada* (1995), forms the basis of this discussion.

\(^{21}\) The unbalanced coverage within the final report is not surprising given the amount of time that the primary investigator and his graduate student investigators actually spent in the N.W.T. in comparison to the Dene Justice Project team. While having briefly ventured into both the territorial capital at Yellowknife and the study area for week-long visits, Griffiths (1995) chose to conduct his research from afar rather than residing for any length of time within the study area. Having graduate student researchers spend up to four months per year in the study area along with four locally-hired, female *Inuuk* to gather data which has been mainly quantitative in nature, contributed to the final reports’ primary focus being upon the activities and views of those agencies involved in the delivery of criminal justice rather than the residents view of the problems.
c. A Synthesis of Approaches?

Harris (1968) offers one possible answer to the question of whether or not one may have an emic/etic combination. He notes, as have others, that informants may offer researchers emic and etic information (Harris, 1968:576-577). This apparent contradiction is explained as:

It is emic if the informant's native distinctions, significances, and meanings provide the semantic ground for communication between him and the ethnographer.... to maximize the emic content of the ethnography... the ethnographer teaches the informant how to teach the ethnographer to think in appropriate emic terms. An equivalent amount of effort can be (and often is) devoted to teaching the informant to think in the ethnographer's terms, as for example, when native assistants learn to measure fields, weigh harvests, take censuses, and describe the past and present events in conformity with the categories of significance which the ethnographer has brought to the task.... If the behaviour-stream events which he reports are scenes in which he himself is involved, then it is expected that his report of his own behaviour will be as close as possible to that which would have been obtained had the scene be recorded on film and tape (Harris, 1968:576-577).

The late David Weetaluktuk illustrated to those archaeologists and anthropologists with whom he came into contact that it was possible to bridge not only the gap between emic and etic approaches to knowledge, but also the growing chasm between Northern aboriginal peoples and Southern-based researchers. Constantly expanding his scientific knowledge and experience, Weetaluktuk passed easily through the stages of interpreter/translator to knowledgeable informant and, finally, to published and respected social scientist. In his *festschrift* to Weetaluktuk, anthropologist Allen McCartney (1984) not only identified such eminent Arctic researchers as Charles Martijn, Robert Janes, Robert McGhee, William Kemp, George Wenzel and Eric Smith as his mentors (and later partners) but, that Weetaluktuk had developed:

an inquiring mind set about origins and scientific causality and the functioning of the physical and biological systems. As a product of both northern and southern Canadian cultures, Daniel became an effective spokesman for northern Québec Inuit regard to cultural affairs, an intermediary between federal and provincial government officials and native communities and corporate groups, a translator of southern research methodologies to northern social circumstances, and an interpreter of the northern Québec archaeological record (McCartney, 1984:103).

Indeed, McCartney (1984) went on to note:
Daniel had hired a graduate student in archaeology, Jean-Luc Pilon, to assist him in his 1979 Inukjuak excavations, thereby giving Daniel the distinction of being the first Inuk to hire a southern archaeologist as his assistant. The fact that Daniel held Northwest Territories archaeological permits for three consecutive years (1979-1981) attests to his professional stature (McCartney, 1984:108).

### Table 7

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</table>


As may be discerned from Table 6, these two distinctions are not mutually exclusive and the possibility for integration is quite high (Harris, 1968, Pelto and Pelto, 1979). According to Pelto and Pelto (1978:63), the emic/etic distinction may simply lay within the purpose of the research itself:

Many research questions require both techniques for their solution.... most important theoretical questions in anthropology involve cross-cultural comparison, and such comparisons by definition require etic categories and styles of data gathering. While emic studies, through componential or other semantic analysis, often provide significant guides to realistic native definitions of units of observation, these must be fitted to the researcher’s cross-cultural (etic) concepts in order to test general propositions about human behaviour (Pelto and Pelto, 1978: 65).
One research area which addresses both *emic* and *etic* approaches to knowledge and "fits them together" is the sub-discipline of legal anthropology. Legal anthropology, as a sub-discipline of that larger comparative science, seeks to understand the different sub-systems of law within a given society (which I have chosen to label the "legal culture" within a society) from both *emic* and *etic* approaches. Research within this field is conducted in such a manner as to explain the local situation and the meanings attached to them and to offer structured examples which are, then, comparable across societies (cf. Bohannan, 1965, 1967; Falk-Moor, 1978; Graburn, 1969; Hoebel, 1954, 1967; Pospisil, 1971, 1972, 1978; Rasing, 1984; van den Steenhoven, 1955, 1959, 1962).

v. Research Design

This dissertation employs a number of methodologies in the manner best described by John Creswell (1994) as "triangulation". Unlike many methodologists, Creswell (1994) moves beyond the traditional *inter*-method triangulation (i.e., qualitative and quantitative) into the two related areas of *intra*-method (e.g., different qualitative methods validating and expanding the results of another qualitative method) and *sequential* triangulation (using the analysis of earlier phases to design subsequent phases of the research). The rationale for this approach is due to the unique challenges of research in the N.W.T. While it is assumed that the typical tools used by criminologists elsewhere in Canada are available to Northern researchers, such is not the case. An over-reliance upon official crime and other statistics has occurred due to the extreme distances, transportation difficulties, high expense of conducting research, and cultural and linguistic difficulties (see Swiderski, 1985) to the exclusion of victimization surveys and self-report studies.

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22 During four years of fieldwork (1983-1987) in the Baffin Region, I witnessed some of the surviving, traditional Inuit legal beliefs in practice. More often than not, these traditional forms of social control were in flux and contained components of both traditional and modern legal beliefs. When elders were asked (through interpreters) what this action meant, the younger interpreter often reduced a lengthy, detailed response to the single phrase "we don't do that any more." Following my insistence for a verbatim translation, it was discovered how much the culture and language had changed, as younger interpreters would generally admit to not knowing the "old words."

23 Only one study to date has approximated a victimization survey. As part of a Royal Commission on Aboriginal Peoples-funded study, focus groups were established in Łutsel’ke and Yellowknife and their results compared to one another. Prior to this study, an evaluation of the operations of the women’s shelter in Iqaluit attempted to examine victim’s conditions.
The preliminary phase of this research strategy is to review the available historical and archival materials to provide, as detailed as possible, ethnohistorical and contemporary descriptions of the Aboriginal peoples of the North and to develop a history of the contact between these two groups. A review of selected literature on colonization, domination and resistance, hegemony, law and society, and power will be conducted concurrent to the historical/archival research in order to provide the theoretical orientation for this dissertation. Subsequent to this phase is the multi-phased research strategy illustrated within Figure 24.

As there are numerous accounts of the early contact between the indigenous and incursive societies, mostly whalers, traders and missionaries, prior to and shortly after the dawn of the twentieth century, a historical approach seemed only natural to complete this component of the research. This component involved the interpretation of historical documents in order to determine the salient features of the contact between the aboriginal and non-aboriginal peoples of the North. The primary documents concerned with this early contact involved the accounts of early British explorers, early ethnographers (whether they identified with this term or not is uncertain), and early missionaries. These and other sources such as archival documents recorded life in the N.W.T. in terms of the spatial and temporal periods of their authors. In the process, valuable historical and cultural data was recorded which, in turn, has been instrumental in establishing any understanding of the currents of change sweeping the North.

Following the early ethnohistorical literature, it became necessary to look towards similar accounts written after the First World War. Primary documents concerning the next forty-five years were minimal and consisted mainly of government reports such as the numerous volumes of the Canadian Arctic Expedition (1913-1918) and the Fifth Thule Expedition (1924). These documents were extremely useful in understanding the state of aboriginal cultural development and the involvement of non-aboriginals in that process.

The literature review is concerned with an extremely broad range of historical and contemporary materials dealing with the administration of criminal justice, the political development and the quality of life within the N.W.T. This review includes primary documents such as autobiographies of Northern missionaries and traders as well as the accounts of researchers who had completed fieldwork in the N.W.T. Included in this latter group were the works of Geert van den Steenhoven (1965), John Honigmann and Irma Honigmann (1965, 1970), Robert Paine (1971, 1977), and Harald Finkler (1975, 1980, 1981, 1982, 1983, 1985, 1986) which dealt with the socio-legal
environment of the North. 'Contemporary' in the context of this dissertation refers to those events occurring and literature originating later than the implementation of the 1960's settlement policy. The contemporary literature review revealed the need to understand the aboriginal peoples of the N.W.T. as a culture and society in transition as well as the processes effecting that transition.

Secondary sources such as the reports of various federal and territorial government departments presented the necessary information to initiate the historical/statistic data analysis component of this dissertation. The use of the 1986 and 1991 Canadian Census' and crime data aggregated at the detachment-level were explored and found to offer interesting correlations but, were incapable of being reduced to the individual community level.

The so-called "grey literature" comprised of graduate student theses and dissertations provided has received, in my view, inadequate attention from scholars interested in the conditions of Aboriginal peoples in Canada and the North. Criminologists Curt Griffiths and Darryl Wood (1991) note that while such research has not been subjected to the usual scientific rigour of peer review nor fully accepted within the social science community, it nonetheless offers perspectives of the social conditions of the day resulting from either intense fieldwork in the fullest ethnographic context or long-term residency and professional experience within the study area. As part of the preliminary research phase, unpublished M.A and Ph.D. research is used extensively. These works made not only for interesting reading but, also provided valuable insights into various aspects of the N.W.T. relevant to this dissertation. The unpublished M.A. thesis by former N.W.T. Government Leader and Minister of Justice George Braden (1976), for example, examined the role played by special interest groups in governing the N.W.T. Braden built on his extensive, first-hand knowledge of the political and social conditions found across the N.W.T. between 1965 and 1975, inclusive.

Having completed the preliminary stages of this research strategy, the research becomes methodologically and sequentially triangulated. The first phase of this triangulated research strategy (Phase 1.1) is quantitative in nature. Employing official crime records this phase of research is exploratory in nature and seeks to determine the nature and extent of crime in the Northwest Territories between 1977 and 1992. This will permit a descriptive analysis of officially recorded crime by each R.C.M.P. detachment. The detachment level of analysis generally corresponds to that of
"community", as most N.W.T. communities are serviced by a single detachment. This data and subsequent descriptive analysis will form the foundation for subsequent inferential statistical and qualitative analyses.

The next quantitative phase (Phase 1.2) of the analysis of officially-reported crime involves an inferential analysis of crime in the North. This analysis will be completed using not only the

Although nearly every community has an R.C.M.P. detachment there are several communities which are serviced on a "patrol" basis by a detachment in a nearby community, e.g. Rae-Edzo detachment serves the communities of Lac La Martre, Rae Lakes, Snare Lake, and Rae-Edzo. A "patrol" may occur either on a scheduled basis, e.g., monthly, or on an "as required" basis when a call for services is received.
detachment level data but, also census data from the most recent census year, 1991.²⁵ As with the official crime reports, the census data for the Northwest Territories becomes less reliable during the years prior to 1976. This sequential, intra-method, analysis permits several theoretical constructs, such as acculturation/assimilation or community disorganization, to be tested.

Subsequent to these quantitative analyses, a series of community-level meetings (Phase 2.1) and interviews with key-informants (Phase 2.2) will be completed. The community-level meetings (Phase 2.1) will involve meetings in community halls, Band or Community Council chambers, and open radio talk shows in communities in both the Eastern and Western Arctics. Each meeting may have ranged in time from a one-hour talk show to a twenty-two hour marathon in one public hall over two days! The interview of key-informants (Phase 2.2) will involve public figures in the Northwest Territories to gather their politically-influenced opinions concerning crime and public responses to it. The key informants are the *dramatis persona* at the local community and government levels, including: religious leaders (priests, etc.), Chiefs and Band Councils, Mayors and Community Councils, members of the Legislative Assembly of the N.W.T., and senior bureaucrats in both the federal and territorial governments. These efforts will triangulate the quantitative data and analyses of officially-reported crime data with the commonly-held values and political beliefs concerning crime which may form the basis for a N.W.T. crime policy.

vi. Are There Any Inherent Limitations Within The Research Strategy?

If readers are looking for a distinct section which critically assesses the choice of research paradigms, methods, and procedures mentioned earlier within this chapter, they will be sorely disappointed, since such concerns were presented alongside the strengths of a relevant paradigm, method, or procedure.²⁶ The limitations of the current research strategy are, hopefully, few in

²⁵ The use of the 1981, 1986, and 1991 census’ as well as the results of the *Aboriginal People’s Survey (1991)* offer Northern researchers validation points for the population estimates provided by the NWT Bureau of Statistics, they also provide opportunities for cross-sectional analyses to be conducted. The API, however, may be viewed as a demographic snapshot of the NWT since the federal government initiative, which supported its activities, no longer exists. For the purposes of this dissertation only the 1991 census data will be utilized.

²⁶ Those readers interested in the limitation of official crime data, for example, are directed to "Chapter 4 - The Crime Data" wherein both the strengths and weaknesses of that type of data are discussed.
number since inter-, intra-, and sequentially-triangulated approaches to gathering, analyzing, and presenting information are designed to minimize the effects of one research paradigm through the use of the other paradigm. In terms of the personal ability of the researcher to conduct this research, there remain a few common limitations to conducting research in another culture and language.

Conducting socio-legal research in Canada's Northwest Territories, presents the social scientist with numerous methodological restrictions, nay methodological challenges. Often the researcher is operating in a social and cultural environment which is unique and unlike anything they have previously experienced. The differences in language, for example, present many often insurmountable challenges for researchers. This linguistic challenge, often limits the unilingual researcher, if they are unable to employ an interpreter, to the use of either observational or other unobtrusive methods. Yet, as Leach (1976) points out, linguistic difficulties may be merely a technical issue in the mining of a culture's legal values and beliefs, akin to a hard rock miner's choice of either a pneumatic drill or an explosive to free the precious from the mundane.

For the purposes of this dissertation, the use of survey questionnaires was ruled out as an effective research instrument, due to the costs involved, the varied levels of language acquisition among the study group, differences in the dialect of, say, Inuktitut or Slavey spoken among members of the study group, and the lack of direct word-to-word translations of socio-legal terminology in one language to the other. During 1987, for example, I attempted to develop survey instruments to administer to the staff and inmate populations of the Baffin Correctional Centre at Iqaluit, N.W.T. Unfortunately, it was not the language level which presented difficulty but, the attempt to measure concepts which had no direct relationship to either spoken-Inuktitut or Inuit cultural milieu. There were no cultural equivalents for "custody", "gaols", or "punishment" within Inuit culture.

Similarly, I was introduced to the ambiguity inherent in the English term "over there." Within that language, "over there" offers no indication of the distances involved, whereas Inuktitut provides a mechanism with avani ('there') and tavanni ('right there') to distinguish distances. Indeed, during 1986, I walked nearly the entire distance of the main street of Hall Beach, N.W.T., until re-directed by a bilingual Inuk, responding to the former phrase avani rather than the eight houses indicated by the latter phrase, tavanni. These are merely a few case examples but, or so it is hoped, the notion that even the simplest words can be problematic, as presented by Harnum (1989, 1990) and this writer, has been sufficiently introduced.
Thus, I would argue that the greatest limitations to this research are the researcher's inability to speak fluent *Inuktitut* or *Slavey* rather than methodological limitations. These are some of the concerns and field realities inherent to the conduct of social science research in Canada's circumpolar North.

vii. Where Does this Leave Us Now?

As discussed previously, one purpose of this dissertation is to illustrate how social scientific methods can inform and improve criminal justice policy-making through the collection of both official and unofficial crime data, and its analysis. Having discussed the constituent elements and their interplay within the production of policy knowledge, policy researchers interested in crime and criminal justice in the Canadian North must seek praxis of those same ideas. What becomes clear from the discussions, thus far, is the need for base-line information concerning the nature and extent of crime across the Northwest Territories and information concerning the historical and contemporary conditions found among the peoples of the N.W.T. These concerns will be explored within Chapters 4 and 5, respectively.
Part 2 - Introducing the Cast

Chapter 4

A History Aboriginal/Non-Aboriginal Contact in Canada

The people of Denendeh have a complete history of themselves from very ancient times, told in the stories they have passed down for countless generations. There are stories about stone-age people in the beginning of the new world and through the ages since, from long ago until the time just before our own. Everything was held in memory and handed down from generation to generation by Dene storytellers. Around the 1940s...the role of storytellers, whose role had changed along with the other major changes happening in the Dene world.

When the world was new, the medicine we Dene possessed was very strong. Different types of medicine power touched almost everything: the world, space, everything you see — animals, insects and so on. The aboriginal people used their medicine power to make laws and help the poor, to cure the sick, and generally to protect the people.


i. Introduction

Building upon the foundations provided by Webber (1992), this chapter seeks to provide another type of policy knowledge in an ongoing effort to illustrate the manner by which different, but related, policy knowledges can contribute to our understanding of crime and crime policy in Canada and the Northwest Territories. As such, it departs from the discussion of the crime data and offers readers an opportunity to examine crime amongst Canada's aboriginal people from a socio-historical perspective. While the use of Yngve Georg Lithman's (1978) typology may be subsumed within the larger context of colonialism, it nonetheless helps to make meaning of colonialism by examining the tenor of the interactions between the colonizer and the colonized.

Scholars writing about aboriginal peoples and issues in Canada face many difficulties including the labels applied to the different historical periods and the lack of writing from the aboriginal perspective by aboriginal peoples (Fisher and Coates, 1988). One of the most noticeable contradictions in the growing body of published and unpublished literature concerning aboriginal issues in Canada is the distinct lack of material written by the aboriginal peoples themselves. This is not to say that the materials written by non-aboriginal authors should be discarded or, at least,
Indeed, Leroy Little Bear, Menno Boldt and J. Anthony Long (1984) offer the view that:

Indeed, non-Indian historians, anthropologists, sociologists, and journalists have given us valid, replicable observations and insights about what is happening with Indians. Enlightened non-Indian social scientists and others have written empathetically about the Indian condition and have advocated more effective Indian policies. But they have done so from the perspective of outsiders. Evidence of the outsider perspective is manifest in the pervasive European-Western liberal conceptualization of Indian rights and goals. This ideology finds expression in an uncritical acceptance of political and social institutions for Indians that are based on the doctrine of individualism. Such an ideology is markedly at variance with the traditional Indian concept of collective rights and rule by consensus. The Indian perspective must be heard and acknowledged for a meaningful dialogue to occur between Indians and non-Indians (Little Bear, Boldt, and Long, 1984: ix-x).

The history of the contact between the indigenous and incursive societies in Canada, as opposed to what constitutes the aboriginal political perspective, has been written mainly from the colonial perspective of the dominant, incursive group and interpreted in line with its own long-term interests (Trigger, 1982, 1986). The prevalent theme which emerges is concerned with the efforts of the dominant institutions to carry out their mandates of Anglo-conformity and, later, modified-pluralism (Driedger, 1985) rather than the effects of that colonial encounter on the indigenous culture. There are, however, other views and ideologies which have yet to be given the credence which they deserve from the federal and provincial governments.31

The history of the North has, in many respects, paralleled the colonial history of Canada as a whole and has been written, primarily, from the perspective of the dominant society. Within their "Introduction" to Out of the Background: Readings on Canadian Native History, Canadian historians Robin Fisher and Kenneth Coates (1988) identify additional problems:

There is still much more work and more energetic debate on the early contact and fur trading period than there is on the latter phase of settlement and dispossession. There is very little good historical writing on the twentieth century, and the work that has been done tends to focus on government policy and native education, often from

31 The Government of the Northwest Territories provides a notable exception to this tradition of government indifference to aboriginal self-government and self-determination. Since 1979 the Legislative Assembly of the Northwest Territories has declared its support for division of the N.W.T. and the establishment of two new, aboriginal-governed territories named Denendeh and Nunavut ("Our Land" in Slavey and Inuktitut, respectively).
the perspective of administrators rather than Indians. There are comparatively few scholars working on the North and the Inuit are virtually excluded from the historical literature.... The unevenness of the regional coverage is particularly significant since one of the most obvious points to emerge from the new writing is that Canada's native peoples represent a great diversity of cultures and their historical experience has been vastly different from place to place and from time to time. Because historians are dealing with many distinct native histories, common patterns are elusive and general rules always seem to have an exception to prove them (Fisher and Coates, 1988:1-2).

This chapter seeks to provide an historical background of the "discovery," exploration, and colonization of the Northwest Territories emphasizing Inuit/Euro-Canadian contact within the lands which will become Nunavut. To do so requires a brief accounting of the aboriginal/non-aboriginal contact and relations in Southern Canada as well as the contact history of the North since the two jurisdictions intricately intertwined. Since the contact histories of Dene, Métis and Inuit are quite different, these culture groups need to be discussed separately. Indeed, it is important to discuss and remain cognizant of the effects of contact and cultural diffusion since many of the current criminal justice problems among aboriginal communities may have their roots within that contact and its effects.

ii. Aboriginal/non-Aboriginal Relations as Relations of Relative Worth

There has been a growing interest in the aboriginal peoples of Canada since the early 1970s which has sought to counter the lack of historical information and the negative stereotypes found within film and other media concerning aboriginal peoples and their contributions to Canada (Fisher and Coates, 1988; Palys, 1996; Trigger, 1988). One of the benefits from this resurgence of interest has been the increased number of accounts which give meaning to the tenor of the relations between aboriginals and non-aboriginals throughout our history.

Very few discussions offer the richness of detail and explanatory power, however, which is evident throughout anthropologist Yngve Georg Lithman's The Community Apart: A Case Study of a Canadian Indian Reserve Community (1978). Seeking to understand why aboriginal peoples live in such abject poverty amidst a wealthy industrialized nation, Lithman (1978) provides a mezzo-level analysis of the Ojibwa community of Fort Alexander and their relations with the neighbouring Euro-Canadian communities of Pine Falls and Powerview, Manitoba.
This mezzo-level analysis has general applicability for understanding aboriginal/non-aboriginal relations at the macro-level. Although limited in terms of the depth of the background information, Lithman (1988) nonetheless offers several of theoretical perspectives concerning the relations between Canada's indigenous and incursive populations. Beginning with a discussion of R.W. Dunning's (1964) Type "A" and Type "B" reserves, the author presents the strengths and limitations of several theoretical models, including: Peter Carstens' (1971) comparison of Canadian Indian reserves and South African homelands, James Frideres' (1975) notion of internal colonies, and Peter Elias' (1975) metropolis-hinterland model. What emerges from his examination of these models is a marked departure from the typical analyses of aboriginal/non-aboriginal relations written during the late 1960s and early 1970s. Indeed, Lithman (1988) argues that class interests rather than colonial status are the determinants of the interactions between Euro-Canadians and Indians.

One of the most important features of this text is his duo-ethnic typology of inter-ethnic interactions and its underlying theme "that Indians and Whites do not play the same game" in neither of the social, economic nor political spheres of everyday life. Indeed, Lithman (1983:81) notes:

The guiding principle in arranging the various types of inter-ethnic interaction in a series is the power of the Indian and White actors respectively to enforce their definition of what can be made relevant in the interactive event in order to further their respective interests in the instrumental outcome of the interaction.... In its totality, thus, the series of types of inter-ethnic interaction is what constitutes the interactional aspect of the stratified duo-ethnic system under discussion here.

Tracing the historical development of both Fort Alexander and the nearby Euro-Canadian communities through the fur trade, early reserve, wage and seasonal work, and, finally, local government periods, Lithman (1988) manages to illustrate not only the applicability of his typology but, the change agents who have been part of the processes it describes. He presents the bottom line, if there is one, as the notion that individual Indians cannot expect to "get ahead and make a good living", on or off the reserve, due to the context and meta-context of aboriginal/non-aboriginal relations and their distinct status as 'Indians'. This is seen within each of the five types of interaction identified by Lithman (1988) as:

**Type I interaction**: involves aboriginal persons attempting to invoke a status which non-aboriginals are unable to ascribe to them, i.e., worker or student, and aboriginals are therefore seen as competing with non-aboriginals to define the former's status. Aboriginal status claims are non-negotiable and the tenor of interactions is labeled as "white segregative"(1983:81-82)
**Type II interaction:** involves the non-aboriginal trader and the aboriginal customer finding mutually acceptable statuses which are continually negotiated. The tenor of this interaction may be regarded as one of non-aboriginal dominance-aboriginal submission of roles defined by the former with incentives provided to the latter to play the game according to those definitions, indeed, "As long as the Indian accepts the White party's superiority, and thus also underwrites the White trader's ideas about Indians, a fairly stable relationship will exist" (Lithman, 1983:82-83).

**Type III intervention:** involves statuses which are mutually recognized as legitimate, i.e., Band Chief or Councillor on one side and the government's non-aboriginal, development employee on the other side. This interaction involves negotiation between the individuals and groups with "Indian status" for government services with rewards or sanctions for the players. The tenor of interaction is one of bargaining whereby each party seeks to affect its own instrumental view of the outcome of the negotiations. As noted "their dramatic latitude is wide, which the respective parties manifest in their attempts to get the other party to the interaction to adopt its own view of what the instrumental outcome of their interaction should be" (1983: 83-84).

**Type IV interaction:** may be regarded as the logical opposite to Type II interaction since it has a non-aboriginal person willing to subject themselves to the dominance of an aboriginal person. This may be in return for something that the aboriginal person possesses, or is in a position to grant access to the non-aboriginal person. The aboriginal person is able to define the nature and extent of the interaction and impose sanctions for non-compliance (1983:84).

**Type V interaction:** may be regarded as the logical opposite to Type I interventions since there is no constraint upon aboriginals to demonstrate their ideas about non-aboriginals nor are the latter able to restrict the former's instrumental goals as a result of the interaction. These interactions clearly demonstrate the aboriginal people's views that aboriginals and non-aboriginals are not playing the same game. The tenor of interactions between these two groups and their ascribed statuses are regarded as non-negotiable as the parties are in competition with one another. As noted by Lithman, this type of interaction is described as "Indian segregative" and "...relates to the fact that the White parties to the interaction, as opposed to the Indian parties in Type I, have nothing to gain from prolonging the interactive event, quite the contrary, and this type of interactive events are therefore short in duration" (Lithman, 1983: 84).

The strength of Lithman's (1983) typology is not as a stand-alone, statement of causality. Rather, its value is found within its general applicability to both the Third and Fourth Worlds, by providing a framework for bringing together accounts of aboriginal/non-aboriginal interactions, showing the tenor of those interactions vis-a-vis their relative worth to non-aboriginal class interests, and that aboriginals and non-aboriginals were "not playing the same game" in those interactions. With minor adaptations Lithman's (1983) typology may also be applicable to the context of Canada's two northern territories. Describing aboriginal/non-aboriginal relations at the individual level, Lithman's (1983) typology currently offers partial explanations of these same interactions at the structural levels of federal-territorial relations. The following sections examine the historic and
contemporary tenor of those inter-ethnic relations through their stages of need, competition, annoyance or nuisance, and wardship.

<table>
<thead>
<tr>
<th>Status Relationship</th>
<th>Type I (Non-negotiable)</th>
<th>Type II (Negotiable)</th>
<th>Type III (Negotiable)</th>
<th>Type IV (Negotiable)</th>
<th>Type V (Non-negotiable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenor of Interaction</td>
<td>White Segregative</td>
<td>White dominance/Indian submission</td>
<td>Bargaining Indian dominance/White submission</td>
<td>Indian Segregative</td>
<td></td>
</tr>
<tr>
<td>Whites' Ability to Sanction</td>
<td>Large</td>
<td>Decreasing</td>
<td></td>
<td>Small/None</td>
<td></td>
</tr>
<tr>
<td>Indians' (self-perceived) Ability to Sanction</td>
<td>Small/None</td>
<td>Increasing</td>
<td></td>
<td>Large</td>
<td></td>
</tr>
<tr>
<td>White Parties Dramatic Latitude on the Part of the Indians</td>
<td>Small</td>
<td>Increasing</td>
<td></td>
<td>Large</td>
<td></td>
</tr>
<tr>
<td>Dramatic Latitude on the Part of the Whites</td>
<td>Large</td>
<td>Decreasing</td>
<td></td>
<td>Small</td>
<td></td>
</tr>
<tr>
<td>Relationship of the parties</td>
<td>Unstable</td>
<td>Stable</td>
<td></td>
<td>Unstable</td>
<td></td>
</tr>
</tbody>
</table>

Figure 24  Lithman's Typology of Inter-Ethnic Strategies.  

a. Nuisances: European-Aboriginal Relations, 1885-1945

When the modes of production amongst the settler population changed from renewable resource extraction to agriculture and manufacturing along with possession of the Prairies and British Columbia, the relative value of Canada's Aboriginal peoples continued to decline until they were regarded as a nuisance to further expansion. More and more frequently non-Aboriginal legislation and laws were employed as methods to "control" the Aboriginal populations (see Dyck, 1991; Loo,
1994; Patenaude, 1990) and the tenor of relations between these two groups moved from Lithman's Type III through Type II interactions and into actions and ideologies which support a Type I classification as the social and political climate of the country changed.

The birth of Canada's contemporary policy towards aboriginal people may, thus, be traced to the provisions of the Indian Act (1886) and the Indian Act (1887). These Acts sought to continue the policy goals of the earlier Acts through a variety of measures, including:

- a general reduction of food,
- an extension of the Act's enfranchisement provisions,
- and compulsory school attendance for Native children....Increasingly, areas such as education, morality, local government, and land resources fell under government regulation. Significantly, the 1886-1887 amendments also attempt to "protect" Native concerns; they prescribe penalties for liquor abuse and prostitution, offer protection of lands from expropriation, and limit the exploitation of land for timber, mineral, and coal (Frideres, 1988:30).

More significantly, as noted by Akman (1985:2), Section 107 of the Indian Act (1886) provided an improved mechanism by which the Dominion government and, by extension, the non-aboriginal society may enforce compliance with those policy statements and goals:

§107. The Governor-in-Council may appoint persons to be, for the purposes of this Act, justices of the peace and those persons have and may exercise the powers and authority of two justices of the peace with regard to:

(a) offenses under this Act, and
(b) any offence against the provisions of the Criminal Code relating to cruelty to animals, common assault, breaking and entering and vagrancy, where the offence is committed by an Indian or relates to the person or property of an Indian.

This amendment to the Indian Act was the most comprehensive, legislative intrusion by the Dominion government into aboriginal life to occur during the period. It enabled the agents of the state, in this case the Indian Agents and the criminal justice system, to enforce the government's assimilationist policies on its "Indian wards".

The immense degree of interference in and control of the daily lives of the aboriginal peoples, which was authorized by the Indian Act (1887), would be expanded during the decade of the 1890s with a further four amendments to that Act. These amendments would include:
1890 - The sale of produce and livestock from reserves to non-aboriginal people prohibited.

1890 - Game laws of Manitoba and the North-West Territories made applicable to aboriginal peoples.
- Superintendent of Indian Affairs given power to pay up to 50 percent of the value of reserve lands as inducement for aboriginal peoples to surrender the land in question.

1894 - Superintendent General of Indian Affairs empowered to lease reserve lands without its surrender by the band.

1894 - Superintendent General of Indian Affairs empowered to lease the lands of aboriginal orphans and the elderly without their permission.
- Financial aid to bands using the location ticket of land allocation reduced.
- Governor-in-Council empowered to make whatever regulations necessary to ensure that aboriginal children attend government-funded boarding and/or industrial schools.

1896 - Aboriginal peoples have the franchise to vote in Dominion elections legislatively revoked.

1898 - Superintendent General of Indian Affairs empowered to enact regulations concerning police and public health services and to unilaterally expend band funds for that purpose (Tobias. 1983:45-49).

As can be deduced from these amendments to the Indian Act, the Dominion governments policies continued to be aimed towards the gradual advancement, albeit in the Euro-Canadian model, of the aboriginal peoples and the surrender of "lands reserved for Indians".

During the forty years following the close of the second Riel Rebellion, 1885-1925, the Dominion government continued to enter in treaties with the aboriginal peoples west of the Great Lakes. The last of the Numbered Treaties, Treaties 8-11, were concluded with Athapaskan-speaking Assiniboine, Chipewyan, Cree, Dogrib, Ojibwa, and Slavey, of what would eventually become the provinces of Manitoba, Saskatchewan, Alberta, and the Northwest Territories. According to historian Miller (1989) the Dominion government was merely continuing the policy promulgated by the Royal Proclamation (1763) and attempting to secure title to "Indian country". As with previous treaties, the government promised a land base, food relief, clothing, annual cash payments, medicine chests, and other conditions. Unlike earlier treaties, however, government negotiators
added many written and oral conditions to conclude them quickly.\textsuperscript{32} The fact that these same treaties were ratified by Orders-in-Council rather than a Parliamentary vote (Frideres, 1989) creates the impression that the process was both less-than-honest and acceptable only to one of the parties involved in it.

The Province of British Columbia and the Northwest Territories offer two interesting anomalies to treaty-making process in Canada. First, British Columbia experienced the establishment of reserves throughout the province without the signing of treaties. This was due, mainly, to the tradition started by former governor Douglas with Indian Commissioners allocating land, not valued by non-aboriginals, to local aboriginal groups. Treaty 11 in northern Alberta and western Northwest Territories did not include the establishment of reserved lands as:

...noting the baneful effect on the people south of the Great Slave Lake in Treaty No. 8, the Treaty No. 11 people were not going to be relegated to reserves. Although provision was made in both treaties for reserves on the basis of one square mile per peer family of five (or, in treaty No. 8 only, 160 acres per person for those who chose to live apart), until 1974 not a single reserve site was chosen anywhere in the Mackenzie District, nor in the small corner of the Yukon covered by treaty No. 11.

During this same period the Dominion government was pinching its pennies in the and seeking ways to reduce its expenditures in the management of Indian affairs. Having assessed its policies of protection, civilization, and assimilation of the aboriginal peoples into the Euro-Canadian social structure as being far from successful, the \textit{Indian Act (1898)} was amended. The \textit{Indian Act (1906)} was the Dominion government's response to criticism that the reserve system was, in fact, retarding the assimilation of the aboriginal peoples and the economic development of the areas where reserves were situated (Getty and Lussier, 1983). Indeed, the peaceful assimilation of Canada's aboriginal peoples was discarded as a policy goal and the reduction and eventual disposition of "lands reserved for Indians" was promoted (Getty and Lussier, 1983:48-49).

\textsuperscript{32} Frideres notes that the oral promises and negotiations were meaningless, stating:

In general, however, the government negotiators had by far the best of the bargaining. Indeed, most treaties were written by the Government and simply presented to the Indians for signing. The terms, for example, of Treaty No. 9 were determined by the Ontario and Canadian governments well in advance of discussions with Indians. Moreover, there is evidence that, in many cases, hard-won oral promises have never been recognized or acted upon by the Government (1988:101).
This situation would continue until 1920 as the various amendments to the Indian Act (1876) occurring in 1886, 1887, and 1906 dealt only with Indian self-sufficiency in similar areas, but would have a major impact upon the lease or sale of reserve lands and the fitness for enfranchisement of Indians. The latter was not to occur until 1960 on the federal scene when aboriginal people received the right to vote in Dominion elections. The major purpose of both this legislation and policy was to assimilate aboriginal peoples into the mainstream of Canadian society, albeit in a gradual manner. The powerlessness of the disenfranchised aboriginal population was seen as a factor in their lack of action as aboriginal people could not directly affect the election of Dominion politicians. Such socio-structural deprivation may be seen merely as an exercise of power by the dominant non-aboriginal society and the lack of action on the part of the aboriginal peoples as a lack of understanding of their ability as agents in a power relationship.

An example of the desire and ability of the non-aboriginal state during the late nineteenth and early twentieth centuries to assimilate, ergo improve, the aboriginal peoples may be found within the legal suppression of the potlatch complex amongst various aboriginal groups along the Northwest Coast. The enactment and enforcement of the anti-potlatch sections of the Indian Act (1885) was, according to Canadian historians Douglas Cole and Ira Chaikin (1990), "to persecute native people, not to prosecute for offenses." Along with the repression of indigenous language use, taking of land without extinguishing aboriginal title, the outlawing of the potlatch can be seen as the extreme to which non-aboriginal society used its dominance against its aboriginal subjects and their cultures in British Columbia. The conflict between aboriginal and non-aboriginal over the potlatch was a clash of values. On one hand, the actual ceremony was seen by many missionaries, Christian Indians and Department of Indian Affairs field agents as a barrier to aboriginal assimilation into non-aboriginal, Christian society. To most aboriginal people, on the other hand, their potlatch was a central, if not primary, institution with their culture which cemented clan alliances, family bonds, and the redistribution of surplus goods.33

During the "reign" of Duncan Campbell Scott, as Deputy Superintendent General of Indian Affairs, the potlatch and those who practiced it faced increased opposition. It was during his time

33 In the face of aboriginal resistance the government adjusted its policy and relied upon church and school rather than police and prison to effect the changes it desired. After 1913, the government patience came to an end when frustrated with the continuation of Kwakiutl potlatch ceremonies it decided to enforce the law.
in office, according to Cole and Chaikin (1990), that the government shifted gears from paternalism towards the aboriginal peoples to their legal oppression, notably through the courts. During the 1920s the oppression of the potlatch would begin in earnest with the confiscation of masks and other potlatch paraphernalia and the prosecution of fifty-eight Kwakiutl for contravening both the Indian Act and Criminal Code.

Kwakiutl protested, but, as a disenfranchised and powerless group, a minority even within aboriginal society on the Northwest Coast, they could not alter the will of any unsympathetic bureaucracy. Unable through legal channels to have the unpopular law modified or repealed, they resorted to thwarting it. By stealth, disguise, surreptitiousness and an ingenious use of legal loopholes, they continued an underground resistance that stymied all efforts at enforcement. The government was again forced to relent, to trust that time would bring an end to the ceremonies.34

It was a sad commentary on non-aboriginal society in Canada that the anti-potlatch provisions would remain a part of the Indian Act until 1951 when they were repealed. While the anti-potlatch section was an instrument of coercion, its power and effect can be over-emphasized. Such Indian Act provisions and the values which they underscore offer examples of the shifting of the tenor of aboriginal/non-aboriginal interactions from Type II to Type I relations. Unlike Kwakiutl resistance to the anti-potlatch provisions (which was marked by some instances of negotiations by Aboriginal leaders) the prominent tenor was one of non-Aboriginal officials defining Aboriginal reality.

Throughout the era of 1885-1900, ethnicity was regarded by the Dominion government in much the same way as the Imperial government had interacted with the aboriginal populations, namely as a matter of military, political, and economic expediency. As the relative importance of the aboriginal populations decreased vis-a-vis the Dominion and regional economy and fears remaining from the previous Riel Rebellions failed to dissipate, the government instituted a policy of economic dependency and marginal land reserves for aboriginal people.

While the Dominion government continued many of the policies established during the

34 The potlatch, though it declined and even disappeared in some areas, never died out. Recent years have seen a resurgence of the ceremony, even in areas where it was seemingly lost. The potlatch continues to occupy a significant place in native culture, reinforcing values both indigenous and adapted.
previous thirty years, the 1900-1930 era was marked by increased efforts to deal with its opponents through the least intrusive and least expensive manner available to it. The use of force was discontinued in favour of: 1) cash settlements, 2) treaties ceding of reserve/treaty lands, and 3) dealing with aboriginal peoples from a position of, both, material and psychological superiority. The signing of treaties during this period could, therefore, be viewed as contracts for economic and psychological dependency amongst the aboriginal peoples.

During the Depression years, 1929-1939, the Dominion government discovered legislation alone could not accomplish its goals of protecting, civilizing, and assimilating the nation's aboriginal populations without active support of the Superintendent-General of Indian Affairs and his officers. This support was not, however, to be forthcoming as that department not only exercised the degree of autonomy available to it within the overall structures imposed by the government, but was disbanded and existed in stasis until it was resurrected in 1933.

During that year, several major legislative events took place which affected the lives of Canada's aboriginal peoples. The Indian Act (1933) not only created the Department of Indian Affairs as a separate government department, but placed major restrictions on the enfranchisement of aboriginal peoples, the sale of reserve lands, the wearing of ceremonial garb, and compulsory school attendance for aboriginal children. The Department of Indian Affairs was also able to block any appeal of the actions of local Indian agents (non-aboriginal officers of the Department) with which the band or tribe was unhappy. This was accomplished by way of an internal directive under which all aboriginal complaints and inquiries would be dealt with at the local rather than Headquarters level (Hawthorn, 1966:169).

The generalized effects of these changes were that the aboriginal peoples in Canada could only hope for benevolence on the part of both the Department and its agents and that they felt little belonging in the Canadian policy and nation. The Treasury Board and its parliamentary watchdogs would ensure that such benevolence would not occur with Dominion funds, as they would deny Indian Affairs both the funding and personnel by which effective programs could be implemented (Hawthorn, 1966:172).

Thus far, the discussion has presented a very limited view of those events which occurred during the period, 1885-1945. Unfortunately for legal scholars, the Depression and Second World War captured the Dominion government's interest and, as a result, very little archival materials exist
or, if they do, describe this period less than adequately. What emerges from the actions of the Dominion government during this period illustrates the position that neither regional nor provincial governments, and definitely not the aboriginal peoples of Canada, but the Dominion government was in control of “Indians and lands reserved for Indians.” Their actions, and the ideology which underscored them, would conform to Lithman’s (1978) Type I (white segregrative) tenor of interaction. The non-negotiable nature of aboriginal/non-aboriginal interactions was illustrated by the enactment with the amending of legislation that, itself, flowed through phases of repression, liberalization, and repression within a matter of years.

In general terms, the non-negotiable actions of Dominion government between Confederation and the close of the Second World War could best be described as “assimilationist.” The policies and actions of the government and its agents sought to save and protect the aboriginal peoples by extinguishing aboriginal language, culture, and family structures. Through the use of apartheid-like legislation, religious training, reserves, and residential schools, aboriginal peoples were both forced and rewarded for becoming like the non-aboriginal population.

Aboriginal peoples had little, if any, latitude or ability to change their situation vis-a-vis the non-aboriginal, Dominion government. This was demonstrated through court challenges to amendments to the Indian Act in 1924 and 1938 whereby Inuit were included and excluded, respectively, as being under the responsibility of the Superintendent-General of Indian Affairs. Yes, without their knowledge, consent or representation, Inuit could become Indians for the purposes of government!

b. Wards: European-Aboriginal Relations, 1945 to the Present

Aboriginal/non-aboriginal relations in Canada have been most interesting to study since the close of the Second World War. These same relations have been fluid and assumed a character which stands in stark contrast to aboriginal/non-aboriginal relations during the 1885-1945 period.

The frustrations of Canada’s aboriginal peoples with the provincial and federal governments would continue throughout the war years and into the early years of the 1950s. At that time, the Dominion government, fresh from wars with oppressive regimes, would begin to look in earnest at the problems faced by its own aboriginal peoples as well as those of northern development. Although she was commenting on the Dominion government’s multiculturalism policy in 1981,
political economist Kogila Moodley could easily have been describing the previous sixty years of reticence in aboriginal administration in Canada:

Perhaps the most typical form of Canadian bigotry consists of an ostrich-like denial that a significant problem of racial hostility exists at all...Native Indians and Inuit, the relics of conquest, constitute caste-like minorities in Canadian society. They are largely excluded from competition and are subject to condescending and paternalistic treatment by the charter groups. How complete and successful the conquest and colonization of this group has been evident in their internalization and exhibition of many of the features of inferiorized peoples elsewhere (Moodley, 1981:15-16).

During 1946 the Dominion government refocused its attention on the aboriginal peoples of Canada and, although it would take six years to act, amended the *Indian Act* (1933). Indeed, it soon found that this repressive legislation was too bitter a pill to swallow as they had just fought a war which ended many colonial and exploitative regimes among its former allies and enemies alike. The awareness of this growing public problem by members of Parliament led to the creation of a *Joint Committee of the Senate and House of Commons* (1946-1948) which received input from not only aboriginal and non-aboriginal members of the public, but also from many academics and public servants involved in the delivery of services to aboriginal clients.

The Joint Committee distilled the representations of the various groups and recommended limited actions to be undertaken. The major points included recognition of:

1. failure of the government policy of assimilation,
2. low levels of educational and vocational training among aboriginal people,
3. low levels of regional/national level organizational development exacerbated by the low education illiteracy and political alienation among the aboriginal leadership,

The recommendations of the Joint Committee (1946-1948), on the other hand, sought numerous changes in the relationships between the Dominion government and aboriginal peoples. These changes may be seen in the following recommendations:

1. The complete revision of every section of the *Indian Act* and the repeal of those sections which were outdated.
2. That the new *Indian Act* be designed to facilitate the gradual transition of the
Indian from a position of wards up to full citizenship. Therefore the Act should provide:

a. A political voice for Indian women in band affairs.

b. Bands with more self-government and financial assistance.

c. Equal treatment of Indians and non-Indians in the matter of intoxicants.

d. That a band might incorporate as a municipality.

e. That Indian Affairs officials were to have their duties and responsibilities designed to assist the Indian in the responsibilities of self-government and attain the rights of full citizenship.

3. Guidelines for future Indian policy were to be:

a. Easing of enfranchisement.

b. Extension of the franchise to the Indian.

c. Co-operation with the provinces in extending service to the Indian.


In essence, the Joint Committee reaffirmed the assimilation policy of the Department of Indian Affairs but not their methods of attaining that goal. These methods were pre-destined to be ineffective as any policy goal which sought to help aboriginal people retain and develop their "native characteristics" while simultaneously assuming the degree of Anglo-conformity necessary for taking on the full rights and responsibilities of Canadian citizens was inherently unobtainable.

The Special Committee recommended the radical approach of almost totally amending the Indian Act (1933). The labours of the Special Committee would come into fruition and would become apparent in the transfer of the Indian Affairs Branch to the Department of Citizenship and Immigration in 1949 and major amendments to the Indian Act two years later during 1951. The revised Indian Act (1951), however, could be considered a gigantic step backwards rather than a positive step forward in aboriginal/non-aboriginal relations in Canada. Indeed, it appeared to be a return to the ethnicity-based repression contained within the Indian Act (1888). It did contain, however, the following major innovations:

1. Increased provincial legal authority on reserves;

2. Decreases in federal control of reserve life;

3. Indian status defined more precisely;
4. Enabling legislation for franchisement; and,

These innovations were met with both support and opposition by both parliamentarians and aboriginal peoples alike. This lack of consensus would contribute to the creation of a second Joint Committee a decade later. This second inquiry conducted during 1965-1966 by eminent University of British Columbia scholar of aboriginal peoples and issues, Professor Harry B. Hawthorn, would comment again on the confusion and lack of information among the aboriginal peoples concerning their political rights, the wide philosophical gulf between Indian Affairs and the local bands, the appearance of Indian Affairs as a miniature colonial government, and the confusing competition between Dominion and provincial governments for specific and limited control over aboriginal lands and lifestyles (Hawthorn, 1966:170-174). By identifying the lack of common purpose among the aboriginal peoples, Canadian politicians were judging aboriginal peoples by their own rather than native cultural and social values. This, too, is an example of the unequal power relationship which existed during that period and which continues to this day.

Although the inequities of both the Indian Act (1951) and the practices of the Department of Indian Affairs and Northern Development continued into the 1960s, changes did occur in Ottawa's management of its aboriginal wards. The first change was an amendment to the Canada Elections Act (1960) which, then, resulted in the granting of the franchise for aboriginal peoples to vote in Dominion elections. The second change was the result of a restructuring of the departments and agencies of the Dominion government. While the Indian Affairs Branch continued to administer and manage programs for the aboriginal peoples, it found itself becoming a section of Northern Affairs and National Resources during 1964 (Frideres, 1988:34).

While the Dominion government gave little more than cosmetic attention to the plight of its aboriginal citizens at the beginning of the 1960s decade they modified their beliefs concerning their assimilation into the mainstream of Canadian society during 1969. The Dominion government recognized the development of local, regional and national interest groups by aboriginal peoples could facilitate the upcoming multiculturalism policy and the development of a structure which would permit decolonization to occur.

The years between 1945-1975 comprised a period of rapid social change for most of Canada and Western society. While the Dominion government sought to ignore to the problems faced by
the nation's aboriginal population vis-a-vis their marginalized position in society, according to Canadian sociologists Augie Fleras and Jean Leonard Elliott (1996), it accepted that its previous policies and style of management were less than effective. The Department of Indian Affairs was reorganized and local bands were granted limited control over band services, subject to the approval of the Minister of Indian Affairs. Such limited autonomy was based on the premises that:

...first, there was a real need to establish aboriginal rather than federal control over community affairs; second, that communities with proper resources were better equipped to solve local problems; and third, that centralized structures were ineffective for problem solving when dealing with a geographically dispersed and culturally diverse people (Fleras and Elliott, 1996: 204).

The effect of this policy shift was that the general image of the Department of Indian Affairs was softened. Band councils gradually assumed more control over the daily affairs of the their members and, in many cases, assumed municipal government responsibilities without the legislative security of a municipality. Within many Dene communities in the Northwest Territories there co-exist a hamlet or municipal council responsible for roads, sewage, and water, alongside a band council which assumes responsibility for remaining local services. Political and administrative development occurred side by side. Later Dominion government action undermined any goodwill, however, which had been created. The results of the Minister's presentation of the White Paper on Indians (1969) and the Department's later stance in Calder v. the Attorney-General of British Columbia [1970] was akin to drawing a line in the sand (a line in the tundra?).

The Statement of the Government of Canada on Indian Policy (1969) was "...to provide Indians with the right to full and equal participation in the cultural, social, economic and political life of Canada" (Asch, 1984:8). This new direction would, if accomplished, see the termination of the reserve system and the special status granted by the original Indian Act (1876) as they would become fully integrated into Canadian society. Indeed:

For the architect of the White Paper, Pierre Elliott Trudeau, the "just" society could not possibly materialize without guarantees of formal legal equality for everyone regardless of race or ethnicity. With the White Paper, in other words, the "Indian problem" would be eliminated by defining it out of existence as a meaningful legal construct (Fleras and Elliott, 1996:204).

This policy direction would have had the effect of engendering cultural genocide had it not
been for widespread condemnation of the policy by aboriginal people and the effective use of the media by aboriginal political action groups. The national outcry which ensued forced the Dominion government to announce its new policy of multiculturalism which sought to recognize cultural pluralism in Canada and the differential integration of ethnic and racial groups into Canadian society. In reality, this new policy was a method of reducing the influence of both aboriginal and francophone political action groups. Indeed, as Tobias (1983) commented:

this withdrawal does not mean that the goal has been repudiated; at least there is no indication of such renunciation to date. It is simply that alternative means to achieve it are being considered. At the moment Canada's Indian policy is in a state of flux, but unlike any earlier period, a more honest effort is being made to involve the Indian and Indian views in the determination of a new Indian policy (Tobias, 1983:53).

Until the release of the federal government's *White Paper on Indians* (1969) the tenor of the interaction between aboriginal and non-aboriginal peoples could be best described as Type I (White Segregative). The unified, national-level resistance to the *White Paper on Indians* (1969) shocked both aboriginal and non-aboriginal Canada into polarized action and ended the integrationist period of aboriginal/non-aboriginal relations in Canada. Yet, during the following year, Departmental lawyers revisited their previously, segregative practices through their stance in Calder (1973).

In the *Calder* (1973) case, Nisga’a lawyers argued that they had possessed a reconcilable system of land use and tenure to that found within Canadian law and which, in turn, had not been ceded by treaty. This was a landmark decision wherein the Supreme Court of Canada recognized that the provincial government retained the land pursuant to colonial legislation. This decision ignored the fact that, contrary to international covenant, Governor Trutch had unilaterally extinguished Indian land titles within the colony of British Columbia prior to joining Confederation. Subsequent appeals to the British Columbia Court of Appeal and Supreme Court of Canada revealed the inherent ethnocentrism in Canadian law and legal practice in general and specifically this case. The major points of law in *Calder* (1973) centered on the determination of whether or not Nisga’a law was congruent with the existing Canadian law and whether prior colonial law was intended as general or specific legislation to extinguish aboriginal title. By choosing the former view the courts set the tone of relations between the Dominion government and the aboriginal peoples for the next fifteen years.
The period between 1975 and 1990 bore witness to both rapid changes in Canadian society and the relationship between the aboriginal and non-aboriginal governments. In the wake of the reactions to its *White Paper (1969)* the Dominion government tacitly accepted the principles of aboriginal autonomy but, in so doing reduced the Department of Indian Affairs to a near state of paralysis in policy development and resultant crisis management within its daily operations (Fleras and Elliott, 1996). The Dominion government continued its previous hand-in-glove policy of devolving the administration of band government while reducing transfer payments for those same services as a result of the financial realities of the 1980s decade. Indeed, those land claim settlements which were concluded during this period appear to be reflective of those dualities.

In response to the *White Paper (1969)*, a number of political action groups were also created by aboriginal peoples throughout Canada (Anderson and Frideres, 1981) with the most notable example being the National Indian Brotherhood. Along with other emerging aboriginal political organizations in Canada, the National Indian Brotherhood held the belief that aboriginal peoples are entitled to special status based on their aboriginal status and the history of aboriginal-government relations. While opposed to the model for integration contained within the *White Paper (1969)*, these same groups sought the same cultural, economic, political and social rights for their members as those already available to non-aboriginal Canadians. According to Canadian anthropologist Michael Asch (1984) such special status for aboriginal people requires a self-determinant land base from which to participate in the broader Canadian society and the non-extinguishment of existing aboriginal title and status.

During this same period, the Dominion government managed to deal not with the causes of the growing discontent and increasing politicization among Canada's aboriginal population, but rather to address the symptoms as they were brought forth by the National Indian Brotherhood and other aboriginal political organizations. Continuing support for devolution and the settlement of land claims enabled the government to avoid problems and to control their pace by employing a two-part process: first, through lengthy discussions to set an agenda for change and, second, through the establishment of a comprehensive land claims policy and process (Frideres, 1988:127-130). Through this process the Dominion government avoided the inter-related issues of aboriginal title, existing treaty rights, and self-government or full autonomy.

The last five years of the 1970s decade witnessed the settlement of the *James Bay Agreement (1975)* between Cree, Inuit, and the federal and Québec governments and the
Northeastern Québec Agreement (1978) between Naskapi and the two senior levels of government. The federal perspective is pervasive throughout these agreements as limited administrative control is devolved while real political and economic control is retained by the Department of Indian Affairs and Northern Development. During the same five year period comprehensive land claims were initiated by aboriginal groups in the Northwest Territories and Inuit had their day in court when the people of the Hamlet of Baker Lake, N.W.T. sought legal recognition of their sovereign rights.

In Baker Lake et al (1980), Inuit had to provide legal proof of their title to the land by way of either occupation or title. The standard of proof was not by way of oral tradition and traditional land use, but they would be entitled to that land of which they could prove long-term use or occupation in terms of the British common law and the Canadian interpretations of it. Mr. Justice Mahoney, the trial judge, ruled that this was not proved by Inuit nor could legal title be found to the land other than the Royal Proclamation of 1670 which extinguished aboriginal title by granting the Hudson's Bay Company ownership of Rupert's Land, which included the Baker Lake area (Asch, 1984:52).

The decisions in Calder (1973) and Baker Lake (1980) gave credibility to the policies and programs of the Department of Indian Affairs and Northern Development as that agency endeavoured to continue their colonial-style administration of Canada's aboriginal peoples. This period was regarded as a time, according to Fleras and Elliott (1996:205), "when aboriginal and treaty rights were derogated as contrary to liberal-democratic values." Recognizing the increasing public interest in aboriginal affairs and conscious of its corporate image, Indian Affairs began "settling claims related to traditional Native use and occupancy of lands in those areas of Canada where this traditional right has not been extinguished by treaty or superseded by law" (Frideres, 1983:209).

The 1980s decade was witnessed change as rapid as the last five years of the previous decade. The repatriation of the British North America Act (1867) would enable the inclusion of the aboriginal peoples and specified rights for them as part of the Constitution Act (1982). Their constitutional position was not as secure as it sounds since, the Minister of Indian Affairs could still govern their lives by fiat and through policy. Indeed, the legal rights of the aboriginal peoples in Canada were formally recognized in the specific crafting of Sec. 35 of the Canadian Charter of Rights and Freedoms (1982) dealing with aboriginal rights and freedoms was a major leap towards the full recognition of Canada's aboriginal peoples, their culture and heritage, and the contributions which they have and are capable of making to the development of the nation as a whole. Yet,
although recognition within Sec. 35 of the Constitution Act (1982) is great symbolic leap, it has merely had the effect of supporting the "extinguished by treaty or superseded by law" component of the Department of Indian Affairs' mandate and, as a result, are forcing aboriginal peoples and their claims into the Anglo-Canadian legal arena, once again, for the acquisition and definition of their rights.

The year of 1985 was one of change for aboriginal peoples and their interactions with the non-aboriginal state. It was during that year, the Dominion government reversed earlier policy of extinguishment of aboriginal title and rights as part of the land claims process. This change was due, for the most part, to the stalling of negotiations and limited settlements in the face of the extinguishment policy. The Dominion governments' comprehensive claims policy has established a lengthy process, approximately three years per claim, for the settlement of land claims.

Substantial amendments to the Indian Act were also enacted during 1985. Unfortunately these changes were not made by an enlightened Dominion government but, as the result of the decision in Lovelace v. Canada [1981] which challenged the limitations placed upon aboriginal women and children by that Act. Indeed, this Act contained the only substantive changes to the Indian Act since 1951! Enacted in the face of strong opposition from many aboriginal peoples, notably among the status Indian leadership, this amendment to the Indian Act redressed the loss of Indian status by many aboriginal women and their children. Under the provisions of previous Indian Acts those aboriginal women who married non-aboriginal men or those aboriginal men who had taken the franchise, lost their Indian status under the Indian Act. Their names would be struck from either the Band List or Indian Register. While this amendment allowed the Bands to control membership and influence the behaviour of their members, the Dominion government was able to reduce payments to the Band and its members due to reserve out-migration. Band leaders and councils regarded this as an assault on their authority and an effort to further reduce consensus among aboriginal groups (Gibbins and Ponting, 1986:38).

The Sechelt Indian Band Self-Government Act (1985) was also enacted during 1985 and sought to provide not self-government by an autonomous aboriginal nation, but self-administration of 33 reserves by a dependent aboriginal band. Under the Sechelt Act (1986), the Sechelt Band

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For a fuller understanding of the gender discrimination inherent within the Indian Act, see Kathleen Jamieson's (1986) "Sex Discrimination and the Indian Act."
continues to be governed by its Band Council, as constituted under the Indian Act (1985), albeit with three major conditions:

1. Those federal and provincial laws of general application not inconsistent with the Indian Act are in force regarding the Band and its members.
2. The Band acquires the power to levy taxes on residences and businesses for local improvements.
3. The Band is permitted to borrow funds from external sources to finance band projects (Frideres, 1988:361).

Encouraged by the results of favourable court decisions, aboriginal peoples were beginning to understand the role and value which the Anglo-Canadian courts could play in balancing the power of the Dominion government. This was especially important in establishing aboriginal title, validating treaty rights, and affirming self-government.

The courts were asked to establish the legal existence and proof of aboriginal title throughout the 1975-1990 period. Arguing that the Dominion government had breached its fiduciary obligations by leasing band lands, the Musqueum Band of Vancouver, B.C., employed the courts to establish aboriginal title to those same lands. Although the decision in Calder (1973) was relied upon in that case, R. v. Guerin [1985], the latter decision showed the necessity of occupation and use of the land or it would be deemed to have been surrendered to the Crown. The majority decision stated:

Indians have a legal right to occupy and possess certain lands, the ultimate title to which is in the Crown. While their interest does not, strictly speaking, amount to beneficial ownership, neither is its nature completely exhausted by the concept of a personal right. It is true that the sui generis interest which the Indians have in the land is personal in the sense that it cannot be transferred to a grantee, but it is also true,... that the interest gives rise upon surrender to a distinctive fiduciary duty obligation on the part of the Crown to deal with the land for the benefit of the surrendering Indians.... The nature of the Indians' interest in therefore best characterized by its general inalienability, coupled with the fact that the Crown is under an obligation to deal with the land on the Indians' behalf when the interest is surrendered (1985:136).

While establishing the existence of aboriginal title in R. v. Guerin [1985], the courts were also asked to determine what constitutes the burden of proof to establish aboriginal title. In Delgamuukw v. British Columbia [1993], the B.C. Court of Appeal was requested to affirm Gitksan and Wet'suwet'en claims of ownership, jurisdiction and aboriginal title over a large portion of
Northwestern British Columbia. Examining the Eurocentric notions of what constitutes aboriginal title established in *Baker Lake et al.*, [1980] and *R. v. Guerin* [1985], i.e., long-term use or occupation as interpreted within common law, the court recognized only unextinguished aboriginal title and re-affirmed long-term occupation and use by aboriginal peoples in the area as the other burden of proof.

Flowing from the recognizance of unextinguished aboriginal in *Delgamuukw v. British Columbia* [1985], the Supreme Court of Canada was asked in *R. Sparrow* [1990] to determine what constitutes “existing” aboriginal rights and how were such rights extinguished. The court ruled in this case that “existing aboriginal rights” was limited to those rights which existed when the *Constitution Act* (1982) was enacted and that previously extinguished rights could not be revisited by the courts. More importantly, the court reaffirmed the decision in *Calder* (1973) that the although legislation and regulations could extinguish aboriginal title but that the test was one of clarity, i.e., “the onus of proving that the Sovereign intended to extinguish the Indian title lies on the respondent and that intention must be ‘clear and plain’” (1973:404)

Concomitant to the notion of aboriginal title is that of treaty rights. While it appears that the parties to Canadian treaties entered into them with the understanding that the aboriginal peoples were sovereign nations, later Canadian governments and courts did not always regard treaty rights in that same light. In *R. v. Simon* [1986], the Supreme Court ruled that treaties should be not regarded as static in the same manner as existing aboriginal rights but as dynamic, evolving entities to which provincial legislation were subordinate. During 1990 the Supreme Court was asked once again to examine the extinguishment of treaty rights. In *R. v. Horsemans* [1990], that court ruled that the Crown, not the aboriginal peoples, was under a duty to prove the extinguishment of aboriginal title and that any ambiguities inherent to the treaty must be resolved in favour of the aboriginal peoples. These views were upheld three weeks later in *R. v. Sioui* [1990] by the Supreme Court which added that the existing treaty rights referred to in the *Constitution Act* (1982) are not extinguished as a result of their not being invoked in the past or over a period of time.

The decade of the 1990s differs somewhat from the previous 35 years since the close of the Second World War. While the processes of devolution and, by extension, decolonization continue throughout this period, these same processes have not been the concerted efforts one might have expected and confusion within and between government agencies has not been uncommon. The quest for aboriginal self-government has been the hallmark, thus far, of this decade. The inclusion
of aboriginal rights in the Constitution Act (1982) has shaped the continuing discussion which "also revolve around four policy pillars, namely, accelerated land claims settlement; improved socio-economic status on reserves; reconstruction of aboriginal-government relations; and fulfilment of aboriginal concerns as announced by the Prime Minister in September of 1990" (Fleras and Elliott, 1996:206).

Although the opening of the decade witnessed armed confrontations between aboriginal peoples and the Canadian state at Oka, Québec, and elsewhere, the overall trend has been to negotiate self-government arrangements, e.g., Gitksan-Wet'suwet'en, and Nunavut. One question which remains unanswered concerns the constitutional position of the aboriginal political leadership. Would the, as yet undefined, aboriginal government represent a third tier of government? It would appear that this is one fear that Dominion government is acting upon by attempting to de-stabilize the formation of a third-tier government. This is effected by directly negotiating with local bands to settle land claims and establish self-government as a modified form of municipal government similar to that described in the Sechelt Indian Band Self-Government Act (1985). This is presented in Table 6 which compares aboriginal-government perspectives on self-government in Canada.

<table>
<thead>
<tr>
<th>Criteria:</th>
<th>Aboriginal Position:</th>
<th>Government Position:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>Distinct order of self-government with unlimited, provincial-like powers</td>
<td>Municipal-type government with limited powers</td>
</tr>
<tr>
<td>Powers</td>
<td>Powers defined by constitutions, with specifics worked out later</td>
<td>powers defined by negotiations/legislation, then constitutionally entrenched</td>
</tr>
<tr>
<td>Authority</td>
<td>Collective aboriginal rights prevail</td>
<td>Strict application of Canadian Charter of Rights and Freedoms</td>
</tr>
<tr>
<td>Scope</td>
<td>Institutional autonomy and total ownership of resources</td>
<td>Limited ownership and restricted autonomy</td>
</tr>
<tr>
<td>Accountability</td>
<td>self-government accountable to aboriginal nations</td>
<td>self-government accountable to laws of Canada</td>
</tr>
<tr>
<td>Source of Governance</td>
<td>inherent</td>
<td>delegated</td>
</tr>
</tbody>
</table>

During the 1970-1995 period, the tenor of aboriginal/non-aboriginal interactions could be interpreted as moving from Type II (white dominant/Indian submissive) to Type III (negotiable). Two factors influenced this change. First, since the courts were ruling that the rights of aboriginal peoples could not be trampled over, the government began to negotiate and improve its dealings with the aboriginal peoples in question. Second, since the government also felt a need to legitimize itself before the non-aboriginal population and began to negotiate with the aboriginal peoples, albeit from a position of power, it began to devolve increasing amounts of administrative power. Aboriginal peoples would experience the beginnings of limited autonomy throughout this period and find limited remedy to their socio-structural position within Canadian society through the courts who, in turn, established onerous tests and narrow interpretations of the application of those same tests.

The previous discussions have briefly examined the overall history of aboriginal/non-aboriginal contact throughout provincial Canada. The tenor of the interactions between aboriginal and non-aboriginal peoples in Canada have herein been subsumed within the processes of colonialism and colonization in an effort to help give meaning to those same processes. The power of the Canadian state had been challenged, first, by changing social and political conditions and, second, by aboriginal peoples who have employed the courts to effect that change at a quicker pace and greater depth than desired by the government. Yet, what emerges from these discussions is the fact that distinct styles of relations became dominant during different periods of that contact.

iii. Contact Histories or Histories of Contact?

In contrast to the extended periods of intense contact between aboriginal and non-aboriginal peoples in Southern Canada, extending over four hundred years, the North has been subjected to a brief, intense period of contact. This section offers brief overviews of two ethnohistorical models, Daniel Boxberger's (1990) economic-based temporal framework and J. Colin Yerbury's (1980) historical epochs, of the general settlement pattern of the nineteenth and twentieth centuries.

The first model, Boxberger's (1990) economic-based, temporal framework, illustrates the economic and cultural biases of some heuristic models used to describe aboriginal peoples in Canada and elsewhere. His four-stage scheme attempts to link economic development/dependency with political interest in the region. These stages, or historical eras, may be seen to include:
Stage 1: Exploration and mercantilism; beginning with the arrival of Europeans in the New World this stage reached the northern Athapaskans by 1780 with the exploration of the Mackenzie River - Great Slave Lake watersheds. New material goods and surplus trade are introduced. European diseases are introduced to the North. Depletion of faunal resources begins with the demands of surplus trading.

Stage 2: Mercantilism and missionization; beginning in the easternmost Subarctic, this stage reached the North about 1825 and continued until around 1860. Traditional skills and materials are lost and replaced by European goods. Faunal depletion results in lowered nutrition levels. European foodstuffs are introduced during this period. European diseases wreaked havoc with the aboriginal populations. Competition exists between various churches for aboriginal souls.

Stage 3: Mercantilism, missionization, enhanced transportation, mineral exploitation, and government interest; this stage began in the 1890s and lasted until the close of the Second World War. Increased amounts of non-aboriginal foodstuff become part of the aboriginal diet. Birth rates begin to climb during this period. Much of the traditional knowledge and material culture has been lost and replaced by non-aboriginal items. Dependence on Euro-Canadians and their material goods has begun. Sedentary village life introduced. Shamanism eradicated.

Stage 4: Intense national interest in Northern resources. Non-aboriginal foodstuffs effectively replaced traditional foods. Increased birth rates result from improved medical services for aboriginal peoples. Diet consists mainly of non-aboriginal foodstuffs. Material culture has effectively disappeared and replaced by non-aboriginal materials. Dependence on Euro-Canadians and their goods has intensified. Communities and services organized along non-aboriginal lines with band governments providing these services on behalf of the non-aboriginal patrons (Boxberger, 1990: 77-85).

Using this model, Boxberger summarized aboriginal/non-aboriginal contact and concluded:

The lives of Subarctic natives altered as a result of the penetration of whitemen. Each new wave pushed a separate cultural agenda. Fur traders were principally interested in weaning natives from subsistence pursuits that conflicted with trapping and exchanging pelts and skins. Missionaries wished to civilize natives and ban pursuits in conflict with Christianity: female infanticide, polygyny, shamanism, warfare, the potlatch. Governmental agents acted both out of paternalistic concern for the welfare of native peoples and as a result of the desire to obtain title to Indian lands, on an underneath which were potentially lucrative resources (1992:78).

What remains interesting, however, is that Boxberger's (1992) model is more of a description of the events of each period and the results of aboriginal/non-aboriginal contact than a comparative model.

Yerbury (1980) offers a model for the delineation of Athapaskan/non-aboriginal contact within the western Subarctic into historical periods (prehistoric/protohistoric/ historic). Having much in
common with earlier work by historians Charles Bishop and Arthur Ray (1976), Yerbury's (1980) model is utilized here in abridged form. It proved useful in understanding the settlement history of the Northwest Territories since only minor temporal adaptations were required to apply this model to history of Inuit/non-aboriginal contact.

Within his model, Yerbury (1980) accepts that the *prehistoric* period of aboriginal history generally ended during the late 1600s after the arrival of Europeans and notes that the *protohistorical* period lasted until the late 1760s. This period may be divided further into periods which describe the general contact patterns between the indigenous and incursive societies: the indirect trade era which was characterized by groups leaving and receiving trade goods in designated areas frequented by the other and the middleman era which witnessed the development of aboriginal contacts who, in turn, channeled intercultural contact and trade through themselves. The *historical* period of contact began with the early fur trade era and is continuing to this date in the form of the modern era (Yerbury, 1980). Indeed, the recording of aboriginal history has been most active since the close of the Second World War.

<table>
<thead>
<tr>
<th>Helm &amp; Leacock (1971)</th>
<th>Historical Periods in the Western Subarctic</th>
<th>Boxberger (1990)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early contact era</td>
<td>Early fur trade era 1670-1763</td>
<td>Exploration &amp; mercantilism 1780-1825</td>
</tr>
<tr>
<td>1670-1821</td>
<td>Competitive trade era 1763-1821</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Prehistoric period ??-1600</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Protohistoric period 1600-1760</td>
<td></td>
</tr>
<tr>
<td>Contact-traditional era</td>
<td>Trading post-depency era 1821-1890</td>
<td>Mercantilism &amp; missionization 1825-1890</td>
</tr>
<tr>
<td>1821-1945</td>
<td>Era of early government influence 1890-1945</td>
<td>Mercantilism, missionization, enhanced transport, government interest 1890-1945</td>
</tr>
<tr>
<td>Modern era</td>
<td>Modern era 1945 - present</td>
<td>Intense national interest 1945-1975</td>
</tr>
<tr>
<td>1945 - present</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Examining these two models more closely, it appears that Yerbury's (1980) historical periods offer a more flexible model than that presented by Boxberger (1990). In addition to providing for a comparison between historical periods, Yerbury's (1980) model also offers a model for comparisons between the Subarctic and Arctic culture areas and between these contact histories and those documented in Southern Canada (cf. Coates, 1988; Dyck, 1991; Patenaude, 1990; Tobias, 1988; Trigger, 1988).

iv. The Utility of Culture Areas as Units of Analysis

a. The Culture Area Concept

The notion of a "culture area" has its origins within the related fields of human ecology and cultural anthropology (Bohannan and Glazer, 1988; Kroeber, 1952). Indeed, it was American anthropologist Alfred Kroeber (1939) who, in his Cultural and Natural Areas of Native North America, brought these two worlds together in a comprehensive manner.

While earlier authors, such as anthropologist Clark Wissler (1927), began to aggregate tribal societies based on their dominant mode of production, it was Kroeber who linked these modes of production with the physical or ecological niche in which they were practiced. Kroeber (1939) devised regional categories or "culture areas" in North America based upon these two factors and the population density of the area. The importance of these factors, Kroeber noted, was that:

... on one hand culture can be understood primarily only in terms of cultural factors, but that on the other hand no culture is wholly intelligible without reference to the noncultural or so-called environmental factors with which it in relation and which condition it (Kroeber, 1939: 205).

As a result of his analysis of the physiographic and cultural similarities/differences amongst the aboriginal peoples of North America, Kroeber (1939) categorized Canada and the United States into ten "culture areas," including:

1. Arctic
2. Subarctic
3. Northwest Coast
4. Plateau
5. Great Plains
6. Northeast
7. Southeast
8. Southwest
9. Great Basin
10. California.
The first six culture areas listed above may be found, either wholly or in part, within Canada. The contemporary Northwest Territories, for example, is split along the tree-line into the Arctic and Subarctic culture areas.

The value of the culture area concept is its use as a heuristic device to classify a large number of small, albeit similar, groups into a general category. Although this concept serves a useful academic purpose, it can be misused by those wishing to create the image of pan-Indianism, or a single Indian identity in Canada, since the Subarctic culture covers six of the ten Canadian provinces and parts of both territories. Thus, it is important to remember that, although several groups may be aggregated together, each culture group possesses its own culture, language, and traditions within the larger culture area.

An interesting corollary to culture areas may be found within the "discovery" and exploration of Canada. Rather than covering as much distance as possible Europeans and Euro-Americans tended to consolidate their knowledge and expansion within each culture area prior to moving onwards to the next culture area. Nowhere is this more evident than within the general movement of Europeans/Euro-Americans throughout the Northeastern, Great Plains, Plateau, and Northwest Coast culture areas prior to expanding into the Subarctic and Arctic culture areas.

b. The Subarctic Culture Area

1. The Ecological Niche - Northwest Territories

The purpose of this section is to provide a brief introduction to the physical geography of the top two-thirds of Canada, an area still misunderstood by most Canadians, and the peoples who make it their home. The question "What are the boundaries of Canada's North?" has been asked by researchers seeking a geographical, political, or social definition. Canadian geographer Louis-Edmond Hamelin, considered the doyen of those seeking to delineate Northern Canada from its southern neighbours, utilizes "nordicity" as a method of delineating these two regions from each other. Based on a ten-part index which measures relative northern location, degree of northern geographic or physical environment, and the type of human activity, Hamelin (1978) argues that Canada's North has decreased in mass by twenty percent since the 1880s, primarily, as the result of improvements in transportation technology and its resultant northern expansion of the Canadian population and economy.
From a political perspective, it is possible to delineate the territorial North as the land mass and archipelago north of the sixtieth parallel (excluding Nouveau-Québec and Labrador). It is that arbitrary line on a map which sets the colonial tone of the relations between the federal government in Ottawa and the peoples of the North. Indeed, it illustrates that the Northwest Territories is a colonial extension of the Canadian state, dependent not only upon the latter’s largesse for its continued existence but also the social well-being of its population.

Although the Canadian Shield covers large portions of both "Southern" Canada and the Northwest Territories, it is possible to delineate these regions in terms of their respective physical environments. The peaks and watersheds of the Mackenzie Mountains provide the western boundary of the Northwest Territories, Canada’s largest, single jurisdiction. Expanding eastward and northward from that mountain range to the treeline is the territorial portion of the Subarctic culture area and the taiga and tundra which cover it.

The taiga region is best described in physical terms as a series of rivers and lakes, rolling hills, and boreal forests comprised of black spruce, birch, fir, poplar, tamarack, and willow (Coates, 1985:16-18). The Liard, Mackenzie, Nahanni, and Slave River systems along with the two largest lakes, Great Slave Lake and Great Bear Lake, form the major waterways of the region. The Mackenzie River, for example, drains over 1600 km. from the western arm of Great Slave Lake in the south to its northern terminus in the Beaufort Sea. The short, summer season has not reduced the amount of wildlife abundant throughout the region. The abundance of fur-bearing mammals (beaver, fox, mink, muskrat and otter), game animals (brown and black bears, silver-tipped grizzly bear, bison, woodland caribou, moose) and fish (arctic grayling, pickerel, pike, sturgeon, trout, whitefish) have provided the staples of the aboriginal economy. During the last fifty years Northern non-renewable resources (gold, lead-zinc, uranium, petroleum, natural gas) have attracted attention from Southern-based resource corporations and the federal government.

The western Northwest Territories as it currently exists, is inhabited by approximately 26,000 residents of whom Dene comprise 45 percent, Métis account for 36 percent, and the remaining 19 percent being non-Aboriginal (Statistics Canada, 1992). The 1991 Canadian Census revealed that this number is approximately 55 percent of the 57,649 population of the current N.W.T.

36 The “treeline” is the common or lay-term given to the northern-most extent of the Canadian Shield above which trees do grow. Having flown over the treeline in different areas, I can state that it presents a distinct, rather than gradual, line.
2. The Peoples and Their Cultures

The objective of this section is to present the reader with a brief introduction to the "history" of the Northwest Territories in order that some of the current dynamics of the North may be understood. While contact patterns among Dene/Métis and Inuit have been quite different it remains important to discuss and remain cognizant of the effects of contact and cultural diffusion since many of the current criminal justice problems among aboriginal communities may have their roots within that contact and its effects. This discussion will not delineate, however, between the contact histories of Dene and Métis due to the close interrelationships between these two groups.

The Athapaskan-speaking aboriginal peoples of the Mackenzie River drainage area refer to themselves by the Slavey phrase: Dene, meaning "the people." Having resided in the area since the disappearance of the Arctic Small-tool Tradition approximately 3,000 years ago, Dene currently use and occupy the lands adjacent to Tucho (Great Slave Lake), Sahtú (Great Bear Lake) and Dehcho (Mackenzie River). The identification of tribal identities and boundaries have been described as both a matter of judgement and arbitrary by noted Subarctic specialist June Helm (1981). Numerous ethnographers have attempted to demarcate between the major "tribal groupings" which inhabit the current geopolitical area known among Dene in the Western Northwest Territories as Denendeh (cf. Asch, 1981; Gillespie, 1981; Howren, 1975).

Traditional Dene lifestyle was not unlike that of other Athapaskan-speaking groups living in the sub-Arctic forests of Canada. Indeed, it was founded on an intimate relationship between the land, its renewable resources, and the people (Hanks and Winter, 1991; Morris, 1972; Osgood, 1929; Yerbury, 1980). Dene social and political organization was extremely flexible and altered to meet the immediate needs of the extended-family group and the seasons. The typical seasonal round of Dene subsistence activities was based on:

Spring: small groups of two or more families move to traditional hunting camps; the most capable hunter, the most adept woman (at maintaining the camp), and the wisest elder provide leadership within the camp; subsistence activities centered on the hunt for moose and other large or small game;

Summer: larger groups of several families move to traditional fish camps; subsistence activities included netting fish, snaring small game and birds, and berry-picking; leadership continues to be based on the most demonstrated capability and age;

Fall: small groups of two or more families move to traditional hunting camps; the most
capable hunter, the most adept woman (at maintaining the camp), and the wisest elder
provide leadership within the camp; subsistence activities centered on the hunt for moose
and other large or small game;

**Winter**: larger groups of several families move to traditional wintering locations (including
new, permanent settlements); subsistence activities include caribou hunting and trapping fur-
bearing game (for both food and the commercial value of the pelts); leadership continues as
before (Clancy, 1985; Osgood, 1929).

As may be seen here, the seasonal round of activities and low numbers of people involved
influenced traditional methods of social control among *Dene* communities. A sense of belonging was
introduced by the small group size, usually less than six or so family units, which was reinforced by
the amount of time spent in close proximity to one another and the cooperative food gathering
activities, notably during the Summer when fishing and berry-picking occurred. Counteracting the
sense of solidarity created by most female activities within the campsite or settlement were the two
primarily-male activities. The solitary nature of hunting moose or other large game and trapping
helped to reinforce the role of the male as the major harvester of foodstuffs and furs and the
resultant sex-role differentiation evident among local *Dene* groups.

This small-group identity and sense of belonging was evident in the holistic, "healing"
approach to behavioural problems taken by most *Dene*. As leadership was based upon a respect
for ability and age (hopefully, for example, one’s ability as a hunter enables one to reach old age) the
methods of dealing with persons offending the social order involved the family and local elders.
Within the family unit, children were censured by words and occasional 'spankings.' Adults and
young adults were handled far more firmly but, once again, force was not an issue:

> when someone did something that we did not like or which upset a lot of people, the
eiders would go over to his house or camp, early in the morning, and meet with him.
They would talk with him and show him the error of his ways and offer to help him
change. If he was sorry and changed his ways then all was forgiven, but if he did not
want to listen and change his ways, then people would have nothing more to do with
him until he changed his ways...often months at a time (Patenaude, 1991).

Customs and mores were passed from generation to generation through an oral tradition of
stories, myths, legends, etc. in a group setting. If a general theme emerged, it was the need for
strong individual skills and their role in providing a collective well-being. Indeed, it is possible to
recognize traditional *Dene* social control practices as "law" by using legal anthropologist Leopold
Pospisil’s (1978) four legal criteria: authority, universal application, *obligatio*, sanction. Although
elders and other respected persons within Dene society lacked the absolute power to enforce their decisions, they had *ex officio* power by reason of position within the social grouping. Similarly, the intent of the elders and other respected individuals was that the rules of conduct (including the rights and duties shared with everyone else) should be applied to all members of the group, now and forever. Finally, everyone understood that sanctions imposed by elders or others were for the resolution of conflict and the restoration of social order.

Contemporary Dene society has changed from these previous descriptions in many significant aspects. The most notable change has been the urbanization of Dene society and the change to permanent settlements from the traditional camps. With the Hudson's Bay Company and the missionaries fostering economic and psychological dependency, respectively, the arrival of government services (education, health, housing, welfare, pensions, etc.) were welcomed by Dene for the increased standard of living which they provided. Contemporary Dene society has maintained its ties to the land even though many younger members have only traveled on the land for recreational and/or ceremonial purposes (Patenaude, 1993). While extended families are still recognized as "the Dene way" the provision of single-family housing has reduced the amount of contact between the generations. So, too, has the provision of education services reduced the impact of the elders and the community as teachers (McMillan, 1988). Today, Dene of the Western Subarctic survive through a combination of wage employment, subsistence hunting and trapping, and government financial assistance (Boxberger, 1990; McMillan, 1988; Patenaude, 1993).

The other aboriginal group within the western Northwest Territories are the Mètis. The Mètis peoples have laboured under the yoke imposed by government definitional imprecision far more than any other aboriginal group in Canada (Patenaude, 1990). In *Home and Native Land: Aboriginal Rights and the Canadian Constitution* (1984), anthropologist Michael Asch noted "Indian" has taken on new polemic distinctions, namely "status Indians" and "non-status Indians" whereby:

"status Indians" refers to those persons who are registered under the Act; and "non-status Indians" are those who have lost, or as the government phrases it, "have not maintained" their rights as status Indians" (Statistics Canada n.d.:7). Government, although using a separate verbal designation for non-status Indians, has tended to place this group, administratively, into the same category as "Mètis" — a category that, at least until the Constitution Act of 1982, did not have "special" rights as aboriginal people (Asch, 1984:25).
Figure 25 Tribal Boundaries Among the Subarctic Indians of Canada.
These polemic distinctions are decried by anthropologist Richard Slobodin (1981), who noted that Métis status is a sociological condition rather than a genetic or legal fact, e.g. Alberta Act (1905) or Manitoba Act (1870). Writing in prior to the enactment of the Constitution Act (1982), he commented:

In law, the Métis have no collective identity, except the negative one that they in part include individuals or families who have renounced Indian treaty rights. However, this is not a sufficient criterion of Métis status, as there are many Métis families that had nothing to do with Indian treaties and many "non-Treaty Indians" who are culturally and socially members of Indian bands (Slobodin, 1981:361).

The question of Métis group membership remains somewhat unclear at this time, a fact which may hinder individual inclusion as an aboriginal person within the meaning of Sec. 35(2) of the Constitution Act (1982) (Patenaude, Wood and Griffiths, 1992). While métissage, the process of aboriginal/non-aboriginal intermarriage, has been occurring since the early contact métisation or the creation of a Métis group identity is still occurring (Feeney, 1977; Peterson and Brown, 1985).

Other divergence between Dene and Métis appears to be in the areas of movement patterns and group identity. Their relative late arrival in the area (in relation to Dene settlement), involvement in transportation and business industries, and familial ties outside the region have contributed to a greater tolerance or acceptance of travel and mobility among Métis families than among their Dene neighbours. This has contributed to a small group identity modeled more along Euro-Canadian rather than Dene lines (nuclear vs. extended family) and a desire to seek a "national" rather than an aboriginal identity based on regional history (Patenaude, 1991; Peterson and Brown, 1985).

Unlike Dene groups whose economic pursuits were based on a seasonal round of subsistence hunting and trapping, accounts of Métis activities during the late-nineteenth and early-twentieth centuries indicate a people whose economic mode of production was based on serving as the contact between Dene and Euro-Canadians (Cohen, 1962; Outcrop, 1991; Villiers, 1968; Weir, 1967). The subsistence hunting and trapping lifestyle of the area was practiced as a supplement to the newly-introduced wage economy. Initially, Métis provided transportation and navvy work for the Hudson's Bay Company and the Royal North-West Mounted Police, however, this was soon expanded to form a middleman economy comprised of interpreting, trading, and other business activities well-suited to their bicultural heritage. Today, Métis are active in both aboriginal and non-aboriginal spheres of economic activity and are active in many areas of community life, such as education, business, politics, and economic development.
Métis in the western Northwest Territories appear to be torn between traditional Dene and modern Euro-Canadian methods of social control and regulation. Although controversial, it may be possible to state that Métis have been in the enviable position of being able to follow traditional, holistic approaches to social control where the offence is minor but have resorted to the formal Euro-Canadian system of criminal justice when the offence was of a serious nature (Patenaude, 1991). Although enviable, this has led to some tension within the Métis community as its members grapple with the issues of an aboriginal justice system for a community in which they may form a noticeable minority.

In the current terminology of the Northwest Territories, non-aboriginal persons are referred to as either "Whites," "Euro-Canadians," or "Others." Most commonly used, however, the term "Euro-Canadians" includes, as anthropologist David Kravitz (1974:7) noted, "all non-indigenous residents, i.e. English, Canadian, Japanese, Jewish, East Indian, West Indian, etc." of the N.W.T. The use of this term has generally been used to refer to "the White population found in the Canadian Arctic, for Canadians and Europeans form its largest part" (Lange, 1972: v). Geographer Margaret Feeney (1977:11), for example, explains that Euro-Canadian refers "primarily to Caucasian Anglophone Canadians, although many of the characteristics extend more generally to North Americans of European descent who are part of the industrial, capitalist economy."

The non-aboriginal population, comprised mainly of Euro-Canadians, is the latest group to arrive in the Northwest Territories. The non-aboriginal population comprises approximately 25 and 15 percent of the overall populations of the Western and Eastern Arctics, respectively. Their duration of stay and commitment to Denendeh and Nunavut range from non-renewable resource workers on a two-week rotational schedule and transients (less than five years) to long-term residents with accompanying differential levels of involvement in community affairs. Historians Kenneth Coates and Judith Powell (1989) note:

About eighty percent of non-transient non-natives are prepared for no more than a few years stay in the Arctic. Some leave after building up a nest egg of cash; others, especially government employees, are transferred or promoted out of communities." Workers in the Beaufort Sea and at the Nanisivik and Polaris mines represent northern mobility at its most extreme. From the beginning of these projects, the people have been flown in and out on rotation, spending from three to six weeks in the North, usually within the confines of a company camp, and then given a furlough of equal length in the South. While technically they are northern workers, these highly paid individuals have had only a marginal impact on northern society and have returned very little to the region (1989:17).
In general terms, it is often the socio-economic status and/or transient nature of this group which separates it from the aboriginal peoples of the North. While the number of Euro-Canadians living in the North is less than the aboriginal population, its 88 percent participation rate in the Northern economy is dramatically higher than the 56 percent overall aboriginal participation rate. The levels of unemployment among members of this group is low as most leave the communities once their term of employment is completed.

In terms of mobility, however, it is not atypical among non-aboriginal persons to spend two or three years in each of several communities. The majority of non-aboriginal transients and long-term residents within the Northwest Territories have tended to be either self-employed or employed in either the transportation industry, nonrenewable resource extraction or government (teachers, RCMP, nurses, economic development officers, etc.). With the exception of the rotating work force, the non-aboriginal population comprises approximately twenty-one percent of the North's population. Concomitant to their lower unemployment rate are higher rates of personal income and improved housing standards among Euro-Canadians, often provided by their employers (GNWT Bureau of Statistics, 1989).

The family structure and social control mechanisms generally favoured by the non-aboriginal population has naturally tended to be based on a Euro-Canadian model. There has been much discussion and, in some cases, acceptance of the principles of aboriginal justice. The underlying reason for this acceptance appears to be a perception that gaol is neither punishing the offender nor helping them to deal with their problems. Unfortunately, the inherent value conflict between "collective" and "individual" rights, the lack of a single "aboriginal" culture and legal system, and the Canadian Charter of Rights and Freedoms (1982) may be seen as obstacles to full acceptance by the non-Aboriginal community and some Dene, Inuit and Inuvialuit (Patenaude, 1991).

3. A Brief History of Aboriginal/non-Aboriginal Contact

Whereas normative changes occurred within Dene societies as the result of contact with other aboriginal groups, the effects of sustained contact with Euro-Canadian society would have the greatest impact throughout the region. For many Dene living within the Mackenzie Valley, first contact with non-Dene occurred during 1789 with the arrival of Sir Alexander Mackenzie (Mackenzie, 1805, 1970; Savishinsky and Hara, 1981; Yerbury, 1980, 1986) during his quest for the Pacific Ocean. His explorations of the Tucho, Dehcho, and Sahtú areas and "discovery" of Dene who
resided therein would mark the beginning of the historical period within the Western Arctic. Contact with non-Dene increased from the sporadic meetings of the early fur trade era into the more regular contact characteristic of the competitive fur trade period which, in turn, lasted throughout the 1800-1820 period. During the latter period there was large scale harvesting of fur-bearing and other game animals to meet the increasing demands of the European traders.

The agents, traders, and officers of the Hudson's Bay Company were often the first Europeans/Euro-Canadians with whom Dene of the western subarctic came into regular contact. In many ways, their arrival and activities served as the initiators of change for both the incursive and indigenous societies. The processes of socio-cultural change among the Athapaskan-speaking peoples of the region, the actions of the Company's employees, and traditional Dene social organization have been well-documented by batteries of anthropologists, ethnohistorians, and historians (cf. Bishop, 1974; Bishop and Ray, 1976; Ray, 1974; Yerbury, 1980, 1986).

Through the use of primary and original documents, such as the archival records of the Hudson's Bay Company, coupled with the reconstruction of Athapaskan kinship terminology and social structures, these researchers have provided the current generation of scholars of indigenous-incursive relations in Canada with a window, of sorts, on the operation and results of the intercultural processes of the period. What emerges from these studies is an image of Athapaskan life during that period since first contact to approximately 1870 which supports Yerbury's (1980) model of Dene/non-Dene contact and relations. During the prehistoric period which ended around the turn of the eighteenth century, for example, Euro-Canadians ventured into lands traditionally occupied by Dene and trade between the indigenous and incursive populations ensued. Canadian historians Charles Bishop and Arthur Ray (1976) argue that the arrival of the Hudson's Bay Company and other traders and their introduction of bartering exchanges ended the prehistoric period of subsistence hunting and trapping.

Although the second or protohistoric period of contact occurred much later than among aboriginal groups on the Prairies, it was marked by the same increased contact and trade between the two societies vis-a-vis the traders and individual hunters and trappers. As the contact increased and the demands of the traders exceeded the ability of local bands to meet those needs, a middleman economy emerged. Within local bands, enterprising individuals ranged afar to distant bands to engage in trade. These same independent individuals, many of whom were Métis, provided
a valuable conduit and acted as a safety valve between the two cultures. Indeed, as many Métis and some Dene became more involved in the middleman economy those individuals engaged less and less in subsistence-oriented activities. The protohistoric period was marked by increased exchange of goods and the beginning of Dene dependency upon those same goods and services.

With the amalgamation of the Hudson’s Bay and Northwest companies the level of competition was reduced but, not the growing Dene dependency upon European goods which was to symbolize the trading post era. Throughout the next eighty or so years, this dependency was not only recognized but, actively promoted by the European/Euro-Canadian traders as Dene became dependent upon a mixed subsistence/bartering mode of production to obtain the new manufactured goods and foodstuffs. It was during this period that numerous trading posts were established at the current sites of Fort Franklin (1827), Fort Good Hope (1886), Fort Liard (1804), Fort Norman (1851), Fort Providence (1868), Fort Rae (1851), Fort Simpson (1804), Hay River (1868) and Wrigley (1877). The expansion of such trading forts and the increased demands for fur disrupted the carrying capacity of the region. Although their actions addressed economic rather than moral imperatives, the post factors dispensed trade goods on a credit basis during the resulting famines. This system of credit created both a dependency on the new trade goods and a sense of debt from which many Dene could not expiate themselves. The carrying capacity of the region was further threatened by the need to harvest even more game and fur-bearing animals to trade for basic subsistence goods and reduce the newly-created debt.

The last decade of the nineteenth and the first half of the twentieth century were characterized by the incursion of Euro-Canadian government agents, missionaries, police officials and technology. It was during this era that Roman Catholic and Anglican missionaries, such as Roman Catholic Bishop Émile Petitot, O.M.I. and Anglican Bishop William C. Bompas, began establishing missions and recording the changing conditions of the period. As more non-Dene began to move through the region, the number of Métis and long-term non-Dene residents increased. Although the migration into permanent settlements occurred later than it did among Dene and Chipewyan in the provinces, the patterns of migration and settlement near and within the trading posts followed that described by Bishop and Ray (1976), Helms (1969), Martin (1984) and Yerbury (1980, 1986). The living conditions of many Dene improved as modern housing, medical supplies and other technology became available. Trapping for subsistence and surplus sale continued throughout this period and reached their zenith shortly after 1945 or the beginning of the modern historical era.
The modern era in western Subarctic contact began with the closing of hostilities which marked the Second World War. The building of the Canol Highway by the United States Army and the use of Norman Wells as an air staging depot brought the modern world into the Mackenzie Valley-Great Slave Region quicker than many believed possible. Since the 1950s the establishment of permanent communities containing nursing stations, schools, police detachments, trucked sewage and water service and the other trappings of a sedentary, urbanized lifestyle have continued across the Western Arctic. This process of modernization is still ongoing. Although hunting, trapping and fishing continue throughout the region, including commercial or guided hunting and fishing, these activities are heavily subsidized by the territorial government. With those changes brought about by a number of factors (including extensive over-harvesting, urbanization, the anti-fur campaign, and others) many Dene males have been experiencing a state approaching anthropologist David Aberle’s (1972) notion of relative deprivation. This involves a shift in relative worth to the community from among males towards the females whose status is rising. As a result of this shift, frustrations arise and often give way to criminal acts, such as assault, against the female partner in the relationship.

As has been discussed thus far, the introduction of the fur-trade, Christianity, sedentary settlement patterns and Euro-Canadian methods of social control irrevocably changed Northern aboriginal societies (Morris, 1972; Osgood, 1929; Villiers, 1968). According to economic sociologist D. Villiers:

...populations in recent years have largely become settlement based with the result that resource utilization activities (hunting, trapping and fishing) are declining in importance. Rapidly increasing populations and limited economic opportunities have presented problems for Territorial and Federal governments responsible for the administration and well-being of isolated...populations.... Resident populations are becoming increasingly dependent on the material comforts and technology of the larger Canadian society. These needs cannot be satisfied through traditional methods... (Villiers, 1968:1).

These conditions have continued into the 1990s and show few signs of abating although renewed efforts at cultural revitalization have been occurring throughout the region. Today, hunting, trapping and fishing for subsistence has disappeared as the sole economic activity and is now a method of supplementing wage earnings in many communities. Indeed, many of those families which continue to hunt, trap or fish as a major portion of their economic activities are heavily subsidized by territorial government departments and agencies.
These changes have also reduced the role of the extended family structure and leadership social structures. The role of the elders has diminished and many are often merely seen as "old people." As the schools were introduced to teach the young, the elders' role was also removed. Focusing on the administration of justice, for example, whereas Dene elders had previously dealt with all social problems, including crime and delinquency, the Royal Canadian Mounted Police and the circuit courts have assumed responsibility for these areas of social control. Traditional principles of restorative justice, namely: "resolve individual conflict and restore group harmony" have been replaced by adversarial Euro-Canadian social control mechanisms operating on the principles of individual punishment and deterrence. Currently, those laws created and imposed from outside the community have neither the understanding of the problems faced daily by community residents nor a basis within traditional Dene culture.

In closing, while there are inherent conflicts between the two systems of conflict resolution and social control, many aboriginal and non-aboriginal residents of Denendeh have shown a willingness to integrate the positive aspects of both traditional Dene and modern methods of social control. One example of the potential for such integration may be found within the Dogrib-speaking community of Lac La Martre where the community has shown an interest and ability to deal with offenders using traditional, holistic methods and has received partial external validation.

c. Arctic Culture Area

1. The Ecological Niche - Circumpolar North

Although Kroeber (1939) and others have described the Arctic culture area as a North American region, it may more properly be interpreted as a circumpolar region. Moving from west to east, the "western" Arctic culture area extends into the three national jurisdictions of the United States (Alaska), Canada (Yukon, Northwest Territories, Nouveau Québec, and Labrador), and Denmark (Greenland), while the "eastern" Arctic culture area includes the national jurisdictions of

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37 Substantial components of this section were developed during 1988 as part of a Social Sciences and Humanities Research Council of Canada (SSHRC) proposal written by Curt T. Griffiths, Ph.D. and the author. This initial proposal included a section which looked at aboriginal/non-aboriginal contact in Alaska, Canada, and Greenland. That initial proposal was re-written during 1989. This second proposal sought to address only Canadian issues and accepted as SSHRC Grant No. 411-90-0014, Crime, Law, and Justice Among Inuit in the Baffin Region, N.W.T., Canada.
Finland, Norway, Russia, and Sweden. In general terms, while these jurisdictions share similar tundra ecologies, there are marked differences between them, e.g., the permanent icecap in Greenland and the flat barrenlands present within the Keewatin interior.

The treeless, tundra region is typified by the exposed rock which predominates the landscape. The rock forms are not typical and range from large plateaus, to rolling hills and the spectacular mountains such as Mount Thor in Auyuittuq National Park on Baffin Island. Vegetation throughout the region is a mixture of mosses, lichens, scrub grass and miniature pine and willow. This limited vegetation base supports, however, an extensive population of mammals (Perry and barrenland caribou, fox, arctic hare, and muskox) and hundreds of migratory and non-migratory birds. Similarly the inshore waters are rich with fish (arctic char, cod, herring and shrimp) and sea mammals (polar bear, beluga whale, killer whale, narwhal, various seals, and walrus). These natural resources have traditionally supported, albeit in cycles of feast and famine, a limited human population. In terms of non-renewable resources, there are two currently-producing lead-zinc mines and extensive reserves of oil and natural gas within the Arctic Archipelago.

The State of Alaska, with a land area of nearly 863,000 square kms has a population of nearly one-half million people (1985) of which nearly 16% are aboriginal. The Arctic Slope Region, home to Inupiat ("the people" in the regional Eskimoan dialect), stretches from the Kotzebue Sound area in the west, northwards along the Bering Sea coast, and eastward to the Alaska-Yukon border. Inupiat are comprised of two distinct cultural and linguistic groups who reside in small, isolated settlements of approximately 200 people with the largest communities reaching 400-600 people.

There are also cultural differences among Inuit residing in the Canadian Arctic and between these groups and their Alaskan and Greenlandic counterparts. Inuit within the Northwest Territories, for example, reside in the Central and Eastern Arctics above the treeline. There are a total of 29 predominantly-Inuit communities across the N.W.T., 3 of which are in the Western Arctic (Inuvik Region), 13 are located within the Central Arctic (6 and 7 in the Kitikmeot and Keewatin Regions, respectively), while the remaining 13 are located in the Eastern Arctic (Baffin Region). While most of these communities have populations of approximately 400-600 persons, the regional centres are dramatically larger in size (approximately 1,000-1,500 persons with approximately 3,700 persons residing in Iqaluit). There are two major dialects spoken, one western and one eastern, with enough sub-dialectic variations to make it difficult for Holman Island's Inuiaqtun-speaking Inuit population (western) to understand Broughton Island's Inuktitut-speaking Inuit population (eastern).
Canadian Inuit also reside outside of the N.W.T. and are found within both Québec and Labrador. There are 12 predominantly-Inuit communities within Nouveau Québec (Arctic Québec). Like their Inuit cousins in the Northwest Territories, Québec's Inuit population resides in small, coastal communities. Located along the Hudson's Bay and Ungava Bay coastlines, these communities are slightly larger than those found in the Northwest Territories (approximately 600-800 persons). The dialect of Inuktitut spoken within Nouveau Québec differs slightly from that spoken within the southern half of Baffin Island and again from that spoken within Labrador. The majority of Labrador's Inuit population (as distinct from the Athapaskan-speaking Innu) reside in the sparsely populated and isolated communities along the Labrador Sea coastline. These include six predominantly-Inuit communities from Nain to Rigolet. The largest community, Nain, has a population of approximately 1,000 persons while the majority of the region's coastal communities have populations near 325 persons.

Greenland is the world's largest island and comprises approximately 2.0 million square km. This semi-autonomous Danish province has a population of over 53,000 persons (1986) most of whom reside in the Vestgronland (West Greenland) District in communities which range in size from 36 (Ivigtut) to over 10,000 persons (Nuuk/Godthaab). The average West Greenland community has a population between 1,700 and 2,800 residents. Within this overall population, ethnicity is not seen as a major demographic factor although the maintenance of a Native cultural identity is of paramount concern to the island's residents and Parliament. Native-born Greenlanders, including those of both Inuit and non-Inuit descent, comprised 82.4% of the province's population in 1986. From this pluralistic heritage, the use of Greenlandic as the principal-language with Danish as the official second-language is extended into the criminal justice system where offenders may choose the language used in the proceedings as well as the type of court. Similar plurality is present throughout the Greenlandic criminal justice and social service systems.

2. The Ecological Niche - Northwest Territories

"The Land of the Midnight Sun" is a romantic sounding phrase which is often used to describe those parts of the Arctic culture area found within the Northwest Territories. The immensity and diversity of its three primary regions, Kitikmeot, Keewatin, and Baffin, have been described by various explorers, settlers, and Inuit who make the culture area their home. The Dutch ethnographer Åsen Balikci (1970) would speak of an area in the eastern-most Kitikmeot Region in less than romantic term recalling the harshness of the land:
The climate is rigorous. As early as late September, the sea begins to freeze. The sea ice in midwinter is six to seven feet thick and does not disappear until the end of July. Winters are extremely cold. The mean daily temperature in January falls below \(-20^\circ\) F, and often it falls to \(-40^\circ\) F. Summers are short, cool, and misty, with a mean daily temperature below 50 F in the warmest season. Though precipitation is low, the tundra is very wet, mosses acting as sponges full of water. This is due to the solid permafrost beginning just as foot below the surface. Melting snow and rainwater remain on the surface, giving to the tundra a marshy appearance. Certainly this is one of the desolate environments on earth, particularly inappropriate for human occupation (Balikci, 1970: xvii-xviii).

Balikci’s (1970) description, based upon the exploration of Rasmussen and the experiences of Fr. Franz Van de Velde, gives a somewhat romanticized narrative of the conditions under which these cultures survived. What is gleamed from these same descriptions is an introduction to the “extremes” and “unpredictable” climate conditions prevalent throughout the Arctic culture area.

Visiting the region nearly a decade after Balikci (1970), anthropologist Richard Condon (1983) described the western-most Kitikmeot Region using more “scientific” sounding terminology. He described Victoria Island and, by extension, the Arctic Archipelago, as:

...characterized by lowland to the east and hills and plateaus to the west.... Rarely do the hills in this region exceed a few hundred feet in height. Elevations in the western half of the island are much greater and may reach altitudes of 2,00 feet in mountainous regions.... Ponds and lakes are numerous throughout the Holman region, as they are for most of Victoria Island... Victoria island is characterized by a severe and markedly seasonal arctic climate... Summers are extremely mild and short in duration.... Low temperatures, high winds, and the extremely small amount of heat absorbed by the tundra all contribute to the low productivity and low species diversity of arctic environments. Arctic soils are extremely poor... they are rocky, gravelly surfaces that are still in the process of development... The most notable form of vegetation on the island is the willow, which grows in protected areas, generally along streams and rivers. These tend to average one to two feet in height.... Tundra vegetation has little impact upon the economic lives of modern day Inuit, except where it affects the numbers and migrations of caribou herds.... Paramount among these renewable resources are the Perry caribou, ringed seal, and arctic fox.... Other mammals in the study area include polar bear and musk ox (Condon, 1983: 13-23).

Like the Kitikmeot and Baffin Regions, the Keewatin Region is also dominated by its tundra landscape. Unlike either of those two regions, however, the tundra of the Keewatin Region is flatter and presents a plateau-like physiography. Rather than presenting dry geological descriptions of the region, linguist Susan Sammons (1985:1-2) offers a fitting description of the region:
Bounded on the west by the District of Mackenzie, the Keewatin district lies almost exclusively between the Arctic Circle to the north and the treeline to the south. Its eastern boundary is formed by the west coast of Hudson’s Bay. The region contains approximately 592,000 km$^2$ representing close to 18% of the total Northwest Territories land-base.

...Due to the harsh climatic conditions vegetation is sparse. Tundra vegetation is typical of the area. Hardy grasses grow in soil covered areas, while moss and lichens grow in less productive areas.... There are many rolling hills with bedrock outcrops and low cliffs along the coast. Inland, there are many eskers, ponds and lakes.... Caribou, fox, polar bear, wolf, wolverine, rabbit, ground squirrels and lemmings abound in the area. The major types of fish found are Arctic Char, Graylings and Lake Trout. Ptarmigan, geese, snowy owls, loons, gyrfalcons, sand hill cranes, whistling swans and snow buntings are found in the summer months.

The great Danish explorer Knud Rasmussen (1972) recalled one area of the central Keewatin Region, which he visited during the early 1920s, with a mixture of awe and romance:

...the desolate landscape was tinged with beauty. Light and shade stood out sharply contrasted; but as the sun went down, and all melted and merged into white billows of snow, one was again reminded of the inland ice. Following Chesterfield Inlet, and afterwards Baker Lake, we had not the impression of a vast expanse, but here with nothing but land to see on every side, we began to realize that these are indeed the Barren Grounds (Rasmussen, 1972: 56-57).

Moving eastwards from the Keewatin Region into the Baffin Region, the physical environment splits into two distinct physiographic areas, divided along north-south lines, within the Baffin Region. The physiography of the northern half of Baffin Island is characterized by a mountain range which extends along the eastern coast of the island to the Cumberland Peninsula. These mountains routinely exceed the 5,000 foot level and are covered with extensive glaciers and snowfields. While the climatic conditions of the northern Baffin Region are moderated by the maritime influences of Baffin Bay in the east and the upper Foxe Basin in the west, the environment produces poorly developed flora it, nonetheless, supports a wide variety of fauna (Adams, 1978:38-41)

The physiography of Southern Baffin Island differs greatly from the mountains and glaciers found in northern half of the region. Although local physiography may vary slightly, the general conditions are similar to those found in the Cape Dorset area. Part of the Foxe Basin Lowlands, this area is comprised of estuarine flats which run along the edge of Foxe Basin. To the south and east, these flats grade through the plains to plateaus. The average elevation of the lowlands is approximately 250 feet. The surface covering ranges from silty clays to the flats region through a
gravell/clay till on the plains and plateau to coarse boulder tills on the approaching uplands (Swiderski: 1985: appendix III). The rolling hills throughout the area average 100-200 metres in height. The climate of the area is found to be continental for the greater part of the year which results in a thin permafrost layer (12 - 16 inches below the surface). and the short "timing" of the flora. Other mitigating factors which must be considered include the low air temperatures (10° - 15° C. during the summer) and high prevailing winds.

The flora of the area is severely limited by these conditions to various mosses, grasses, lichen and ground willows. This limited organic food source supports a varied and extensive fauna which includes: dog (Canis familiaris), arctic wolf (Canis lupis), arctic fox (Alopex lagopus), coloured fox (Vulpes fulva), arctic hare (Lepus arcticus). Barrenground caribou (Rangifer tarandus), polar bear (Ursus maritimus), and various lemmings (Lemus trimacronatus, Disrostonyx goenlandicus). In addition to these land mammals, there are a number of sea mammals present: harbour seal (Phocal vitulina), ringed seal (Pusa hispids), harp seal (Pagophilus goenlandicus), bearded seal (Erignathus barabatus), beluga whale (Delphinapterus leucus), bowhead whale (Balena mystictus), narwhale (Monodon monoceros), and walrus (Odobenus rosmarus). This concentration of land and sea mammals varies with the migration period but, permits one species or another to be present in abundant numbers on a continuous basis throughout the year (Labine, 1985)

Another Arctic voyager, photographer Fred Breummer (1969) put aside the harshness of the northern Baffin Region to revel in its beauty:

...I could distinguish deep fiords cutting inland, flanked by brooding precipitous cliffs and, glittering blue-white in the distance, the ice caps and glaciers that lie on the land looking like an immense cleft-and-creased carapace. It was beautiful and at the same time grimly forbidding (Breummer, 1969:6).

As beautiful and harsh as the physical environment may have been, the initial inhabitants (Arctic Small-Tool tradition) of the culture area persevered and survived that harshness and, as did successive waves of newcomers (Independence I and II, pre-Dorset, Dorset, Thule, Modern Inuit, and non-aboriginals from Southern Canada (McGhee: 1978:13-25).
3. The Peoples and Their Cultures

The exact origins and ancestral lineage of Canada’s Inuit population have not been explained to the complete satisfaction of the pre-historians and anthropologists concerned with the Canadian Arctic, e.g., Canadian archaeologists Ellen Bielawski, Carolyn Kobelka, and Robert Janes (1986) illustrate their preferences when using “ancestral Inuit culture” rather than Arctic Small-Tool Tradition. What is agreed upon, however, are the general lineage of Pre-Dorset through Dorset, Thule and Historic Inuit, and that the climatic conditions of the various period of Arctic prehistory. The climate, however, influenced the carrying capacity of the environment which, in turn, dictated the cultural adaptations of Eskimo-Aleuts and their descendants (Crowe, 1974; MacDonnell, 1977; McGhee, 1978, 1985; Schledermann, 1974).

Although there remains diverse opinion concerning the relations of the Independence I and Pre-Dorset cultures to the Arctic Small Tool Tradition culture, it was the arrival of the latter circa 2000 B.C. which heralded the beginning of Inuit presence in the North American Arctic. Canadian Arctic archaeologist Robert McGhee (1985) noted that the warming of the Arctic climate during that period may have supported a more diverse tundra environment than that found today. During this same period, he notes, the ancestors of the Eskimo-Aleut language family migrated into what may be

![Figure 26 Inuit Cultural Development in Alaska and Canada. Source: Elaine Bielawski, Carolyn Kobelka, and Robert Janes, Thule Pioneers, (1986:3).](image-url)
called the low (Alaska) and high (Canada) Arctics. The technology of the *Arctic Small-Tool Tradition* enabled them to migrate over the Bering Sea land bridge, either on foot or using small boats such as *umiaks*.

During the next 500 years, in what is now known as Alaska, the *Arctic Small-Tool Tradition* would give birth to two splinter groups: *Independence I* and *Pre-Dorset*. These two groups would migrate into Arctic Canada and their relationships to each other and the exact times of their arrival remain open to debate. Both of these cultural groups were supported by a tundra-based, subsistence economy which employed the harvesting of both land and sea mammals, the use of semi-permanent campsites and hunting snowhouses (McGhee, 1985). The Pre-Dorset culture, for example, developed later and more rapidly than the *Pre-Dorset* culture. This group developed a crude whale oil/soapstone lamp and snowhouses, or *igloo*. As the climate continued to cool, the *Pre-Dorset* culture continued to dramatically adapt to the rapidly environment and these changes resulted in the emergence of the *Dorset* culture.

The *Dorset* culture adapted to the colder environment by enhancing their technology and adapting to the conditions under which they were harvested the land and sea mammals. This involved the construction of semi-subterranean winter houses on the land and the use of snow houses on the sea ice (Crowe, 1974). *Dorset* technology included the development of an enhanced type of snow/stone lamp for heat and light as well as an advanced type of hand-held harpoon which used a toggle shaped head (McGhee: 1985:64-65). It is believed that the *Dorset* were gravitating towards a sea ice-based lifestyle in the winter rather than hunting land mammals. Near the beginning of the second millennium the climate, once again, changed and rapid warming occurred. The results of this change included an expansion of the home ranges of many land mammals and the opening of the sea ice.

Accompanying this rapid warming was the eastwards migration of a new *Eskimo-Aleut* culture, the *Thule*, whose technologies and lifestyle were based upon the development and use of a sea-based technology (Crowe, 1974; Schledermann, 1974). The development of *kayaks* for individual hunters and *umiaks* for groups of hunters or families permitted the summer harvesting of the larger whales and the various seals of the area.
Figure 27: Tribal Boundaries Among Inuit of North America.
The Thule summer and winter cycles of subsistence hunting differed as dramatically as the technologies employed during those two seasons. While Thule winter practices involved the killing of seals at their breathing holes on the pack ice, their summer practices involved the use of kayaks and umiaks to harpoon the seal within the offshore waters. To facilitate winter travel, the Thule improved on the earlier Dorset sled-making technologies (by developing sled to be pulled by dogs), improving snow creepers, and developed snow goggles and pulling toggles (McGhee, 1985). During the short summer months, the Thule moved from snow houses (igloos) located on or near the sea ice into caribou- or seal- skin tents erected near the coast. Although limited caribou hunting occurred near the coastlines, the Thule remained a predominantly sea-based culture.

The continuous cooling of the environment until the warming of the last two hundred years and increased contact with non-aboriginals resulted in the adaptation of Thule culture into the forms presented by the "traditional" Inuit culture of the 1800-1960 period. While the term Historical Inuit is correct archaeological terminology, from this point onwards the more common term Traditional Inuit will be used to describe Inuit still practicing the "old ways" due to its dominance in the literature.

Inuit is the current term of general application used to describe the aboriginal residents of the Circumpolar Arctic from Siberia eastward to Greenland, whose ancestors traditionally occupied territories along the Arctic Coasts and above the tree line. Although Inuit share a common genetic origin, they are not a homogeneous population. There are regional differences in language, material culture and cultural persistence despite the efforts of the dominant society in their respective nations.

Examples of this diversity may been seen in the terminology which Inuit use to describe themselves: Yupik (Siberia), Inupiat (Alaska), Eskimo (Alaska and Central Canadian Arctic), Inuvialuit (Mackenzie Delta/Beaufort Sea areas and Western Canadian Arctic), and Inuit/Innuit (Eastern Canadian Arctic, Nouveau-Québec, Labrador, and Greenland). The Caribou Inuit of the Keewatin interior provide the most striking example of the heterogeneity amongst Inuit in the Canadian Arctic. A land-locked group which inhabits the Baker Lake area of the central Keewatin,

Although the terms Eskimo and Esquimaux, both adaptations of a Cree phrase for "eaters of raw meat" (Jenness, 1972), are retained within quoted extracts for the purposes of historical accuracy, they are held by many Inuit, notably those residing in the Eastern Canadian Arctic, as both a pejorative term and remnant of colonialism. Therefore, Inuit will be used herein.
they lack the seasonal activities associated with the sea and, in turn, lack the sea-goddess creation myth that is so central to mythologies of other groups of Inuit (Caribou Inuit are excluded unless specifically mentioned in the text).

Any research inquiry which addresses issues involving Inuit and their socio-cultural conditions must proceed with an awareness that, contrary to the assumptions of many observers, Inuit are not a homogeneous population. Inuit communities differ in key attributes, including community size, local resources, contact with non-Inuit society, and cultural persistence. These differences occur not only transnationally (Inupiat vs. Inuit) but, as well, within jurisdictions (Netsilik vs. Caribou Inuit) and may have a significant impact upon the patterns of inter-cultural contact.

Traditional Inuit lifestyle was not totally dissimilar to that among Dene groups living in the sub-Arctic forests of the Western Arctic. Indeed, it was also founded on an intimate relationship between the land, its renewable resources, and the people (Boas, 1885; Hantzsch, 1977; Jenness, 1965). Inuit social and political organization was extremely flexible and altered to meet the immediate needs of the extended-family group, the seasons and the availability of game.

The typical seasonal round of Inuit subsistence activities was based on:

**Spring:** small groups of two or more families move from the sea ice and camps along the shore to traditional inland hunting camps; the most capable hunter, the most adept woman (at maintaining the camp), and the wisest elder provide leadership within the camp; subsistence activities centered on the hunting for seal at their breathing holes, trapping coupled with fishing along the shore and at weirs;

**Summer:** small groups of one or two families move inland to traditional caribou hunting areas; subsistence activities included hunting caribou, foraging for birds nests, snaring small game and birds, and berry-picking; leadership continues to be based on the most demonstrated capability and age; near 24 hours of sunlight permits extended visual siting of hunting and foraging partners and the psychological feeling of never being alone;

**Fall:** various extended-family groups begin their migration from inland camps to the coast; the most capable hunter, the most adept woman (at maintaining the camp), and the wisest elder provide leadership within the camp; subsistence activities centered on the inshore hunt for whale, seal and walrus supplemented by spear-fishing;

**Winter:** larger groups of several families move to traditional wintering locations on the sea ice (including new, permanent settlements on the shore); subsistence activities include ice fishing and seal hunting at the flow edge (for both food and the commercial value of the pelts); leadership continues as before; near 24 hours of darkness creates psychological need for large groups to reduce the impacts of seasonal afflictive disease (Balikci, 1970; Morrison, 1984; van de Velde, 1985).
Traditional *Inuit* society was constrained by the available resources and technology in the region. The seasonal rhythms, based on the summer and winter environments, were aimed at harvesting the seal and caribou resources essential for survival. Group survival mechanisms and activities were enculturated and maintained by the three primary influences within the culture: the extended family or *-miut* group, the elders or *inummarit*, and the shaman or *angakkoq*.

The complexity of *Inuit* socio-cultural environment may be due, in part, to the influences of the three major social positions within that culture and the various bonding situations presented within the extended family group (Patenaude, 1987:48-57). There were three key social positions within traditional *Inuit* social structure: the family, elders and the shaman, all of whom had their respective power bases of influence within the extended family, or *-miut* group, and which contributed to the overall group survival.

The *-miut* group "generally consisting of several extended families, had a seasonal round which was maintained within a defined territory" (Rowley, 1953:3). As such, the members of these groups had numerous ties of interdependence: collaboration among members to ensure group survival, affinal and consanguineal kinship relations, and designated dyadic partnerships both within and from outside the *-miut* group. Both social worker Kitty Minor (1979) and Roman Catholic priest Frans van de Velde (1985) have described both the succour and survival necessities which were provided within the *-miut* group. Indeed, the former compares the extended family to a family co-operative, claiming that the nuclear family was incapable of ensuring the groups' survival solely through its own resources. The size and density of these *-miut* groups varied according to the season, the migration and abundance of food sources, and the social acceptance of new group members. The joining of several familially or affinally related groups into the larger camps have been alternatively reported as tribes, camps, or *-miut* groups since the arrival of the first Europeans.

The Arctic seasonal variations resulted in changes in *Inuit* subsistence and residential patterns. During the summer months the *-miut* groups would assume a dispersed pattern in order to cover a large tundra landscape, whereas their winter subsistence and residential patterns were based upon larger gatherings near or on the sea ice. These patterns placed demands upon the members of the *-miut* group which they overcame through the development of dyadic partnerships.
The feeling of togetherness may have been due to the influence of the dyadic partnership mechanism which aided in group survival (Minor, 1979:10-11). In her work on cross-cultural education Minor related the lengthy description given to her by van de Velde:

Shortly following the birth of a male child, his parents would approach parents of other male children to seek prospective partners for their child. Upon agreement, based upon similar likes, dislikes and hunting strengths of the fathers, a partnership would be struck for the male children; whereby, when they reached manhood, they would in a strict sense, be life-long partners. The design of this partnership was based upon the sections into which a seal was traditionally divided. The partners were identified with their section of the seal by the names used between them. For example, if an agreement were struck for a partnership between two boys, one being the head of the seal i.e. Nait'ok to another was the rear i.e. Okpat, the two would refer to each other from earliest childhood by these terms. When they became hunters, the partnership was not dependent upon hunting together as a unit but rather sharing the food. Okpat having caught a seal was bound by the rules of the group to give Nait'ok the head; while Nait'ok was bound to give Okpat the rear.

The value of such partnerships was in the solidarity and social cohesion created within the -miut group or community. Dyadic partnerships ensured the physical and psychological survival of the group of the partner and his immediate family if he were disabled or dead.

Another type of relationship exists between persons of different generations when kinship names are involved. This type of relationship involves the naming of a newborn child with the name of either an older relative or a person who has recently died within the -miut group (or community in the modern context). The child thus named, according to Sammons (1985:10-11), is expected to take on some of the characteristics of the person whose name they have "inherited" and a special relationship will develop between the still-living, namesake (attařa) and the person so named (avvariq).39

The influence exerted within the -miut group was based upon, personal characteristics, namely: age, knowledge, competency and personality factors (van den Steenhoven, 1962; van de Velde, 1985; Williamson, 1974). Thus, power and influence could be vary between the members

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39 More than one instance of a soul-named child taking on the personality of a dead individual, with whom the child had never had contact, were mentioned by informants within the Baffin Region (Patenaude, 1983).
of a group to meet its temporal needs. Within the -miut group age and knowledge appeared to be the two primary factors which contributed to the power and influence bases of both the shaman and the camp boss.\textsuperscript{40} Within the nuclear family, for example, Dutch ethnographer Geert van den Steenhoven (1962) notes that the most common level of authority was that of the ihumatar or "he who thinks". The ihumatar, while appearing to correspond to Minor's (1979a) description of the isumatuqjuaq (wise, old person) was usually the husband in a nuclear family unit but, he would nonetheless defer to the authority of his elders. Van den Steenhoven describes the ihumatar as:

In short, the husband, i.e., the ihumatar of the nuclear family, though being the autonomous authority within his own restricted field of daily affairs, is ideally not sovereign but subject to the higher authority of his father, grandfather, oldest uncle or brother, as the case may be. It can therefore be summarized that among the Netsilingmiut small numbers of nuclear families, closely related along the father's line, co-operate under recognized common leadership. This leadership should, however, be regarded as "understood" and "recognized" rather than formally expressed... (van den Steenhoven, 1962:54).

Within the Eastern Arctic dialects of Inuktitut there are important roles for this discussion: isumatuqjuaq (wise, old person) and isumatug (the boss or person who gets what they want). The relationships between these two individuals and the other members of the -miut group is best described by Minor as:

The composition of the extended family was consanguineously based and thus inclusive of all the members related by blood. The most important relationship in the extended family was that of the oldest member, regardless of sex, to the oldest, ablest hunter. According to many informants, the eldest member of the extended family assumed the role of advisor and confidant to all other members. This role was distinguished from that of the fatherhead, i.e. oldest, ablest hunter in that the aged advisor was supposed to possess "isumatuq" and thus have the demonstrated ability to listen carefully and respond with clear, accurate advice. At the same time, the fatherhead demonstrated, and had been accepted for his ability to maintain his authority and to delegate responsibility for obtaining those items necessary for survival (Minor, 1979a: 13).

Similar to the isumatuqjuaq were the inummarit or elders within either the extended family

\textsuperscript{40} While this latter position was created by the Qallunaat for their own purposes, it is similar, in some ways, to the role of isumatuq in Inuit culture. The isumatuq is described as "the boss or person who gets what they want" (Minor, 1979a) and may be interpreted as a position of influence rather than one of leadership.
group or camp. Due to the need for the intermediate generation to gather food and other physical needs, it was upon the *inummarit* that the burden of enculturating the new generation would fall. They would ensure, through the use of an oral tradition, that both the knowledge of the old ways and "the essence of being an *Inuk*" were passed on to the younger generation. This essence, known as *isuma* in Eastern Arctic dialects of *Inuksitut*, contained the spirit of both the individual *Inuk* and all *Inuit* as a people (van de Velde, 1986).

It was *inummarit* who provided advice, guidance and the oral traditions to the youngest generation while members of the intermediate generation were engaged in subsistence food-gathering activities. This practice would continue until pre-pubescence when the child's apprenticeship to a parent of the same sex would occur. This practice ensured the transmission of cultural traditions, survival skills, respect for elders, and the extreme sex-role differentiation within *Inuit* society. It is interesting that both anthropologists Franz Boas (1885) and Hugh Brody (1975) commented on the tendency of the contemporary adult generation to recall the respect and knowledge of *inummarit* they had known in their own youth. Indeed it was that early advice which they would often choose to follow even when modern alternatives were presented to them (van de Velde, 1986: personal communications).

The third key social position within the traditional *Inuit* social system was the *angakkoq* or shaman. The role of the shaman (*angakkoq*: singular, *angakkut*: plural) was pivotal within *Inuit* culture as their actions not only provided part of the oral tradition and its transmission but, were regarded by the culture-bearer as being capable of bringing weal or woe upon the -miut group based upon those actions. Early ethnographers reported the *angakkut* as performing the same subsistence activities as other *Inuit* in addition to their part-time religious functions. The *angakkut* have not been reported as being average or normal individuals outside of their part-time religious activities, on the contrary their marginality within the culture is a common theme (Driver, 1969; Townsend, 1984; Turner, 1985). This is noted within, both, anthropologist Bernard Saladin d'Anglure's comment that "some shamans, despite their powers, were not good hunters so that they were largely materially dependent upon the group they joined" (1984:497) and van de Velde's statement that:

...it could happen that he [the *angakkoq*] was an exceptionally ...I would say, smart and cunning man... who may be handicapped, not bring in much game, but intellectually he was very smart and a psychologist, he knows the very sort of people and their behaviours... (van de Velde, 1985: personal communications).
Shamans could be of either sex although like the gender ratio in the general population, which favoured males over females as in the general population, there appeared to be a predominance of male shamans. Saladin d'Anglure (1984), for example, noted that Québec Inuit groups regarded the angakkut as "the junction of the masculine and feminine domains" (1984:497). The shaman was not only the intermediary between those two domains, but served the same role between the supernatural and physical worlds. They served to bring these two worlds together and to maintain that union in a form of symbiotic relationship. This relationship illustrated that just as male hunter would perish without a woman to manufacture and repair his clothing and who was dependent upon that male for raw material and food so, too, were the physical and supernatural worlds dependent upon each other for their own relative survival.

The roles of the angakkut were defined by the myth and personal influence which they could command. Generally speaking these roles were the same as those presented by anthropologists Larry Peters and Douglass Price-Williams (1980) and Joan Townsend (1984). The general duties of the shaman included: applying the combinations of both herbal and psychic medicines to assist the ill and ease the passage of those near death into the spirit world, divining the location of game, and promulgating myths and taboos. The angakkut also provided psychological support to all members of the -miut through song, dance, mythological stories and rituals throughout the year but this was accentuated during the large communal gatherings which occurred during the long, dark winter (Kemp, 1984:473). Angakkut supplemented inummanit in the cultural transmission process.

Today, elder Inuit point out that it was the angakkut who could bring weal or woe upon the camp through summoning the spirits of the sun, moon, sea, animals and the dead (van de Velde, 1983: personal communications). Inuit artist Pitseolak Ashoona life-history illustrates this perception:

When a shaman was jealous or hated another Eskimo, he would try to kill him...But I don't like Shamans. Even the good Shamans belonged to the Devil... They had power over the Inuit - they could bring the animals - and they had the power to kill. There were good shamans and bad shamans but most people feared them. The good Shamans maybe were gods. A long time ago they could cure people's sickness (in Eber, 1977: 18-29).

The power base of the angakkut rested upon their abilities to cure illness, divine the location of game, and convince the members of the -miut group of their powers. The acquisition of shamanic powers continues to be debated among anthropologists and theologians. Anthropologist David
Damas (1984) reveals, for example, that angakkut received their powers from the hilap inui or spirits of the air and subsequently maintained those powers through visual trickery and ventriloquism. Similarly medical anthropologist Edward Foulks (1972) claims that these powers were found within the shamanic language, once learned, and then commanded from the spirits. On the other hand, van de Velde (1985) comments:

I have met few of those people and they study you without having an air of studying you; They make a decision on whom or what they are facing. According to that, they were taught to act. So, with the other natives they have been living together for 20, 30... 50, 60 years, maybe so they have seen the others grow up and they know each other perfectly. Having at the same time, the quality of being a psychologist, he has an advantage over the others. It has happened that somebody who had a mental handicap, so that his behaviour is a little more out of the norm, would take advantage of the others by saying that he is under the power of the spirits when he is not acting quite right. They made themselves feared (in Patenaude, 1987:56).

These, then, were the socio-cultural environments within which the angakkut, ihumatar, inummarit isumatuqjuaq, isumatuq, and -miut groups operated. These authority roles would continue to influence Inuit life until the early post-contact period beginning in 1945. Yet, having identified these sources of authority and the roles which they played within the culture, how was political leadership exercised?

Danish ethnographer Kaj Birket-Smith (1929) may offer a key to understanding leadership in the larger social contexts of the -miut group and camp by returning our attention to the authority of the ihumatar. Indeed, if one were to integrate Birket-Smith’s comment that the ihumatar’s “advice is often taken voluntarily; he has no legal authority and can not be called a chief in the ordinary sense” (1929:258-259) with Jenness’s observation that “one of the most noticeable features in Eskimo society almost everywhere is the absence of chiefs” (1922:93) then the logical impression that Inuit society lacks any supra-familial political organization would be correct.

The ethnographic literature of the last one hundred years has departed from Boas’ incorrect descriptions of “Eskimo tribes” to show that there is neither tribal nor band organization among Canadian Inuit. Van den Steenhoven summarizes this perspective, stating:

On all levels outside the extended family, Eskimo society completely lacks the structure for leadership. At any given time there may be found individuals of general or specialized prestige whose influence is felt throughout the entire camp, or even
band [meaning -miut group], but they have neither explicit authority nor recognized jurisdiction: their stars rise and fall, and to follow them remains a matter of voluntary choice for everyone else. Neither ideally nor in practice do we find any recognition of authority on band or even camp level. Not even the shamans seem, as such, ever to have enjoyed recognition as local chiefs or leaders...

The community, i.e., the camp which consists of families resorting under different "jurisdictions", has as such no leader. Both functionally and formally it lacks the characteristics of "government". Social stratifications is absent. But if a camp consists chiefly of families resorting under the same family ihumatar, it is quite possible that the entire camp becomes more or less directed by the chief personalities of that family. In spite of all this, the non-related families retain their full freedom at all times, and such camps are in principle aggregates of families (van den Steenhoven, 1962:65-66).

Legal anthropologist Leopold Pospisil (1971) examined traditional Inuit society to discern its legal and political structures. He noted that Inuit society did not possess political authority, stating:

We must ask why the terms "authority" and "leadership" must be divorced from any consideration of personal prestige and personal achievement or of voluntary recognition by followers, when they represent the customary qualifications for leadership and authority. Leadership based, as we have seen, solely on such qualifications has actually been recognized in the literature as a type to which the term "headman" is applied.

The position of a Nunamiut headman was determined by two things. One was his attributes as a person-his personal qualifications for leadership. The other was his position in the societal structure (e.g. segmentation of society...), the subgroups to which he happened to belong, and the extent of his personal kindred and other quasi-group (i.e., ego-centered grouping) connections (Pospisil, 1971:73).

However, he argues that an absence of legal authority rarely occurs even in segmented societies. Agreeing with van den Steenhoven's (1959:17) claim formal authority did not exist among Inuit, Pospisil pointed out that legal authority existed because the actors granted such recognition to the decisions of the group as a whole and were complied by all members of the group (1971:44-46).

These factors influenced the organization and the social regulation/social control mechanisms which it employed. As with Dene in the Western Arctic, Inuit have been subject to recent influences from Southern Canada and not only exhibit many signs of individual and collective trauma, but have assimilated many of the Euro-Canadian values and beliefs.
Contemporary Inuit society has changed from these previous descriptions in many significant aspects. The most notable change has been the urbanization of Inuit society as seen, for example, in their moving to permanent settlements from the traditional camps. As with Dene/non-Dene contact in the Western Arctic, Inuit welcomed the newcomers and their goods and services. They were unprepared, however, for the economic and psychological dependency which would be created alongside the increases in their general standard of living. This dependency is evident in high rates of unemployment, social assistance or welfare payments, low levels of educational attainment, low rates of cultural persistence including traditional patterns of hunting and fishing, and high rates of crime and deviant behaviour. There exists a high degree of unemployment and under-employment throughout the three Inuit regions with an approximate 52% Inuit participation rate in the work force compared to the 90% among non-Inuit is exacerbated by an unemployment rate of nearly 29% among Inuit compared to approximately 3% among non-Inuit.

During contemporary times, Inuit society has maintained its ties to the land even though traditional hunting activities have been subsidized by the territorial government and many younger members have only traveled on the land for recreational and/or ceremonial purposes (Griffiths and Patenaude, 1989; Patenaude, 1993). Extended families are still the norm rather than the exception although government-provided housing and educational services have reduced the amount of inter-generational contact (McMillan, 1988). Today, Inuit of the Eastern and Central Arctics survive through a combination of wage employment, subsistence hunting and trapping, and government financial assistance (Boxberger, 1990; McMillan, 1988; Patenaude, 1993).

The second major group inhabiting the Arctic culture area is the non-aboriginal population. Prior to the 1970s most earlier writers employed the term "White" to describe the incursive population, or European/Euro-Canadians, in the North. During the 1970s the Government of the Northwest Territories began to categorize the populations of the North through the use of ethnic or pseudo-ethnic labels: "Inuit" for persons of Eskimoan heritage, and "Others" for persons not included within the previous labels including Europeans/Euro-Canadians, Asians, and Africans (Feeney, 1977; Kravitz, 1974; Lange, 1972). This term has been used in general application by the governments in the North as the label for Euro-Canadians, however, due to their numbers. In deference to these practices in the Northwest Territories, the term "Euro-Canadians" will be given general application throughout this dissertation. However, those terms employed in quoted excerpts will remain. In the case of the Inuktutut (the language of Inuit), this has included the following dialect and orthographic variations: kabloona, krablunak, kadlunak, kallunak, qalunak, qadlunak, qallunaq, and qallunaat.
While this group has much in common with their non-aboriginal confrères in the Subarctic culture area there are significant differences between these two non-aboriginal groups. As in the Subarctic, non-aboriginal peoples tend to have both higher educational and employment rates than the aboriginal population of the regions. While many non-Inuit have been remaining longer in the Arctic culture area transience continues to be a problem since they move, not out of the region, rather between communities throughout the region. The majority of the region's non-Inuit population are employed within the public sector, i.e., government, or as private entrepreneurs (GNWT Bureau of Statistics, 1989). Many non-Inuit regard the creation of Nunavut as a goal which both they and the region's Inuit have worked to achieve (Patenaude, 1993).

As in the Western Subarctic, the non-Inuit family structure and social control mechanisms are generally based on a Euro-Canadian model. There has also been much discussion concerning the efficacy of the current system of criminal justice and the principles of aboriginal justice (Griffiths et al., 1995; Patenaude, 1993). With the prominence of Inuktitut and Inuit values there may be greater acceptance to find a culturally-relevant system of criminal justice.

4. A Brief History of Aboriginal/non-Aboriginal Contact

The major difficulty encountered by both Inuit and Qallunaat is their relative ethnocentrism as both cultures regard themselves as absolutes (Briggs, 1970; Brody, 1975; Kravitz, 1974; and Mayes, 1979). Brody presents an example of how this is changing, stating "'It took us 3,000 years to get this far'. And the corollary is implicit: 'How can you expect them to get there in only ten or even fifty years?" (1975:78).

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41 This type of transience is indicative of the one of the major differences between non-aboriginals in the Eastern And Western Arctics. Indeed, many non-aboriginal bureaucrats in the Western Arctic regard themselves as long-term employees serving predominantly-aboriginal communities who, in turn, hope to retire from their respective government positions. Many non-aboriginal bureaucrats in the Eastern Arctic take quite a different approach from their western counterparts. Whereas many regard themselves as long-term employees, they regard their current position as a short-term assignment to gather experience and train a local aboriginal person to take over that position's responsibilities prior to moving on to another, hopefully, more responsible position.

42 The Inuktitut word Qallunaat will be used interchangeably with the English phrases “European”, “Euro-American”, and “Euro-Canadian” throughout this discussion.
The responses of *Inuit* to the enormous stress of intercultural contact during the past 100 years have been remarkable and striking. From a perspective of change it is difficult to understand due to the short time span involved in the process. These changes have resulted in the westernization of *Inuit* and their society. This shift has placed the *Inuit* culture on a conceptual-based, cultural continuum formed by traditional *Inuit* culture and adaptations on one end with the modern, *Qallunaat* culture and adaptations forming the other end.

By stating that *Inuit* are subject to 'cultural transition' it becomes necessary to discuss that term and its applicability. The change from the use of familiar signs, symbols and modes of social interaction to the comfortable use of the same attributes of a new culture is known as 'cultural transition'. This may be either a forced or free-will decision on the part of the original culture. For his part anthropologist Edward Van Dyke (1982:1-4) distinguishes between 'chosen' and 'forced' cultural transition in terms of the motivation underlying the process and the level of difficulty (from disorientation to distress) that an individual or group experiences during the period of transition.

The typical response to overwhelming change is usually a form of anxiety or psychological disorientation an distress known as "culture shock". This may be expressed in several manners. American anthropologist Kalvero Oberg (1954) identified four stages of behaviour presented by those persons or groups coping with culture shock:

"...The first step is *fascination* with the new, the different, the exotic. This stage occurs during the first "honeymoon period" of superficial exposure to the new way of life.

As one experiences deeper immersion, *resistance* or *rejection* of the different way of life emerges as a prime characteristic of the second stage response. One manifests "a hostile and aggressive attitude towards the host country" and all it represents in terms of different lifestyles.

Oberg emphasizes that this "second stage of culture shock is a sense of crisis in the disease. If you overcome it, you stay, if not, you leave before you reach the stage of a nervous breakdown" (Oberg, 1954:4).

If one overcomes the crisis, the third stage moves toward resolution. This phase is typified by *resignation* in the sense of the beginnings of acceptance and adjustment. "The visitor still has difficulties but he takes a 'this is my cross and I have to bear it' attitude" (Oberg, 1954:4).

The fourth stage brings about resolution of the problem in the sense of adaptation to the new way of life. He or she has learned the new cues and has a feeling of familiarity and security with the new life situation. Anxiety dissipates" (in Van Dyke, 1982:1-4).
The introduction of Qallunaat cultures and their methods of social interaction may be regarded as the new, foreign culture which Oberg (1954) identifies. It has created among Inuit "rapid or overwhelming change" in their traditional lifestyles which is similar to both a state of anomie and culture shock. This has occurred continuously since the beginning of sustained Qallunaat contact.

During the years of initial contact, Inuit responded with 'fascination' to the new culture and material goods. The prime movers of Inuit culture were intact at this time. As the new ways of Qallunaat conflicted with the traditional methods there developed 'resistance' on the part of many inummarit and total 'rejection' by the angakkut, or shaman (Van de Velde, 1986 personal communications). As Qallunaat were contacted more frequently and in larger numbers many Inuit were swept into the third stage, 'resignation'. Such resignation was in support of Inuit belief in "ayunnarmut" or "it can't be helped."

Having identified the modes of culture shock, those methods of resolving it must be presented. Thus, Inuit have four options for reducing the anxiety experienced during culture shock, including:

(a) one may totally abandon one's previous lifestyle and opt into the new;
(b) one may totally reject the new and re-entrench even more immovably in the old, familiar patterns;
(c) one may integrate aspects of both inside oneself so that either a third lifestyle is developed or so that one may move with equal comfort between the two worlds;
(d) one may cope by choosing some form of mental illness such as denial of reality, or perhaps even by choosing death" (Van Dyke, 1982:5).

Each of these options have been adapted by individual Inuk and certain larger groups up to, and including, community-level groups within the larger settlement structures.

The history of contact between the indigenous peoples of the North American Arctic regions and the incursive nations has, to a large degree influenced the current patterns of Inuit dependency and criminality in much the same manner as the history of aboriginal/non-aboriginal contact in Southern Canada and, to a lesser degree, the United States. Within the Greenlandic example of Inuit-European contact it is possible to trace Denmark's interest in the island back to the Middle Ages (Jenness, 1968). Although little was accomplished in terms of colonization, whaling and fishing
activities were conducted and became the major European activity in the area until 1721 when Danish missionary Hans Egede founded a mission-settlement at Godthaab (Nuuk).

Egede set his goals as "the evangelization of the Eskimos, to be promoted by a trade which would serve as the mission's handmaid and supply its material needs" (Jenness, 1968:12). Unfortunately this was not to be the case although the Danish government would eventually take over the administration of the colony and unilaterally declare it closed to the outside world in an attempt to "...protect the Greenlanders from the incursions of deadly diseases, alcoholism, and other evils" (Jenness, 1968; Kleivan, 1984).

The general goals of the Danish government were in line with such protective beliefs and of Danish administrator Henrik Rinke. It is Rinke who is often credited with initiating the nation-building process in Greenland (Kleivan, 1984) which according to Jenness "deliberately trained Eskimos and their Eskimo-speaking descendants to lead their people; and only there has an Eskimo population been successfully integrated into today's world" (1968:15). These results would not be realized by Greenlanders until after the close of the Second World War. From 1950 until the granting of 'home rule' in 1979, the political direction of the Greenlandic parliament would be aimed at achieving that goal for the island. This semi-autonomous province has enacted a pluralistic Greenland Criminal Code which has components of both traditional Inuit and modern Danish laws (Schechter, 1983:79-93). This insular approach to colonization has resulted in less cultural, economic, and racial friction between Inuit and Europeans than in either Canada or the United States (Jenness, 1968; Kleivan, 1984).

Moving westward into Canada the history of the Labrador peninsula presents a sharp contrast to the enlightened attitudes present in the Danish colonization of Greenland. Following its mapping by the Royal Navy, England evidenced showed little interest in Labrador other than to permit the Moravian Church to "establish missions there, civilize its Eskimos, and maintain law and order...to convert the benighted savages to Christianity and lead them in the way of salvation" (Jenness, 1968:19). The Moravians for their part used the mechanisms of education, religious training and trade to establish their dominance over Inuit of Northern Labrador. In tribute to their efficiency, it was noted during 1900 that 90% of the region's Inuit population were literate in the syllabic language of Inuktitut, many had received schooling in the English language and conflict, in the criminological context, was virtually unknown (Jenness, 1968; Taylor, 1984). In effect the Moravians had achieved in Labrador the goals which the Danes had strived to achieve in Greenland.
The economic changes brought about by the First World War resulted in changes in *Inuit* subsistence activities and created a new sense of *Inuit* dependency. Policing, which had been unnecessary in prior times, was introduced as the colonial government of Newfoundland assumed responsibility for its annexed lands in Labrador. The entrance of Newfoundland into the Canadian confederation in 1949 brought technological and social changes for *Inuit* in Labrador. The foundations laid by the Moravians, however, assisted the regions' *Inuit* population in adjusting to these changes more successfully than their contemporaries in the Northwest Territories.

Historically, the relationships between the federal government of Canada and *Inuit* in the N.W.T. can best be understood from a majority/minority or colonial perspective (Kellough, 1980; Paine, 1977; Tobias, 1976). Indeed, the colonization of the Northwest Territories and its people has been an intentional, long-term process and has involved replacing the traditional, self-determinant lifestyle of the people with a dependent and subordinate status. The whalers, missionaries, fur traders, and government officials were the primary agents of change in the westernization process (Crowe, 1974; Minor, 1979; Swiderski, 1985; Zaslow, 1971).

The introduction of the whalers and a rudimentary system of trade, based upon barter, irrevocably altered *Inuit*, their lifestyle, and environment. This time was seen by many ethnographers, including Diamond Jenness, as the closing of one era in the Canadian Arctic and the opening of another (Swiderski, 1985). The whalers introduced a new way of life which, in turn, introduced a new dependence upon the use of western skills and articles, especially firearms, in place of traditional methods. One unintended consequence of this contact was the fascination of many *Inuit* with the new culture and its material goods and the desire of many *Inuit* to imitate the lifestyle of Qallunaat whalers and possess those same material goods.

The abundance of fur-bearing game within the Arctic culture area identified it as an ideal region to conduct hunting and trapping operations. This was evidenced by the entry of the Hudson's Bay Company and its establishment of numerous trading posts in the areas frequented by the whalers. This prompted the migration of many *Inuit* to the new whaling and trapping 'settlements.' This meant an increasing dependence upon western goods and methods which was emphasized by the depletion of the natural game levels due to overharvesting. The fur-trading era continued until its collapse in 1949.
The shift towards the new ways was influenced by these two groups and secured by new
influences: the government and the missionaries. These two groups complemented each other in
their efforts to bring civilization to Inuit. The government, in an effort to bring rudimentary health
services to Inuit, began to provide doctors on the annual supply ship to the area. This resulted in
an increase in the standard of medical care while the traditional healing provided by Inuit shaman
decreased proportionately. An increased migration began as the result of these services. The
government continued to describe the state of Inuit health services as "generally satisfactory and
their health as generally good" throughout the 1940's (Swiderski, 1985:notes).

The missionaries, originally Oblates of Mary Immaculate (Roman Catholic) and the Church
Missionary Society (Anglicans), also began to 'civilize' Inuit. Both faiths provided new choices to
Inuit, many of which, were accepted without hesitation. These new choices included basic training
in hygiene, manual and domestic labour, rudimentary medical care, and the demand for literacy
based upon the new religious teachings. The western work ethic, introduced by both the
missionaries and the fur-traders through the barter system, was spiritually endorsed as a good way
of life. The new teachings and ritualistic approaches attracted Inuit admiration due to their support
of many traditional beliefs and a desire for learning. This learning was enhanced by the introduction
of the "syllabic" written alphabet from northern Québec as adapted to Inuktitut by missionaries John
Horden and E.A. Watkins (Harper, 1985). These teachings seriously undermined the powerbase
of the shaman and began the embarkation of Inuit down the road to dependency.

As new Qallunaat ways increasingly came into conflict with the traditional methods, however,
there developed resistance on the part of many elders and a total rejection of Qallunaat culture by
most Inuit shaman. As their indigenous culture was increasingly displaced many Inuit were swept
into resignation and feelings of hopelessness. The introduction of Qallunaat culture resulted in rapid
and overwhelming change in the culture of Inuit (Van Dyke, 1982; Zaslow, 1984). This, in turn,
created widespread culture shock at both the community and individual levels. Canadian
anthropologist Edward Van Dyke (1982:5) identifies four possible responses of a people who
experience culture shock: 1) total abandonment of the traditional lifestyle and adoption of the new
culture; 2) rejection of the new culture and continued adherence to the old; 3) integration of elements
of both cultures in order to function equally well in either; and 4) choosing to remove oneself from
the situation by suicide or denial of reality.
The deference of many Inuit to the imposition of the Qallunaat culture was not solely the response of a subjugated people to dominance. Graburn’s (1969) analysis suggests, for example, that there were elements of traditional Inuit culture which facilitated the adoption of Euro-Canadian culture. These included Inuit tendency toward self-detachment or avoidance when confronted by situations which could not be solved or where traditional methods of problem resolution were viewed as inappropriate.

During the 1940’s the Dominion government returned to the region, after nearly 25 years of neglect, with a new vigour and scope. Areas in both the Eastern and Western Canadian Arctics were studied to determine their respective situations vis-a-vis economic development potential, education and health care. This new interest was based upon national political and economic concerns of the era and not the needs of Inuit population. According to the official policy, the Dominion government believed in keeping Inuit "...in their natural mode of living" (Mayes, 1975:25). The results of that research into Inuit and their lifestyle revealed that "...those natives who had been in school for some years were not competent in their usual land based lifestyle, but neither were they able to function well in western society" (Swiderski, 1985:notes). In terms of Inuit health and medical services they found "improvements were needed to bring rudimentary health services, particularly in the areas of preventative and casework, especially regarding tuberculosis" (Mayes, 1979:312).

It was during this same period that the market value of the arctic fox (alopes lagopus) collapsed leaving many Inuit families without the means, other than credit, to secure the western goods and implements upon which they were now dependent. The Cantley Report (1948) on the economic situation stated that "...the immediate and most important problem is to find the means of ensuring the Eskimos of a reasonable standard of living" (Mayes, 1979:68) since the dependence of Inuit upon western foodstuffs and implements was reaching a crisis point from which they could neither return to their traditional subsistence lifestyles nor totally assume the new Qallunaat lifestyles. While the Cantley Report (1948) offered no concrete direction on how to improve the economic situation, it recommended that a political step be undertaken, namely, "the development of local councils as a means to develop an independent self-supporting race" (Mayes, 1979:65).

The economic situation of the day, however, precluded such self-sufficiency. During 1950, the impact of over-harvesting the wildlife resources and the collapse of the white fox market resulted in disaster. Both the RCMP and the federal Department of Resources and Northern Development
documented the extent of this disaster, within their respective annual reports, noting the near-starvation conditions and the decimation of the sled-dog population through disease (Mayes, 1979; Swiderski, 1985). These statements illustrate the state of the economic situation during an extremely critical time in the development of the Arctic. During this same period, the lack of wildlife produced additional migrations from outpost camps into the newly-created settlements. This influx of people resulted in severe overcrowding, unsanitary housing conditions, increased famine and epidemics of influenza, typhoid and spinal meningitis.

The 1950 and 1960 decades were periods of departmental reorganizations within the Dominion government and included the creation of the Government of the Northwest Territories during 1967. These reorganizations were attempts by the Dominion government to meet "...the changing conditions of the north through its emphasis on decentralization" (Northern Affairs, 1959:24). The introduction of Northern Service Officers into many larger settlements, whose task was to co-ordinate the field delivery of services and reverse the trend of control by Southern-based, non-Inuit, was an example of that process. During the 1960s Northern Service Officers would also identify and attempt to meet the housing, health and education needs of local Inuit. Unfortunately during the early years of the 1960s decade their efforts also coincided with an outbreak of disease which killed most of the dogs. This had an immediate impact upon Inuit as dogs provided the major mode of transportation to and from the hunting areas and resulted in famine.

During the 1970's the government began in earnest their trend towards decentralization and local government. This resulted in the establishment of various committees and councils to prepare settlements to become self-determinant. Massive housing programs were introduced during this period which improved the living conditions of most Inuit. The earliest form of housing provided to Inuit was the 340 square foot "match box". This single room house was equipped with a single oil-fed stove for heat, and hand-hauled water and sewage. Although it provided inadequate shelter it was an improvement only by its permanence.

43 It was during the 1972-1977 period that Qallunaat ethnocentrism in community planning and housing construction was at its height. One short-lived example involved the creation of several "styrofoam igloos" for Inuit of Cape Dorset. The residents of these 'igloos' found them to be warm but impractical. During this period there was very little concern or attention paid to the toxic fumes produced by styrofoam when it catches fire, as one resident soon found out; luckily no one was injured and the concept of styrofoam igloos died a quiet death (field notes, 1984).
During the 1980s and 1990s decades general housing conditions improved dramatically throughout the Arctic. The matchbox units have been replaced with an improved housing stock, known as "Northern Rental" units and subsequently by bungalows and two-story houses of up to 1344 square feet, and private housing. Today, an ever-increasing private housing market is present across the Arctic, especially within larger, mixed Inuit-Qallunaat communities.

Permanent Qallunaat incursion into the Arctic Culture Area also included a strong educational component. From their introduction to the region during the 1880's the missionaries had the major influence in this area as it was they who introduced a desire to learn and a written language form. To bring God's word and civilization to Inuit, the Cree syllabic alphabet was adapted to Inuktitut and transplanted in Pond Inlet (Harper, 1985:141). The missionaries began their education of Inuit in small groups, initially instructing them in religious and person hygiene subjects followed by academic studies. It was at this point in time that Inuit began to lose control over their young people's education. Their language was being gradually replaced by Qallunaatitut, the language of the Europeans, as were their Inuktitut names with hybrid forms of the names of the Christian disciples. This trend continued from the early 1900's until the late 1940's when a new era dawned in the westernization of Inuit: the boarding school era.

The boarding school was an attempt by the Anglican and Roman Catholic church and, later, the federal government to provide a standard of education for young Inuit comparable to that found in Southern Canada. The academic, scientific and technical aspects of the Southern educational system were stressed in an official effort to assimilate Inuit into the mainstream of Euro-Canadian society. Discipline was as strict as the educational standards. The methods by which these two aspects were accomplished were the same as those which had been applied to aboriginal peoples in Southern Canada and included the suppression of Inuktitut usage, both, recreationally and as a language of instruction.

This experience would have both many negative effects upon the aboriginal students in the South, one generation of Inuit would be forced sacrifice many cultural attributes and family contacts due to their removal to places such as Inuvik, Chesterfield Inlet, Churchill and Ottawa. The legacy of these losses coupled with the emotional, physical and sexual abuse which many suffered is interwoven by only a few positive aspects such as the emergence of a new generation of educated Inuit political leaders determined to forge an improved Inuit lifestyle for the next generation and a new series of relationships with the Dominion and territorial governments.
The decade of the 1960's saw the establishment of formal, government-operated, schools throughout the Arctic. Like the boarding schools, this system delivered a Euro-Canadian academic and/or vocational program limited to, what the government considered, the current economic, cultural, and developmental needs of Inuit. Dissatisfaction with the educational system and the growing promotion of aboriginal rights and land claims, during this decade, contributed to many Inuit leaders seeking meaningful participation in the educational decision-making process.

The 1970's was a decade of change and questioning for the education system in the North. The questions were centered on methods to re-introduce those cultural values, beliefs, and practices which were vanishing from the way of life of many Inuit. Many believed the loss was due to the westernization processes implanted by the education system, the introduction of television, and generalized contact with the Euro-Canadian culture. The introduction of community controls in education began during this decade with the formation of "Local Education Authorities". Elected from the local population these groups would influence the duration of the school year, the amount of cultural inclusion in the curriculum, and the appointment of school principals. During the 1970's Inuit classroom assistant and teacher programs were introduced which have since resulted in the training and certification of Inuit as professional educators.

The 1980's witnessed the introduction of a balance into the question of curriculum content and what should be given increased weighting: culturally-appropriate Inuit content or Qallunaat content. Inuit concerns were heard in the Legislative Assembly of the Northwest Territories which commissioned an inquiry into the delivery of education throughout the North. During one public hearing, the people of Igloolik, N.W.T. stated: "We don't want to drop the school system, we just want a system appropriate to our needs" (Report on Education, 1982:11), which was typical of Inuit concerns to have a system that will benefit their children, regardless of the cultural appropriateness but, based upon the needs of the student and the community.

These concerns were acted upon, subject to fiscal and political conditions, for the improvement of the education system. Such improvements included the passing of the Education Act (N.W.T.) in 1982 which gave localized control of the educational system to the people of the North. The difficulty was, however, that the people being served by the education system were unsure of which type of system they wanted to control.
It was during the decade of the 1960's saw the westernization process gave new meaning to the prime movers of Inuit culture for the individual inuk. The first of these prime movers to be affected was group survival. It was during this same period that government assistance was offered to Inuit if they would resettle in the nearest 'settlement'. The responsibility of maintaining the prime mover of group survival was shifted from the -miut group to Qallunaat government by this resettlement.

These resettlement offers planted the seeds of the attitudes presented by many contemporary Inuit: resistance/rejection of the new ways and resignation by many others (van Dyke, 1982). These same offers contained the inducements of a warm house, western food if country foodstuffs were not available, medical services and the education of Inuit children in the ways of Qallunaat. Once accepted, these inducements were compounded by the actions of a paternalistic government and Commissioner of the N.W.T. The latter position would enculturate the general beliefs among Inuit of "don't worry, the government will take care of everything". This "take care of" concept refers to the provision of, both, initial and ongoing goods and services to the individual or group at minimal or no cost.

While the initial transfer of responsibility for group survival was a temporary response to the disease and starvation conditions of the 1960's, the governments found it impossible to cease the delivery of these services. At the same time many Inuit were fascinated with the availability of permanent homes, western foodstuffs and tools and preferred them to their traditional ways. Inuit ethnographer and photographer, Peter Pitseolak, himself an inuk, recalled the transition from the old to the new ways in Cape Dorset:

This was the old Eskimo way of life; you couldn't give up because it was the only way. Today I like living in a house that is always warm, but sometimes I want to move and go to the camps where I have been. The old life was a hard life but it was good. It was happy (in Blodgett, 1983:12).

Today, the provision of the basic needs of food, clothing and shelter to Inuit is shared among the federal, territorial and municipal levels of government. This is accomplished through the provision of subsidized housing and hunting/trapping/fishing activities, free medical/dental/psychiatric treatment, the manufacture and distribution of carvings and other artwork, limited wage economy and, finally, the provision of government financial assistance or welfare.
The natural and social selective forces which controlled the -miut group size and structure in pre- and early-contact Inuit society were subjugated by the settlement policy. Therefore Inuit prime movers began to adapt new forms and functions.

The extended family was no longer dependent upon its own resources for survival as its general living conditions improved and it received permanent housing based upon nuclear family model prevalent within Qallunaat society. These events have resulted in changes in the size of the nuclear family and the psychosocial dynamics of the extended family. The single family dwellings and their spatial arrangements had physically fragmented the extended family network by placing nuclear family homes onto linear patterned streets rather than the "cluster" patterns of the camps (Simon et al; 1984:74-76). The family structure had been broken apart and partially reconstructed by the Qallunaat in their own form. This new form was a hybrid, consisting of components of the old, traditional extended-family and components of the new, westernized nuclear family. The locus of the family remains, albeit in a much diminished form, and is experiencing rapid cultural shock.

The issumatujuq and isumatuq, wise old person and camp boss respectively, were now physically removed from the homes of the children and their parents in the immediate generation. The elders, or inummanit, who normally provided the enculturation of the isuma, or traditional beliefs and values, were similarly removed from the homes of the youth. Therefore, unless the family put special efforts into the remaining together, the transmission of isuma was relegated to Qallunaat and their school system; itself a contradiction in the cultural transmission context.

The daily administration of the settlement social life shifted at this time from the prime movers to the 'Northern Service Officer'. This position, originally Qallunaat, has evolved into an Inuit 'Government Liaison Officer' in the Eastern Arctic. While this shift is redressing the removal of self-determinism this has not occurred in two social regulatory areas: law enforcement by the police and Queen's justices, and the religious activities. In the latter area, shamanism was successfully stamped out by Qallunaat missionaries, although some underground activities have been recorded (Minor, 1979: personal communications).

Many Inuit have followed the methods of reducing culture shock which were identified by Oberg (in Van Dyke, 1982:15). The first method, total abandonment of the old ways, has been identified in many Inuit communities. Anthropologist Frank G. Vallée (1962) identified that practice
among the Central Keewatin \textit{Inuit} and labeled those who practiced it as "\textit{Kabloonamiut} (the people of the White Man)". His definition of \textit{Kabloonamiut} includes those \textit{Inuit} who:

1) reveal a desire to live in the settlement;
2) reject a way of life which requires an acute dependence on the land;
3) choose to follow certain \textit{Kabloona}-like customs where they could just as well follow traditional ones" (Vallee, 1962:4)

While Vallée (1962) described those individuals who chose this new way of life, in a broad manner, he failed to view them as one end of a behavioural continuum (albeit the westernized end). The other end of this continuum is in agreement with Oberg's (1954) second method of reducing culture shock, re-entrenchment of the old. This, too, is present among many contemporary \textit{Inuit} and their communities. Thus, Vallée (1962) labels those who practice this method or the traditional end of the continuum as "\textit{Nunamiut} (the people of the Land)". To him, \textit{Nunamiut} are those \textit{Inuit} who:

1) reveal a desire to live on the land rather than in the settlement;
2) choose a way of life which requires an acute dependence upon the land;
3) choose to follow what traditional conventions still exist in the culture, such as living arrangements, in the ways they bring up their children - in short, those who appear to be oriented more to the traditional way of life than to the \textit{Kabloona} way of life" (Vallée, 1962:4)

Many researchers, such as David Kravitz (1974), have taken the position that \textit{Inuit} are moving along a continuum rather than being polarized as either \textit{Kabloonamiut} or \textit{Nunamiut}. While many \textit{Inuit} belong to these two groups, there are many more individuals who are moving along the continuum between them. As such, these latter individuals may have adopted, somewhat, Oberg's (1954) third method of reducing culture shock, resignation of the situation while making the best of it. Many individuals in this group are evolving along the continuum and presenting the fourth method, resolution, by integrating the old and new ways to, either, form a third cultural identity or to permit their comfortable movement between the two cultures. There exists a large number of successful \textit{Inuit} throughout the Arctic who have found a niche for themselves through the latter method.

It is indeed unfortunate that when a lack of traditional \textit{Inuit} values and skills is coupled with a similar lack of \textit{Qallunaat} values and skills in a changing social structure that individuals who are unable to function independently in either culture are produced (Patenaude, fieldnotes: 1983-1987).
These conditions, similar to anomie with the enculturation of hopelessness, helplessness, and dependence rather than independence, have been recognized by many professionals and numbers of young persons. Thus while many young persons have adapted the fourth method of coping with cultural transition (e.g., adopting some form of mental illness, suicide, or criminal activity) increasing numbers are successfully adapting.

Today, Inuit cultural perspectives have progressed past the midpoint position along a continuum between their traditional way of life and the new westernized pursuits. It is, perhaps, the crisis point where the choice between a dependent way of life and one of independent, albeit subsidized, choices is made for and by Inuit as a people. At the current time, many public and private activities are being controlled, or at least influenced, by Inuit boards of directors. Power is being transferred to a capable, determined Inuit leadership which is currently developing to a point where they may be able to assume the mantle of self-determinism. Unfortunately the problems of current `youth' generation, and that which will follow both generations, may not be capable of assuming the responsibilities of self-determination.

Thus, the prime movers within traditional Inuit culture (group survival, family, elders and religious functionaries) which influenced and operated the various social control mechanisms of that culture continued to function until shortly after Inuit had completed their government-coerced migrations into the new settlements. They were undermined, however, by the provision of Qallunaat economic, educational, health, and religious services within those same communities which resulted in the shift towards westernization amongst Inuit. This shift has placed Inuit culture on a conceptual-based, cultural continuum formed by traditional Inuit culture and adaptations on one end with the modern, Qallunaat culture and adaptations forming the other end.

These factors and the changes to which they have contributed also helped to bring about a growing Inuit political awareness and expertise in the Canadian Arctic. Concomitant to the colonial style of government exercised by Ottawa were the early post-World War II booms in the northern economy and new demands for local government by and for Northerners, especially in the Eastern Arctic. In 1947 some effort was undertaken to placate Northerners by appointing northern residents to the North-West Council, although none of whom were from the Eastern Arctic nor Inuit. Elected members would join the Council for the first time in 1956.
As a result of the Cantley Report (1948) to the North-West Council on the economy of the North, the federal government began to streamline and maximize its services to Northerners during the 1950's. This resulted in the decentralization movement which created, among other things, "Northern Service Officers" to develop local councils and co-ordinate government services to the settlement. Many local residents regarded these individuals as an "unofficial mayor."

The decade of the 1960's was marked by two major political events: decentralization of federal government services and the creation of the Government of the Northwest Territories. The former was accomplished through a gradual shift, as a result of the Carrothers Commission on the Development of Government in the Northwest Territories (1966), by the new federal Department of Northern Affairs and National Resources from a highly centralized format to a regional administrative format (Dacks, 1981:92). Also stemming from the Carrothers Report (1966) was the creation of the Government of the Northwest Territories as a quasi-provincial level of government (although federal control of natural resources and resource development remained).

Within the newly-created territorial government a separate Department of Local Government (since renamed Department of Municipal and Community Affairs) was established "to develop politically-workable and administratively self-sufficient communities within the N.W.T." (Swiderski, 1985:6-7). The concept, however well-intentioned, was only a minor improvement as poor administration and organization on the part of the Councils held them within their 'advisory' role, rather than developing a 'Northern Society'.

The early 1970's saw a shift in government policy from, both, centralization to decentralization from Ottawa and the exploration/exploitation of non-renewable resources to the provision of basic human services to the people of the North. This change in priorities and policy resulted in the delivery of increased housing, social, educational and health services at the community level. Inuit political leaders, however, felt that these developments were neither fast enough, far reaching enough, nor addressed their special needs and aspirations for the future.

In response to these beliefs the Inuit Tapirisat of Canada (hereafter 'ITC') was formed in 1971 to accurately portray the positions of Inuit and to lobby for their concerns. The ITC was developed as a non-profit, non-sectarian, and non-political organization. The ITC soon evolved into an 'umbrella' organization concerned for the various special groups which came into being; this was especially true in the area of land claims and claims settlements. It is interesting to note that, both,
this organization and its components have been legitimized by the federal government which funds it, the territorial government which funds specific components, and the United Nations which has granted them non-government observer status.

During 1979 the ITC, tired of their perception of Ottawa "ignoring the problem in hope of it passing away", presented a discussion paper entitled Political Development in Nunavut. This document called for the creation of a new territory based upon ethnic membership, settlement of land claims, and a tree-line boundary. It was envisioned that this new territory, Nunavut ("Our Land" in Inuktitut) would gain provincial status and powers within a proposed fifteen year timetable. The 1979 territorial election witnessed the inclusion of a strong, politically-astute (but untested) aboriginal group who had the support of a young group of non-native Northerners in the Legislative Assembly. Together these groups took the initiatives necessary for future division of the territories to occur.

The proposal for a division of the Territories was itself given quasi-legitimate status by the Referendum on Division of the N.W.T. in 1982. The referendum revealed overwhelming eastern support for division and, at the same, mixed western support for division. The federal government tactfully agreed to the concept but under strict conditions which included undisputed settlement of boundaries. These territorial gains filtered down to the regional level with the formations of regional councils such as the Baffin Regional Council (hereafter ‘BRC’) in 1980. This Council is composed of the mayor (or delegates) of each Baffin Region community and appears to be the logical extension of the political will of the people and their elected representatives. The Council, itself, provides a regional forum to discuss issues of common concern, seek their solutions, and to lobby for needed improvement and the resources needed to become self-determinant.

During the early 1980s, discussion papers dealing with Nunavut's creation, Building Nunavut (1983), Securing Human Rights in Nunavut (1984), and Building Nunavut: Today and Tomorrow (1985), detailed the creation of a pluralistic, although ethnically-based, jurisdiction as well as a smooth transition from the N.W.T. government and public service. These discussion papers and the formation of a new political body, Tungavik Federation of Nunavut (hereafter ‘TFN’), during the 1990s culminated in the passing of the Nunavut Act (1995) which will see the creation of Nunavut in 1997. Unfortunately, for socio-legal scholars and the residents of Nunavut neither these documents nor TFN's blueprint for Inuit public government, Footprints in New Snow (1996), include discussions on the administration of justice in Nunavut.
Inupiat in the Alaskan Arctic Slope Region have fared somewhat better than Inuit in the N.W.T. European contacts began with the explorers, missionaries and traders of Czarist Russia during the late eighteenth and nineteenth centuries. During its early years in Alaska the Russian-American Company sought to expand its economic strangle-hold on the region by exploiting both its natural and human resources. This had the effect of severely depleting both populations through misuse and it was only the limited efforts of the Russian Orthodox Church which moderated their efforts by complaining to the Czar. Indeed, as Jenness (1968:9) points out, the Company shared the Church's desire to "convert the natives to the orthodox faith, not, however, from any religious fervour or altruistic desire to promote their happiness, but because Christianity might reconcile them to the white man's yoke and make them more submissive to his rule."

Like the arrival of European whalers decades earlier in the Eastern Arctic, the arrival of American whalers in this region heralded the introduction of alcohol, firearms and metal tools on a larger scale than had previously been the case. Unfortunately for the region's Inupiat population as new values and technology replaced the traditional ways so, too, were diseases imported which decimated its numbers (Spencer, 1984). Since the transfer of Alaska to the United States in 1867 changes in Inupiat culture and social organization have occurred, notably in the areas of education, health care services, religion, social welfare and employment. The Second World War brought about a new strategic importance for Alaska which has seen these changes intensified, yet the "melting pot" approach not was attempted on the same scale as in the contiguous states. The development of Inupiat and other Alaskan Native organizations since the Second World War has paralleled that of the Greenlanders prior to the turn of this century. Today Inupiat have surpassed their Canadian counterparts and are nearing the level of socio-political development that exists in Greenland.

v. Conclusion

The importance of understanding an indigenous people and their history of contact with an incursive, dominant society cannot be understated. Crafting a contact history brings together the skills of the historian, the anthropologist, and, in this instance, the criminologist to create a body of policy knowledge which may be used to understand both the causes and effects of past policy interventions and the need for future policy. Past policies may be understood in light of the conditions of the broad range of cultural, economic, political, and social conditions of the period being examined. In addition, current conditions may be seen as developmental and emerging, in whole or in part, as the result of the historical conditions which gave rise to them.
In closing this Chapter, it is paramount for the reader to understand the socio-structural position of Canada's aboriginal peoples as the direct result of the interactions that took place within a colonial and, later, neo-colonial relationship. It is the author's belief, in order to understand the crime situation in the Canadian Arctic, that one must be aware first of the history of contact and the tenor of interactions which took place between aboriginal and non-aboriginal peoples in Southern Canada.

These relations have been present within the 'colonial' nature of the territories where most, if not all, major decisions which affect the North are made outside the N.W.T., notably in Ottawa. Political and economic decisions are continually made with the paramount concern being the national interests. Until the North has financial autonomy there will never be full, political autonomy. Within the Eastern Arctic this is especially true due to its limited economic and resource base. The methods which the region's Inuit population have adopted are the socio-political instrument of Nunavut and the similar, although heavily economically-based, land claims settlements. By these methods the Inuit desire to enter into comprehensive 'social contact' with the Dominion of Canada as a full partner and improve the current and future lives of its residents.

The effects of these relations have been present within the administration of criminal justice in the Northwest Territories. The imposition of a foreign system of social control, i.e., police, courts, and corrections, and the devaluation of Inuit systems of social control were typical of the Eurocentric focus held by many administrators and legislators. Another example of Eurocentric bias is offered by legal scholar Marlee Kline (1994) who argues that although the legal discourse concerning aboriginal peoples has taken three distinct phases, it was founded on racist ideology and remains supportive of such an ideology. This racist discourse is evident within each of the three ideological representations of what Kline labels "Indianness." These include:

1. **Devalutive Ideology of Indianness**: Aboriginal peoples are constructed to be inferior to non-Aboriginals with most of this 'inferiority' being attached to racial or ethnic characteristics; Traditional Aboriginal law, for example, is relegated to the position of custom or practices rather than valid law.

2. **Ideology of Homogeneous Indianness**: Aboriginal peoples are given a pan-Aboriginal identity by the non-Aboriginal, wherein all Aboriginal peoples are regarded as having the same culture and the devalutive ideology is applied to all Aboriginal peoples;

3. **Ideology of Static Indianness**: Aboriginal peoples are constructed in an image of their culture at first contact with non-Aboriginals and persons who
These ideologies, she notes, are neither exclusive of one another nor uniformly sequential. Indeed, one or more of these ideologies may be at work, at any given time, within a community, province, or nation. Indeed, as the previous discussions have illustrated, these ideologies may change from one temporal period to another.

Kline (1994) identifies law as an arena of struggle wherein the social constructions of “other” are either reinforced or swept away, noting:

Law provides one of the discourses in which racism is constructed, reproduced and reinforced. Law has been and continues to be implicated in racist processes in a variety of ways.... Law, for example, is a discursive field which, given the social relations and material structures of its production, is more open to dominant ideology, which are in turn themselves reinforced and legitimated by their incorporation in law.... Racist ideologies are ‘the product of dominance, a result of the power to define who could, and who could not, legitimately and equally participate within the dominant society’ (Kline, 1994: 452-453).

The Eurocentric views of the incursive society has been most evident within the legal realm. Courts of Appeal have routinely overturned trial judges whose efforts to include aboriginal values in sentencing (see R. v. Naqitarvik [1984]). The basic principle for such actions is found within the very basis of English Common Law. While not evoking debate on the origins and types of law, three basic concepts may be seen within the Common Law, namely:

1. All law originates from the divine will of God and contain certain universal beliefs such as the value and rights to life, this is known as ‘Natural Law’,
2. The law is based upon what the law says the law to be, or ‘Positive Law’; This is primarily the case where the statute or codified systems of law are involved.
3. The relative context within the law contained in the realist school of thought which deals with the situational factors involved in trial and sentencing processes of the case; This area deals not with the common law but with the environment of the court (Gall in Patenaude, 1989:52).

A more recent example of Kline’s ideologies and other factors being played out within a Canadian courtroom, especially that regarding positive law, may be seen in the case of Delgamuukw
v. *The Queen* (1991). For over a year, Mr. Chief Justice McEachern listened to Aboriginal peoples give oral testimony concerning the existence of customary law within the *Gitksan-Wet’suwet’en* tribal areas and, in the end, choose to disregard it as custom not law. This type of decision is merely an exercise in legal hegemony, or as legal scholar Roland Penner (1992:248) noted:

Law and legal institutions, although they do so in complex ways, faithfully reflect and serve the needs of the powerful in any given society at any given time. Law, especially constitutional law, has been described "in my view" as politics by other means. Mainstream lawyers, judges, and most legal academics, I suspect, speak reverently of the rule of law as if law was some abstract and neutral entity, some external set and eternal set of commandments carved in stone.... But I feel confident enough in saying to you that "law" does not rule. People rule. Sometimes by force, most often, in a democratic society, by laws. People enforce laws, and do so substantially out of self-interest.... in the *Delgamuukw* case, one must conclude that currently there can be found no clearer example of that thesis.
Chapter 5

An Environmental Scan of the Northwest Territories

If you accept our assertion that much of the root cause of Indian people's disproportionate conflict with the justice system lies in their poverty and marginal position in Canadian society, then what do you think is going to happen in the next 10 or 20 years, if radical changes do not occur?


i. Introduction

In The North: The Collected Research Studies/Royal Commission on the Economic Union and Development Prospects for Canada, Canadian political scientist Michael Whittington (1985) offered a concise summary of the peoples of the Northwest Territories, stating:

Not only are there obvious differences between the whites and the natives of the North, but there are, as well, significant differences among the natives, between the Dene and Inuit, and even within each of the major groupings of Northern native peoples (1985:54)

For the purposes of this dissertation, such a statement as Whittington's (1985) merely reiterates the points brought forth in the discussions within Chapter 4 concerning the Subarctic and Arctic culture areas. Although the previous discussions have illustrated the nature and extent of the intercultural contact that has occurred in the North, what remains unspoken, thus far, is the manner by which these same cultures have evolved both as a result of that contact and as measured by the census surveys used by the dominant society. A unique type of policy knowledge will be explored in this section, namely: the environmental conditions as measured by the 1991 census and its importance for practitioners, planners, and policy-makers in criminal justice in the Northwest Territories, Denendeh and Nunavut.

This section proposes another type of policy knowledge, the environmental scan (i.e., a study of the external environment), for the policy analyst to consider when seeking solutions to criminal justice problems. According to Webber (1992:389) this type of knowledge may be seen as having a foot in each of the two policy knowledges, first, “policy oriented research” since it is not undertaken
to study a particular policy problem but a knowledge which has an application to one, and second, "journalistic research" since it is conducted to provide systematically-gathered data to support the development or changes in a policy.

The use of environmental knowledge within criminology is a not relatively recent phenomenon. Environmental criminology may be seen in three distinct phases: its conception with the cartographic works of Europeans André Guerry (1833) and Adolphe Quételet (1842), its infancy with the social ecological works of Americans Robert Park and Ernest Burgess (1924), Clifford Shaw and Henry McKay (1942), and others of the Chicago School, and its coming into adulthood with the works of Americans Paul and Patricia Brantingham (1991, 1995, 1995), Marcus Felson (1986, 1987), George Rengert (1991), Canadian Kim Rossmo (1995), and others during the last two decades of the Twentieth Century. Indeed, environmental criminology has made significant inroads and contributions within the discipline of criminology as a whole.

In *Environmental Criminology* (1991) criminologists Paul Brantingham and Patricia Brantingham offer the notion that:

> criminal events must be understood as confluences of offenders, victims or criminal targets, and laws in specific settings at particular times and places. This means that full crime analysis has four dimensions: a legal dimension, an offender dimension, a victim or target dimension, and a spatio-temporal dimension. Moreover those dimensions must be understood and interpreted against a complex historical and situational backcloth of social, economic, political, biological and physical characteristics that sets the context in which all the dimensions of crime are contained.... *Environmental Criminology* 's concentration on the role of location and movement, of position and juxtaposition in criminal events does not deny the legitimacy of studies conducted in the other dimensions of crime; indeed a full understanding of crime must synthesize information for all the dimensions against the prevailing situational backcloth (1991:2).

Policy analyst William Pullen (1990) offers two monographs which assist the policy maker and policy analyst alike. In the first monograph, *Catching Weak and Distant Signals: Using Environmental Analysis to Help Manage Public Organizations*, Pullen notes that within the public service an organization's environment may be defined as:

> ...the collection of external forces, issues and actors outside it's boundaries which are not open to it's control. In this context there are two sub-sets: a "little picture" or task environment, which contains all the forces, etc., which impinge on a daily basis,
and a "big picture" or general environment which can be thought of as the more remote, global, national, or regional set of forces surrounding an organization (Pullen, 1990a:1).

He further notes that these influences place two demands on the both the organization and the policy analyst to secure (1) information and (2) resources in the face of uncertainty and complex relations between the organization and the external environment. Indeed, Pullen (1990:2) notes that environmental analysis has three levels of analysis:

Irregular - Specific Error Avoidance: Responding to an event or crisis, it deals with specifics and is reactive and retrospective. The outcome is an impact analysis and recommendations to minimize error. It deals with a current context, but uses past examples. The process is ad hoc and is not integrated with a formal planning process.

Periodic - Reduction of Uncertainty: issue-oriented and focused on selected events. The context of the analysis is current and retrospective, and the time frame is in the near-term. The outcome is a multi-level cross-impact analysis with priorities and recommendations. There is an identified staff unit with some responsibility. There is some integration with the formal planning system.

Continuous - Enhanced Ability to Cope with Uncertainty: Based on problem identification and avoidance, it looks at a broad range of events. The analysis is proactive and works in the near to long-term. Permanent resources are committed and there is full integration with the planning system. The outcome is continuous monitoring with specific and strategic recommendations.

Interestingly enough, Pullen (1990) then applies these beliefs to the analysis and making of public policy in Catching Weak and Distant Signals: Using Environmental in the Management of Policy Development, wherein he notes that "central to the selection decision is an understanding of the environment in which it must operate" (1990b:1). Within this monograph Pullen (1990) takes the approach to a life cycle analysis to policy development. Environmental analysis, according to Pullen, is useful in managing strategic or policy development since:

it's role is to facilitate and assist the development process, by providing a context for initial and final phases. Good analysis may assure the policy manager that:

- There are no surprises in the environment at consultation and communication stages.
- The policy continues to be relevant to the needs of stakeholder as issues change.
- The sponsor has a way of reducing uncertainty and ambiguity.
There is some focus and discipline in the roll-out of a new policy (Pullen, 1990:5).

This unique approach to policy knowledge, understanding the external environment which influences criminal justice operation, can lead into the use of location quotients, census data, and crime statistics by criminal justice policy-makers in the Northwest Territories and Nunavut.

ii. Census Data and the Northwest Territories

Examining the basis for our journalistic knowledge we find that one knowledge source which policy-makers indirectly employ is the census data gathered every five years in Canada. Gathered on the first and sixth year of every decade, e.g., 1976, 1981, 1986, 1991 and so forth, these census' provide the baseline data for the annual population projections which are, in turn used to create annual crime rates. Similarly, census data is used to create population projections for policy analysts to examine potential client groups such as changes in the 12-17 years age group from which the young offenders population is drawn.

According to Statistics-Canada, the federal agency whose mandate it is to collect such information, there are 72 profiles, or reports, which make up the census. Each profile is divided into two parts:

Part A provides basic demographic, mother tongue, dwelling, household and family data collected from all households, that is on a 100% basis. Part B provides data collected from a 20% sample of households on characteristics such as home language, ethnic origin, place of birth, education, religion, labour force activity, housing costs and income (1992: preface).

a. Demographics

The British comedy group, Monty Python's Flying Circus, offers a visual analogy at this point concerning the population of the Northwest Territories. Imagine for a moment, a giant hand reaches down from the heavens and, with whisk broom and dust-pan, scoops up the entire population of the N.W.T. Moments later, another hand lifts up the top of Toronto's Sky-Dome and empties the dust-pan and the N.W.T. population into the Sky-Dome which, in turn, is not filled to its seating capacity!
What the humour within the previous anecdote has attempted to underscore is the small size of the territorial population base in relation to its geographical immensity. Patenaude, Wood, and Griffiths (1992) noted that although the territorial land mass encompasses over three million km², spread over three time zones, and covers the top third of Canada, it has a population density of only one person per 2.0 km². Indeed, the entire N.W.T. population of 57,649 person was equivalent to only 0.25 percent of the national population in 1991 (Statistics Canada, 1992). Depending upon the data source, aboriginal people comprise between 51 and 61 percent of the population in the N.W.T.  

This discrepancy is based on the different questions asked by the Census and the Aboriginal Peoples Survey, both conducted during 1991. The former asked respondents the complicated and poorly worded question “To which ethnic or cultural group(s) did this person’s ancestors belong?” whereas the latter asked the simpler question “With which Aboriginal group do you identify?” and offered choices of North American Indian, Métis, Inuit, or a combination of the three. The differing responses could be based, partly on the respondents’ official membership (as defined by Department of Indian Affairs and Northern Development [DIAND]), and partly on their personal identity as part of a group.

What is not immediately appreciated, however, is that while this population is extremely small, it is growing at an alarming rate that averaged over 2.0 percent annually between 1980 and 1992 (see Figure 29). Using crude demographic measures, namely the basic equation of:

\[
\left(\frac{\text{births less deaths equals natural increase}}{\text{total population}}\right) \times 100
\]

This crude rate is based solely on natural increase and does not take into consideration in- or out-migration by residents.

In their *Aperçu de la situation démographique et socio-économique des Inuit du Canada*, Canadians Norbert Robitaille and Robert Choinière (1985) note that while historical crude birth rates, i.e., pre-contact and early post-contact Inuit birth rates, were both higher than for the general Canadian population and constrained by postpartum lactation and infertility. Similarly, they note that until the mid-1980s Inuit were subjected to pressure from the Euro-Canadian medical community to
1. Population of Denendeh by Sex and Age, 1991

![Bar graph showing population by sex and age for Denendeh in 1991.](image)

2. Population of Nunavut by Sex and Age, 1991

![Bar graph showing population by sex and age for Nunavut in 1991.](image)

Figure 30  Population of the N.W.T. by Sex and Age, 1991.
bottle-feed for a short time rather than practice traditionally longer breast-feeding (three to four years) which resulted in a shortening of the birth intervals. The provision of modern medical care also reduced the infant death rate among the increasing number of Inuit live births and the lengthening of the life expectancy for Inuit elders. When added together these two factors have contributed to the increase in the crude birth rate for Inuit (Robitaille and Choinière, 1985; Swiderski, 1989).

This rate of growth should result in the territorial population doubling itself within approximately 25 years whereas the national population should take nearly 60 years to double its 1991 population (Statistics Canada, 1992; NWT Statistics Bureau, 1996). What stands out even more than the rate of growth is its source. Whereas in-migration of residents from other provinces and countries will normally account for a significant amount of population change, the territorial growth rate is due mainly to the naturally high fertility and birth rates previously mentioned. Robitaille and Choinière (1985) noted that Inuit have low out-migration to other regions or provinces and that which does occur is often of short-term duration.

As a result of these high fertility and birth rates the territorial population contains a higher proportion of children and youth than other Canadian jurisdictions. Indeed, the term “youth” is problematic for Northern researchers due to the different values attached to it by different groups. Whereas youths may be aged 12 to 17 years, inclusive, for criminal justice purposes, many Aboriginal communities hold differing view on what constitutes a youth. Thus, a single, 19 year old male living independently may be regarded as an adult while, at the same time, a married, 25 year old male living in the family home may be labeled a youth by the community.

These same factors of high fertility and birth rates coupled with low death and out-migration rates may be extrapolated to Dene women in Denendeh. Similar environmental strain has been promoted by the Euro-Canadian health care system in the Western Arctic as in the Eastern Arctic.

Approximately 50 percent of this rapidly growing population, as illustrated within Figure 30, is under the age of 25 years. Similar to the regular census, The Aboriginal Peoples Survey was conducted concurrent to that survey instrument, often, by the same researchers. This survey independently confirmed the youthful composition of the territorial population and reported that 40 percent of aboriginal youth are under the age of 15 years while an additional 20 percent are aged 16 to 25 years (APS, 1993). This youthful population places high demands upon the social institutions of the North, such as education, health, and criminal justice, and as a cohort will place an unusually higher burden on the services for the aged.
1. Denendeh Population by Ethnicity, 1991

- Non-Aboriginals 52.9%
- Inuit 9.7%
- Dene 28.3%
- Metis 11.0%


- Inuit 84.8%
- Dene 0.3%
- Metis 0.3%
- Non-Aboriginals 14.6%

Figure 31 Ethnic Composition of Denendeh and Nunavut, 1991.
b. Dependency

A crude measure of the relationships between the different age groups in society is provided by dependency rates. These relationships are based on the general belief that both children and elderly are incapable of contributing to the economic sphere of community life in an industrialized nation such as Canada.

Inherent within dependency ratios are two separate measures, the child dependency and aged dependency ratio, which, in turn, are combined to form the overall rate of dependency. This is seen in the following formula:

\[
\left( \text{child dependency ratio plus aged dependency ratio} \right) \times 100 \over \text{total population}
\]

The child or youth dependency ratio is based on the percentage of community members under the age of 15 years and is recognizant of the lengthy period of initial care and subsequent development which human children require. The aged dependency ratio is based on the percentage of the population over the age of 65 years and recognizes that many persons over the age of 65 years are not as productive as they once were and may require additional support in their daily living. The dependency rates for Denendeh and Nunavut during 1991 are included as part of Table 8.

<table>
<thead>
<tr>
<th>Dependency Ratio</th>
<th>Denendeh Rates</th>
<th>Nunavut Rates</th>
<th>Territorial Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Child Dependency</td>
<td>29.0</td>
<td>39.0</td>
<td>33.0</td>
</tr>
<tr>
<td>2. Aged Dependency</td>
<td>3.0</td>
<td>2.0</td>
<td>3.0</td>
</tr>
<tr>
<td>3. Total Dependency</td>
<td>32.0</td>
<td>41.0</td>
<td>36.0</td>
</tr>
</tbody>
</table>


As portrayed in both the previous graphics and Table 8 the population of the Northwest Territories has a large section which is, in the eyes of the various governments "dependent" upon family and other social institutions. This is especially true in Nunavut where the total dependency rate is 41.0 percent of the overall population. Indeed, the N.W.T. Bureau of Statistics has created population projections which show that these ratios are unlikely to diminish.

Related to the sex, age, and dependency rates are those for Aboriginal language use.
One area which is directly affected by the increasing youth population and the declining aged population is that of Aboriginal language retention and use. The current use of traditional aboriginal languages as a mother tongue is approximately 20 and 80 per cent of the single responses for Denendeh and Nunavut, respectively, and 40 percent of the overall territorial responses. As the aged population decreases so, too, does the repository of traditional environmental and linguistic knowledge. Common sense assumes that, ceteris paribus, the current quality and level of traditional language use should decline in proportion to the death rates among the elderly.

These conditions should be reflected, as stated previously, in the educational and employment situations which both territories after 1997 and for many years to come.

c.  Education

The change and growth within a given culture is based upon the intensity and impact of the internal and external stressors brought to bear upon it. Neither Denendeh nor Nunavut are exceptions. The introduction and rise to dominance of a foreign educational system which undercut the values of the elders as teachers and holders of cultural knowledge has had many effects on the peoples of the North. The irony of this situation is that while the Euro-Canadian system of schools and education prevented the development of traditional language and skills in one generation, today, these same schools are often assuming major roles in the transmission of traditional cultural values and beliefs in the next generation.

The Department of Education, Culture, and Employment (the current incarnation of the Department of Education) states, in accordance with the territorial Education Act (1976), that instruction for students in grades K to 4 may be undertaken in the local Aboriginal language and the
overall goal is to provide immersion-style programming such as occurs in Southern Canada but tailored to Northern political desires (Patenaude, 1985). While assisting in the retention of traditional languages and creating a smooth transition from the home to school environment there are some serious drawbacks to this approach. The most serious of these include educational delays in learning primary instructional subjects and English, as well as the difficulties of performing in a higher level curriculum in English. These problems and frustrations have contributed to high drop-out/low attendance rates.

There are several indicators which may be applied in the evaluation of the effectiveness of an 'intercultural' curriculum. These include: attendance by age, sex, and ethnicity, grade attainment, and an increase/decrease in cross-cultural difficulties. Of these indicators, the census provides information only on the highest level of education attained by the respondent and is presented in Table 10 while the remaining indicators are recorded by each school principal and forwarded to their regional and territorial headquarters.

<table>
<thead>
<tr>
<th>Table 10</th>
<th>Highest Levels of Schooling in the Northwest Territories, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Schooling Level</td>
<td>Denendeh</td>
</tr>
<tr>
<td>Population 15 years &amp; Over</td>
<td>25,675</td>
</tr>
<tr>
<td>Less than Grade 9</td>
<td>4,960</td>
</tr>
<tr>
<td>Grade 9-13 without Secondary Certificate</td>
<td>5,330</td>
</tr>
<tr>
<td>Grade 9-13 with Secondary Certificate</td>
<td>2,360</td>
</tr>
<tr>
<td>Trade Certificate or Diploma Only</td>
<td>880</td>
</tr>
<tr>
<td>Some University or Non-Univ. without Diploma</td>
<td>2,745</td>
</tr>
<tr>
<td>University or Non-University with Diploma</td>
<td>6,505</td>
</tr>
<tr>
<td>University Degree</td>
<td>2,915</td>
</tr>
</tbody>
</table>


Examining the data in Table 10 we find that 54 percent of the territorial population has less than Grade 12 matriculation. What is even more striking, however, is that Denendeh reports 49 percent of its population falls into this category while Nunavut records an extraordinary 62 percent of its residents have less than Grade 12 matriculation. The Nunavut Implementation Commission has publicly stated that it is their desire to have the new Nunavut public service staffed at a level of 50 percent Inuit by the formal establishment of the Nunavut Territory. Given these educational attainment levels this goal may be unattainable in light of the 1991 census results. Low educational attainment is often translated into low employment participation rates.
d. Labour Force and Income

As with many statistical measures, the small population size of the Northwest Territories presents many challenges for researchers. One such challenge is the area of population statics and, more importantly, employment and income statistics.

In Southern Canada wherein the standard measure for employment is the unemployment rate, the economic situation in the North is better measured through the use of an employment-population ratio since it is not affected by the official definitions such as "unemployed - actively seeking employment" and it captures a larger group including those who have given up seeking employment. This ratio is calculated as a percentage:

$$\frac{\text{Number of persons employed}}{\text{non-dependent population}} \times 100$$

This is used to show the proportion of the working-age population to the available employment. Table 11 indicates that the significant differences between the official unemployment rate and the percentage of work available to working age population in the North.

<table>
<thead>
<tr>
<th>Labour Force Activities, 1991</th>
<th>Denendeh</th>
<th>Nunavut</th>
<th>NWT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 15 years &amp; Over</td>
<td>28,072</td>
<td>14,404</td>
<td>42,476</td>
</tr>
<tr>
<td>Number in the Labour Force</td>
<td>21,663</td>
<td>9,477</td>
<td>31,140</td>
</tr>
<tr>
<td>Employed</td>
<td>18,456</td>
<td>7,417</td>
<td>25,874</td>
</tr>
<tr>
<td>Unemployed</td>
<td>3,207</td>
<td>2,060</td>
<td>5,266</td>
</tr>
<tr>
<td>Not in Labour Force</td>
<td>6,409</td>
<td>4,927</td>
<td>11,336</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>40.0</td>
<td>22.0</td>
<td>17.0</td>
</tr>
<tr>
<td>Participation Rate</td>
<td>30.0</td>
<td>66.0</td>
<td>73.0</td>
</tr>
<tr>
<td>Employment-Population Ratio</td>
<td>70.0</td>
<td>50.0</td>
<td>63.0</td>
</tr>
</tbody>
</table>

| Population 15-24 yrs.         | 5,950    | 3,135   | 10,090 |
| Number in Labour Force        | 3,825    | 1,855   | 5,675  |
| Employed                      | 3,110    | 1,285   | 4,390  |
| Unemployed                    | 715      | 565     | 1,285  |
| Not in Labour Force           | 2,125    | 1,280   | 4,315  |
| Unemployment Rate             | 22.0     | 32.0    | 22.6   |
| Participation Rate            | 59.0     | 44.0    | 52.5   |
| Employment-Population Ratio   | 50.0     | 40.0    | 44.0   |

These facts and figures do not, however, present a picture of the total situation nor of their impact on the socio-cultural adaptation of the aboriginal peoples of the North. The educational-income differential is bringing about a recognition by many younger Aboriginals of the need to attain Euro-Canadian standards and qualifications in order to obtain their power, status, and material goods. On the other hand, many more Aboriginal persons who have been enculturated with the social welfare and dependency cycles are using this differential to rationalize their sense of helplessness and hopelessness in gaining control of their destiny as a people.

<table>
<thead>
<tr>
<th>Table 12</th>
<th>Average &amp; Personal Income, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Denendeh</td>
</tr>
<tr>
<td>Population 15 years &amp; Over</td>
<td>28,072</td>
</tr>
<tr>
<td>Average Income</td>
<td></td>
</tr>
<tr>
<td>All Persons</td>
<td>32,709</td>
</tr>
<tr>
<td>Males</td>
<td>33,624</td>
</tr>
<tr>
<td>Females</td>
<td>22,753</td>
</tr>
<tr>
<td>Census Families</td>
<td>62,489</td>
</tr>
<tr>
<td>Households</td>
<td>59,889</td>
</tr>
<tr>
<td>Social Assistance</td>
<td></td>
</tr>
<tr>
<td>Number of Beneficiaries</td>
<td></td>
</tr>
<tr>
<td>Monthly Average Payments</td>
<td>*</td>
</tr>
</tbody>
</table>


Social assistance is one area where dependency has been created and an area within which accurate records were generally not available prior to 1992. Since that time accurate records have been maintained which report the number of cases (usually a family), recipients and their dependents, and payments by administrative area. Prior to that time any reports concerning social assistance were highly suspect (Clark, 1993: Personal communications). Given these concerns, however, the number of average monthly beneficiaries during 1991 was a striking 10,224 persons. This figure accounted for 17.7 percent of the overall, territorial population of 57,850 persons! Unfortunately, the 1991 data did not provide for either regional or community analyses. Although times are changing across the North, the issuance of relief, social assistance, financial aid, or whatever term is in vogue, masks the dependency which it has created as the following example illustrates. As a newcomer to the Baffin region in 1983, I remember being hearing about and, later, meeting a well-known carver from Cape Dorset whose income exceeded my government salary. For years, he would faithfully arrive and wait at the Social Services office to apply for his monthly welfare cheque only to be told that he had earned too much. He needed to hear this from an official.
The economic situation presented in these tables and the last comment has a message for Northerners. That message is the same as the following quote from Morris Shumliatcher's Welfare: Hidden Backlash, namely: "Government-wardocracy is not only economically expensive but destroys personal incentive, removes vital areas of free choice and disposes the individual of his position of pre-eminence in society" (1971:67).

e. Housing

Prior to 1972 the responsibility for the provision of "adequate, reasonably-priced and serviced housing" was a federal responsibility. The state of this housing, however, varied in size and quality and was differentiated by employer and ethnicity. The earliest form of housing provided by the federal and territorial governments was the 340 square foot "match box" that was equipped with a single oil-fed stove for heat and hauled water and sewage. This single room house provided inadequate shelter and the majority of these units have been replaced with an improved housing stock, known as "Northern Rental" units and subsequently by bungalows and two-story houses of up to 1344 square feet. To paraphrase Northern balladeer Ted Wesley "if you're white you get a big house, if you're brown hell its small" accurately describes the state of Northern housing.

<table>
<thead>
<tr>
<th>Table 13</th>
<th>Household and Family Characteristics in the NWT, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing and Family Characteristics</strong></td>
<td>Denendeh</td>
</tr>
<tr>
<td>Total Households</td>
<td>11,145</td>
</tr>
<tr>
<td>Total Persons in Households</td>
<td>35,420</td>
</tr>
<tr>
<td>Average Persons in Households</td>
<td>3.2</td>
</tr>
<tr>
<td>Total Census Families</td>
<td>8,435</td>
</tr>
<tr>
<td>Total Children in Families</td>
<td>13,600</td>
</tr>
<tr>
<td>Average Children in Families</td>
<td>1.6</td>
</tr>
<tr>
<td>Total Persons in Families</td>
<td>29,175</td>
</tr>
<tr>
<td>Average Persons in Families</td>
<td>3.5</td>
</tr>
<tr>
<td>Non-Family Households</td>
<td>2860</td>
</tr>
<tr>
<td>Single Family Households</td>
<td>8005</td>
</tr>
<tr>
<td>Two or More Family Households</td>
<td>175</td>
</tr>
</tbody>
</table>


The provision of adequate housing in the North continues to be problematic as there is an estimated, current need for 3,000 housing units (Advanced Planning and Research for Architecture
Census data reveals that over 70 percent of the territorial population resides in rental property and that they remain overcrowded (Statistics Canada, 1992). In the context of the NWT, the majority of private housing is publicly owned and rented to individuals while the small number of privately-owned homes is increasing. This is in sharp contrast with national figures which reports over 70 percent of Canadians residing in housing which they own. Interestingly, A.P.R.A. (1992:2), note "There is an inverse relation in the Northwest Territories between the average number of rooms in the dwelling and the average number of persons per household: regions with fewer persons per household have more rooms per dwelling."

As can be gleaned from Table 14, the size and quality of the housing stock in the Northwest Territories remains in a state of crisis. Even with the advent of a private housing market and a limited number of care facilities for the elderly, both resulting in most Aboriginal families adopting the Euro-Canadian style nuclear family structure, cannot completely override cultural imperatives and as many families continue practice extended family residence patterns, i.e., more than one generation residing in a single household. This latter point is illustrated in Table 15 which is also supported by anecdotal evidence and community/band lists both of which often reveal as many as ten persons residing in a single residence.

The determination of a causal relationship between poor housing and/or overcrowding and individual pathologies has not been established by the available literature. This does not mean, however, that such relationships do not exist. There is significant evidence of those conditions

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Denendeh No.</th>
<th>Denendeh %</th>
<th>Nunavut No.</th>
<th>Nunavut %</th>
<th>NWT No.</th>
<th>NWT %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Private Households</td>
<td>11,035</td>
<td>100.0</td>
<td>5,065</td>
<td>100.0</td>
<td>16,075</td>
<td>100.0</td>
</tr>
<tr>
<td>1 Person</td>
<td>2,140</td>
<td>19.0</td>
<td>760</td>
<td>15.0</td>
<td>2,900</td>
<td>18.0</td>
</tr>
<tr>
<td>2 Persons</td>
<td>2,545</td>
<td>23.0</td>
<td>675</td>
<td>13.5</td>
<td>3,230</td>
<td>20.0</td>
</tr>
<tr>
<td>3 Persons</td>
<td>2,035</td>
<td>18.5</td>
<td>645</td>
<td>13.0</td>
<td>2,680</td>
<td>17.0</td>
</tr>
<tr>
<td>4 - 5 Persons</td>
<td>3,240</td>
<td>29.5</td>
<td>1,560</td>
<td>31.5</td>
<td>4,800</td>
<td>30.0</td>
</tr>
<tr>
<td>6 or more Persons</td>
<td>1,080</td>
<td>10.0</td>
<td>1,385</td>
<td>27.0</td>
<td>2,465</td>
<td>15.0</td>
</tr>
<tr>
<td>TotalPersons in Private Households</td>
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<td>21,225</td>
<td>n/a</td>
<td>56,275</td>
<td>n/a</td>
</tr>
<tr>
<td>Average Persons per Private Household</td>
<td>3.2</td>
<td>n/a</td>
<td>4.2</td>
<td>n/a</td>
<td>3.5</td>
<td>n/a</td>
</tr>
</tbody>
</table>

influencing health and social problems, such as household management and child rearing (Gist and Fava, 1974; Patenaude, 1985).

iii. Conclusion

During 1988 a medical anthropologist, Dr. Colin Irwin, from Dalhousie University at Halifax, Nova Scotia wrote *Lord of the Arctic, Wards of the State*, a highly critical study of Inuit in the Keewatin region. His report examined several traditional and contemporary aspects of Inuit life (notably demographics, economic activities, education and enculturation, and, finally, socialization and social control) the results of which, he extrapolated to Inuit living in the remaining two regions. Although he could be faulted methodologically, Irwin (1988) said many of the right things for the wrong reasons! Indeed, his was a case of shooting the messenger rather than questioning the validity of the message.

The notions that the Northern aboriginal population was growing at an alarming rate, the education system was failing to meet their cultural and learning needs, their economic futures were bleak, and crime was on the rise were messages which neither the federal nor the territorial governments, nor Inuit political organizations were prepared to accept. Most appalling to these groups were the notions of "Arctic ghettos plagued by increasing rates of crime" (1988: 47), structural racism, the economic insolvency of living on the land, and a lack of praise for their social and economic programs, many of which were in their relative infancy. Many of the predictions which Irwin (1988) made concerning Inuit in the Keewatin could just as easily have been made concerning Dene in the Western Arctic unless dramatic change occurs break the causal links in the crime chain, namely: poverty, over-crowded housing, poor education, low employment opportunities, and so forth.

These discussions have pointed towards the multi-faceted nature of crime and its causes. Canadian criminologist James Hackler (1994) argues that we need to be cautious in oversimplifying our beliefs in the crime causation and examine those beliefs with regards to a "hierarchy of effectiveness" when creating public policy to deal with crime. He notes:

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45 One can only speculate that, perhaps, similar messages were contained within the Nunavut Planning Committee's *Footprints in New Snow* and this is why it was quickly replaced with *Footprints in New Snow II*. 
Social policies form a *hierarchy of effectiveness*. Those societies, such as Canada, that have considerable structural inequality, would probably reduce crime the most by policies that reduce such inequality. The more socially developed countries of northern Europe have already applied the principles argued by the conflict theorists and those criminologists who emphasize structural variables. Next would be policies that strengthen the family and the quality of community life. Again, more effective models exist in Europe than in North America, although programmes in North America regarding family violence may be yielding modest results. At a lower level of effectiveness, theoretical orientations emphasizing group processes, such as control theory, become more relevant (Hackler, 1994: 371).

At this point, we can harken back to words of Mike Whittington (1985) that there are differences between, among, and within groups which environmental surveys can identify for the criminal justice policy-maker. The next chapter, Chapter 6, will explore the related area of crime statistics which not only rely on the census data to give them meaning, but illustrate the effects of the marginalization and poverty described by Grand Chief Mercredi (1991).
Part 3- The Curtain Opens

Chapter 6

Measuring and Understanding the Extent of Northern Crime

Crime fascinates many people. The study of crime and the reaction of society to it, is an important feature of several academic disciplines: politics, sociology, the law and economics as well as criminology. Criminal statistics are important. They are frequently used in popular discussion of crime and they form the basic raw material for the academic and the policy maker. The relationships between crime, the police and the criminal statistics are the central issue of our study.


i. Introduction

The previous discussions concerning the Arctic and Subarctic culture areas in the Northwest Territories have shown that broad variations exist between Dene, Métis, Inuit, and non-Aboriginals residing within the Northwest Territories. So, too, does the incidence of "crime" vary between each of the communities across the North. Both variations are reflective of the ethnic composition, history of contact and settlement, economic stability, cultural vitality, etc., of those same communities and may be interpreted as that which Webber (1992) describes as "disciplinary knowledge" or knowledge gained through academic research not specifically produced for policy creation or decision-making.

Having presented the cultural environment of the North as the first step towards identifying the Northern policy domain, we must now take the next necessary step by identifying the extent and nature of the officially-recorded crime within the Northwest Territories. This involves an examination of the epidemiological, rather than aetiological, aspects of crime in that jurisdiction. In so doing, the criminologist or criminal justice policy-maker must choose which aspects from the Uniform Crime Reports (UCR1 and UCR2) to examine (e.g., actual vs. reported crime, clearances by charge or otherwise, youths vs. adults charged, etc.). Such official data are defined as "policy-oriented research," or research that has immediate application to the analysis of a policy but was not undertaken solely to study that policy, according to Webber (1992:389-392). The position of this type of policy knowledge within the policy knowledge hierarchy may be seen within Figure 5 presented previously (see Chapter 2).
This Chapter will examine one type of policy-oriented research for their application creating policy knowledge in the North, namely: crime rates. Both of these types of analysis are applied to the annual UCR totals for each R.C.M.P. detachment across the N.W.T. between 1977 and 1992, and may arrive at somewhat different conclusions. Chapter 5 further illustrates how one type of policy-oriented knowledge may be used to create crime policy.

ii. What Do the Crime Statistics Tell Us About Northern Crime?

a. Uniform Crime Reports as Measures of Crime

British criminologists R.A. Carr-Hill and N.H. Stern (1979) offer forth an integrationist view of crime and criminal statistics which initiates the discussions within this Chapter. Although they argue that the social phenomena which we call crime is socially constructed and changes over time and distance, they also note that the collection and use criminal statistics is central to what we, as criminologists, do in our academic and professional lives.

Unlike the broad definition of crime statistics offered in Chapter Two, this current discussion will be limited to the use of officially-recorded incidents of crime which are created by the police and maintained by the Canadian Centre for Justice Statistics. The later agency employs the current government definition of crime whereby:

Crime can be defined as the acts and behaviours for which society provides formally sanctioned punishments. What is considered criminal may vary over time and across cultures. In Canada, criminal acts are specified in written law (the Criminal Code of Canada and other federal statutes)(CCJS, 1993:8).

Once the data has been gathered, academics and policy analysts begin to explore the "reality" of crime as we know it. To understand this reality of crime, criminologist Paul Brantingham (1993) notes that we need to ask ourselves the three, inter-related questions, namely:

1. What is the picture we have of crime as our basis for understanding it?
2. What is our best understanding of that picture? And,
3. What may we do to improve it [the picture of crime]?

What remains at the heart of these questions is the notion that social phenomena (e.g., crime) are not only objective and quantifiable but, also measurable. This is reflective of the tendency
to equate measurement or quantification of phenomena, a legacy of the physical sciences, with scientific validity. This tendency is described by sociologist Lucy Berliner (1992:121):

Numbers are central to developing a societal response to a social problem. Establishing the frequency of a problem has everything to do with how seriously it is taken, with understanding its causes, and with the allocation of resources.... There is universal agreement that most cases still do not end up officially reported.... Alternative means of determining prevalence and incidence are necessary.

The shift towards applied research has also shown a move towards both an aggregate and positivist approach on the part of many criminal justice agencies in responding to crime. Indeed, rather than examining the aetiology of crime, we now find that practitioners are more interested in understanding the extent of crime across the nation. This emphasis is clearly tied to the economic situation and illustrates that the ecological distribution of crime is becoming one of the major determinants in the allocation of government funds and programs (Finkler, 1983; Jupp, 1989).

The underlying purpose behind publishing crime reports and other routine statistics is simply as previously stated by Berliner (1992). Support for her stance is provided by British criminologists Keith Bottomley and Ken Pease (1986:20), who claimed that the purpose is to "monitor a state of affairs which is of social concern. The metaphor applied is that of the "...social barometer. Criminal statistics purport to give an image of crime."

Criminal justice agencies and academics are often at odds over the production and use of such crime statistics. Most criminal justice agencies, notably police departments, gather official statistics concerning the incidence of crime within their jurisdiction. These statistics are, in turn, used as prima facie indicators of crime and criminality. As the phenomena which these statistics measure are socially constructed, argues one side, so, too, are the official records maintained by most criminal justice agencies. The other side argues that regardless of their relative limitations that official crime reports are simply the strongest crime signal that we are receiving and that nothing to date has effectively reduced the noise surrounding that signal (Brantingham, 1993: personal communications).

Notwithstanding the fact that nearly every literate society has maintained some form of record concerning crime and criminals, modern criminology's love affair with quantitative data and is traced back to the early nineteenth century. The early cartographers of crime, André Guerry (1833) and
Adolphe Quételet (1842), offer two of the earliest scientific attempts to measure the extent of crime in western society while the more recent Uniform Crime Reports (UCRs) may trace their origins to the arrest and conviction records published by the Dominion Bureau of Statistics, in its annual Statistical Year Book of Canada, and the International Association of Chiefs of Police convention in 1927, which attempted to adapt the Uniform Crime Records (as they were then known) that were formally sanctioned during 1929. The following year, the U.S. Federal Bureau of Investigation took over central agency responsibilities, renamed the series "Uniform Crime Reports", and has since published "national- and local-level offence and arrest data based on police records" (Blumstein, Cohen and Rosenfeld, 1991:237).

The Canadian UCR experience has been stereotypical of our nation's approach to most things: reserved and conservative. Having studied the American experience for over thirty years, Ottawa decided the time was appropriate to pursue a five-year pilot project using the "Uniform Crime Reporting Survey" to collect crime data on a national basis. The project became a standard programme operated by Statistics-Canada during 1967 and has remained basically unchanged since that time (CCJS, 1989, 1990). Unlike the United States, the use of a uniform Criminal Code has reduced much of the jurisdictional variation which the former experiences.

The Centre was established during 1981 with a mandate to maintain and disseminate police, courts, corrections and other justice-related information. The Centre's law enforcement statistics, published annually as Canadian Crime Statistics, provide the data most heavily relied upon by both academics and practitioners. They measure the actions of both known criminals (including the incidence of crime) and the police (Maxfield and Babbie, 1995; Jupp, 1989).

Today, the Canadian Centre for Justice Statistics receives information concerning the incidence of crime through the aggregate and offence-based Uniform Crime Report Survey and the incident-based Revised Uniform Crime Survey. CCJS (1992:14) describes these surveys as:

**Uniform Crime Survey [UCR1]** records the level of criminal activity brought to the attention of the police. All police forces in Canada participate in this survey. The data are limited to the type of offence, clearance type (by charge or otherwise), and persons charged (adults and young offenders by gender); and,

**Revised Uniform Crime Survey [UCR2]** provides detailed information on the characteristics of a crime incident, and basic data on those accused of crime and victims of violent crime. The data collection methods used is incident-based, not aggregate or summary-based as is the case for the "current" UCR Survey.
At the current time, RCMP detachments across the Northwest Territories complete and forward the Uniform Crime Survey [UCR2] to the Canadian Centre for Justice Statistics.

The paradoxical rationale for differential scoring between violent and property offences within the UCR is known as the Most Serious Offence (MSO) rule. The MSO rule and scoring reports that offence which, if the offender were to be convicted, would result in the longest maximum sentence with violent offences taking precedence over non-violent offences (CCJS, 1993: 8). This means that there is an under-counting of less serious offences rather than a census of all criminal incidents.

On one hand, violent crimes are reported as the number of offences recorded equaling the number of victims in the incident rather than the number of offenders (CCJS, 1993:8). An example may be drawn from Valerie Fabrikant's shooting of three faculty colleagues at Concordia University in Montréal. Although one offender was involved in a single incident, albeit a continuous one, the UCR scoring would record three incidents as there were three victims arising out of a single incident. Similarly, if the situation were reversed and Fabrikant's three colleagues had shot him, the UCR scoring would have captured one incident as there was only one victim. On the other hand, the scoring of property or non-violent offences is based on the number of distinct occurrences rather than the number of victims (CCJS, 1991:16). If an intruder broke into an apartment shared by three persons and stole their belongings, the UCR would record one incident rather than three incidents. Similarly, if a person broke and entered into a duplex home and, in turn, spray painted obscenities on the walls, only one property incident would be recorded as it was a single incident.

When reporting the incidence of reported crime the Centre utilizes the following definitions and crime categories:

- **Violent Incidents** involve offences that may result in physical injury to a person. These include homicide, attempted murder, various forms of sexual and non-sexual assault, robbery and abduction. Traffic incidents that result in death or bodily harm are included under *Criminal Code* traffic incidents.

- **Property Incidents** involve unlawful acts with the intent of gaining property but do not involve the use or threat of violence against an individual. Theft, breaking and entering, fraud and possession of stolen goods are examples of property crimes.

- **Other *Criminal Code* Incidents** involve the remaining *Criminal Code* offences that are not classified as violent or property (excluding traffic offences). Examples are mischief, bail violations, disturbing the peace, arson, prostitution and offence weapons.
Drug Incidents involve offences under the federal Food and Drugs Act and the Narcotic Control Act. These offences comprise possession, trafficking, importation or cultivation of various illicit, controlled and restricted drugs.

Other Federal Statute Offence Incidents include violations under all other federal statutes. About one-half of the incidents in this category fall under the Canada Shipping Act, the Immigration Act, the Customs Act, the Excise Act, and the Bankruptcy Act.

Provincial Statute Offence Incidents include all violations under provincial statutes. Most of the incidents in this category fall under various provincial liquor acts.

Criminal Code Traffic Incidents involve offences such as impaired driving, dangerous operation of a motor vehicle, and failing to stop or remain at the scene of an accident. Incidents related to impaired driving account for over one-half of the incidents in this category.

Municipal By-law Incidents are not available after 1991. When comparing data from previous years to data for 1992 or later, municipal by-law incidents must be excluded (CCJS, 1992: 7-8).

Prior to discussing the benefits of crime statistics further, it is necessary to point out several qualifiers which apply to Canadian UCR-generated crime statistics. Rather than use the Centre's (1990) eight qualifiers, only the following four qualifiers are seen as germane to this discussion.

First, as an aggregate measure of a social phenomena, crime statistics are incapable of either describing the behaviour of individual offender or tracking their progress through the criminal justice system (Maxfield and Babbie, 1995). This is further complicated by the lack of a single unit of count, i.e., an individual offender or individual charge, throughout the police, court or correctional statistics reporting systems. Thus, these measures indicate only aggregate categories and the percentage of offenders filtering through the criminal justice process since the N.W.T. is not employing an offender-based tracking system at this time.

Second, the geographical unit of count must be as contiguous as possible. By this is meant that a single unit of count should not include disparate and geographically distinct communities as part of a single measure or report. This is the case, unfortunately, in the Northwest Territories where several R.C.M.P. detachments service more than one isolated community. The Rae-Edzo and Rankin Inlet detachments, for example, each service several smaller communities while reporting a single crime statistic for the area (CCJS, 1994).

Third, analyzing the phenomena of crime requires more than a few years of crime data to
“make meaning” of that behaviour. It is impossible to state with any degree of accuracy that the crime rate is either rising or falling on the basis of a change in the annual crime rate from one year to next one. Whereas some criminologists argue that to establish a credible database from which to draw trend data and analyses requires at least seventy-five years of data (see Mukerjee, 1981), the Canadian experience in the North has been limited as accurate crime reports have only been available since 1977. Similarly, the changes in criminal legislation exacerbates the problem of tracking individual offences over time. A prime example may be found within the 1983 changes to the Criminal Code which removed the earlier sections dealing with rape, indecent assault, and other specific sexual offences and replaced them with fewer, broadly-defined sections known as sexual assault levels 1 to 3. This makes the process of “making meaning” of sexual assault and devising crime policy, for example, difficult in both Canada and the Northwest Territories.

Finally, the compilation and release of race and/or ethnicity data as part of the annual crime statistics does not occur. For the criminologist interested in minorities and the criminal justice system, this lack of data means that one must extrapolate from the correctional service reports and related data the number of minority offenders processed by the police through the courts to the corrections services. This data, interesting enough, is provided only on the number of aboriginal inmates rather than all minority groups in Canada.

Employing a radio metaphor, the amount of noise surrounding the statistical signals which our crime radio captures is quite high, but not so high as to obliterate the valuable data which is also captured. The strength of the signal is that uniform data is compiled and analyzed by a single agency, changes in the law are reflected within the statistics in a uniform and timely manner, and, finally, the crime data is presented in a manner which allows intra- and inter-jurisdictional comparisons. In short, it is important to remember that, despite such qualifiers, these statistics remain both the most widely used and single-most reliable source of knowledge on crime in Canada.

b. Comparing National and Territorial Crime Rates

The land and the peoples of Canada's Northwest Territories have laboured under numerous myths and misunderstandings generated and maintained by both Southerners and Northerners alike. One officially generated misunderstanding concerns the amount of crime and criminal activity present in the North. This is due, in part, to the manner through which Canadian crime statistics are presented by the popular media.
1. Crime Rate per 100,000 Population in Canada & Provinces, 1992

<table>
<thead>
<tr>
<th>Province</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nfld.</td>
<td>8475</td>
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<tr>
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<td>Que.</td>
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<tr>
<td>Ont.</td>
<td>11610</td>
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<td>Man.</td>
<td>11455</td>
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<tr>
<td>Sask.</td>
<td>14238</td>
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<tr>
<td>Alta.</td>
<td>14682</td>
</tr>
<tr>
<td>B.C.</td>
<td>18553</td>
</tr>
<tr>
<td>Canada</td>
<td>12101</td>
</tr>
</tbody>
</table>

2. Crime Rate per 100,000 Population in Canada & Provinces/Territories, 1992

<table>
<thead>
<tr>
<th>Province</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nfld.</td>
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<tr>
<td>P.E.I.</td>
<td>12370</td>
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</tr>
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<td>Canada</td>
<td>12101</td>
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</tbody>
</table>

Figure 32 Comparing Methods of Presenting Canadian Crime Statistics.
For both ease of reporting and to heighten public sentiment concerning the "crime problem" most newspapers, for example, present Canadian crime statistics as "Canada and the Provinces" without any reference to the crime situation in either Northern territory, i.e., the Northwest Territories and the Yukon Territory. The Canadian Centre for Justice Statistics is also guilty of this misrepresentation in their Juristat crime information releases. This manner of presentation may, in turn, create incorrect impressions of a crime-free North when presented as crime in Canada and the provinces. The impact of this type of presentation may be seen within Figure 29. As may also be gleaned from the two bar graphs within Figure 29, not only are the overall rates of crime per 100,000 population higher as one moves from east to west, but they are dramatically higher in the two Northern territories. The visual impact of the national and provincial rates is reduced significantly when these rates are presented alongside their territorial counterparts.

![Figure 33 Crime Rates in Canada, by Category and Year, 1977-1992.](image_url)

This section will explore the extent of these differences, i.e., differences between the national and territorial rates of crime during the 1977-1992 study period, and the policy implications of those same differences.
In keeping with the title of this section, the following discussions will concentrate on the crime statistics as measures of crime and criminal activity rather than as measures of police activity. While it will critically examine the majority of police-oriented data it will, however, explore those areas of the crime statistics dealing with clearances and youths charged. They will, however, examine the major crime categories (sexual violence, non-sexual violence, property, other crime, drugs, other federal statutes, provincial offences, and municipal by-laws) for each province and territory during the study period to discern any patterns or trends between these jurisdictions since 1977, including those within Figure 30. These are presented within the graphs and highlights which follow.

Figure 34 Crime Rates in the Northwest Territories, by Category and Year, 1977-1992.

Employing the various crime categories and their respective rates per 100,000 population, it was possible to determine that the overall Canadian crime rate for all offences has increased during every year of the study period. This begins from a low of 9,560 offences per 100,000 population in 1977 increasing to high of 12,735 in 1991 and closing with 12,101 offences in 1992. These figures represent an increase of 20% overall. Generally speaking, the trend has been for provincial crime rates to increase as one moves from the Atlantic to the Pacific with the two territorial crime rates to be higher than any of their provincial counterparts.
Throughout the study period, two constants remained: (1) the general increase in crime rates as one moved from east to west in Canada, and (2) the crime rates within the two territories (Yukon Territory and Northwest Territories) ranged from 3.2 to 4.9 times the national crime rates. The Northwest Territories exhibited an overall crime rate that, for example, averaged 3.7 times higher than the national crime rate between 1977 and 1992. This may be seen through a comparison of the data presented in Figures 30 and 31. The differences between the territorial and national rates are even more striking when one examines the various crime categories (e.g. provincial offences).

From an examination of the data used to create Figure 32 it is also possible to note that the rate of violent crime in Canada has also increased every year since 1977. This same examination has revealed a doubling of the Canadian violent crime rate from 583 offences (in 1977) to 1,139 offences per 100,000 (in 1992). Throughout the study period, the violent crime rate represented an average of 7.5 percent of the overall crime having risen from six percent in 1977 to nine percent during 1977.
While the N.W.T. violent crime rate has somewhat mirrored the national trend in numerical terms, i.e., a near doubling of the rates from 3,882 (1977) to 6,412 (1992), the pattern of violent crime was quite different as it exhibited two peaks during 1978–1979 and 1991–1992 with gradual decreases to lows between 1982 and 1986. The N.W.T. has accounted for the single highest percentage within the overall Canadian violent crime rates at an average of 29.4 percent of the national violent crime rate. Beginning with high of 32.2 percent of the national rates in 1977 these annual percentages declined to 27.0 percent in 1981 before gradually rising to a 30.6 percent in 1992. An example of the dominance of the NWT in these rates is seen in Figure 33.

Reducing the scope of the violent crime category into the two categories of "sexual" and "non-sexual" violence, it is possible to note that violence the NWT continues to dominate the each of these categories in relation to their provincial counterparts. Nationally speaking, violent crime represented six percent of the overall crime in 1977 and nine percent in 1992 whereas sexual violence remained constant at one percent of the overall crime reported in Canada during the 1977-1992 study period. The rate of sexual violence as a percentage of the overall violence crime category, for example, rose slightly from eight percent in 1977 to ten percent in 1992.
The N.W.T. averaged a rate of sexual violence 4.9 times higher and a rate of non-sexual violence 5.7 times higher than the corresponding national rates. The sexual violence rates exhibited a general increase from 157 offences to 232 offences per 100,000 population from 1977 to 1984. As mentioned earlier, the federal government changed the sexual assault laws during 1983 and expanded the breadth of the legislation. The unforeseen consequence of this action was the dramatic increase the rate of sexual violence coming to the attention of the police and, by extension, capture within the crime statistics.
These same increases are seen in the period of 1985-1992, wherein the sexual violence rate climbed threefold from 332 to 923 offences per 100,000 population at a time when the same national rate climbed 1.79 times from 72 to 126 offences. Although the national rates of non-sexual violence nearly doubled during the 1977-1992 period (536 to 1,013 offences per 100,000 population), the corresponding N.W.T. rate rose from 3,725 to 5,489 offences per 100,000 population. Unlike the national rate's gradual increases, the territorial rate presented a trend of gradual increases from 3,725 offences in 1977 to 3,884 offences in 1988 which were followed by rapid increases from 4,296 offences in 1988 to 5,489 offences in 1992 (see Figure 34).

Figure 38  Comparison of Robbery Rates by Jurisdiction in Canada, 1992.

Whereas the rates for assault and sexual assault were both higher than other parts of the country, robbery rates were firmly in the middle of the twelve provincial-level jurisdictions in Canada. During 1992, for example, the Northwest Territories provided only 6.1 percent of the total robbery offences in Canada. This rate was firmly between Newfoundland's 1.2 percent and Québec's 15.3 percent of the nation's robbery offences.
Another form of violence, family violence, is unfortunately hidden from official eyes and official interaction. Non-quantitative research (see Lutra Associates, 1993) has revealed that family violence is pervasive in the North while the official statistics fail to identify this growing phenomena.

Figure 39  Property Offences in Canada and N.W.T., 1977-1992.

From 1977 to 1992 Canada's property crime rate increased by approximately 36.5 percent from 4550 offences to 6201 offences per 100,000 population during that period. Similar to violent offences, property crime rates witnessed two periods of upward growth, first, during 1979-1981 and, second, during 1990-1991. Following the first growth period amongst property offences was a general plateau until 1991 and the onset of the second period of upward growth. Unlike sexual and non-sexual violence, the recording property offences was unaffected by the 1983 changes to the Criminal Code. Property offences continue to mirror the national pattern for other crimes as the provincial rates increase as one moves westward.

The N.W.T. property rate was only slightly higher, or 1.66 times higher, than the national rates. The N.W.T. property crime rates were cyclic in nature and mirrored those increases in the
national rates and averaged only 1.66 times the national rates of property crime. Beginning with territorial property rate of 8,517 offences in 1977, the property crime in the North increased approximately 16.5 percent during the study period, and finished with 9,843 offences per 100,000 population. Property crime in North does not seem to follow the trend for violent and other crime rates by being dramatically higher than those in the South but, rather, it seems to be an extension of the pattern of gradual increases among the provinces as one moves from the Atlantic to the Pacific Ocean.

While Nova Scotia and Prince Edward Island reported higher Criminal Code rates than the other two Maritime provinces the general trend continued to be increased provincial crime rates as one moved from the Atlantic to Pacific coasts and into the Yukon Territory. Dramatic increases were evident, however, within the N.W.T. rates from 1989 onwards. Indeed, prior to 1989, the N.W.T. rates for Other Criminal Code offences averaged 3.14 times the national rate whereas the rates for the 1989-1992 period averaged 4.4 times the Canadian rates for Other Criminal Code offences. During the overall 1977-1992 period, the N.W.T. rates ranged from a low of 2.8 (in 1982) to a high
of 5.1 during 1992 for Other Criminal Code offences. These trends were also consistently found within the overall rates for Criminal Code offences in Canada during the same period.

The total Criminal Code rates are calculated by combining data concerning violence, property, and Other Criminal Code offences. These rates presented a trend whereby many individual jurisdictions increased their rates by an average of 50.68 percent during the study period with the N.W.T. increasing by 72.45 percent. Interestingly enough, however, it was not the N.W.T. which led the nation in increased Criminal Code offences, but P.E.I. and Nova Scotia which exhibited 84.41 and 72.58 percent increases, respectively, to the N.W.T.'s third place of a 72.45 percent increase. In N.W.T., those types of offences which comprised this rate averaged higher than the same national rates: violent offences (national: 8.85% territorial: 16.98%), property offences (national: 63.13% territorial: 41.98%), and Other Criminal Code offences (national: 28.0% territorial: 38.31%). The N.W.T. trend in Criminal Code rates exhibited a gradual increase from 18,901 offences in 1977 to 23,938 offences per 100,000 population in 1989. During 1990 a dramatic increase to 28,831 offences occurred which was followed by another gradual increase to 32,595 offences in 1992.

![Graph showing Total Criminal Code Offences in Canada and N.W.T., 1977-1992.](image)

Throughout the 1977-1992 period, drug offences comprised only two percent of the overall Canadian crime. During this same period drug offences demonstrated an affinity for a cyclic, albeit downward, trend. Indeed, while higher drug offence rates were exhibited during 1980 and 1981 (310 offences during each year) than during the previous years, those years which followed this spike exhibited a series of alternating annual increases and decreases in drug offences which culminated in an overall decrease in drug offences. The rate of drug offences in Canada has decreased from a high of 274 offences during 1979 to a low of 209 offences in 1992. This trend has shown an average rate of 248 offences per 100,000 population for the years between 1977 and 1992. While Nova Scotia experienced higher rates than the other Atlantic provinces, the trend of higher crime rates as one moves westwards continued amongst the drug rates.


Within the Northwest Territories, drug offences averaged 2.6 times the national rates. Drug offences within the Northwest Territories exhibited two distinct peaks: 1980-1982 and 1984-1985. Although some Northern communities exhibited increases in drug offences, the trend for drug offences in the North was to decrease only slightly during the overall study period. Beginning with
660 offences per 100,000 population in 1977 the rate of drug offences in the N.W.T. had decreased to the similar, albeit lesser, rate of 624 offences per 100,000 population by 1992. Territorial drug offence rates, however, exhibited none of the cyclic trend evident in the national drug rates of the period.

The final crime category which needs to be addressed is that of provincial and/or territorial offences. The majority of these offences involved infractions of provincial liquor laws by youths (CCJS, 1982, 1987, 1993). Within the national rates, provincial offences gradually increased from 1,630 offences in 1977 to a high of 1,989 offences per 100,000 population in 1981, and a gradual decrease until the rate reached a low of 1,193 offences in 1992. Unfortunately Figure 40 fails to emphasize this increase due to the need to have a scale which also captures the vastly higher N.W.T. rates. Similarly, they also fail to identify the reason for Québec's extremely low rates which average 196.25 offences. Indeed, the N.W.T. rates outstripped the national rates by an average of 11.12 times. Beginning with a spike of 26,522 offences in 1978, the territorial rates decreased throughout the study period which closed with 13,732 provincial offences per 100,000 population.
Although it was stated earlier that police-oriented statistics would not be examined in depth, two statistics are illustrative of how the N.W.T. stands apart from other Canadian jurisdictions, namely: clearance rates and youths charged. Examining both the national and territorial clearance rates provides criminal justice scholars with an insight into not only the actions of the criminal population but, more precisely, the actions of the police agencies in that jurisdiction. The 'official' definition of what constitutes a clearance holds that "an offence is cleared by police when there is enough evidence to warrant the laying of an information" (CCJS, 1987:31). This definition is also broad enough to facilitate police and/or prosecutorial discretion.

During the 1977-1992 study period, the national clearance rates varied with the crime category under examination. Violence, for example, requires personal contact between the victim and the offender whereas property offences, such as break-and-enter, rarely involve interpersonal contact; such interpersonal contact generally leads to the identification of the offender and, in turn, clearance of the offence by the police. Generally speaking, violent offences in Canada were cleared on an average of 74 percent of the time (51% by charge, 20% otherwise), whereas property offences were cleared on an average of only 32 percent of the time (24% by charge, 20% otherwise). The broad category of "Other Criminal Code Offences" includes such offences as mischief, prostitution, and arson, and are cleared on an average of 46 percent of the time (31% by charge, 15% otherwise). Drug offences were cleared at an astounding 96 percent of the time which may be more in line with the statutory nature of the offence rather than the effectiveness of the police.

The number and rate of youths charged with criminal offences in Canada have risen dramatically since the introduction of the federal Young Offenders Act in 1983 and supporting provincial/territorial legislation during the next two years which followed. Prior to 1983, most youth crime was defined and treated as delinquency by the provinces and legislation. With the introduction of the Young Offenders Act (1983), the orientation of the courts shifted from protection to accountability and police discretion became formalized under the provisions of that Act. The result of this shift was for many members of Canada's police community to clear by charge rather than to attempt to clear the offence treat "otherwise".

Within the years between the 1983 and 1992, for example, young persons accounted for approximately 15 percent of the violent offence rates and 62 percent of the property offence rates (CCJS, 1978, 1984, 1993). The rates of youths charged with violent offences in Canada has more than doubled from approximately 450 to 900 offences per 100,000 population. Forty-eight percent
of these same violent offences involved were for minor assault (CCJS, 1993). During the same period, the rate of youths charged with property offences has remained relatively stable at an average of 3600 offences per 100,000 population during the same period and accounted for nearly 62 percent of the offences recorded by the Centre.

Figure 44 Clearance Rates in Canada and the Northwest Territories.

The clearance rates within the Northwest Territories have been approximately 2 to 3 times the national clearance rates throughout the 1977-1992 study period. Adult males continued to be most likely to be charged with a criminal offence with the category of violent crime being typical of this trend among adults. Both the higher clearance rates and police charging behaviour may be seen as contributors to the higher crime statistics within the North. What this means is that the criminal justice process is working effectively, due in part, to the relative unsophistication of the Northern criminal, the over-policing of many Northern communities, and other similar factors. An additional factor is present, however, which is the performance ratings system of the R.C.M.P. which rates an individual officers' performance on clearances by charge rather than pre-charge diversion to a community group and the non-labeling of an incident as a "crime."
The number of youths charged with crimes of violence and property offences throughout the study period has also increased within the North. While the rates of youths charged with these two types of offences have both increased, rather different trends were present. Amongst those youth charged with violent offences, the trend has been a steady, gradual increase in this rate from 1977 to 1992. The rates of youths charged with property offences, however, have shown continuous, dramatic increases throughout the study period. These increases have also been noticeable since the introduction of the federal *Young Offenders Act (1983)* with examples of these rates presented within Figure 41.

c. Comparing Territorial and Regional Crime Rates

The previous discussions provided a cursory examination of the rates of known or reported crime present within Canada and, in turn, compared them with the Northwest Territories rates per 100,000 population. What that examination revealed was violence (especially sexual violence) and provincial crime rates that were far above the national rates for the same crime categories. Indeed,
in the case of provincial offences, these figures reached an average of 11.5 times the national rates! This discrepancy between North and South carries with it the inference that the administrative regions of the N.W.T. might also exhibit differential rates of crime. After all, one might argue, the regions of the N.W.T. are often as large as, or larger than, some provinces.

Figure 45 presents the overall rates of crime within the Northwest Territories by regions which clearly identifies that the three regions which will comprise the Nunavut Territory have recorded less crime than their counterparts in Denendeh (or the remaining western Territory). Indeed, the former's rates of crime are nearly three times lower than the Denendeh and current NWT rates.49

Let us examine, for a moment, the assumption that some regional crime rates in the North may be comparable to those rates of crime found amongst the provinces. In strict numerical terms, few similarities were found to exist between the provincial and regional rates, as the latter far exceeded the former. Examining the rate of interpersonal violence, for example, we note that:

- The growth rates of sexual violence in the N.W.T. has ranged from three times (Keewatin) to fifteen times (Kitikmeot) the 1977 base rates depending upon the region, while the provincial rates ranged from two times (Ontario) to twelve times (P.E.I.) the 1977 base rates.
- Both Alberta and the Keewatin experienced similar growth patterns (x 3 times the 1977 base) in sexual violence between 1977 and 1992. Similar growth patterns were seen between Nova Scotia and the Baffin (x 4 times increase), Saskatchewan and both Inuvik and Yellowknife (x 6 times), and between Newfoundland and Fort Smith which were seven and eight times higher than their respective 1977 baselines (CCJS, 1993).
- The growth rates of non-sexual violence in the NWT ranged from a maintenance of the status quo (Kitikmeot) to slightly more than twice (Keewatin) the 1977 rates of crime, whereas the provincial rates ranged from one-half times (Saskatchewan, Alberta, B.C.) to two and one-quarter times (Newfoundland) the base rate of 1977.

For the purposes of this discussion, the term "Nunavut" will be used to describe the three current regions of Baffin, Keewatin, and Kitikmeot in the N.W.T. which will comprise the new territory. Similarly, the term "Denendeh" will be employed to describe the three current regions of Inuvik, Fort Smith, and Yellowknife which will comprise the remaining land mass of the N.W.T. Previously offered as a name for the western territory, "Denendeh" has more support than the other alternatives, e.g., "Nahendeh" and "Bob."
While both Baffin and Keewatin regions doubled their non-violence rates, so too did each of the provinces east of Saskatchewan. At the same time the Yukon Territory may be seen as maintaining its levels of crime with an increase from 2,752 to 2,632 offences per 100,000 population.

Although similarities between the growth rates also exist within the property, drug, and provincial offence categories, these similarities end at that point. From that point onwards, the crime rates take on a distinctively Northern trend.

As the data in the upper half of Figure 43 illustrates, attempts to include each of the six regions of the North into graphical format often confounds rather than aids our understanding of crime in the regions. Reducing these six regions to “Nunavut” (Baffin, Keewatin, Kitikmeot regions) and “Denendeh” (Inuvik, Fort Smith, and Yellowknife regions) offers a clearer visual image and permits easier analyses to be conducted (see data in the lower half of Figure 43). Thus, we are able to see that the predominantly-Inuit regions in Nunavut have consistently been higher than both the territorial and Denendeh rates of sexual violence.

Beginning with a base rate of 123 sexual offences per 100,000 population in 1977, Denendeh closes the study period with a rate of 736 offences, whereas the Nunavut totals for the same category and years increase from 246 to 1,263 offences during 1992. While these figures are dramatic in their own right, the rates they represent illustrated a gradual 24 percent increase between 1977 and 1985, inclusive, that is dwarfed by the leaps in 1985 to 500 offences and, again, in 1989 to 845 offences per 100,000 population. Since 1989, the rate of sexual offences has continued to rise, albeit, at a much more steady rate of increase.

Within the rates of sexual violence for Nunavut, each region presents a distinct trend which precludes any pattern, other than massive, overall growth since 1985, being described herein. The most dramatic increases are found, however, within the Kitikmeot which starts the study period with the lowest rate of the three regions at 105 offences and climbs to 1,545 offences per 100,000 population in 1992. This rate is nearly 90 offences higher than Baffin and an astounding 900 offences higher than the Keewatin rate.
1. Regional Comparisons

![Graph showing regional comparisons from 1977 to 1992 for Kitikmeot, Baffin, Keewatin, Yellowknife, Ft. Smith, and Inuvik.]

2. Nunavut-Denendeh Comparisons

![Graph showing comparisons between Nunavut and Denendeh from 1977 to 1992.]

1. Regional Comparisons


2. Nunavut-Denendeh Comparisons
Non-sexual violence across the regions of the North has evidenced a growth pattern that was significantly less dramatic than that found amongst sexual violence rates as seen within Figure 44. In this instance, Denendeh rates were significantly higher than those found in Nunavut in 1977 pattern that rises from 23,234 to 32,287 offences per 100,000 population between 1977 and 1992. While this rate numerically exceeds both the overall territorial rates (19,699 to 30,769) and those for Nunavut (12,622 to 28,243), the greatest growth percentage was found in Nunavut and the Baffin region increase from 13,394 to 34,976 offences or a 160 percent increase! Within the Denendeh rates, both Inuvik and Fort Smith dominated the figures until 1991, after which Baffin exceeded the rates reported for Fort Smith by 1,705 offences per 100,000 population.

Drugs were a problem in the North throughout the study period. Nunavut showed a gradual increase from 397 to 923 offences per 100,000 population between 1977 and 1985. This was followed by dramatic decreases to 417-459-430 offences during 1986 and 1989, inclusive, and rapid increases to 895 and 923 offences during 1991 and 1992, respectively. The gaps between Nunavut and Denendeh at both ends of the study period were striking. While Denendeh led Nunavut by 451 offences in 1977, this was to change as the gap narrowed between 1979 to 1990. The rates for Nunavut soared past its western counterpart during the last two years of the study period to close at 923 offences, compared to the latter's 389 offences per 100,000 population. Baffin region dominated the drug offence rates throughout the study period, rising from 608 offences in 1977 to 1,523 offences in 1992, with an average annual rate of 1,062 offences per 100,000 population.

The rate of provincial statute offences for the overall Northwest Territories decreased from 22,178 offences in 1977 to 12,967 offences in 1992. Although Nunavut experienced a slight overall increase from 7,940 offences to 12,608 offences between 1977 and 1992 these figures are deceiving. Indeed, except for a slight growth between 1978 and 1990, Nunavut experienced a continuous and gentle decrease until 1990 and a low rate of 3,635 offences per 100,000 population. During 1991 and 1992, these rates reversed and increased to the 12,608 rate with which it closed the study period. Denendeh, which led the provincial offences rate experienced a continuous downward trend until 1986, after which it experienced a short upwards climb until 1989, followed by rapid decreases until 1992. Indeed, the overall territorial rates of provincial offences mirrored those of Denendeh, albeit about 7,000 offences lower than the latter's rates.

One of the advantages of detachment-level crime data over national summary data is that it permits the criminal justice scholar an opportunity to explore the differences between communities
in terms of what may be termed one broad category of “trouble.” According to the 1992 rates, Iqaluit ranks as the most “troubled” community, with 1,114 total criminal offences per 100,000 population. However, these communities and crime categories must be examined to make meaning of this dubious acclaim. Within the Inuvik region, Tuktoyaktuk reports the highest rates of non-sexual violence (15,598 offences) and total Criminal Code offences (69,124 offences) while within the Fort Smith region, Snowdrift reports the highest rates of sexual violence (5,822 offences) and property crime (22,945 offences). The Baffin region community of Hall Beach reports the highest rate of breaking federal statutes (5,028 offences). Yet, how does Iqaluit rank as the most troubled community? Iqaluit leads in terms of the more numerous, but less serious, categories of drugs (3,009 offences) and provincial statutes offences (51,891 offences)!

In terms of offences which were cleared by the police, either by charging an individual or otherwise by diversion or alternative measures, the Northwest Territories has continued to lead the nation with an average of 79.56 percent of the total criminal offences cleared (including municipal and traffic offences) as compared to the national average of 46.1 percent of total offences cleared. These may be seen in the average clearances, in the NWT, for the period presented below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Clearance Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977</td>
<td>86.3%</td>
</tr>
<tr>
<td>1978</td>
<td>83.3%</td>
</tr>
<tr>
<td>1979</td>
<td>87.6%</td>
</tr>
<tr>
<td>1980</td>
<td>85.0%</td>
</tr>
<tr>
<td>1981</td>
<td>86.6%</td>
</tr>
<tr>
<td>1982</td>
<td>76.6%</td>
</tr>
<tr>
<td>1983</td>
<td>85.3%</td>
</tr>
<tr>
<td>1984</td>
<td>78.3%</td>
</tr>
<tr>
<td>1985</td>
<td>76.6%</td>
</tr>
<tr>
<td>1986</td>
<td>73.3%</td>
</tr>
<tr>
<td>1987</td>
<td>74.5%</td>
</tr>
<tr>
<td>1988</td>
<td>78.1%</td>
</tr>
<tr>
<td>1989</td>
<td>71.6%</td>
</tr>
<tr>
<td>1990</td>
<td>75.0%</td>
</tr>
<tr>
<td>1991</td>
<td>76.6%</td>
</tr>
<tr>
<td>1992</td>
<td>78.3%</td>
</tr>
</tbody>
</table>

On the other hand, the regional clearances for the 1977-1992 study period averaged between 72.5 and 84.5 percent of the offences reported to police. This is further illustrated following averaged figures:

**Nunavut:**
- Keewatin: 76.25%
- Baffin: 78.69%
- Kitikmeot: 83.81%

**Denendeh:**
- Inuvik: 81.25%
- Fort Smith: 84.50%
- Yellowknife: 72.50%
1. Regional Comparisons

2. Nunavut-Denendeh Comparisons

Figure 48 Comparing Property Offence Rates in the Northwest Territories, 1977-1992.
Figure 49 Comparing Total Criminal Code Rates in the Northwest Territories, 1977-1992.
1. Regional Comparisons

2. Nunavut-Denendeh Comparisons

Figure 50 Comparing Drug Offence Rates in the Northwest Territories, 1977-1992.
1. Regional Comparisons

2. Nunavut-Denendeh Comparisons

Figure 51 Comparing Provincial Offence Rates in the Northwest Territories, 1977-1992.
iii. Conclusion

The discussions throughout this Chapter may be interpreted as "journalistic knowledge" or knowledge which is "widely available that describe and explain a policy issue" even though such knowledge was not undertaken solely to study a particular policy (Webber, 1992: 389).

The extent of officially recorded crime in the Northwest Territories was examined using rates of crime per 100,000 population as its focus to illustrate that a distinct type of policy knowledge and, in turn, policy action may arise from depending upon a single type of policy knowledge. This illustration involved examining annual summaries of detachment-level crime reports. These crime reports supplied different aspects of the Uniform Crime Reports (UCR1 and UCR2), including: actual vs. reported crime, clearances by charge or otherwise, youths vs. adults charged, etc., for each major crime category. The picture which emerged from this examination was shocking in its revelations at the territorial and regional levels, but quiet at community level of analysis.

In summary, the 1977-1992 crime picture of the Northwest Territories may be seen as:

- An overall crime rate which was 3.21 to 4.90 times higher than the national crime rates per 100,000 population.
- Reporting violent, property, and provincial statute offences as the majority of offences which occurred during the study period.
- Violence accounting for approximately 40 percent of the overall Criminal Code rates in the Northwest Territories; Sexual violence accounted for approximately 10 percent of the total violence rates during this same period.
- Except for the last four years of the study period when it was over taken by Nunavut, Denendeh accounted for the highest rates of violent offences within the North, with Inuvik region being uniformly more violent than any other region.
- Property offences accounted for approximately 30 percent of the total Criminal Code offences.
- Property rates, although rising slightly throughout the study period, remained uniformly higher than those found within Southern Canada; Interestingly, while the rates of property offences decreased with Denendeh, they increased by a corresponding amount in Nunavut.
1. Trends by Crime Category

2. Trends by Jurisdiction

Although the overall rates of drug offences remained nearly constant throughout the study period, the Northwest Territories rate was approximately three times the national rate; Except for the first two and final two years of the study period, the drug offence rates in Nunavut exceeded those in Denendeh with the communities of Iqaluit and Cape Dorset reporting the highest rates, respectively, for the N.W.T.

Clearance rates for all criminal offences in the Northwest Territories were approximately two to three times higher than those clearance rates reported in Southern Canada; Regional comparisons revealed that the clearance rates in Yellowknife region led Denendeh which itself barely exceeded Nunavut's clearance rates for total Criminal Code offences.

The projected rates for total criminal offences (including federal, provincial, municipal offences) for the Northwest Territories are likely to exceed 49,000 offences per 100,000 population by the year 2007; This is contrasted by the Canadian national rates which are only expected to reach 14,000 offences per 100,000 population.

The next chapter, Chapter 7, will build upon the policy knowledge gained through crime rates and apply an analytical tool borrowed from geography, location quotients, to better understand crime at the community level.
...criminal events must be understood as confluences of offenders, victims or criminal targets, and laws in specific settings at particular times and places. This means that full crime analysis has four dimensions: a legal dimension, an offender dimension, a victim or target dimension, and a spatio-temporal or locational dimension. Moreover, those dimensions must be understood and interpreted against a complex historical and situational backdrop of social, economic, political, biological and physical characteristics that sets the context in which all the dimensions of crime are contained.


i. Introduction

The Uniform Crime Reports (UCR 1 and UCR 2) remain the single most used and abused body of knowledge employed by criminal justice scholars and policy makers alike. Used in isolation, as they often are by juridically-trained policy makers (i.e., lawyers), this type of knowledge is next to useless as it only provides the policy maker with an idea that, like the John Travolta-hitman character reveals in the movie *Pulp Fiction*, after he accidentally shoots a man, “crime happens!” This information requires additional crime and census data to make meaning of it.

Annual crime reports have their value, according to Australian criminologist Satyanshu Mukherjee (1981), but only as links in a chain formed by such crime reports from the past. Indeed, Mukherjee notes:

One of the basic elements of a comparative study of a social phenomenon such as crime is the changing value system. If we are going to examine present crime data vis-a-vis crime data of the last several decades, we must incorporate in our examination the definition of crime in terms of the updated value system. While it may not be entirely true to say what was crime a hundred years ago may not be defined as crime today, it is beyond dispute that our attitudes toward crime and our perception to it have changed (1981:1).

One can find little fault with Mukherjee's (1981) comments that crime cannot be studied in isolation and that requires correlation to changes in the demographic, social, economic, employment/unemployment, and other environments. Similarly, his contention that such
examinations require at least seventy years of crime data including the period in question is well reasoned. Unfortunately, while this requirement may be nearly met in Southern Canada, it is impossible to comply with such methodological rigour in the NWT where reliable data has only been available since 1977.

Although the NWT crime data from 1980 onwards is both consistently gathered and reliably reported to the Canadian Centre for Justice Statistics, sources therein report that the data captured for the 1977-1979 data was less reliable than that which follows it. Prior to that time, they note, crime data in the NWT and Yukon were reported on as part of the annual records for each year of the detachment's existence. These records have been archived in the National Archives of Canada. The same failings have been identified in the census and other environmental data as they were gathered inconsistently by other agencies and reported sporadically using formats which do not easily lend themselves to comparison.

It is unfortunate that this lack of reliable data does not meet Mukherjee's (1981) requirements for examining crime in the North. Such data, if it were available, would permit the rates of police reported crime to be examined in light of the actions and effects of colonization.

Moving past the policy-oriented knowledge which crime rates provide criminal-justice policy makers and policy analysts alike, one is confronted with the need to make meaning of the data at hand. We also need to seek methods through which that same policy-orientated knowledge can be transformed into usable policy knowledge as defined by Webber (1982). Two approaches which may help us to make meaning of this knowledge include reducing the level of analysis from the region to the community level and employing a technique which puts the phenomenon in relation to the same phenomenon in other communities; location quotients provide such a technique.

ii. The Origins and Methodology of Location Quotients

A location quotient is a simple coefficient used by location theorists within economic geography to explain the concentration of specific economic activities within a given geopolitical area (Goodall, 1987; Johnson, Gregory and Smith, 1994). Location theorists employ location quotients to compare the percentage of a given activity within a specific area, or location, with the percentage of that same activity within an aggregate, such as a region or nation. As such, location quotients provide a measure of the concentration of certain activities within an area relative to the same
activities in neighbouring areas. In other words, a ration of a ration (P.J. Brantingham, 1996: personal communications).

The most typical uses of location quotients have been, as stated earlier, within the economic and employment spheres of society to determine the concentrations of heavy industry, small businesses, dependency, employable population, and so forth. Actually, there are two formulae which may be used to calculate location quotients.

The first formula is employed when the base data is derived from percentages and is expressed as:

\[ LQ_j = \frac{X_j}{Y_j} \]

wherein \( LQ_j \) is the location quotient of activity \( j \), with \( X_j \) is the percentage of the activity in the local area and \( Y_j \) is the percentage of that same activity within in the larger jurisdiction such as a region or nation. Using public sector employment and Yellowknife as variables, for example, the location quotient of public sector employment in Yellowknife might be expressed as:

\[
\text{(percent public sector employment in Yellowknife)} \quad \text{divided by} \quad \text{(percent employment in the N.W.T.)}
\]

The second formula is employed when the base data is derived from absolute data and is expressed as:

\[ LQ_j = \frac{\sum X_{ij}}{\sum X_{ij} / \sum Y_{ij}} \]

wherein \( LQ_j \) is the location quotient of activity \( j \), with \( X_{ij} \) being the number of the selected activity in the local area with \( X_{ij} \) being the total of all activities in the local area. \( Y \) is the number of the selected activity within in the larger jurisdiction (such as a region or nation) with \( Y_{ij} \) being the total activity in the larger jurisdiction. Returning to our use of public sector employment and Yellowknife, we would express the absolute data as a location quotient as:
\[
\frac{\text{public sector employment in Yellowknife } X \text{, divided by total employment in the NWT } X_0}{\text{public sector employment in the NWT } Y, \text{ divided by total employment in the NWT } Y_0}
\]

As with all coefficients, a correlation score of 1.0 would be indicative of the local activity being the same as the proportion of the activity in the larger jurisdiction, lower or higher scores would indicate that the concentration of the activity in the local area is either under- or over-represented in the local area (Goodall, 1983; Johnson, Gregory and Smith, 1994). This means that a score of 1.00 in, say, Yellowknife would mean that the local activity is proportionate to the same activity elsewhere in the North whereas a score of 1.24, for example, in Inuvik would indicate that there is a higher proportion of that activity in Inuvik than elsewhere in the N.W.T.

For the purposes of this dissertation, the following scale will be used to describe the location quotients of crime in the N.W.T.:

- **Very Low**: 0.00 - 0.25
- **Low**: 0.26 - 0.75
- **Normal**: 0.76 - 1.25
- **High**: 1.26 - 1.75
- **Very High**: 1.75 or over

Unlike the use of location quotients with contiguous areas, the application of location quotients to the analysis of non-contiguous areas escapes the agglomeration and multiplier effects common within contiguous areas. The former effect involves the grouping together of several of the same economic activities and an increase in the legitimate activities and criminal behaviour as a result (Brantingham and Brantingham, 1984). The latter effect involves the generation of declining or bad conditions due the prevalence of certain crime within that area followed by increasing crime levels of the previous type or new criminal activity (Brantingham and Brantingham, 1994).

**iii. Location Quotients of Crime**

As these examples indicate the use of location quotients has high potential within the discipline of criminology. Brantingham and Brantingham (1995) have coined the phrase "location quotients of crime" or "LQCs" in their application of crime occurrences, rather than economic inclusion, as the basic unit being counted and analyzed. Indeed, they note that an LQC is a relative measure of the criminal activity in a given area to crime in other areas:
LQCs are now being developed as a tool for the micro analysis of crime, in order to introduce a potential measure of subjective views of crime. That is, LQCs are being developed as a measure of crime occurrence that reflect the visual images of crime someone can have in a city she or he knows.... Using an LQC, some towns and cities would be identified as centers for violent crimes; some, for property crimes. Some are centers for robbery, some for burglary and some for automobile theft. The center in one region might appear to be a center if compared to centers in other regions, just as a small town might be a center of commerce for a rural area, but not in comparison with the downtown in a metropolis. It is perhaps more important to note that, since this is a relative measure, a center cannot have high location quotients in all crimes. The LQC is a measure that identifies an area’s relative speciality in crimes (Brantingham and Brantingham, 1995:129, 138).

The expression of an LQC is the same as the formula for absolute data presented earlier and may be written as either:

\[ \text{LQC} = \frac{\sum \frac{X_{ci}}{X_{cc}}}{\frac{Y_{ci}}{Y_{cc}}} \]

or:

(Local number of burglary \( X_{ci} \) divided by local number of Criminal Code offences \( X_{cc} \))

(divided by)

(provincial number of burglary \( Y_{ci} \) divided by provincial Criminal Code offences \( Y_{cc} \))

The strengths of LQCs increase their value for criminologists and those persons who wish to move past criminal justice policy analysis and into the area of criminal justice planning. According to Brantingham and Brantingham (1995), the strengths of LQCs include:

- There is no need to obtain additional counts, e.g., population figures are needed to calculate crime rates;
- The use of the same data, e.g., population figures as denominators, is not required;
- Provision of predictability of the media responses to extent of or changes in specific crime categories;
- The ability to interface with relational databases to create “what if” scenarios to predict changes in crime levels and categories (1995:138-139).

These strengths were expanded upon by Buckley (1996) who noted that they also included:
• Parsimony;
• Flexibility - the choice of the denominator is left to the discretion of the researcher and is indeed only limited by the researcher's imagination;
• Control of Focus - allows change between levels of aggregation and allows precise identification of the level of focus with regards to different identified crime problems;
• Can be used with small numbers - because it is a relative measure, the LQC measures crimes only with respect to their relative frequency to others in the same area (Buckley, 1996:34-35).

Before proceeding further with this discussion, it must be noted that such analyses have tended to examine contiguous areas, that is areas whose boundaries physically touch one another, rather than non-contiguous areas such as remote and isolated communities in the Canadian Arctic. The following discussions will, first, offer one example of the 'typical' use of LQCs on contiguous sites as conducted by Buckley (1996) and, second, test the application of LQCs on the non-contiguous communities across the Northwest Territories.

Seeking out examples of the use of LQCs is not as difficult as one might imagine when examining new theoretical models or new applications of models borrowed from disciplines other than one's own discipline. Canadian criminologist Jennifer Buckley (1996) offers an excellent example in the use of LQCs to examine crime near mass transit nodes in the greater Vancouver area of British Columbia.

Her work, entitled Public Transit and Crime: A Routine Activities/Ecological Approach (1995), sought to better understand the relationships between public transportation nodes, land use, and crime. Crime was measured in this case through the use of police calls for service within a one kilometre radius of B.C. Transit's SkyTrain stations and analyzed using geographic mapping and statistical techniques. She examined the same conditions and variables at nine separate SkyTrain stations which varied in surrounding land use from high commercial to mixed commercial-residential and high residential concentrations. Indeed, she believed "...that the type of land use around any particular station will affect both the number of calls for service received by police and the types of calls received by the police for the area" (1996: iii).

This fact was borne out by her research and findings wherein she noted that the levels of crime varied with the type of land use. The heaviest concentrations of crime noted by Buckley
occurred within the first 50 metres of the stations' egress points and was echoed at 200, 500, and 750 metre radii and these occurrences were influenced by the type of land use. She reported:

Very different crime patterns were found in areas that were primarily residential as opposed to commercial in nature. The influence of specific land uses such as parks, stadiums, and recreations liquor establishments also proved to be of importance. Higher LQCs for break-and-enter, suspicious circumstances, suspicious persons, screams, stolen auto, breach of probation, harassment, and prowlers associated with residential station areas (Buckley, 1996: 168, 171).

As this study reveals, the use of location quotients within crime as its variable of interest, or LQCs, has potential to assist criminal justice scholars, practitioners, and policy-makers to increase their levels of awareness concerning potential causes of crime as well as their policy-oriented knowledge. Similar studies in a park-and-ride site in Surry, British Columbia, for example, also bear out this claim (see Buckley, Barkley, and Whin-Yates, 1996).

iv. Location Quotients of Crime and the Northwest Territories

Using annual summaries of the detachment-level UCR1 and UCR2 data from 1977 to 1992, it was possible to create annual summaries of the reported crime across the N.W.T. for each major crime category, including: sexual violence, non-sexual violence, total violence, other Criminal Code offences, total Criminal Code offences, drugs, other federal statute offences, provincial offences, municipal by-laws, and, finally, total criminal offences. These summaries offer the range of data compiled by the Canadian Centre for Justice Statistics including founded/unfounded incidents reported to the police, clearances by charge or otherwise, and whether the person charged was an adult male or female or a juvenile offender. Added to these figures is an analysis of the rate of crime per 1,000 and 100,000 population and a LQC for that community and crime category. These categories are presented in Table 16.

Prior to continuing further, however, a caveat must be offered concerning the data employed in this discussion. The detachment as a level of count and analysis is problematic since several R.C.M.P. detachments exist in the N.W.T. which service or patrol more than one community but their crime statistics are reported as a single detachment rather than two or three communities, e.g. Rankin Inlet. This problem should continue until such time as the detachments report the distinct locations within a single detachment area or communities are become the level of reporting.
Rather than discussing each year within the 1977-1992 study period, this discussion will examine those location quotients which began each five year interval, i.e., 1977, 1982, 1987, and the end of the study period in 1992. This will enable the reader to better understand the spatial and temporal utility of LQCs when analyzing crime in non-contiguous areas without repeating verbatim those discussions in Chapter 5.

The region was selected as the level of analysis in the previous Chapter for reasons of brevity in the presentation of the extent of Northern crime. When preparing Chapter 5, it was found that presenting each year required eleven printed pages to cover both the major criminal offences and those of a more regulative nature, i.e., other federal statutes, provincial offences, and municipal by-laws. Those eleven spreadsheets would, in turn, translate into 176 diagrams or charts if the unit of analysis were further lowered to the community level. Throughout this Chapter, tables will be utilized more than frequently than charts to present selected crime cate categories at the community level for analysis in an effort to illustrate the utility of location quotients in criminal justice policy analysis.

a. LQCs and Crime in the North, 1977

Our examination of location quotients and crime begins, as the previous chapter ended, with the six regions and a review of the sexual violence therein during 1977. Location quotients for that year reveal a broad range of scores from .40 in Yellowknife to 3.03 in Keewatin. While these values seem dramatically distant from one another, it must be reiterated that these are relative values to other communities vis-a-vis the crime category and the total Criminal Code incidents for that year. In numerical terms, Yellowknife's total of six incidents of sexual violence was only one incident less than reported in the Keewatin. In addition, it needs to be noted that, except Kitikmeot with 3 incidents, each of the remaining regions surpassed these two regions in numerical terms: Baffin with 24, Inuvik at 16, and Fort Smith, reporting 12 incidents.

At the community level, the picture of crime which we are painting is just as dramatic as that for the regions. Although both Baker Lake and Rankin Inlet in the Keewatin had values higher than

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39 The location quotients of crime and the rates per 100,000 population for each community have been included in Table 16 for comparative purposes. These comparisons include 1977, 1982, 1987, and 1992.
their region, 3.2 and 3.7 respectively, five Baffin region communities scored between 6.0 and an extraordinary 40.1 in Lake Harbour! The “top ten” communities for sexual violence included:

<table>
<thead>
<tr>
<th>Community</th>
<th>LQC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Harbour</td>
<td>40.1</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>18.5</td>
</tr>
<tr>
<td>Sanikiluaq</td>
<td>8.0</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>7.5</td>
</tr>
<tr>
<td>Igloolik</td>
<td>6.0</td>
</tr>
<tr>
<td>Rankin Inlet</td>
<td>3.2</td>
</tr>
<tr>
<td>Spence Bay</td>
<td>5.0</td>
</tr>
<tr>
<td>Iqaluit</td>
<td>2.2</td>
</tr>
<tr>
<td>Baker Lake</td>
<td>3.7</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>1.8</td>
</tr>
</tbody>
</table>

The LQCs for the other side of the violence category, non-sexual violence, reveal quite a different picture than those for sexual violence. At the regional level, for instance, Kitikmeot region holds the title of the most violent region in the Territories with an high LQC of 1.36 while all but one of the remaining regions (Inuvik 1.24, Keewatin 1.04, Fort Smith 1.01, Baffin 0.92) fall into the normal range of LQCs. The final region is Yellowknife which exhibits a low LQC value of 0.64.

Once again there is one community, Coppermine, which scores an extraordinarily high violence LQC value of 44.6 that sets it apart from the remaining communities. The ten highest community level LQCs include:

<table>
<thead>
<tr>
<th>Community</th>
<th>LQC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coppermine</td>
<td>44.6</td>
</tr>
<tr>
<td>Cambridge</td>
<td>27.1</td>
</tr>
<tr>
<td>Spence Bay</td>
<td>21.7</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>3.4</td>
</tr>
<tr>
<td>Sachs Hbr.</td>
<td>2.2</td>
</tr>
<tr>
<td>Ft Providence</td>
<td>2.0</td>
</tr>
<tr>
<td>Ft. Liard</td>
<td>1.9</td>
</tr>
<tr>
<td>Tuktoyaktuk</td>
<td>1.7</td>
</tr>
<tr>
<td>Ft. Norman</td>
<td>1.7</td>
</tr>
<tr>
<td>Ft. Gd. Hope</td>
<td>1.5</td>
</tr>
</tbody>
</table>

When compared to the LQCs for sexual violence, non-sexual LQCs were generally lower in their relative value.

It was in the category of property offences that we see Yellowknife region surpassing the other regions with an normal LQC score of 1.19. Indeed, it managed to exceed the Baffin region by only .02 and the only other region to exceed 1.00, Keewatin by a score of 1.19 to 1.06. Both Inuvik region and Fort Smith region managed to score with in the low range at 0.88 and 0.91, respectively, while the Kitikmeot region reported a low LQC at 0.78.

At the community level, we find that property offences were not as dissimilar as the values for sexual/non-sexual violence. Indeed, the range of LQCs is from low value of 0.00 to high value of 1.92. These low values resulted in the majority of their number falling within the lower half of the average range (i.e., 0.75-1.00) and the low range of LQCs (i.e., 0.25-0.75) This is presented as:
<table>
<thead>
<tr>
<th>Location</th>
<th>LQC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanikiluaq</td>
<td>1.9</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>1.5</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>1.5</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>1.4</td>
</tr>
<tr>
<td>Hay River</td>
<td>1.3</td>
</tr>
<tr>
<td>Yellowknife</td>
<td>1.2</td>
</tr>
<tr>
<td>Aklavik</td>
<td>1.2</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>1.1</td>
</tr>
<tr>
<td>Iqaluit</td>
<td>1.1</td>
</tr>
<tr>
<td>Clyde River</td>
<td>1.1</td>
</tr>
</tbody>
</table>

Similar results were evident within the LQCs for Other Criminal Code offences, namely low regional scores and even lower community LQCs. Fort Smith region reported the highest relative number of offences when these raw figures were converted into an LQC. Similar to the property LQCs, the regional scores for Other C.C. offences all fell within the lower half of the normal range of LQC values, i.e., 0.75-1.25, as presented in Table 19. With Fort Smith region recording an LQC of 1.10., the remaining regions decreased gradually from Kitikmeot (1.07) through Inuvik (1.01), Yellowknife (0.95), and Keewatin (0.83) to Baffin region (0.76).

Within the community level, we find the range of Other Criminal Code LQCs covers from 0.00 to 1.74. The values were both low and consistent with those presented for property offences. The ten highest scores were recorded for the following communities:

<table>
<thead>
<tr>
<th>Community</th>
<th>LQC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grise Fiord</td>
<td>1.74</td>
</tr>
<tr>
<td>Norman Wells</td>
<td>1.31</td>
</tr>
<tr>
<td>Rae-Edzo</td>
<td>1.26</td>
</tr>
<tr>
<td>Pine Point</td>
<td>1.45</td>
</tr>
<tr>
<td>Ft. Resolution</td>
<td>1.31</td>
</tr>
<tr>
<td>Fort Liard</td>
<td>1.24</td>
</tr>
<tr>
<td>Clyde River</td>
<td>1.32</td>
</tr>
<tr>
<td>Arviat</td>
<td>1.30</td>
</tr>
<tr>
<td>Cambridge</td>
<td>1.23</td>
</tr>
</tbody>
</table>

**b. LQCs and Crime in the North, 1982**

By 1982, the picture of sexual violence had changed somewhat in the North. The lowest location quotient for a region was .046 for the Fort Smith region, a value which fall within the low category for correlation to the overall territories whereas Inuvik (0.76), Keewatin (0.80), and Yellowknife (0.94) fall into the normal category with Kitikmeot region falling into the high category with a location quotient of 1.40. The highest location quotient for sexual violence during 1982 was exhibited by the Baffin region with very high rating of 2.12. There does not appear to be a reason for the changes between the 1977 and 1982 location quotients.

During 1982, Nanisivik recorded the highest location quotient for sexual violence with a value of 15.59. It is important to note that the Nanisivik RCMP detachment serves both the company town where it is located and the predominantly-Inuit community of Arctic Bay located 17 miles away.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Keewatin Region</td>
<td>204</td>
<td>3.03</td>
<td>76</td>
<td>0.80</td>
<td>313</td>
<td>1.29</td>
<td>672</td>
<td>1.21</td>
</tr>
<tr>
<td>Arviat</td>
<td>0</td>
<td>0.00</td>
<td>100</td>
<td>1.88</td>
<td>164</td>
<td>1.22</td>
<td>148</td>
<td>0.33</td>
</tr>
<tr>
<td>Baker Lake</td>
<td>345</td>
<td>3.72</td>
<td>207</td>
<td>3.76</td>
<td>479</td>
<td>1.43</td>
<td>248</td>
<td>0.40</td>
</tr>
<tr>
<td>Coral Harbour</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>402</td>
<td>2.04</td>
<td>1184</td>
<td>4.11</td>
</tr>
<tr>
<td>Rankin Inlet</td>
<td>232</td>
<td>3.16</td>
<td>0</td>
<td>0.00</td>
<td>297</td>
<td>1.10</td>
<td>1000</td>
<td>1.58</td>
</tr>
<tr>
<td>Baffin Region</td>
<td>317</td>
<td>2.85</td>
<td>338</td>
<td>2.12</td>
<td>660</td>
<td>1.81</td>
<td>1461</td>
<td>1.37</td>
</tr>
<tr>
<td>Broughton Island</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
<td>0.00</td>
<td>209</td>
<td>0.68</td>
<td>2128</td>
<td>3.46</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>92</td>
<td>1.33</td>
<td>242</td>
<td>2.32</td>
<td>225</td>
<td>0.52</td>
<td>1633</td>
<td>1.25</td>
</tr>
<tr>
<td>Clyde River</td>
<td>0</td>
<td>0.00</td>
<td>445</td>
<td>7.04</td>
<td>203</td>
<td>1.00</td>
<td>1042</td>
<td>1.60</td>
</tr>
<tr>
<td>Grise Fiord</td>
<td>0</td>
<td>0.00</td>
<td>0</td>
<td>0.00</td>
<td>0</td>
<td>0.00</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Hall Beach</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>1931</td>
<td>4.82</td>
<td>372</td>
<td>0.29</td>
</tr>
<tr>
<td>Igloolik</td>
<td>104</td>
<td>6.01</td>
<td>176</td>
<td>2.11</td>
<td>115</td>
<td>0.50</td>
<td>1257</td>
<td>2.78</td>
</tr>
<tr>
<td>Iqaluit</td>
<td>583</td>
<td>2.20</td>
<td>529</td>
<td>1.70</td>
<td>913</td>
<td>1.68</td>
<td>1573</td>
<td>0.91</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>463</td>
<td>40.11</td>
<td>0</td>
<td>0.00</td>
<td>898</td>
<td>6.62</td>
<td>269</td>
<td>0.94</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>729</td>
<td>18.51</td>
<td>450</td>
<td>15.59</td>
<td>375</td>
<td>2.30</td>
<td>1522</td>
<td>3.05</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>92</td>
<td>1.76</td>
<td>115</td>
<td>0.85</td>
<td>0</td>
<td>0.00</td>
<td>864</td>
<td>2.38</td>
</tr>
<tr>
<td>Pond Inlet</td>
<td>0</td>
<td>0.00</td>
<td>415</td>
<td>4.96</td>
<td>601</td>
<td>1.70</td>
<td>2618</td>
<td>1.63</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>2000</td>
<td>7.52</td>
<td>1754</td>
<td>4.25</td>
<td>3315</td>
<td>4.73</td>
<td>2874</td>
<td>2.13</td>
</tr>
<tr>
<td>Sanikiluaq</td>
<td>292</td>
<td>8.02</td>
<td>0</td>
<td>0.00</td>
<td>1580</td>
<td>8.22</td>
<td>1490</td>
<td>2.92</td>
</tr>
<tr>
<td>Kitikmeot Region</td>
<td>105</td>
<td>0.79</td>
<td>181</td>
<td>1.40</td>
<td>547</td>
<td>1.30</td>
<td>1545</td>
<td>2.07</td>
</tr>
<tr>
<td>Cambridge Bay</td>
<td>0</td>
<td>0.00</td>
<td>430</td>
<td>2.42</td>
<td>909</td>
<td>1.37</td>
<td>908</td>
<td>0.87</td>
</tr>
<tr>
<td>Coppermine</td>
<td>0</td>
<td>0.00</td>
<td>178</td>
<td>0.96</td>
<td>485</td>
<td>1.10</td>
<td>2762</td>
<td>3.19</td>
</tr>
<tr>
<td>Gjoa Haven</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>148</td>
<td>2.04</td>
<td>626</td>
<td>1.06</td>
</tr>
<tr>
<td>Spence Bay</td>
<td>280</td>
<td>5.01</td>
<td>0</td>
<td>0.00</td>
<td>485</td>
<td>1.35</td>
<td>1288</td>
<td>3.66</td>
</tr>
<tr>
<td>Inuvik Region</td>
<td>230</td>
<td>0.98</td>
<td>176</td>
<td>0.76</td>
<td>452</td>
<td>0.73</td>
<td>1337</td>
<td>1.08</td>
</tr>
<tr>
<td>Aklavik</td>
<td>301</td>
<td>1.32</td>
<td>137</td>
<td>0.81</td>
<td>1427</td>
<td>1.83</td>
<td>1591</td>
<td>1.37</td>
</tr>
<tr>
<td>Fort Franklin</td>
<td>0</td>
<td>0.00</td>
<td>0</td>
<td>0.00</td>
<td>373</td>
<td>0.45</td>
<td>1068</td>
<td>0.83</td>
</tr>
<tr>
<td>Fort Good Hope</td>
<td>0</td>
<td>0.00</td>
<td>0</td>
<td>0.00</td>
<td>320</td>
<td>0.63</td>
<td>1901</td>
<td>1.49</td>
</tr>
<tr>
<td>Fort McPherson</td>
<td>143</td>
<td>0.45</td>
<td>0</td>
<td>0.00</td>
<td>571</td>
<td>0.55</td>
<td>651</td>
<td>0.39</td>
</tr>
<tr>
<td>Fort Norman</td>
<td>0</td>
<td>0.00</td>
<td>337</td>
<td>1.85</td>
<td>2053</td>
<td>3.27</td>
<td>5222</td>
<td>4.88</td>
</tr>
<tr>
<td>Inuvik</td>
<td>254</td>
<td>1.15</td>
<td>267</td>
<td>0.99</td>
<td>225</td>
<td>0.53</td>
<td>1190</td>
<td>1.20</td>
</tr>
<tr>
<td>Norman Wells</td>
<td>270</td>
<td>1.43</td>
<td>432</td>
<td>2.87</td>
<td>159</td>
<td>0.30</td>
<td>469</td>
<td>0.59</td>
</tr>
<tr>
<td>Sachs Harbour</td>
<td>0</td>
<td>0.00</td>
<td>625</td>
<td>6.42</td>
<td>0</td>
<td>0.00</td>
<td>781</td>
<td>0.78</td>
</tr>
<tr>
<td>Tuktoyaktuk</td>
<td>588</td>
<td>1.48</td>
<td>0</td>
<td>0.00</td>
<td>216</td>
<td>0.25</td>
<td>1175</td>
<td>0.56</td>
</tr>
<tr>
<td>Tungsten</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
<td>0.00</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Fort Smith Region</td>
<td>120</td>
<td>0.53</td>
<td>98</td>
<td>0.46</td>
<td>404</td>
<td>0.98</td>
<td>878</td>
<td>0.86</td>
</tr>
<tr>
<td>Fort Liard</td>
<td>190</td>
<td>1.25</td>
<td>0</td>
<td>0.00</td>
<td>362</td>
<td>0.81</td>
<td>1079</td>
<td>1.31</td>
</tr>
<tr>
<td>Fort Providence</td>
<td>0</td>
<td>0.00</td>
<td>157</td>
<td>0.76</td>
<td>475</td>
<td>1.00</td>
<td>716</td>
<td>0.91</td>
</tr>
<tr>
<td>Fort Resolution</td>
<td>0</td>
<td>0.00</td>
<td>211</td>
<td>0.69</td>
<td>434</td>
<td>0.48</td>
<td>762</td>
<td>0.43</td>
</tr>
<tr>
<td>Fort Simpson</td>
<td>88</td>
<td>0.24</td>
<td>252</td>
<td>0.71</td>
<td>563</td>
<td>0.77</td>
<td>862</td>
<td>0.84</td>
</tr>
<tr>
<td>Fort Smith</td>
<td>134</td>
<td>0.66</td>
<td>43</td>
<td>0.17</td>
<td>646</td>
<td>1.44</td>
<td>750</td>
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<td>333</td>
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## Table 16
Rates per 100,000 Population & Location Quotients for Non-Sexual Violence in the NWT

<table>
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<td>0.81</td>
<td>2801</td>
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<td>4821</td>
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<td>Cambridge Bay</td>
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<td>3231</td>
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<td>0.97</td>
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<td>4063</td>
<td>0.93</td>
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<td>7285</td>
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<td>11219</td>
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<tr>
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<td>13323</td>
<td>1.51</td>
<td>13333</td>
<td>1.37</td>
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<td>11587</td>
<td>0.16</td>
<td>9171</td>
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<td>8405</td>
<td>1.48</td>
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<td>5291</td>
<td>1.21</td>
<td>6551</td>
<td>0.93</td>
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<tr>
<td>Hay River</td>
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<td>3459</td>
<td>0.74</td>
<td>339</td>
<td>0.10</td>
<td>3707</td>
<td>0.92</td>
</tr>
<tr>
<td>Pine Point</td>
<td>1497</td>
<td>0.53</td>
<td>1000</td>
<td>0.46</td>
<td>801</td>
<td>0.63</td>
<td>n/a</td>
<td>n/a</td>
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<td>5535</td>
<td>1.75</td>
<td>7317</td>
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<td></td>
<td></td>
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<tr>
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<td>0.65</td>
<td>1758</td>
<td>0.58</td>
<td>2936</td>
<td>0.77</td>
</tr>
</tbody>
</table>

**Sources:** Canadian Centre for Justice Statistics, Canadian Crime Statistics (1978, 1983, 1993)
Although this value of 15.59 is less than the previous year's value, it nonetheless remains far higher than was first expected when this Chapter was envisioned. Once again, the ten highest values for sexual violence during 1982 were exhibited by:

<table>
<thead>
<tr>
<th>Community</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nanisivik</td>
<td>15.6</td>
</tr>
<tr>
<td>Clyde River</td>
<td>7.0</td>
</tr>
<tr>
<td>Sachs Harbour</td>
<td>6.4</td>
</tr>
<tr>
<td>Pond Inlet</td>
<td>5.0</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>4.2</td>
</tr>
<tr>
<td>Baker Lake</td>
<td>3.8</td>
</tr>
<tr>
<td>Norman Wells</td>
<td>2.9</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>2.3</td>
</tr>
<tr>
<td>Cambridge</td>
<td>2.4</td>
</tr>
<tr>
<td>Snowdrift</td>
<td>2.3</td>
</tr>
</tbody>
</table>

From the standpoint of non-sexual violence, the regional LQCs for 1982 were nearly all lower than their sexual violence counterparts. Kitikmeot region exhibited a non-sexual violence LQC that, although slightly lower than its rate for 1977 at 1.26, continued to be higher than the other regions. Both Inuvik (1.21) and Fort Smith (1.14) regions were in the high end of the normal range of LQC values whereas Keewatin (0.87), Baffin (0.80), and Yellowknife (0.73) regions placed in the low end of the same range. The regional LQC scores for 1982 were only slightly higher than the same scores for 1977.

The community LQC scores for non-sexual violence were uniformly lower than the LQC scores for sexual violence. This is borne out by, first, comparing the previous LQC scores for sexual violence with those which follow and, second, the 1977 and 1982 scores. The community LQC scores for non-sexual violence during 1982 included:

<table>
<thead>
<tr>
<th>Community</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Norman</td>
<td>2.9</td>
</tr>
<tr>
<td>Grise Fiord</td>
<td>2.8</td>
</tr>
<tr>
<td>Snowdrift</td>
<td>1.7</td>
</tr>
<tr>
<td>Fort Liard</td>
<td>1.7</td>
</tr>
<tr>
<td>Tuktoyaktuk</td>
<td>1.4</td>
</tr>
<tr>
<td>Ft. Franklin</td>
<td>1.3</td>
</tr>
<tr>
<td>Ft. Gd. Hope</td>
<td>1.3</td>
</tr>
<tr>
<td>Coppermine</td>
<td>1.3</td>
</tr>
<tr>
<td>Cambridge</td>
<td>1.2</td>
</tr>
<tr>
<td>Rae-Edzo</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Moving into the crime category of property offences, we find that the region with the highest LQC score was the Keewatin at 1.03, a value well within normal range for this type of correlation. Indeed, all but the Inuvik region's score of 0.70 fell within the normal range: Baffin 0.95, Yellowknife 0.92, Fort Smith 0.87, and Kitikmeot 0.85. It is interesting to note that the two highest rankings, Keewatin and Baffin, are two of the poorest regions despite high arts and crafts sales.

During 1982, higher property offence LQCs were also found within those communities which had active arts and crafts industries than those without one. Indeed, within the top ten communities for property crime, five are world famous centres for arts and crafts production, two communities
contribute heavily to that industry, and the final community, Yellowknife, served as a distribution point for many regional arts and crafts industries. These communities included:

<table>
<thead>
<tr>
<th>Community</th>
<th>LQC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Igloolik</td>
<td>1.4</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>1.3</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>1.2</td>
</tr>
<tr>
<td>Arviat</td>
<td>1.1</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>1.1</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>1.1</td>
</tr>
<tr>
<td>Baker Lake</td>
<td>1.1</td>
</tr>
<tr>
<td>Broughton Is.</td>
<td>0.9</td>
</tr>
<tr>
<td>Rankin Inlet</td>
<td>0.9</td>
</tr>
<tr>
<td>Yellowknife</td>
<td>0.9</td>
</tr>
</tbody>
</table>

The area of Other Criminal Code offences during offered a unique opportunity to apply location quotients and location quotients of crime. While Buckley (1996) places the operational parameters for the latter measures as dictating that several high quotients may not operate in the same location, it appears that this parameter might apply only to contiguous areas rather than non-contiguous areas within the same jurisdiction. Indeed, neither Goodall (1987) nor Johnson, Gregory and Smith (1994) have taken this approach noting, instead, that these measures merely reflect the under- or over-representation of the activity within a given area. This has occurred with the LQCs for the Inuvik region for both non-sexual violence (1.16) and Other Criminal Code offences (1.11) during 1982 while the remaining regions reported LQCs that were somewhat lower: Fort Smith (1.07), Yellowknife (0.99), Baffin (0.87), Kitikmeot (0.81), and Keewatin (0.74).

Since the communities of the N.W.T. are both non-contiguous and have routine activities which involve the same major locations (Post office, Northern store, band/municipal offices, recreation centre, and home), albeit in different patterns, it is possible to have two peak location quotients assigned to the same region based on community differences. These same community differences may be seen in Tables 16 and 19 as well as the “top ten” crime communities for Other Criminal Code offences, which include:

<table>
<thead>
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<th>Community</th>
<th>LQC</th>
</tr>
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<tr>
<td>Norman Wells</td>
<td>1.4</td>
</tr>
<tr>
<td>Rae-Edzo</td>
<td>1.4</td>
</tr>
<tr>
<td>Ft. Resolution</td>
<td>1.3</td>
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<tr>
<td>Sanikiluaq</td>
<td>1.3</td>
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<tr>
<td>Aklavik</td>
<td>1.2</td>
</tr>
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<td>Pine Point</td>
<td>1.2</td>
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<tr>
<td>Tungsten</td>
<td>1.2</td>
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<tr>
<td>Ft. McPherson</td>
<td>1.1</td>
</tr>
<tr>
<td>Fort Smith</td>
<td>1.0</td>
</tr>
</tbody>
</table>

**c. LQCs and Crime in the North, 1987**

The Baffin region continued to have the highest location quotients for sexual violence during 1987, with a very high location quotient value of 1.81. The next highest values were found within the Kitikmeot and Keewatin regions which reported high values of 1.30 and 1.29 respectively. The
remaining regions reported normal (Fort Smith 0.98, Inuvik 0.73) and low (Yellowknife 0.46) location quotient values during that year.

The community-level location quotients for sexual violence during 1987 were generally lower than those reported during the previous five-year period. This can be seen within the values reported for the ten communities with highest LQC values for that year:

<table>
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<tr>
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As mentioned in earlier statements, there does not appear to be a noticeable reason for the changes from 1982 to 1987 in the location quotients for sexual violence in the North.

From a regional perspective, the Inuvik region exhibited the highest LQC for non-sexual violence during 1987. While none of the regions made it into the high range for LQCs between 1.25 and 1.75, Inuvik's LQC of 1.16 was nonetheless higher than Baffin's 1.04, Fort Smith's 1.06, Kitikmeot's 1.10, and Keewatin's magic 1.00 position. Although Yellowknife region's LQC fell below that mark at 0.80 it managed to remain in the normal LQC range.

From the perspective of community-level violence, it can be seen that only the communities of Snowdrift, Grise Fiord, and Fort Liard surpassed the LQC scores for the previous benchmark year (see above). The position of these three communities can be seen in relation to the seven other communities which presented the ten highest LQCs for non-sexual violence:

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In keeping with the trend, thus far, in differential rates for sexual and non-sexual violence during both 1987 and the previous two benchmark years we see that the regional LQCs for non-sexual violence were lower than for sexual violence. In terms of the differences between the 1982 and 1987, LQCs for non-sexual violence were only .05 lower that those of the previous benchmark year.
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<td>5577</td>
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**Sources:** Canadian Centre for Justice Statistics, Canadian Crime Statistics (1978, 1983, 1993)
In terms of property offences during 1987, the location quotients for the regions all fall within the normal range for LQC scores. The Keewatin region recorded the highest property LQC during that year with a relative score of 1.21 compared to the scores of the remaining regions which ranged from 0.80 (Kitikmeot) through 0.86 (Inuvik), 0.87 (Fort Smith), and 1.11 (Baffin) to 1.18 (Yellowknife).

In comparison to the property LQCs for the previous two benchmark years, property crime during 1987 contained one noticeable spike and was, otherwise, uniformly low. The majority of LQC scores for 1987 fell below the 1.00 mark. This can be seen within the highest ten scores for property LQCs which include:

<table>
<thead>
<tr>
<th>Location</th>
<th>Score</th>
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<tbody>
<tr>
<td>Snowdrift</td>
<td>6.8</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>1.7</td>
</tr>
<tr>
<td>Clyde River</td>
<td>1.6</td>
</tr>
<tr>
<td>Arviat</td>
<td>1.6</td>
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<tr>
<td>Igloolik</td>
<td>1.4</td>
</tr>
<tr>
<td>Baker Lake</td>
<td>1.4</td>
</tr>
<tr>
<td>Yellowknife</td>
<td>1.3</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>1.2</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>1.2</td>
</tr>
<tr>
<td>Pine Point</td>
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</tbody>
</table>

During 1987, we see that the Kitikmeot region has recorded the highest LQC score (1.18) for Other Criminal Code offences in relation to the other regions. This is reflected in the same relative scores of the other regions: Inuvik (1.10), Fort Smith (1.09), Yellowknife (0.96), Baffin (0.79), and finally, the Keewatin region (0.72). The community level LQCs for this year were not unlike the regional scores. Indeed, they ranged from 0.00 in Grise Fiord to a high of 2.74 in Snowdrift. These differences are presented below:

<table>
<thead>
<tr>
<th>Location</th>
<th>Score</th>
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</thead>
<tbody>
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<td>Snowdrift</td>
<td>2.7</td>
</tr>
<tr>
<td>Fort Franklin</td>
<td>1.5</td>
</tr>
<tr>
<td>Rae-Edzo</td>
<td>1.4</td>
</tr>
<tr>
<td>Ft. Simpson</td>
<td>1.3</td>
</tr>
<tr>
<td>Spence Bay</td>
<td>1.3</td>
</tr>
<tr>
<td>Ft. Resolution</td>
<td>1.3</td>
</tr>
<tr>
<td>Ft McPherson</td>
<td>1.2</td>
</tr>
<tr>
<td>Sachs Hbr.</td>
<td>1.2</td>
</tr>
<tr>
<td>Tuktoyaktuk</td>
<td>1.2</td>
</tr>
<tr>
<td>Cambridge</td>
<td>1.2</td>
</tr>
</tbody>
</table>

During 1987, the issue of a location with more than one peak LQC score (1.18) is revisited, albeit this time at the community level. The predominantly-Dene community Snowdrift managed to present itself as having more than its proportionate share of sexual violence, property crime, and other Criminal Code offences vis-a-vis other communities in the N.W.T.

d. LQCs and Crime in the North, 1992

The Kitikmeot region displaced the Baffin region for the honours of having the highest LQC for sexual violence in 1992. The former's 2.07 LQC value beat the latter's 1.37 value as well as...
those of the remaining regions: Keewatin 1.21, Inuvik 1.08, Fort Smith 0.86, and Yellowknife’s 0.44 value. The community level analysis revealed that sexual violence was declining overall, as measured by LQCs, including:

- Fort Norman 4.9
- Coral Harbour 4.1
- Spence Bay 3.6
- Broughton Is. 3.5
- Snowdrift 3.3
- Coppermine 3.2
- Nanisivik 3.0
- Igloolik 2.8
- Sanikiluaq 2.9
- Pangnirtung 2.4
- Coral Harbour 2.9
- Spence Bay 3.6
- Nanisivik 3.0
- Pangnirtung 2.4

Once again the sexual violence data provides no immediate rationale for the changes in these values from the 1987 benchmark to these values at the end of the study period. As a relative value, however, one can assume that the other crime categories were experiencing growth which would, in turn, reduce the impact of these figures.

The non-sexual violence LQCs for 1992 placed the Keewatin region in the position of having attaining the dubious honour of the highest regional LQC. Indeed, that region’s LQC of 1.27 just managed to enter into the high range of LQC values while the remaining regions ranged from 0.80 (Yellowknife) to 1.18 (Fort Smith) region (see Figure 9). It is interesting to note that none of the community LQCs for non-sexual violence surpassed the LQCs for the same categories during 1987. Other than Fort Providence and Lake Harbour none of these community LQCs climbed from the high to very high range for LQCs. These included:

- Ft Providence 2.3
- Lake Harbour 1.9
- Ft. Liard 1.6
- Cape Dorset 1.5
- Coppermine 1.5
- Coral Harbour 1.5
- Ft. Simpson 1.5
- Resolute Bay 1.4
- Broughton Is. 1.4
- Rankin Inlet 1.4

In terms of the property LQCs for 1992, there were none of the spikes which were present in other crime categories or within the previous discussion concerning property LQCs for 1987. It was the Keewatin region which recorded the highest LQC at 1.10 during this year and one that was not dramatically different from the LQCs of the other regions. Here, it is interesting to note that the three Nunavut regions each scored higher than their Denendeh counterparts:

- Keewatin 2.28
- Baffin 1.88
- Kitikmeot 1.64

- Inuvik 1.49
- Fort Smith 1.49
- Yellowknife 1.48
<table>
<thead>
<tr>
<th>Detachment/Region</th>
<th>Sexual Violence Rate</th>
<th>LQJ</th>
<th>Non-Sexual Violence Rate</th>
<th>LQJ</th>
<th>Property Rate</th>
<th>LQJ</th>
<th>Other C.C. Rate</th>
<th>LQJ</th>
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<td></td>
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<td>8970</td>
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<td>2817</td>
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<td>3636</td>
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<td>5207</td>
<td>0.85</td>
<td>10992</td>
<td>1.09</td>
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<td>2369</td>
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<td>3215</td>
<td>1.12</td>
<td>2707</td>
<td>0.56</td>
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<tr>
<td>Rankin Inlet</td>
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<td>1.58</td>
<td>4821</td>
<td>1.38</td>
<td>5571</td>
<td>0.88</td>
<td>9643</td>
<td>0.92</td>
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<td><strong>Baffin Region</strong></td>
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<td>7776</td>
<td>1.06</td>
<td>12012</td>
<td>0.99</td>
</tr>
<tr>
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<td>n/a</td>
<td>n/a</td>
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</tr>
<tr>
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<tr>
<td><strong>Yellowknife Region</strong></td>
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<td>8768</td>
<td>0.46</td>
<td>44654</td>
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</tbody>
</table>

**Sources:** Canadian Centre for Justice Statistics, Canadian Crime Statistics (1978, 1983, 1993)
This same Nunavut-Denendeh differentiation was also present at the community level of analysis for property offences. The LQC of 2.01 for Baker Lake in the Keewatin region scored higher than those within other regions but not dramatically. Most communities ranked within either the low or high range of LQCs with a smattering within the normal range. This can be seen in the following figures:

<table>
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<tr>
<th>Location</th>
<th>LQC</th>
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</tr>
<tr>
<td>Spence Bay</td>
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<tr>
<td>Gjoa Haven</td>
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</tr>
<tr>
<td>Hall Beach</td>
<td>1.5</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>1.4</td>
</tr>
<tr>
<td>Norman Wells</td>
<td>1.4</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>1.4</td>
</tr>
<tr>
<td>Broughton Is.</td>
<td>1.3</td>
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<tr>
<td>Igloolik</td>
<td>1.2</td>
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</tbody>
</table>

The regional scores for Other Criminal Code offences was dominated by Yellowknife region with its LQC score of 1.11, well within the normal range criteria. Indeed, 'normal' best describes the regional scores since they ranged from Yellowknife's 1.11 to the Inuvik region's score of 0.99 followed by Baffin and Fort Smith regions both scoring at 0.96, and the Keewatin and Kitikmeot regions sharing 0.84 as their LQC.

At the community level, the LQCs for Other Criminal Code offences fell within the lower half of the normal range, i.e., between 0.80 and 1.00, and to a lesser extent into the low range. This is presented in the both Figure 13 and the following figures:

<table>
<thead>
<tr>
<th>Location</th>
<th>LQC</th>
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<tr>
<td>Grise Fiord</td>
<td>1.8</td>
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<tr>
<td>Rae-Edzo.</td>
<td>1.4</td>
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<td>Ft McPherson</td>
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<td>Ft Franklin</td>
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<tr>
<td>Ft. Resolution</td>
<td>1.1</td>
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<tr>
<td>Baker Lake</td>
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<tr>
<td>Iqaluit</td>
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<tr>
<td>Clyde River</td>
<td>1.1</td>
</tr>
<tr>
<td>Cambridge</td>
<td>1.1</td>
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<tr>
<td>Ft. Smith</td>
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v. Conclusion

It must be remembered that, unlike crime rates, location quotients (LQs) and location quotients of crime (LQCs) are relative measures of an activity. In the case of the former, the activity may be anything within the range of human endeavour while the latter is restricted by its definition to the study of crime. As such they offer criminal justice policy-makers and scholars of criminal justice with another, albeit finer, brush which to use in their painting of the picture of crime in their respective jurisdictions.
As with the discussions in the previous chapter, Chapter 5, the work on location quotients and location quotients of crime may be strictly interpreted as "policy-oriented knowledge" or knowledge which has immediate application to the analysis of a policy but which was not undertaken solely to study that policy (Webber, 1992: 389-392). They may also be interpreted in a looser manner as "policy knowledge," since they would not normally be calculated other than to address a specific crime policy issue or problem; the effort for most policy analysts is simply too cost-inhibitive.

The extent to which the policy-maker, regardless of their liberal-conservative world view, makes use of location quotients and location quotients of crime is a personal one. They possess not only the strengths mentioned previously but, most importantly, the independence of not requiring additional data sources or expense to calculate. While the rates per 100,000 population showed that certain crime categories were higher or lower in certain communities, the use of LQCs permits the finer detail of that picture to be painted on our metaphorical canvas. Indeed, by using LQCs, criminologists and criminal justice practitioners alike can give meaning to those high or low rates by pointing out that they are so in relation to other communities and activities rather than just stating "crime happens!"

The crime picture which emerged from this examination allows us to make better meaning of the crime rates per 100,000 population at regional and territorial level and, more importantly, at community level of analysis. Both liberal and conservative approaches to crime policy using location quotients of crime were suggested. As with Chapter 5, this Chapter clearly illustrates that different policy knowledges can result from different policy analysis techniques. Chapter 7 will examine the crime in the Northwest Territories employing a different type of policy analysis, i.e., applying a social science theory through the use of the population and crime data, to help give meaning to our current understanding of the nature and extent of the crime in the North.
Chapter 8

Interpreting the Data and Making Meaning of Northern Crime

The problem is that existing research fails to show which factors are causes of crime and which are merely correlates. This has unfortunate consequences not only for theory development but also for the practical application of theoretical insights. Ideally, prevention and treatment programmes should be based on theories about what causes crime. However, if it is impossible to distinguish between causes and correlates, it is difficult to make recommendations about prevention and treatment.


i. Introduction

It is often difficult to determine the extent of Aboriginal involvement in crime in Canada. While studies in the United States comment on the under-representation of Aboriginal people in the criminal justice system, Canadian studies report opposite findings and explain them through a broad range of theoretical lenses (cf. Griffiths and Verdun-Jones, 1989; Hylton, 1982; Jolly, 1982; May, 1982; Patenaude, Wood and Griffiths, 1992; Peak and Spencer, 1987; Stewart, 1964). Indeed, until recently, many of these same theoretical lenses were employed with little or no consideration of the differences between Southern, urban centres and the realities of life in Aboriginal communities (Patenaude, Wood and Griffiths, 1992). Until such time as emic-oriented, Aboriginal-specific theories are available, outsider accounts and explanations of the problems faced by Aboriginal communities will continue to dominate our understanding of Aboriginal crime and criminality.

The goals of this Chapter are twofold. First, it attempts to provide a balanced summary of the extant literature on Aboriginal crime, including the traditional theories which have been applied to the so-called "Aboriginal crime," and to offer possible interpretations which may be made concerning such crime and criminality amongst Aboriginal peoples in Canada. This summary of the literature will illustrate how it and our own epistemologies have shaped our understandings of the so-called "Aboriginal criminal" and the responses of the Euro-Canadian society and criminal justice system to that offender category. Second, this Chapter seeks to present a type of policy knowledge which is rarely used by criminal justice policy-makers and policy analysts, namely: examining the existing crime and census data from the Northwest Territories through the lens of a theoretical model. A new type of policy knowledge emerges from this approach to crime. Unfortunately, this
type of approach also continues the application of those outsiders' views of how crime should be examined by employing the same Western scientific techniques which a social scientist might also employ in an examination of crime in Toronto, Vancouver, or Little Rock.

In keeping with the traditions established in the previous three chapters, Chapter 8 begins its examination of criminological theories and their applicability to the Northern crime situation by positioning it vis-a-vis Webber's (1982) policy knowledge schema. Although this dissertation has not been written to systematically explain a current policy (policy research) nor to provide a comprehensive account of how a policy actually works (practitioner's experience/clinical knowledge), it does present some aspects of those two types of policy knowledge. A better classification of this dissertation and, in particular this Chapter, would be an example of what Webber (1982) describes as "journalistic knowledge... which is information and reports widely available that describe and explain a policy issue" (1982:389, 395). A chemical weapons analogy may benefit the discussion at this point. The creation of Sarin gas, such as recently used by a doomsday-cult in Japan, employs two binary chemicals which are themselves harmless until combined at which time they change into a poisonous aerosol. This type of policy knowledge may be seen in the same manner as Sarin gas but without the same deadly effects! Alas, both the census data and the crime data employed herein are also relatively innocuous until combined and analyzed using statistical techniques.

ii. The Growth of Criminological Theory

Whenever the phenomena of crime and deviance are explored, two questions usually emerge: "Why the action?" and "Why the reaction by society?" Within the corpus of criminological literature the development and applicability of theory is both oriented towards providing answers to these two questions and subject to often intense debate. American criminologist Delbert Elliott (1985) notes the inadequacies of criminological theory and elaborates on sociologist Hubert Blalock's (1984) earlier comments on sociological theory, stating:

sociological theory in general has fallen into disrepute, and the same may be said for criminological theory. One of the primary reasons for this declining interest in theory is that our traditional explanations for crime are overly simple and, as such, are inadequate to model the actual processes of crime or to account for any major portion of the observed variation in criminal behaviour. Each theory accounts for some small amount of variance, just enough to avoid its rejection and total elimination, but not enough to generate any confidence in its utility for prevention or treatment programming or public policy (Elliott, 1985:125).
Noting such inadequacies, this discussion is based on the premise that crime statistics when presented in isolation are less than adequate to help us understand the nature and extent of crime in the Northwest Territories. Sociologist Larry Laudan (1977:13) correctly notes that "theory tells us what is relevant and problematic about groups of facts. Different theories will assign different relevances to the same group of facts and even, on occasion, uncover new facts. Facts without theory are truly blind."

The following discussions will not offer an in-depth or critical assessment of the construction or testing of propositional knowledge, but will accept that the logical process of social science inquiry, including criminological inquiry, includes:

1. **Theory Assessment**: the comparison of individual theories and derivations with observations/observed criteria.

2. **Theory Choice**: the outcome of the comparison between observations and theory with empirical support giving credibility to that theory.

3. **Theory Growth**: the accumulation of observations in support of a theory or empirical support of that theory (Stinchcombe, 1968:15-30).

It is interesting to note that many of the current criminological theories also become less than adequate when applied to what is, in essence, a cross-cultural study of crime in the Northwest Territories. Inadequate, that is, since they often fail to accept that thematic explanations may offer greater explanatory power than individual theories. It is hoped that this discussion of the crime situations in Canada, the N.W.T., and Nunavut will contribute to the growth of criminological theory.

It has become evident that the discipline of criminology contains two distinct theoretical traditions based upon either an individual or societal (structural) level of explanation. The former tradition contains general "theories" which attempt to explain the criminal or deviant act and the involvement of the actor within it, whereas the latter tradition examines and seeks to understand the responses by the larger society, albeit either the community or state levels, to the original criminal or deviant acts. From within these two traditions have evolved three general themes reflective more of the interdisciplinary nature of criminology rather than the growth *per se* of criminological theory:

1. **Individual Pathologies**: Framed from within the characteristics of the individual offender, this line of inquiry focuses upon the biological sciences and the psychiatric/psychoanalytical explanations of crime and deviance to understand the actions of the individual offender.
2. Social Psychological: Takes its understanding of crime and deviance from within the confines of social psychology and attempts to understand the relationships between people in order to understand not only how and why the state defines certain behaviours deviant but, more importantly, to understand how individuals acquire and maintain values which are criminal or deviant.

3. Structural: A macro-level of analysis, this stream of inquiry seeks to understand both the individual behaviour and the societal responses to crime and deviance by examining the interactions between various structural variables (economics, politics, class structure, power, etc.) and the dialectics between them over time.

American criminologist Robert Meier (1985) adds that a discursive approach to criminological theory has evolved which merely portrays it "as though it were information (facts) rather than an orientation with which to interpret events and their contents" (1985:11). Substantive criminological theory, he claims, has developed around specific theorists rather than their respective theories or perspectives which has, in turn, become the major emphasis within the discipline. Meier (1985:14) tentatively notes that such an emphasis has contributed to a state of theoretical stagnation within criminology with certain personalities, he claims, becoming revered while their theories have not generated new research.

However, as criminologists, we cannot afford to discard a theory or thematic cluster merely based upon the rigidity of our theoretical construct to reject a phenomena, if most but not all of the components are present to support it. If such were the case, this field of inquiry would be left with few theoretical tools. This is especially the case within the study of crime among Canadian Aboriginal populations.

iii. Applying Current Criminological Theory to Crime Amongst Aboriginal Populations

a. Theories and Thematic Models Describing “Aboriginal” Crime

The causes of so-called "Aboriginal" crime and criminality are just as varied as those within the non-Aboriginal society. The fact that Aboriginal peoples are not involved in the definition processes and examination of "Aboriginal" crime is not atypical of the situation in which the Aboriginal peoples have found themselves vis-a-vis mainstream Canadian society. However, trends within the literature may be identified as belonging to one of five main themes:

1. Adjustment/Acculturation: Scholars within this paradigm tend to view criminality and conflict with the law are consequences of not only colonization but also
competition within the social environment (Park, 1950). Influenced heavily by the social ecologists of the Chicago School, this paradigm is typified by the work of Park (1950) who regarded Aboriginal criminality as a result of competition between the dominant majority and the subordinate minority and difficulty experienced by Aboriginal peoples in relating to the dominant society and its institutions (French and Hornbuckle, 1977; French, 1982; Park, 1950).

2. **Social Disorganization**: Related to the works cited above, social disorganization theorists such as May (1977) move past the colonization process to the results of that process. Involvement in crime among Aboriginal peoples and involvement with the criminal justice system are, according to May (1977, 1982) due to culture conflict between the Aboriginal culture and that of the dominant society and the resultant breakdown of community and leadership structures as well as other internal mechanisms of social control. May (1982) suggests that cultural and individual susceptibility to internal and external pressures are expressed in numerous manners such as substance abuse, family breakdown, crime, etc. Indeed, lower susceptibility correlate to lower crime rates.

3. **Traditional Social Organization**: The values and beliefs held by the Aboriginal and non-Aboriginal societies are in conflict (Sellin, 1938). Patterns of crime and deviance vary across cultural groups based on the types of behaviours allowed or encouraged by the group. Such behaviours may conflict with the dominant, non-Aboriginal legal systems (Levy and Kunitz, 1974). Examples may be drawn from non-Aboriginals defining crime among Aboriginal people such as occurred among the Pacific Coast with the enactment and enforcement of the anti-potlatch laws (Cole and Chaikin, 1990).

4. **Overt and Covert Discrimination**: This paradigm is predicated upon the abstraction that Aboriginal peoples are more visible to the agents of the criminal justice system, such as police and, once detected, are more likely to become involved in the criminal justice process. An example from this paradigm may be found in the functionalist-oriented writings of Thatcher (1986) who argues that "public intervention in the social problems of Native peoples has been primarily oriented towards social control rather than towards positive social development" (1986:273). Randall and Randall (1978) argue that as colonized peoples, Aboriginal peoples are unlikely to "escape" from the criminal justice system once they are swept into its flow and processes.

5. **Natives as Victims of Socio-Structural Deprivation**: Resulting from a history of contact that is best described colonial or internal colonial in the manner presented by Kellough (1980) and Havemann (1989), Aboriginal peoples are perceived as occupying a dependent and victimized position within North American societies. Although difficult to measure according to Griffiths, Yerbury and Weafer (1983), the normative and structural powers of the non-Aboriginal society contribute to the depressed economic and social conditions and increased likelihood of conflict with the criminal law within the Aboriginal society. In similar style may be found Minnis' (1963) study of crime among the Shoshoni-Bannock in Idaho which illustrated that crime there was highly correlated to the prevalence of individuals possessing low education, poor or low economic status and dependence upon social assistance or welfare.
It is possible to discern individual pathology, social psychological, and structural themes within these five genres which are neither mutually exclusive nor unfettered of detractors. Let us briefly examine three examples of these theoretical perspectives and their relative explanatory value. The first perspective, relative deprivation, offers a model which shares much in common with the psychoanalytical aspects of the individual pathologies theme.

Employed by anthropologist David Aberle (1972), relative deprivation is distinct from the economically-oriented concept of absolute deprivation which links poverty with criminal behaviour. Relative deprivation however, is linked with the loss of economic or personal status among a group and the difference between an expected and actual state of affairs. This can be seen in Aberle's (1982: 209) definition of relative deprivation as:

a negative discrepancy between legitimate expectation and actuality. Where an individual or group has a particular expectation and furthermore where this expectation is considered to be a proper state of affairs, and where something less than that expectation is fulfilled... The discovery of what constitutes serious deprivation for particular groups or individuals is a difficult empirical problem. It requires careful attention to the reference points that people employ to judge their legitimate expectations, as well as to their actual circumstances. Among the obvious reference points that can be, and are used for such judgements are: (1) one's past versus one's present circumstances; (2) one's present versus one's future circumstances; (3) one's own versus someone else's present circumstances.

An example of this concept in action may be found in the situation experienced by many Inuit shamen, who witnessing their power and prestige bases being eroded, converted with a dramatic flair to Christianity in an effort to regain their previous status and social prestige (Jenness, 1964; Saladin d'Anglure, 1984).

The second perspective, underdevelopment as promoted by Joseph Jorgensen (1971), offers a structural model of explanation. Building on the notion that the colonial or neo-colonial power will highly develop some areas (development) of a country or region while partially developing (underdevelopment) or ignoring other areas (undevelopment), Jorgensen (1971) offers this model as an explanation for the social problems experienced by the population of the underdeveloped area. Such impoverishment, he argues, is one of the root causes for the social ills of the people living under those conditions.
It should be pointed out, however, that the underdevelopment model is distinct from the more common acculturation model used by Lawrence French and John Hornbuckle (1977) and others. Rather than arguing that the Aboriginal peoples are merely another of many racial or ethnic groups in the society which are undergoing assimilation, the underdevelopment model holds that the population of the hinterland regions are geographically, politically and culturally separated from the dominant society (Jorgensen, 1971:68). What often emerges from this sort of relationship is the structural and normative dependency described by political scientist Gail Kellough (1980:344) as "...the structural component by which the colonizers possess the power to determine the institutions of the colonized.... [whereby in normative control] the colonizers possess the power to define the reality of the colonized." Jorgensen (1971) asks his readers to examine the historical context of the dominant-subordinant relationships and the extent of the poverty and underdevelopment within the subordinant area to find support for his model. While Jorgensen's underdevelopment model could apply to the entire N.W.T., there are regions within that jurisdiction, notably the Keewatin and Kitikmeot Regions, which have been underdeveloped within and by the Northwest Territories.

A third theoretical model, reintegrative shaming, has great potential for explaining the differences in crime between Aboriginal communities in the N.W.T. is provided by Australian criminologist John Braithwaite (1989). This social psychological model of crime offers the view that the manner by which an individual is treated by the community will determine his or her adopting a criminal label and future criminal actions. The following paragraphs place this model in perspective.

Whereas the literature has shown a high degree of value differentiation exists between Aboriginal and non-Aboriginal inhabitants of the North and traditional and modem systems of social control, this is changing in the modem Northwest Territories. Today, changing norms and mores within both Aboriginal and Euro-Canadian societies point to law as a dynamic process. Regardless of their ethnic background, many Northern community residents express a definition of "crime" which was in harmony with the traditional Aboriginal methods of resolving the conflict and restoring harmony through the use of a holistic approach involving the offender, the victim and the community-at-large. Where there exists disagreement between these two legal belief systems, however, is in the identification of criminal incidents and the sanctions to be imposed on the actor. Although serious offences were treated harshly, such as when the actor or action threatened the survival of the group, traditional Northern Aboriginal law was a restorative system of law and social control. Its major premise was that the immediate conflict must be resolved and order restored through the use of informal and formal sanctions.
High degrees of communitarianism and interdependency between individuals within traditional Northern Aboriginal society contributed to a restorative system wherein stigmatization was low, indeed, many Dene and Inuit elders have commented that within their traditional culture there was no stigmatization. Reintegrative shaming figured prominently within traditional Aboriginal society. Indeed, such reintegrative shaming may include what Braithwaite (1989) describes as:

Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. These gestures of reacceptance will vary from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant. Disintegrative shaming (stigmatization), in contrast, divides the community by creating a class of outcasts. Much effort is directed at labelling deviance, while little attention is paid to de-labelling, to signifying forgiveness and reintegration (1989:55).

Notwithstanding those actions which the community disliked or labelled "bad", the actor remained a good person in need of help to stop doing such bad things. Once help was given and the "bad" actions ceased, the good person remained (Patenaude, 1991, 1992).

Using numerous data sources and techniques (e.g., census, suicide reports, crime reports, interviews and focus groups) it may be possible to use this model in a predictive manner. Having identified low and high crime communities using the UCR statistics, it may be identify community level characteristics which promote crime-free lifestyles and measure their effectiveness over a period of time. For example, what methods of social interaction within the community of Lake Harbour contributed to its low crime violent rates during the 1980s decade? Could these same factors be promoted by community development specialists in other, higher crime communities?

b. “Other” Contributing Factors in “Aboriginal” Crime

Although the "Canadian" of 1992 is no longer the Canadian of 1867, the analogy is even more dramatic when applied to the Aboriginal person in Canada. The "Indian" of 1867 is no longer present even though, until recently, the federal government treated many as if time had indeed stood still. As mentioned previously the general social conditions under which many of Canada's Aboriginal population may be seen as an exemplar of structural victimization (Fattah, 1991; Hagan, 1974, 1983; Patenaude, 1990; Trevethan, 1991). This victimization may be seen in the "pervasive poverty, high rates of unemployment and reliance upon public assistance, low levels of formal
education, high rates of death from accidents and violence, and increasing rates of family breakdown" (Griffiths and Verdun-Jones, 1989:546).

1. Demographics

Notwithstanding the wealth of information contained within the census, most researchers of Aboriginal peoples and issues in Canada have discovered that such data sources do not collect accurate information concerning race or ethnicity. In order to gather data on ethnicity, other sources must be sought out (Trevethan, 1991). During a recent investigation into crime among Aboriginal persons living in urban centres in Western Canada, Shelly Trevethan (1991:3) noted that "in order to examine Aboriginal and non-Aboriginal crime, however, other data sources were required since the aggregate Canadian UCR survey does not provide adequate person characteristics" unlike the American UCR survey which captures ethnic data concerning "Whites, "Blacks", "Hispanics", "Asian/Pacific Islanders", and "American Indian/Alaskan Natives." In contrast to the U.S. census, the Canadian census asks respondents to identify their mother tongue which, in turn, leaves researchers making assumptions concerning the ethnic composition of a rural community which includes Francophone O'Meara, Anglophone LaLiberté, and Slavey-speaking Blondin.

Census data was utilized to determine the social, economic and demographic indicators present within the "Aboriginal community" in Canada. What was revealed was quite startling when compared with the overall Canadian population: the average Aboriginal population increase was 2 percent per year compared to 1 percent for non-Aboriginals since 1924, while the natural increase rate was 18 per 1,000 population as compared to 9 per 1,000. Interestingly, the registered Indian population which is comprised solely of "treaty" or "status" Indians showed a three-fold increase from 1881 to 1981 (Frideres, 1988).

Similar examinations of the age groupings within the Aboriginal and overall Canadian populations support anthropologists James Frideres' (1988a, 1988b) and Linda Gerber's (1979, 1984) and demographer Andrew Siggner's (1986) assessments of the rates growth, composition and mobility among the Aboriginal population. Written prior to the 1991 census, these authors report that the Aboriginal population is extremely young, 40 percent are under fifteen years of age, and mobile as evident in the twenty-two percent decrease in the number of Aboriginal persons living on reserves, from approximately 85 percent to 63 percent, since 1981. Although this population shift from primarily-rural reserves to urban centres has shown signs of stabilizing during the last few
years, the urban Aboriginal person faces economic, social and housing difficulties which are similar to those faced on the reserve but without much of the extended family and support networks available on the reserve.

Within *Aboriginal Crime in Urban Centres*, Trevethan (1991) reviewed the demographic and socio-economic indicators among the Aboriginal and non-Aboriginal populations of four Prairie communities: Calgary, Edmonton, Regina and Saskatoon. Using census, UCR1 and UCR2, and other information sources, Trevethan's (1991:7) research revealed:

- higher ratios of Aboriginal males to Aboriginal females;
- lower median age (approximately ten years) among the Aboriginal population;
- approximately 97 percent of those interviewed spoke English-only.

Although the two territories revealed a higher percentage of Aboriginal language retention and use, these findings were generally supported by the *Aboriginal Peoples Survey* (1991).

2. Education

The move from residential to federal day schools permitted was the first step down the road to local and Band control of education. Although contributing to gradual increases in autonomy for the local community they mitigated against large numbers of Aboriginal students continuing past grades 6 and 7 as the student would most likely have to leave the community to attend school in a regional centre (Frideres, 1988b; Gustafson, 1978; Patenaude, 1991, 1992). Utilizing census data, Frideres (1988b) offers the following trend within Aboriginal education.

For his part, educator Robert Gustafson (1978) utilized Department of Indian Affairs and Northern Development figures for the number of registered Indians enrolled in school, he presented an interesting comparison between education in the Third World and Canada's Fourth World. Notwithstanding national pride, those comparisons are too striking for Canada and its Aboriginal peoples to ignore. As noted by Frideres (1988b), the trend is somewhat encouraging but far from ideal. Further in his discussion, however, Frideres (1991) notes that the drop-out rate of Aboriginal students increased dramatically after grade 6 and estimates that absentee rates, prior to and including that grade, at 40-50 percent. While the levels of education among Aboriginal peoples appear to be increasing, the Aboriginal/non-Aboriginal gap remains great.
In spite of the conditions mentioned here, this observation was not supported by Trevethan (1991), who noted urban Aboriginal persons within her study group remained in school longer than their compatriots residing on reserves which she contributes to increased educational opportunities within urban centres. In addition, she notes that her study group showed a larger proportion of secondary school enrolment than non-Aboriginals, but a significantly lower proportion of post-secondary education (Trevethan, 1991:7).

3. Employment/Unemployment

Another expression of the "we can't talk ethnicity because it could be interpreted as racist" theme is the lack of verifiable data concerning Aboriginal employment/unemployment. This thread which has woven itself throughout the census data to the point where even the Department of Indian Affairs and Northern Development is unable to provide researchers with accurate figures concerning Aboriginal participation in the labour force! Notwithstanding having just vented one's spleen, the best estimate of Aboriginal participation ranges from 30 to 56 percent compared to over 60 percent for the non-Aboriginal population (Frideres, 1988a, 1988b; Hawthorn, 1966; Siggner, 1986; Trevethan, 1991). Similarly, the unemployment rate among Aboriginal peoples have been estimated between 35 and 75 percent with many of those persons so employed in seasonal and part-time labour (Frideres, 1988b; Siggner, 1986).

4. Correlations Between Socio-Economic Conditions and Crime

Within one of the few texts dedicated to studying the interrelationships between demographics — notably age, gender, race/ethnicity and social class (including employment, income, education, and marital status) as well as substance abuse — and crime, demographer Ronald Flowers' Demographics and Criminality (1989) offers examples how these factors affect our understanding of crime. Recent Canadian studies have offered similar views, yet fail to correlate them with the issue of Aboriginal over-representation within the criminal justice processes (Alberta, 1991; Arthur, 1991; Manitoba, 1991; Patenaude, Wood and Griffiths, 1992; Trevethan, 1991).

Inasmuch as this trend has not yet proven the strength of these correlations, both Aboriginal and non-Aboriginal writers are examining the issues of demographics and crime. For example, criminologists Simon Verdun Jones and Gregory Muirhead (1979/80) discuss the position of Aboriginal peoples within the criminal justice system and argue that Aboriginal peoples are living
within a "structural prison" provided by statute and government programmes and shaped by the economic and social histories of Canada.

Mary Hyde and Carol LaPrairie (1987) point out that in conjunction with the pervasive poverty inherent to the marginalized position occupied by Aboriginal people vis-a-vis the non-Aboriginal society, Aboriginal crime patterns assume a distinct pattern from that among non-Aboriginal communities. Indeed, they identified a larger number of alcohol-related violence, usually among family/extended-family members than among non-Aboriginal peoples and a near absence of economic crime such as fraud, drug-trafficking and prostitution (1987:55-56).

Another interesting view of the possible correlation between socio-economic conditions and Aboriginal crime is offered by criminologist Donald McCaskill (1970, 1985). Within the first component of his longitudinal study of Aboriginal criminality in Manitoba, McCaskill (1970) noted that "the problem of Native criminality is closely tied to the general socio-economic conditions which prevail in most Native communities and... any overall solution to the former situation entails a solution to the latter" (McCaskill, 1970:20). These results were re-examined in light of his subsequent research during 1984 which revealed that:

Although the situation is not as severe as in 1970 in the areas of educational attainment, level of skill and record of employment, the important areas of family instability and alcohol abuse remain as serious a problem for Native offenders now as they were in 1970. Indeed, even improvements in education and economic status must be viewed in perspective. The relatively low levels of education and skill and the high rates of unemployment imply that a life of economic stability is still well beyond the reach of the majority of Native offenders (McCaskill, 1985:24).

McCaskill (1985) also compared the changes within the patterns of crime among Aboriginal communities between 1970 and 1984. During the former period McCaskill found the majority of offences were unpremeditated, involved either theft or assault and involved alcohol whereas his latter study revealed that Aboriginal inmates in Manitoba had committed a larger number of crimes with a concomitant increase in crimes of violence and sex-related offences. In comparison to non-Aboriginal inmates, Aboriginal inmates within both provincial and federal institutions were incarcerated more frequently for serious crimes against the person.

During the conduct of his research, McCaskill (1985) noted that several changes within the Aboriginal communities had occurred which had functioned to reduce the crime rates in those
communities. These included: strong leadership, an increase in community awareness and participation in crime control and crime prevention, and a resurgence of traditional methods of social control. These changes were part of a growing movement through which Aboriginal peoples assumed increased control over their economic, political, and social affairs (McCaskill, 1985:48). However, he also proposes that a factor in Aboriginal criminality may be individual pathology, arguing that "for some Native offenders being Native may almost be irrelevant to their criminal activity" (McCaskill, 1985:62). The Blood Tribe echoes this view concerning the correlates of Aboriginal crime, noting:

The over-criminalization of Aboriginal people in Canada defies conventional criminological assumptions. For instance, although there is a well known correlation between poverty and crime, as well as urbanization and crime, these arguments do not adequately explain why Aboriginal people are over-represented in Canadian prisons. Furthermore, Aboriginal crime is simply not an extension of their alcohol problem, as some authors seem to suggest.... the key to ascertaining the antecedent causes of Aboriginal incarceration lies in their history of oppression, colonization, exploitation of their lands and resources, and the detrimental policy basis of the past Indian Acts. Coupled with the fact that the criminal justice system is primarily as white middle classed male institution with no concept or understanding of Indianness (Alberta, 1991:8/1-2).

iv. The Need for Theoretical Integration

The concern over theoretical "blindness" or the ignoring of other plausible and often related explanations may result in an incomplete picture of crime or a picture that is somewhat out-of-focus. A researcher employing the individual pathologies model, for example, may choose Lombrosian wine in a new bottle by investigating, as recently occurred in Yellowknife, the incidence of fetal alcohol effect/syndrome (FAE/FAS) among prison inmates as a causal factor in crime. The researcher attempted to identify those inmates diagnosed as FAE/FAS sufferers, the number of incarcerations and the cost associated in the prosecution and incarceration of such individuals. Such linkages were not made and to attribute criminality to persons suffering from FAE/FAS fails to address other more plausible factors such as criminal labelling or the influence of alcohol in the nature of the victimization. Similarly, as sociologist Ronet Bachman (1992) noted, the researcher interested in homicide rates among Aboriginal populations may be led to believe that a high degree of murder offences are committed in comparison to the nearby non-Aboriginal population while ignoring such factors as the intent of the actor and the impact of the availability of emergency health care services in region.
Concluding this discussion of current and alternative theoretical models for explaining crime among predominantly Aboriginal populations, we need to remember that although we may devise our research strategy and instruments to meet the rigour of a certain theoretical criteria, our choice of models and methods will dictate how full our canvas is painted with the picture of crime. As incisive as the previously mentioned general themes and specific theories may appear to be, there still remains a need for integration rather than competition to paint an adequate picture of crime in Canada's Northwest Territories.

v. Testing Southern Theories of Crime in a Northern Policy Arena

a. Theory: Poverty, Income Inequality, and Community Crime

The earlier discussion by Flowers (1989) concerning the relationship between economics and crime offers a springboard into the area of theory testing. The relationship among poverty, income inequality, and other aggregate economic measures and crime have been advanced since the pioneering works of Guerry (1833) and Quetelet (1835) to the more recent works of Banfield (1970, 1974), Harrington (1971), and Wilson and Herrnstein (1985). Indeed, many theorists have placed economic inequalities as a component within not only conflict theories (Bonger, 1916; Taylor, Walton, and Young, 1973), but also strain theory (Merton, 1949), and social disorganization theory (Shaw and McKay, 1942).

The fact that aggregate economic measures are found within several criminological theories is indicative of an understanding of three points: first, that unless basic human needs (i.e., clothing, food, shelter) are provided for, people will turn to other means to attain them, second, that there is a difference between crime in environments of either absolute or relative deprivation, and, third, that further theoretical development may be required. Violent offences, for example, have been shown to be both higher (Sampson and Castellano, 1982; Sampson, 1986) and lower (Decker, 1980) in areas of high poverty.

The notion of what constitutes 'poverty' is also problematic for criminologists. Whereas the typical definition of poverty may be seen as the polar opposite of wealth, sociologist Edward Banfield (1970, 1974) defines poverty as including:

- destitution, which is lack of income sufficient to assure physical survival and to prevent suffering from hunger, exposure, or remedial or preventable illness;
- want,
which is lack of enough income to support “essential welfare” (as distinguished from comfort and convenience); hardship, which is lack of enough to prevent acute, persistent discomfort or inconvenience; and relative deprivation, which is lack of enough to prevent one from feeling poor by comparison to others” (Banfield, 1970:116).

Generally speaking, according to Banfield (1970, 1974), “what constitutes poverty in American society is not a problem of income level but one of income distribution.” Indeed, Banfield notes that:

A serious difficulty exists insofar as it is relative deprivation that constitutes poverty. It is usually assumed that only great inequalities of income make people feel poor in this sense.... Finally, it may be that poverty in the sense of relative deprivation is only incidentally related to a lack of material things, and that therefore even “equality” of income (whatever that may mean) would leave as many people “poor” - i.e., feeling deprived - as before... If he is right, no amount of income redistribution can reduce, much less eliminate their poverty; it consists not of a lack of income, but of lack of status (1970: 123-124).

Within the context of the North, relative deprivation has been a growing concern since the arrival of television in the region (cf. Valaskakis, 1987; Wilson, 1987). Communication specialist Thomas Wilson (1987) noted that Inuit children and teens have been identifying more and more with the images of the South than the North and their traditional cultures and, thus, are experiencing a societal form of relative deprivation. This has been supported by a growing dependency on government-provided financial and other assistance that is consistent with the practices of internal colonialism amongst Aboriginal populations elsewhere in North America (see Bachman, 1992).

This dependency on government handouts has been examined by American anthropologist Oscar Lewis (1969) in his discussions concerning the “culture of poverty.” He believed that this “culture” was an protective adaptation to the harshness of their environment by the very poorest segments of society and, in turn, was transmitted from generation to generation. Although they generally accepted temporary aid and assistance from outside agencies, members of this “culture” often resisted large-scale and/or permanent efforts to reform their lifestyle. British human geographer Brian Goodall (1987) has pointed out that this “cycle of poverty”, as he describes Lewis’ “culture of poverty”, may be defined as “a self-perpetuating cycle of social malaise and deprivation transmitted from one generation to the next and reflecting the interdependence of unskilled work, low incomes, poor living conditions and poor educational opportunities” (1987:110). What is
common to Banfield (1970, 1974), Goodall (1987), Lewis (1969), and others has been an ascription of low status to the poor and a tendency towards victim-blaming in their regard. Many of these same terms have been used to describe the lives and living conditions of Canada’s Aboriginal peoples (cf. Alberta, 1991; Manitoba, 1991; RCAP, 1996) and to blame them for the situation in which they may find themselves.

As presented within Figure 52, both violent and property crime may be explained by the use of poverty as an independent variable, albeit one which needs to be operationalized as a number of smaller variables rather than as one large, all-encompassing variable. Also presented within Figure 54 are a number of smaller variables which, according to Banfield (1970, 1974) can be operationalized as correlates to crime, namely: low income, low education, unemployment, and overcrowding. These same variables have been used in conjunction with others to examine Native American crime by Bachman (1992). In her Death and Violence on the Reservation: Homicide, Family Violence, and Suicide in American Indian Populations, Bachman operationalized poverty to include unemployment, percentage below the poverty line, and youths aged 16-19 years not
attending school. In addition to these variables, she added: divorce, single female households, persons aged 15-24 years, movement in the past year, and percent Natives to her examination.

b. Data and Measures:

The data used in this section were gathered as part of the 1991 Canadian Census and the Uniform Crime Reports for the same year for the Northwest Territories. The data collected and reported within the census included:

...Part A provides basic demographic, mother tongue, dwelling, household and family data collected from all households, that is, on a 100% basis. Part B provides data collected from a 20% sample of households on characteristics such as home language, ethnic origin, place of birth, education, religion, labour force activity, housing costs and income (Statistics Canada, 1992: preface).

As both Parts A and B of the 1991 Canadian census for the Northwest Territories were employed, additional work was required to synchronize these two different measures, i.e., the 20 percent and 100 percent reports. The data from Part B was assigned a weighting that multiplied their individual values by a factor of five. This enabled the data from both Part A and Part B to be combined with the annual crime summaries for each community for 1991.

The annual crime summaries were completed using the annual UCR summaries provided by the Canadian Centre for Justice Statistics (CCJS). There were a total of 11 summaries created, including:

- Sexual Violence
- Non-Sexual Violence
- Total Violent Offences
- Property Offences
- Other Criminal Code Offences
- Total Criminal Code Offences
- Drug Offences
- Other Federal Offences
- Territorial Offences
- Municipal By-law Offences
- Total Criminal Offences

using the detachment-level summaries for each crime category. These same summaries contained information concerning the numbers of actual offences, offences cleared by charge and otherwise, and persons charged. Using the number of actual number offences and population figures for each community, rates of crime were calculated each community.
Only the number of actual offences were used in this examination of the so-called "culture of poverty" and crime. Wherever it was necessary to do so, the census and crime data for those communities policed by a single RCMP detachment were combined to reduce any possible errors in calculation, i.e., population data for Yellowknife and Dettah were recoded as a single case since the Yellowknife detachment policed both communities and reported crime as "Yellowknife."

Having examined Banfield's (1970) model, it was decided that Bachman's (1992) model offered greater explanatory power at both the state and reservation-county levels of aggregation. Although this Chapter does not seek to prove any hypothesis, rather it seeks to show the utility of such an approach, Bachman's (1992) hypotheses included:

1. The higher the level of social disorganization within an American Indian community, the higher the level of lethal violence.
2. The higher the level of economic deprivation within an American Indian community, the higher the level of lethal violence.

She then went on to operationalize social disorganization and economic deprivation somewhat differently for each level of aggregation. At the state level of aggregation, Bachman (1992) employed the following operationalizations:

*Economic Deprivation.* The indicator used to measure economic deprivation was a two-item index composed of the percentage of American Indian families that fell below the poverty level (U.S. Bureau of the Census, 1980) and the percentage of the American Indian populations that was unemployed (*The World Almanac, 1988*).

*Social Disorganization.* The divorce rate was used in this analysis as an indicator of social disorganization (U.S. Bureau of the Census, 1980) (Bachman, 1992: 62), whereas at the reservation-county level of aggregation, she employed:

*Social Disorganization.* A two-indicator social disorganization index designed to measure the degree of instability in reservation communities was constructed. The index includes measures of geographic mobility and female-headed households.... Two specific indicators included in the index are (1) the percentage of American Indian families who are female-headed with no husband and with children under the age of eighteen and (2) the percentage of American Indians who did not live on the same reservation in 1979 or 1980...

*Economic Deprivation.* An index intended to measure the extent of economic deprivation in reservation counties was constructed in the same manner described
above. This index includes (1) the percentage of American Indian Families below the Social Security Administration’s defined poverty level, (2) the percentage of American Indians unemployed, and (3) the percentage of American Indians aged sixteen to nineteen who are not enrolled in school and who are not high-school graduates (i.e., the drop-out rate... (Bachman, 1992: 71-72).

The results of Bachman’s examination were less than stellar on both levels. At the state-level of analysis, she employed a bivariate correlation that produced a strong correlation between percent American Indian unemployment and American Indian homicide in an adjusted R-squared of .42 with percent American Indian and percent American Indian population between fifteen and twenty-four years showing correlations of .23 and .26, respectively (Bachman, 1992: 65). At the reservation-county level, her examinations produced a R-squared of .31 for percent of American Indians aged sixteen to nineteen who are not enrolled in school and far lower for the remaining variable (Bachman, 1992:73). As a result of her examinations, Bachman was able to find support for her second hypothesis at the state level and for both hypotheses at the reservation-county level.

It was initially contemplated that a replication of Bachman’s (1992) study would be possible. This was not to be the case, however, as a number of her variables measured the same or similar conditions and new variables would need to be created. Employing violent offences as the dependent variable, the following independent variables were employed in this regression analysis:

1. **POOR**: Percent Poor; this includes the percentage of families which reported annual incomes below $29,000 from all sources;
2. **BSXUNEM**: Percent Unemployed; this includes the percentage of both sexes over 15 years who were unemployed within that community;
3. **TYNG1524**: Percent Young; this includes the percentage of those individuals who are in between the ages of 15 and 24 inclusive who are most likely to be affected by economic and social conditions and involved in crime;
4. **SCH913WO**: Percent Low Education; this includes the percentage of those individuals over age 15 who have attended at least Grade 9 but have not attained Grade 12 matriculation;
5. **NATIVE**: Percent Aboriginal First Language; this includes the percentage of individuals who reported their first language, or mother tongue, was one of the Aboriginal languages reported in 1991 Census.
6. **MOB1MOVE**: Percent Moved; this includes the percentage of families which have changed residences at least once during the past year;
7. **TFPARFAM**: Percent Female Headed Households; this includes the percentage of households which reported a woman as a the head;
Upon further examination of these variables further it was discovered that more than one variable attempted to measure the same condition, e.g., the variables “poor” and “unemployed” measured similar economic conditions the N.W.T. as social assistance rates could maintain a household near the high end of the “poor” range.

c. Findings: What are the Correlates of Violent Crime?

This exploration into the use of theory testing to create policy knowledge produced results that were quite different from those produced by Bachman (1992). For all intents, this exploration corresponded to Bachman’s (1992) reservation county-level examination as only a single jurisdiction, rather than several states, was studied.

Since it was believed that the two variables “poor” and “bsxunem” were measuring the same condition, it was decided to examine their impact on the model independent of each other. The two regressions produced similar results resulting in “poor” was chosen as it produced a slightly higher correlation score than “bsxunem.”

| Table 20 |
|------------------|------------------|------------------|------------------|------------------|------------------|
| Correlation Matrix of the Violent Offences, 1991 | | | | | |
| VIOLENCE | NATIVE | POOR | SCH913WO | TFPARFAM | TYNG1524 |
| Pearson VIOLENCE | 1.000 | .286 | .050 | .710 | .775 | .745 |
| Correlation NATIVE | .296 | 1.000 | -.042 | .021 | .055 | .159 |
| POOR | .050 | -.042 | 1.000 | .134 | .134 | .130 |
| SCH913WO | .710 | .021 | .139 | 1.000 | .977 | .977 |
| TFPARFAM | .775 | .055 | .134 | .977 | 1.000 | .972 |
| TYNG1524 | .745 | .159 | .130 | .977 | .972 | 1.000 |

Surprisingly, the bivariate correlation produced results which contradicted both Banfield (1970) and Bachman (1992). The overall model produced an adjusted R-squared of .589 with the variable TFPARFAM, or total female parented families, scoring a slightly higher adjusted R-squared of .601. Unlike Bachman (1992), this correlation model failed to support the notions that the being native and poor were correlated with violence, producing R-squares of .050 and .296, respectively. This is contrasted by the model illustrating that the percentage of female-only parented homes, the percentage of persons aged 15 to 24 years, and not having completed high school were highly correlated with violent offences in the North.
One of the reasons why these indicators might be as high as they appear is that the variable SCH913WO covers up to Grade XII. When this variable is replaced with a variable measuring less than Grade IX there is only a minor increase in the both education and overall $R$-squares. Another reason may be the influences of auto-correlation (see Brantingham and Brantingham, 1984).

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
</tr>
<tr>
<td>1. (Constant)</td>
<td>.349</td>
<td>18.151</td>
</tr>
<tr>
<td>NATIVE</td>
<td>6.435E-02</td>
<td>.031</td>
</tr>
<tr>
<td>POOR</td>
<td>-7.069E-03</td>
<td>.020</td>
</tr>
<tr>
<td>SCH913WO</td>
<td>-.156</td>
<td>.163</td>
</tr>
<tr>
<td>TFPARFAM</td>
<td>2.842</td>
<td>.828</td>
</tr>
<tr>
<td>TYNG1524</td>
<td>-8.860E-02</td>
<td>.161</td>
</tr>
</tbody>
</table>

Although there are other statistical techniques which can deal effectively with such a small data as these, linear regression was chosen due to its simplicity and ease of manipulation. When a linear regression was applied to the same model new indicators emerged. Indeed, the relationships between percentage of female headed families and native ethnicity, at 1.7 and .27 respectively, and violence were far greater than those for young and poorly educated which were negatively correlated to violent behaviour. Indeed, if this were an exercise in hypothesis testing, as it was for Bachman (1992), if a tighter model would have been developed.

vi. Conclusion

This Chapter sought to illustrate the current position of Canada's Aboriginal peoples vis-a-vis crime and criminal justice through an examination of the extant literature and an application of a single theory, or thematic model, to the latest demographic and crime data from the Northwest Territories. To accomplish such a task as illustrating the current position of the Aboriginal peoples would require far more space than this and other chapters have devoted to them. Indeed, providing an annotated bibliography of the graduate theses and dissertations written on Aboriginal peoples and issues would require more pages than this dissertation since one has to account for the archaeological record, the history of contact, and, finally, contemporary issues and events!
The state of social science theory is that it may be poised at the edge of the precipice and contemplating its journey through a paradigm shift. The integration of social science theories from numerous discipline and the creation of "thematic models" may be the first steps in that paradigm shift.

Yet, as we glance down the road which we have taken our theoretical resolve may be challenged, especially if we seek to integrate theories to provide a deeper understanding of social phenomena. The analogy of an optometrist fitting a criminologist with his or her first pair of "theory glasses" may be useful at this point. As the optometrist moves the various lenses into place to provide the criminologist with the best possible view of the world, several different theory lenses may be overlaid until the criminologist can see either what the optometrist wishes them to see or whatever the individual wishes to see.

The same is true with computer-assisted statistical programs, such as SPSS - Statistical Package for the Social Sciences, which permitted the examination of these latter two data sets and the correlations between certain social conditions and crime to be explored quickly and relatively pain-free. In this instance, however, the use of the computers and electronic data was designed to illustrate that the policy-makers can avail themselves of another source of policy knowledge and that it will permit them to see the correlations between the incidence of crime and social conditions. As with location quotients of crime, demographic or census data offers a fresh venue from which to make informed crime policy and to explore its effectiveness. Indeed, these data permit the linkages between the North's major problems of poor educational attainment, high unemployment, poor employment prospects, high rates of alcohol and drug abuse, overcrowded housing, family breakup, and so forth, to be explored and measured for change as the result of policy interventions or the natural order of things.

The next chapter, Chapter 9, offers the reader an opportunity to switch from high to low technology as we explore the values, beliefs, and concerns of community members and leaders in the North and how they view crime, criminals, and the way which society treats them.
Chapter 9

Understanding Community Concerns and Northern Crime

Today, there are not enough jobs for every Indian... half of them have to stay in town with nothing to do... that’s where our crime comes from! They can’t get out in the bush and survive... It has changed so that it costs too much to go and live in the bush. We need to focus on changing new laws that will fit our way of life, our new lifestyle, because the old lifestyle is gone and the laws for that lifestyle are also gone.

Jonas Neyelle, Elder, Fort Norman, N.W.T.

i. Introduction

As the previous chapters have shown, different types of policy knowledge may result from the application of different information gathering techniques. The use of crime statistics, in their differing forms, along with demographic information can provide the policy-maker with valuable policy knowledge. Yet, the knowledge utilized by both the policy analyst and policy-maker must be grounded within the reality of the life in the people and communities which it describes.

Unlike their counterparts in policy divisions and corrections services in many provincial-level governments, the members of these two territorial groups have long had the advantage of travelling to various communities across the Northwest Territories to meet with community members and leaders. Such visits are undertaken as one of two general types: 1) as members of a ministerial party visiting the community as part of a schedule of visits by the respective minister of government, and 2) fact-finding as either individuals or members of a small departmental team.

The information presented within Chapter 9 was gathered during two periods: February 1981 to July 1987 and July 1991 to July 1994. During the former period, community visits were limited to the Eastern Arctic whereas those which occurred during the latter period encompassed the entire Northwest Territories. The majority of the community visits undertaken at the request of either a community or band council and were usually between three and ten days duration, exclusive of travelling time. There was no single format adopted for these same meetings. Appearances before band, community, regional or tribal councils generally involved a short presentation and a series of questions from both sides. Public meetings usually involved several hours of questions and answers and, on some occasions, several days of such meetings.
This Chapter seeks to provide another type of policy knowledge, personal or policy-maker knowledge, and to illustrate its value in creating a Northern crime policy. While it may seem self-evident, "policy-maker knowledge" brings the policy-maker into personal contact with the people and conditions which his or her policy decision will affect. Webber (1992) describes this type of policy knowledge as personal accounts communicated either by a citizen to the policy-maker or the policy-maker to a citizen. By its very nature this type of policy knowledge is closest to the policy issue and has both the advantage of seeing first hand the conditions which the policy seeks to address and the potential disadvantage of bringing the policy-maker too close to the situation and preventing them from seeing the grander policy context, i.e., being unable to see the forest for the trees.

The benefit of having visited the majority of communities in the North has given the author an opportunity to estimate the size of the metaphorical forest and the discussions which follow are drawn from these community visits and public meetings. Wherever possible the names of those individuals who contributed to the public meetings will be used, however, this was not always possible or desired by the speaker; in keeping with the wishes of those individuals who did not wish to be identified the term "an informant" will be utilized to maintain their confidentiality.

Prior to exploring the perceptions of community members regarding crime and justice therein, it is necessary to discuss what constitutes the community vis-a-vis the N.W.T. This discussion will build upon Chapter 1 and its definitions of community and community development. In his Community Development in the Canadian Eastern Arctic: Aspects of Housing and Education, community development specialist Michael Richardson (1976) noted the inherent difficulty in problem-solving in general and, more importantly, decision-making within the context of the N.W.T.:

In attempting to define any problem, and hopefully a solution, one must account for a wide diversity of factors and variables: the situation, the people, the geographic locale, the time-frame and time span, internal and external forces, local constraints, regional and national constraints, even international constraints. This is doubly important when one is examining a northern native situation, for in this case both the reader and the author must take each factor across a cultural barrier, and examine it within its proper context (Richardson, 1976:3).

With this in mind, this discussion focuses initially on the notion of "the community" with all of the difficulties inherent to a discussion of that topic. The G.N.W.T. document Strength at Two Levels: Report of the Project to Review the Operations and Structure of Northern Government (1991) offers a starting point for the discussion of "community" in the context of the N.W.T., namely:
No two northern communities are the same....Some date back to old trading posts while others are more modern, government-created administrated centres....Yet all are showing the strains inherent in the modern north. Although many northerners have arrived at a life-style and work-style which allows them to live and work successfully, there nonetheless remain disturbingly and stubbornly high incidences of alcohol and drug abuse, boredom, unemployment, family violence, suicide, disease, and under-utilization. There are many manifestations of community stress....Too many northern natives—and especially the young—see themselves in an unforgiving time mirror, looking back at a past they cannot recapture and forward at a future which they cannot picture (G.N.W.T., 1991:24).

The initial problem becomes one of determining the composition of "the community" in question. Although it may seem relatively easy to present the community as either the "regional community", comprising the various permanent settlements within any respective region, the "local community", comprising one of the municipal entities within that same region, in reality, this is a process involving negotiation between the constituents. So, too, is the discussion of the "aboriginal community" a product of negotiation between the aboriginal groups, e.g., Métis membership, a single viewpoint affecting all aboriginal persons, and so forth.

Although each of the communities within the N.W.T. are unique in their own ways, perceptions held by community residents concerning the problems within their community were consistent. These problems were often perceived as being the result of, or concomitant to, the urbanization of the North and the changes associated with that process.

In terms of the locus of control, community members are beginning to perceive the "regional community" as the new player in the economic and political arenas. Although much of the power to determine overall strategies and allocate resources remains within the spheres of the federal and territorial governments, there appears to have been a coalescing of a Baffin, Deh Cho, or similar regional identity and the desire to control the economic and political resources and destiny of the region. As part of this process, those communities which were visited seemed determined to lobby at every instance for the resources to assist them in their economic revitalization (Patenaude, 1991).

Although community development is not within the general mandate of most criminal justice agencies, nevertheless, it is a necessary condition for the development of criminal justice policy to be successfully developed and implemented in the Northwest Territories. Indeed, for community corrections and community-based justice programmes to operate implies that certain levels of a priori community development, whether such development is regarded as a movement, a process,
a method or a programme (Richardson, 1976). For her part, community development specialist Susan Susut (1981) offers, in her *Community Development and the Role of Interveners in the Northwest Territories*, an all-encompassing definition of community development as:

an educational and motivational process enacted at the community level (on a community basis) to encourage people to solve their own problems (self-help) as they define them (felt needs) based on the fullest participation of local people in the decision making process (citizen participation) through a heightening of community involvement (social animation) and the building up of local leadership (leadership training) in order to organize for action (action for social change) to take more control over their lives (self-reliance and self-determination). Resources and technical aid from outside the community, including government, may be called in when necessary (Susut, 1981:25).

Involvement, such as that envisioned by Susut (1981), is in harmony with the G.N.W.T.'s *Direction for the 1990s* (1987) and *Strength at Two Levels* (1991) with their emphasis on community development. Community-based corrections may become involved in specific, limited-intensity community development initiatives. At the same time, however, many communities have exhibited both the desire and commitment to operate such programmes and services if financial and other support is provided by the two senior levels of government.

ii. Community-Level Perceptions: Economics or Crime?

Political rhetoric concerning crime and delinquency would have the average Canadian believe that crime, especially youth crime, has taken on epidemic proportions whereas the rates of most major crime categories have, in fact, decreased during the past few years. Recent academic studies present different views of crime at the community level (Griffiths, Saville, Wood, and Zellerer, 1996; Patenaude, 1985). Members and leaders of various Northern communities have reported problems with crime and delinquency in their respective communities, yet, the major problems which they most often encountered were economic and social in nature rather than crime *per se* (Patenaude, 1992).

Changing the mode of production from subsistence hunting-trapping/surplus trade economy to a sedentary, wage economy supplemented by hunting and trapping is beginning to be perceived by many aboriginal Northerners as the root of most, if not all, problems in their respective communities. Traditional hunting and trapping practices dictated the semi-migratory lifestyle discussed previously and the low human proximity coupled with traditional restraints on socially-
accepted behaviour had a very high impact upon the low incidence of interpersonal offenses. The move to a sedentary, community-oriented lifestyle and participation in the wage economy have brought about new challenges to the established social order amongst Northern aboriginal peoples (cf. Chartrand, 1986; Clancy, 1985; Condon, 1981, 1987; Mayes, 1978; Richardson, 1976; Swiderski, 1989; van Stone, 1963; Villiers, 1968; Weir, 1967). These challenges strike at the very notion of whether, or not, these communities are economically viable entities within which there are employment opportunities for the majority of the available labour force. Although speaking on the topic of aboriginal justice, Fort Norman elder Jonas Neyelle’s comments serve to identify the inter-relationship between economics, human proximity and crime which is perceived not only by some scholars from within the incursive society but also among members of the indigenous societies.

With the notable exceptions of the regional centres (Cambridge Bay, Fort Smith, Inuvik, Iqaluit, Rankin Inlet, and Yellowknife) and, although few remain, the few “company towns” (Nanisivik, Norman Wells, Pine Point, and Tungsten), the labour force participation rates within Northern communities are low. Community members and leaders indicate that this phenomenon is not due to a lack of motivation but, is caused by the lack of available jobs within the community regardless of qualifications and experience of the workforce; a major finding supported by the Government of the Northwest Territories’ Special Committee on the Northern Economy Report (1990).

This labour participation factor and the requirement that many students must leave their home community to attend senior high school has, according to some informants, influenced graduation rates. Some individuals presented the view that young people are, indeed, caught between an educational system which claims that the way to acquire a good job is through education and a local employment market which has few jobs, most of which require formal training but are held by individuals who lack formal education or credentials and are unlikely to leave those positions for several years. These problems are exacerbated by the perceptions among many youths and their parents that there is no value in attending and graduating from high school. Indeed, the levels of education and enrolment figures previously presented are reflective of the result of the interplay between these factors.

In terms of social problems, other than crime and delinquency, the communities have decried the loss of "the old ways" or traditional Dene or Inuit culture and language amongst the youth. This situation was identified within Strength At Two Levels (G.N.W.T., 1991) as:
The north is a young and changing society. More than half of its population consists of young people under the age of 25, who are growing up in a world of Detroit television, modern homes, personal computers and mega projects. Yet the trappings of modern life are superimposed on native value systems, culture, and languages which are centuries old (G.N.W.T., 1991:23).

What these figures and comments express is the growing concern that the traditional Dene and Inuit lifestyle and social control mechanisms are vanishing because their respective societies have changed, but that the need for the core values on which they were based remains and may still have applications within today's society. Today, the mixing of traditional and modern laws and institutions of social control may be an appropriate method of staying in step with the traditional and modern life-styles and work-styles present in many Northern communities. In the communities of the Inuvik and Baffin regions, for example, people still go out on the land, but they also spend approximately sixty or seventy percent of their time within the community and need to possess the skills necessary to survive in there as well as on the land.

Yet, having examined the extant literature concerned with the use of official crime statistics and demographic information by criminal justice scholars and policy-makers in understanding aboriginal crime, where do we go from here? Community members and leaders offer some direction which is in harmony with both their traditional cultures and changing values and beliefs.

iii. Community-Level Perceptions: The Causes and Incidence of Crime

The first and most important community-based perception had very little to do with the incidence of crime per se, but with those persons involved in the administration of justice. Community leaders noted that, on one hand, the criminal justice system has forgotten how to listen to the people and communities which it serves. On the other hand, however, many elders and other community leaders noted that, so, too, have many younger Dene and Inuit forgotten how to listen and how to learn from the old ways. Fort Good Hope elder Joe Grandejambe's comments were typical, noting "young people, today, are caught between the old and the new cultures...they need the skills to deal with the way we are, the way we need to know things to survive here" (Patenaude, 1991). Community residents have reported rising amounts of crime among both young and older people alike because of alcohol and drugs. Interestingly, the definition of a "young person" within the primarily-aboriginal communities of the North may include individuals as old as 25 or 30 years of age, but who are also living within the familiar home or have not yet started a family of their own.
Dealing first with alcohol-related problems, many persons across the N.W.T. suffer from the abuse of alcohol. Discussions with community residents reveal that the pattern of alcohol abuse is consistent with "binge-drinking." Having either ordered and received a shipment of alcohol or returned to the community with alcohol in their luggage, the recipient collects a few friends together for a bout of drinking and gambling. According to community residents, the children of the participants are often sent out of the family home and left to their own resources. One Inuit elder noted, "booze is a big problem but so is gambling... young mothers stay out all night drinking or gambling and then they can't take care of their babies or the young people... that is when the young people get into trouble" (Patenaude, 1993). Occasionally the party will move to another location once all the alcohol has been consumed at the first location and may continue well into the next morning (Patenaude, 1992; Wood, 1997).

In terms of adult criminal activity arising from this situation, many community residents report that during or immediately after these drinking bouts is when disturbances, assaults and more serious offences usually occur. "When someone has had too much to drink at a party and we want him to leave," commented one Inuit informant, "...the police should just come and take that person away and drive them home, instead of putting him in jail for the night" (Patenaude, 1991). But that may be seen as a "band-aid" approach to solving the problem according to many Northerners. One former Band Chief noted that "most of the adult crime in this community, maybe as much as ninety percent, is because of alcohol and problems when people are drinking... but this is our fault. Nobody can help us with our alcohol problems except ourselves" (Patenaude, 1991). This has contributed to the lessening of family and community bonds as well as decreases in positive interactions between youths and elders within many communities.

Youth crime arising from this situation generally involves breaking and entering of non-residential buildings for shelter, food (generally referred to as "pop and chip B & E's"), or a relief from boredom (Minore, 1989; Patenaude, 1991, 1992). The lack of recreational facilities and programmes are the most commonly-cited reasons among both young and old for such youth activities. Non-criminal activity arising out of these behaviours may be classified, for the most part, as child-neglect and related family dysfunction (Patenaude, 1991).

Although many residents believe that a certain amount of delinquency, often hidden or unknown by the elders, is a normal part of youth, one of the contributing factors in youth crime was identified by several community residents as lack of contact between the generations. One person
noted that "people are ignoring the young people... young people don't get to see adults doing a lot of things but when they do see them they do things to get attention... kids want attention... things are changing from the way they used to be and the Dene people are having problems with these changes" (Patenaude, 1991). Similar comments were also forthcoming from meetings and interviews held within the predominantly-Inuit communities of the Eastern Arctic.

The community perception of drug-related problems is, itself, problematic. This is partly due to the common practice among community residents to include solvent-abuse within their discussions of "drugs". Indeed, many young and adult Northerners listen to public health notices concerning "sniffing" but fail to hear the message due to a lack of first-hand experience on the part of the adults and a sense of invulnerability on the part of the youth. The latter was especially prevalent amongst Inuit youth who could articulate that sniffing resulted in brain damage but exhibited a "so what" attitude to it (Patenaude, 1985; 1992). The prevalence of solvent abuse among the young is highest among those in their early-teens while alcohol seems to be the drug-of-choice amongst late-teens and young adults.

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Figure 53 Drug Offences per 100,000 Population in the N.W.T., 1977-1992.
The lack of licenced liquor outlets, either a tavern/bar or liquor store, in most communities has not reduced the number of offences under the territorial *Liquor Act* nor the presence of alcohol in most incidents of crimes against the person within most Northern communities. It is interesting to note that those communities which have a licensed liquor outlet also report larger numbers of drug offences which may be due, in part, to taverns being a place where such trafficking is more likely to take place than at, say, the local Northern store.

Community perceptions of the prevalence of these crimes, especially among young people, are primarily a result of the size and nature of the communities themselves. Rather than population density (the number of persons per square mile of land area), the proximity of community residents to one another is seen as contributing to these perceptions of the prevalence of crime. The closeness between residences and commercial property increases the visibility of crime and delinquency among community members resulting in a similarly high potential for face-to-face contact between victims and offenders. The impact and perception of crime in small, isolated communities in the North is higher than urban areas elsewhere.

Corresponding to the close proximity within which they reside, residents in N.W.T. communities are affected by gossip to a much greater degree than those living in more urban settings (Brodeur, LaPrairie and McDonnell, 1991). Traditional aboriginal methods of social control employed the informal mechanism of gossip to maintain group cohesion and reinforce accepted norms of behaviour. Indeed, criminal incidents or perceived wrongdoings which occurred years or even decades earlier are still the topic of conversation and have polarized many families and other groups within the communities. Similarly, according to community residents, incidents of crime and delinquency are kept alive within the community's collective memory due to the typical social interactions between persons living and working in close proximity to one another (Skogan and Maxfield, 1981). Thus, people indirectly contribute to a greater fear of crime merely by talking more about it within an isolated, Northern community than that which occurs in a more urbanized location. This indirect or vicarious victimization is often reinforced by on-going contacts between victims and non-victims and sharing the experience of victimization.

Discussions with Northern criminal justice practitioners have also revealed that the close proximity and potential for non-intended contact between the victim and offender has created a "fear of crime" among many community members, primarily female residents. Informants identified the need to establish safe houses for battered women and their children within the local community due
to the increasing incidence of spousal abuse/assault of which they have either witnessed or possess other personal knowledge. Indeed, they claim that many victims return to a relationship where they are "at risk" of further abuse due to a lack of options rather than design. The pattern of official response has been to remove the victim rather than the offender from the family home and community, thus inadvertently contributing to the weakening of, both, community bonds and interpersonal trust (Patenaude, 1992).

iv. Community-Level Perceptions: Satisfaction or Dissatisfaction?

The following discussion explores many of the areas where dissatisfaction with the criminal justice system was expressed by community members and leaders. As such, this section explores the perceptions of crime and social problems held by community members and leaders.

During visits to many communities in Denendeh and Nunavut, it became apparent that consensus exists on the notion that the existing criminal justice system is not meeting the needs of the peoples of the Northwest Territories. As one Dene community leader, George Barnaby, mentioned "we need more justice not the justice system running itself... we need things for people who get into trouble here, not jails... its a living for people in the system, we need more things for the community so people won't get into trouble" (Patenaude, 1991). The common perception is that the police were "too eager" to charge individuals rather than divert them from the formal criminal justice processes. This practice is resulting, according to community residents, in far too many people appearing before the courts where they receive less than adequate legal services (Patenaude, 1991, 1992). Although this practice occurs, it will is changing as each R.C.M.P. member are now required to address the issue of pre-trial diversion for both adults and youths prior to the Crown proceeding with charges.

Throughout the different regions, dissatisfaction with the court circuit, the low amount of time spent with a unilingual defence counsel accompanied with lengthy delays are commonly heard complaints. Although the magistrates were generally held in high regard, they, too, are perceived as victims of this delivery method. Local Justices-of-the-Peace do not appear to be either serving as a "community court" (reflective of the needs and desires of the community) or reducing the number of minor offences referred to the Territorial Courts. This is mainly due to the legislative constraints placed upon this level of court.
Perhaps no other component of the criminal justice system is perceived by community residents to be as punishing and rewarding at the same time as is the correctional system of gaols and probation. While the supervision of probationers and persons completing a term of community service was regarded, at best, as ineffective and at worst as a joke, the correctional centres were regarded as accomplishing the opposite effect from that which the communities perceived them. This was especially the point for the Baffin Correctional Centre whose Inuktitut name, Ikajurauvik, means “a place to get help.” Indeed, it was often heard that “sending a young person to gaol does not work and they often come out worse than when they went in” (Patenaude, 1992). The following comments are typical of those which were often heard:

People as soon as they are in trouble go to the jail... they should be kept in the communities. It would be better if communities took over the justice system. People go to jail at certain times of the year so they don't have to do work at home...

I visited YCI when I was there and while they're there, they're fine they just do their chores and then they just go and lie on their bed and watch TV...

... communities share these same problems - no one to counsel the youths and they are always going to jail... It's like being on a holiday, you sit around and always watch TV and no one speaks to them about life... so leaders are here to help our children. The last time the judge was here he met with us, spoke about justice committees and will meet with us again. The Mola and the Dene are different... no one seems to tell our people what life is all about (Patenaude, 1992).

Yet, as negative as these comments may first appear they were not offered without constructive alternatives. These alternatives were based upon a mixture of traditional values and modern community conditions and offer possible policy alternatives for the North.

v. Community-Level Perceptions: Alternative Activities

The most commonly heard solutions to problems across the North were based on the need for more information concerning the criminal justice system, the need for increased employment opportunities (which criminal justice programmes could provide), information workshops, and sending young persons in conflict with the law to live in bush camps for a few months rather than incarcerating them within a correctional facility (Patenaude, 1991, 1992). “If you put people in gaol,” it was mentioned, “you take away a part of that person and you can never recapture that” (Patenaude, 1991).
a. Bush/Land Camps

Sending young people out to live and work in existing camps was offered as the most culturally-appropriate method of dealing with young people who had not only come into conflict with the law, but would also teach respect for elders, install a positive work ethic, reintroduce them to their respective traditional Dene and/or Inuit culture, and teach them the skills required for living on the land. The camps would, by necessity, have to be structured to teach these skills and must not be regarded as either a holiday or as moving the problem from the townsite to the campsite and back again. Many community members commented on this point, noting:

if we had camps in the communities we could teach these offenders.... Not only the young but adult offenders as well as young people... If you put people in jail, you take away a part of that person and you can never recapture that. A camp near the community would be a good idea...

When school was out my wife and I went to the bush. We quit drinking and raised our kids on the land, people tell us our kids improved as a result. If you keep them in the bush camp you teach kids responsibility and a lot of the things taught to us. Those kids in trouble that were in our camp it's not much different for them...

and,

If someone goes to jail for one month they don't see their families and its hard for them. In the camps we show them to get rabbits and hunt. We have to report to the police and probation officer about them so its a bit like being in jail.... In the bush it's different because there's always chores to do (Patenaude, 1991).

Elders and other community leaders also spoke strongly on the notion of bush/land camps and it became apparent that the land is regarded as the best rehabilitative site for troubled persons.

b. Community Participation

A second theme emerged through the period of fieldwork: meaningful participation in the criminal justice process and programmes. Many of those who were interviewed commented that if the communities were more involved in the criminal justice system and controlled justice programmes and funds at the local level that the criminal justice system would come a community justice system which would better meet the needs of the community.

As noted previously, the police have been directed by Ottawa to continue their efforts to form local advisory groups and, thereby, build a bridge into the community. These advisory groups have
not been a great success for number of reasons, the least of which is the lack of honoraria payments and the distance between the R.C.M.P. and the community which has been built during the last decade or so. Yet, these activities do not guarantee meaningful community participation or empowerment. Community members are asking the police to return to community service, become integrated into the community, encourage the community to deal with minor problems though its own resources, and lay charges as a last resort for minor offences and some major offences, including:

When someone has had too much to drink at a party and we want him to leave...the police should just come and take that person away and drive them home, instead of putting him in jail for the night

Lots of times there are elderly people who have lots of groceries at the Bay, but can't get anybody to help them...the R.C.M.P. should be able to help that person by taking them home...

and,

There are times when a husband and wife might be having a fight and somebody has called the cops and they put the guy in jail and send the wife and children away... that's not what we want...they should be able to calm everybody down instead of breaking up families (Patenaude, 1991).

These and other comments were often repeated and contributed to the impression that as much as the community desired closer relationships with the R.C.M.P. detachment, on one hand, it was contributing to a widening of the gaps between themselves and the R.C.M.P., on the other hand, by not communicating their policing needs and desires more effectively to the members of the R.C.M.P. detachment. Indeed, the members of these same R.C.M.P. detachments were equally at fault for not communicating their policing needs and requirements.

The social and cultural distances between the communities and the judiciary are a dilemma for both groups. Community members do not understand the judiciary's schizophrenic efforts to remain at distance from the community and to be part of it at the same time. Community members have noted that the judiciary need to explain their decisions better as they often see minor offenders treated harshly while major offenders receive light sentences from the courts (Patenaude, 1992). Members of the judiciary are also confounded as to why community members don't approach them with their concerns but fail to recognize the daunting power of their positions to most Dene or Inuit.

The Territorial Courts have been partly successful in seeking elders and other respected individuals to advise them on what types of sentences which would best meet the needs of the
offender, the victim and the community. These lay sentencing panels would provide the courts with an informal, verbal pre-sentence/pre-disposition report and recommend sentence to the jurist who has already determined legal guilt or innocence. Although neither the Justice-of-the-Peace or Supreme Courts have adopted this approach it has been successful as the sanctions were regarded as community sanctions rather than those of an outside social control agent.

Finally, the territorial correctional service is seeking to establish community justice committees to provide pre-and post-trial diversion to both adult and young offenders. In conjunction with the courts, these committees could supervise alternative measures-type programmes, community service and fine options work projects, and offenders released from custody on a temporary absence programme. The potential for success of these efforts is affected by the history of failures which the community perceives on the part of the gaols. Community members and leaders have commented on this and offer suggestions:

People as soon as they are in trouble go to the jail... they should be kept in the communities. It would be better if communities took over the justice system. People go to jail at certain times of the year so they don't have to do work at home... but if we had camps in the communities we could teach these offenders. Is there any money for that? Not only the young but adult offenders as well as young people... If you put people in jail, you take away a part of that person and you can never recapture that. A camp near the community would be a good idea (Richard Kochon, Colville Lake, 1992).

and,

In 1971 we went to the mission schools... 1971-1974. When school was out my wife and I went to the bush. We quit drinking and raised our kids on the land, people tell us our kids improved as a result. We take kids and teach them but the mission school is entirely different now. In 1981 we went to school in Fort Smith to train in child care. If you keep them in the bush camp you teach kids responsibility and a lot of the things taught to us. Those kids in trouble that were in our camp it's not much different for them... If someone goes to jail for one month they don't see their families and it's hard for them. In the camps we show them to get rabbits and hunt. We have to report to the police and probation officer about them so it's a bit like being in jail.... I spoke with Judge Bruser and he agrees with this. I visited YCI when I was there and before they're there, they're fine they just do their chores and then they just go and lie on their bed and watch TV. In the bush it's different because there's always chores to do (James Piennot, Fort Good Hope, 1992).

As grand as the activities and plans of the various criminal justice components sound, they remain hollow unless the community is empowered to make decisions and has the support of those same components to accomplish whatever they set out to do. The members and leaders of the
communities across the North, however, are the ones who must see to whatever changes the community desires, not government. Perhaps, Ms. Rita Arey from the N.W.T. Women's Directorate articulated this best when she addressed during a community meeting:

I am proud to be here and I'm impressed with the equal representation of men and women. It takes dedicated, hard working people like you to make changes. We are the only ones who can make these changes and fix the problems to make the people and communities a better place to live. We all know the issues in our communities but until we take responsibility for doing something about them, only then can we make changes. Begin working at the grass-roots level. Women, for too long have been the backbone of family violence and social issues. We, as men and women need one another, to solve these issues. Low self-esteem, lack of education, high unemployment, alcoholism, and family violence are some of the problems that our youth face today. Suicide is the way out for our youth of the 90's. Elders survived off the land. Youth today are influenced by TV, Heavy Metal, and microwave ovens. How do we bridge the gap? It is up to parents to bridge this gap between the youth and elders. The community has to support the Justice Committees. Be a part of the solution. We help ourselves. Justice is everyone's responsibility. We can't continue to pass the buck (Patenaude, 1993)

c. Information Workshops

In each community, it was apparent that there were persons who did not understand the roles and responsibilities of the criminal justice system especially as it relates to aboriginal peoples and cultures as well as those with whom the system has had a great deal of contact and exposure. Most persons indicated that a workshop, either a community-level or regional-level workshop, could be beneficial in this regard and reduce the confusion about the criminal justice system.

The use of an outside resource person was often encouraged particularly if those persons are senior managers rather low or mid-level programme officers. The ideal situation would be for those individuals to work with the local justice committee members, probation officer, R.C.M.P. members and Justice-of-the-Peace to ensure local input and to develop both local resource persons and the confidence of the community in those persons. As one Inuk noted:

We used to look at these people not as bad people but good people with problems, once the problems where dealt with then the good person remained. Today, what we don't you can help us with... what you don't know we can help you with. We can learn and work together. Maybe what we desire is that someday we can do what the lawyers and judges do (Patenaude, 1993).
A continuing theme emerged which clearly illustrated that, whenever practical, local elders should be involved in the meetings and programmes. Indeed, the words of one Chief summarized the need for information and cooperation when she noted "We have to think about helping our children, they need our help, help from our MLA, leaders, and government. They don't seem think about what's ahead of them. If we can try something that's the only way we can help them" (Patenaude, 1992).

vi. Conclusion

If a constant theme was detected running throughout this Chapter it should have been that the perceptions of officials within the various components of the criminal justice system and those held by community members and leaders are vastly different in some respects but in total agreement that the use of incarceration is not the answer in correcting the behaviour of most persons charged and convicted of a criminal offence in the North.

Although the findings presented within the previous Chapter were statistically insignificant, the significance of crime and society's response to crime was revealed through discussions with community members and leaders during which the relationship between crime and socio-economic conditions was constantly heard. The conflict between a sedentary lifestyle within a permanent community and the cultural imperatives of living on the land were seen as partially related to the incidence of crime although the high retention of cultural values was seen as both assisting persons to "act appropriately" within a social setting and, in some cases, contributed to their offence. Finally, the community as the locus of control was voiced continuously and may be interpreted as expression of the cultural revitalization occurring within the region as the result of the land claims process. Yet, for the most part, words not deeds are what have been offered thus far. It remains for both criminal justice practitioners and community leaders to stop that trend and adapt it into deeds not just words.
Chapter 10
Responding to Crime in Aboriginal Communities

There was no relationship of trust between the professionals from the outside and the community. People in the village were more willing to go people in their own community — the village help-mates, village Elders, or their own peers. So that was a large part of the consideration that went into the design of this program. In contrast to the traditional model, the suicide prevention program was designed so that rural communities could develop and implement projects and programs themselves, based on a determination of what their needs are and how they can best address the problems of self-destructive behaviour. The idea is to have the community try and first get together and recognize what the problem is and then come up with a locally-determined solution.


i. Introduction

Most of those community members who attended the public meetings and participated in interviews for this research said something like “our young people are getting into trouble and we’ve got to stop them from doing that” and “we got to help our young people once they’ve gotten into trouble” (Patenaude, 1993). The points they were making were twofold: 1) take steps to prevent crime, and 2) deal effectively with those in conflict with the law. This Chapter examines the first notion, that is crime prevention, in Northern and other predominantly-aboriginal communities. In order to do so, we need to identify what constitutes crime prevention (as distinct from crime control) and, then, how crime prevention has been approached within predominantly-Aboriginal communities. Indeed, the following discussions will illustrate that Aboriginal values and beliefs offer non-Aboriginal crime prevention programs additional suggestions to their enhancement.40

Having reviewed the literature concerned with the concept of “crime prevention” it was found that this single term has been defined extremely poorly. Given such definitional imprecision, “crime

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40 Components of this Chapter were previous published as part of an evaluation of the Ndiilo Chekoa Program, a crime prevention program for youth, and written by the author along with Darryl S. Wood, Lisa Goulet, and Vincent Stancatto.
prevention" has often taken on whatever meaning the community leadership, government agency, or researcher have chosen for it, given local and temporal concerns. One of the most succinct definitions, however, has been offered by Patricia Begin (1992) who defines "crime prevention" as:

... to prevent people from becoming crime victims, to curb fear, to make the streets safe, to ameliorate unfavourable perceptions of the community and to improve police-community relations. Community policing, reducing opportunities for crime, and altering the conditions that breed crime are program approaches to realizing these objectives (Begin, 1992:13).

Indeed, the extant literature supports this definition of crime prevention activities and presents four activities undertaken by individual citizens, community groups, government agencies and legislatures (Begin, 1992; Brantingham and Brantingham, 1988, 1990; Brantingham and Faust, 1976; Hagan, 1975). These activities include:

- **Law Reform**: This activity seeks to prevent crime by increasing penalties and thereby reducing the benefit to the rationally-thinking criminal, e.g., imprisonment for a second impaired driving conviction, increased gun-control penalties, loss of accumulated property under the recent proceeds of crime legislation.

- **Community-Based Policing**: This activity is rooted within the "crime control" perspective whereby the prevention and reduction of crime is regarded as a role of the police. Police take a dynamic role in getting to know the community, its members and leaders, and its criminal element, by working with these same groups to promote improved police-community relations and a heightened belief in public safety.

- **Situational/Opportunity-Reduction Crime Prevention**: Sometimes and simplistically referred to as "target-hardening," this activity involves reducing the opportunity for crime through environmental or architectural design. Individuals, corporations and communities are protecting themselves by making their homes and businesses less penetrable, e.g., improved lighting, locks and alarms, and displacing crime to less secure areas.

- **Social Development/Community-Based Prevention**: An activity which attempts to change the environmental conditions believed to contribute to criminal behaviour. Programs and services are aimed at all residents of a particular area or class of "at risk" persons and as such may influence both offenders and non-offenders in a positive manner. This type of activity often reintroduces or reinforces informal, local leadership.

At the present time, Canada does not have a comprehensive crime prevention program nor does it promote a single-focus, crime prevention approach. Within *Crime Prevention in Canada: A*
Public Environmental Analysis, Kathleen Malone-Aubrey (193) summarizes the current dilemma by noting:

There is a concurrent public belief that crime, particularly violent crime, is becoming more prevalent. Statistical evidence shows that mischief crime and sexual assault crimes are increasing. Public pressure for government action is becoming stronger and will lean toward less effective but more visible enforcement and security options.

Because of these concerns, there is likely to be steady pressure from criminologists, the police, municipalities, sociologists and the legal community for a crime prevention policy that balances social development and enforcement/security models (Malone-Aubrey, 1993:17).

Currently, each community or region determines the strategy most appropriate to its local priorities.

ii. Are "Single-Strategy" Approaches Adequate?

Conventional crime control responses (those which invoke actions by the police, courts, and corrections) were recently described as "failures." Such an assessment was presented to the House of Commons within the Twelfth Report of the Stranding Committee on Justice and the Solicitor General (1993) since such a model:

1) fails to cope with the actual quantity of crime
2) fails to identify many criminal offenders and bring them to justice
3) fails to rehabilitate those offenders who are identified by the justice system
4) fails to address the underlying factors associated with crime and criminality (House of Commons, 1993:1).

Since the conventional crime control model is held, by some, as a failure can there be any more hope held by those seeking less formal, proactive measures?

As many criminal justice practitioners and researchers have discovered there is no single, successful method of dealing with all crime and all criminality, or simply stated, there is no "magic bullet" to prevent or solve all crime (cf. Begin, 1992; Brantingham and Brantingham, 1990; Lehman, Hawkins and Catalano, 1994; Waller and Weiler, 1985). As each approach is heralded as a success by its protagonists, it is quickly countered by antagonists claiming that it simply did not address the 'real' problem of crime to the same degree as did their favoured approach.
Canadian criminologists Patricia Brantingham and Paul Brantingham (1990) offer the following evaluation of single strategy approaches to crime prevention:

The success of generic and generalized crime prevention programs is mixed at best. Media campaigns appear to have little demonstrable impact on crime rates or public behaviour (Riley and Mayhew, 1980; Sacco and Silverman, 1981), although, occasionally, claims for high impact are made (Monaghan, 1988). Watch type programs often make claim for substantial impact on crime rates (Titus, 1984), though careful examination suggests far more modest results (Bennett, 1988; Skogan, 1988). Community and social crime prevention programs are popular and can often claim substantial social impact (Schlossman et al, 1984; Lab, 1988), but just as often have little measurable effect on crime or criminality (Lundman, 1984; Skogan, 1988); (Brantingham and Brantingham, 1990:17-18).

a. Limitations to Law Reform Approaches

The revision of the criminal law to dictate individual conduct holds merit for crime prevention. Unfortunately, this approach is effective only as far as individuals in the society share a common-belief system and are prepared to obey such laws. American author Jane Jacobs offers an early critique of the traditional crime control model whereby the police prevent crime. In *Death of Great American Cities*, she notes the public peace “is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves.... No amount of police can enforce civilization where the normal, casual enforcement of it has broken down (1961:33).

Canadian criminologist John Hagan (1975) noted that most law reform approaches to crime control focus “on the diversion of those convicted of “conflict crimes” (e.g., alcohol and marijuana offences) and minor “consensual crimes” (e.g., petty theft and assault) back into the community” rather than prevention *per se*. Where prevention has been the focus of the approach, the results have been less than positive. Based upon the massive efforts to inform the Canadian public about the social and financial costs involved with drinking and driving and the increased penalties which will be applied, it could be said that the law reform approach does not necessarily work since the number of convictions for impaired driving or driving with a blood/alcohol level in excess of .008mg/100ml has not significantly decreased. Similarly recent efforts to control cigarette smuggling in the Comwall-Akwesasne area through law reform efforts merely resulted in the shifting from one illegal product (cigarettes) to another (liquor) by those involved in such activities.
b. Limitations to Community Policing Approaches

The major concerns over traditional policing methods is that they work at arms length from community and, despite increases in manpower and other expenditures, achieve imperfect results (Canada, 1993:18). Community policing seeks to transform "law enforcement officers" into "peace officers" by placing them in small, storefront offices and stressing dynamic contacts with persons residing in their respective patrol area. The major limits to this strategy remain structural, namely: the police remain a uniformed force controlled from outside the community, often are culturally distant from the population whom they are policing, and are reactive to most crime and criminal activity. Policing is occurring 'on' the community level rather than 'at' the community level since ownership of crime control remains with the police not the community.

Positive examples of the community policing approach to crime control may be found in different parts of the country, however, the Mohawk Council of Akwesasne’s Peacekeeper Force offers a germane example. The Peacekeeper force at Akwesasne was, until recently, led by a former Ontario Provincial Police Inspector and comprised of local residents. This composition offered the benefits of traditional police leadership and technical expertise with "community-based" priorities and knowledge. At the local level, the Yellowknife Detachment, Royal Canadian Mounted Police, has made strides towards becoming a part of the Ndilo community by increasing its patrol presence in community. At present, one member of the R.C.M.P. acts as a liaison to the program.

c. Limitations to Situational/Opportunity-Reduction Crime Prevention Approaches

The major critique of the situational crime prevention approach is that it does not prevent crime from happening, but merely 'displaces' it either from one secure location to one which is more accessible or to different times of the day (Reppetto, 1976). It does change the behaviours, however, of individuals seeking to protect themselves from becoming victims of crime and occasional property-offenders as they become more selective in their target selection.

This method of crime prevention has proven to be effective in reducing property crime and vandalism, for example, at McDonald's Restaurants sites in Western Canada as access routes, lighting, and placing of video cameras have reduced the likelihood of robbery (Brantingham, 1991: personal communications). It does not address the root causes of crime, but chooses, instead, to examine a specific type of criminal act, the situation of the target and the offender, and seeks to
prevent its recurrence by changing the conditions under which it occurred (Brantingham and Brantingham, 1990:25).

d. Limitations to Social Development/Community-Based Crime Prevention Approaches

Although the previous critiques point away from the law reform, community-policing, and situational approaches in favour of a community-based-approach to crime prevention, the latter is not without its detractors. While the community-based approach seeks to affect changes in the root causes of criminality by improving general social conditions (family life, employment, school, recreation, etc.) and increasing positive motivations against crime and criminality, such claims are difficult to measure effectively. Critics often claim that while these programs may have reduced some social inequities, the rates of crime have not significantly decreased (Waller & Weiler, 1985).

Other significant conditions often exist which limit the effectiveness of the social development/community-based approach. These often include the lack of short- and long-term program goals and the lack of inter-agency involvement. Waller (1989:64) stresses the importance of this latter point, stating “in Canada, this interagency co-operation on crime problems between agencies such as police, social services, and schools is generally lacking. As indicated earlier, this level of co-operation is a necessary ingredient for crime prevention to be effective at a local level.”

iii. Crime Prevention Efforts Within Canadian Aboriginal Communities

a. A Non-Aboriginal Understanding

Prior to the past two decades few criminal justice scholars had written on crime and delinquency among Aboriginal peoples or predominantly Aboriginal communities. Thus, the extent of the problems associated with crime and delinquency were, more often than not, regarded in isolated, linear terms rather than through the use of a holistic perspective. The thematic models to understanding crime amongst Aboriginal peoples presented earlier (see Chapter 8) offer a précis of perspectives which are commonly used to explain crime among aboriginal peoples and their involvement with the Canadian criminal justice system (cf. Griffiths, Yerbury and Weafer, 1983; May, 1982; Wood, 1990). With such perspectives influencing decision-makers within the federal, provincial, and territorial bureaucracies, it is not difficult to understand why crime prevention programs for Aboriginal peoples have tended to follow a linear approach, namely: ‘x’ causes crime, ‘x’ is present within the community, ‘y’ will be introduced into the community to eliminate or reduce
‘x.’ Such an approach is also common among those management regimes which practice strict Zero-Base Budgeting (Z.B.B.) strategies and is likely to come into conflict with a social development approach to crime prevention which examines multiple, inter-related factors.

b. A Different Understanding

Ojibwa elder Basil H. Johnson wrote eloquently in his "Foreword" to Rupert Ross's Dancing With a Ghost: Exploring Indian Reality (1992) about a meeting between a Roman Catholic missionary and the Council of the Six Nations peoples during 1805. After listening to the priest's impassioned pleas concerning their need to convert to the Christian faith, renowned Seneca orator Red Jacket stood and replied "Kitchi-Manitou has given us a different understanding" (in Ross, 1992:vii). So, too, does this different understanding apply to the issues of law, justice, crime and crime prevention among contemporary Aboriginal communities.

In general terms, traditional Dene and Inuit concepts of political organization, law, and social control were not untypical of most band societies. Offences which could be termed 'criminal' involved transgressions against what Canadian cultural anthropologist Joan Ryan (1993) termed as "rules" and which American legal anthropologist Pospisil (1978) defined as "laws." Such rules/laws had both the intent and spirit of "law." According to Ryan, these rules included:

Rules for stewardship - maintaining lands, animals, plants, spirits and people in balance - were clear, and very important, since their survival depended on reciprocal relationships with the human, animal and natural worlds.

Rules for "living together" included marriage rules and outlined responsibilities of adults and youth. The major ones were concerned with passing the rules down to children who would eventually take over stewardship.

Rules for political organization made it clear who made which decisions, when and how (Ryan, 1993:4).

Ryan (1993) offers an example of how serious offences were treated within traditional Dogrib society, noting:

If more serious crimes were committed, they required a gathering of the total local group which placed the individual in the middle of the circle and discussed ways of dealing with the matter so that family and group harmony could be restored. Serious crimes included rape, adultery, divorce and impregnating a young unmarried woman (Ryan, 1993:5).
Although speaking of the social control and rules for living among Ojibwa in Northwestern Ontario, Canadian lawyer Rupert Ross' (1992) examples of proper social conduct are evident (albeit in local expressions) among many Dene and Inuit communities. These often include:

1. Non-interference into the affairs of others;
2. Anger must not be shown publicly;
3. Praise and gratitude must be given freely to others and not sought for one's self or one's actions;
4. Conflict must be avoided and, where unavoidable, the parties should withdraw from the place of conflict; and,
5. Failure to accomplish a task is not a personal or community failure but simply the time was wrong while success occurs because the time was right rather than the persons involved (Ross, 1992:11-40).

Finally, everyone understood that sanctions imposed by the elders or others were for the resolution of conflict and the restoration of social order.

While Northern Aboriginal elders, family members, and chiefs had previously dealt with all social problems, including crime and delinquency, the R.C.M.P. and the circuit Courts have assumed responsibility for these areas of social control. Traditional principles of restorative justice (based on the principles of resolving individual conflict, restoring group harmony, and re-integrating offenders into life of the community) have been replaced by Euro-Canadian social control mechanisms (operating on the principles of individual punishment, deterrence, and social incapacitation). Currently, those laws created and imposed from outside the community have neither the understanding of the problems faced daily by community residents nor a basis within traditional northern Aboriginal culture. Although there are inherent conflicts between the two systems of conflict resolution and social control, residents of both Denendeh and Nunavut have shown a willingness to integrate the positive aspects of both traditional Aboriginal and modern methods of social control.

Until recently few scholars have attempted to research the problems brought about by such rapid changes (Millar, 1990; Patenaude, Wood and Griffiths, 1992) and neither the higher incidence

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41 Although absent from Inuit -miut group organization, the term "chief" is used to denote both 'bigmen' and 'headmen' in an anthropological context. For further discussions concerning the Euro-Canadian-imposed term 'chiefs,' the reader is referred to Joan Ryan's Doing Things the Right Way: The Dene traditional Justice in Lac La Martre, N.W.T. (1995).
of reported crime nor the corresponding incarceration and probation supervision rates among Northern Aboriginal peoples have been adequately explained. According to Patenaude, Wood and Griffiths (1992:8) there have been:

few published accounts of the involvement of Aboriginal peoples in the criminal justice system, nor has that research been more than anecdotal and 'suggestive' in nature. The literature presents images of Aboriginal over-representation as clients of, and under-representation as practitioners within the criminal justice system (Patenaude, Wood and Griffiths, 1992:8).

While the root causes of such disproportionate over-representation is difficult to determine at this time several theoretical explanations have been offered (cf. Griffiths, Yerbury and Weafer, 1987; May, 1977, 1982; McCaskill, 1970, 1985; Patenaude, Wood and Griffiths, 1992; Wood, 1990). Written from non-Aboriginal and academic perspectives, none of these theoretical explanations, as attractive as they may first appear to social scientists, adequately address the notions of community ownership of the problem and the solution to crime occurring within it. Such ownership may be found within the "different understandings" held by Aboriginal peoples.

Traditional Aboriginal beliefs concerning the roles of the individual and the community in crime and rehabilitation have, although community variations exist, survived the imposition of non-Aboriginal systems of law and social control. Unlike commonly held, Euro-Canadian perceptions of crime as an individual pathology and the individual offender responsible for their improvement, many Northern Aboriginal communities regard the offender as a good person committing bad acts and the community being responsibility for assisting the offender to return to being a good person. This belief often extends to repeat and serious offenders. Since it is held that the community is responsible to assist offenders become good people once again, it is a natural and logical extension of that belief the community is responsible for preventing crime through a social or community development model of crime prevention. This will involve changing some of the conditions which contribute to crime.

iv. Examples of Aboriginal Community Justice Initiatives

Aboriginal communities across Canada have employed a number of initiatives aimed at reducing their members' involvement in the criminal justice system and restoring some resemblance of harmony to the community. As would be expected given the great cultural diversity among
Aboriginal Peoples in this country, there is some variety to the approaches taken by these communities. While there are some differences found between these Aboriginal community justice initiatives, their programmatic intentions in many ways are quite similar. The following paragraphs will look at these similarities and differences among Aboriginal community justice initiatives by examining those initiatives undertaken by the Lennox Island Micmac (Prince Edward Island), the Gitksan-Wet’suwet’en Nation (British Columbia), the Sandy Lake Band (Ontario), the Justice agencies in the Battlefords region of Saskatchewan, the Aboriginal bands throughout Manitoba, and the Teslin Tlingit Nation (Yukon). A brief description of each of these initiatives will first be provided. Then, the similarities and differences between these initiatives will be drawn out; these comparisons will be made according to the approach to crime prevention, the goals, the basis, and the effectiveness of these initiatives.

a. Types of Initiatives

Aboriginal community justice initiatives generally fall into one of two types: diversionary initiatives and advisory initiatives. Diversionary initiatives are those which redirect individual offenders from the Canadian criminal justice process and into a program run by the Aboriginal community. Advisory initiatives are those which the community, usually through community elders, provides recommendations at the sentencing stage of the formal Canadian criminal justice process.

A good example of a diversionary initiative is the Micmac Diversion Council of Lennox Island. In 1991 this council was established to impose dispositions upon community members who stand accused of a crime. Consisting of 6 volunteer members of the Lennox Island Band (both females and males, with ages ranging from 20 to 60 years, volunteer for this council), this council receives individuals referred to it by the local R.C.M.P. detachment (i.e., diverted by the R.C.M.P.) and then imposes a sentence that 1) is specific to the needs of the offender, 2) is consistent with Micmac culture and values, and 3) is satisfactory to the victim (Senini, 1993). Once the sentence is imposed, the council is responsible for insuring that the offender successfully completes his or her disposition. The rationale behind this program is that the daily interaction of councilors in the community provides them personal insight into the problems faced by the offender that allows the council to formulate and carry out a disposition that will guide the offender back toward lawful behaviour (Senini, 1993).

A more encompassing diversionary initiative is the Unlocking Aboriginal Justice program of the Gitksan-Wet’suwet’en Nation. This initiative, established in 1990, utilizes the House sub-system
of the Clans of these two first nations to deal with individuals directed to it. A broad range of agencies (including the R.C.M.P., the Crown Attorney's office, social services, and probation services) refer cases to a Gitksan-Wet'suwet'en program worker. The types of offences that are referred to the program range from minor offences such as shoplifting or break and enter to more serious offences such as violations of the *Narcotics Control Act* or spousal assault (Senini, 1993). Upon victim approval, the program worker directs the case to a meeting of the offender, her or his family, and the chief of her or his House. At that meeting, a disposition, which is arrived at through a consensus of those at the meeting (including the offender), is given to the offender for him or her to carry out under the eyes of his House chief and of the program worker. The dispositions handed out under the Unlocking Aboriginal Justice program emphasize compensation for the victim and the rehabilitation of the offender (Senini, 1993). Through compensation for the victim, the offender is held accountable for his or her actions. The rehabilitative aspect of the disposition is intended to reduce the likelihood of future criminal behaviour on the part of the offender.

The Manitoba Community Justice Committees are another example of a diversionary initiative. Operating in more than 60 communities across that province, the main focus of these committees is the administration of Alternative Measures to young offenders (Senini, 1993). These young offenders, upon admission of guilt to the police, are referred to the justice committee in their community for disposition. A wide variety of dispositions are given to young offenders: counselling, restitution, apology to the victim and the community, or community service. The dispositions handed out by these committees are also supervised by a committee member. Although the Manitoba Community Justice Committees focus mainly on dealing with young offenders through Alternative Measures, they also supervise community services orders and fine option sentences (Senini, 1993).

A final example of a diversionary initiative is the Battlefords Adult Diversion Project. This initiative, a combined effort of the Battlefords R.C.M.P. Detachment, the Saskatchewan Department of Justice, and local social services agencies, provides an alternative for dealing with adult offenders without requiring them to be processed through the Canadian court system (Senini, 1993). Instead of being formally charged, offenders are diverted into this project for an alternative disposition to be handed out. In order for an offender to be diverted into this project, she or he must admit responsibility for her or his offence. Most of the offences dealt with by this project could be considered minor. The project will not consider cases involving offences involving the use of firearms, child sexual abuse, drug trafficking, perjury, serious violent offences, sexual assault causing bodily harm, or any *Criminal Code* driving offence (Senini, 1993). The dispositions handed
out by the Battlefords Adult Diversion Project are usually centered around the victim. Payments of restitution to the victim or to restore property damage are dispositions that are commonly provided. Some offenders diverted to this project are also required to perform community service and to attend counselling (Senini, 1993).

Not all Aboriginal community justice initiatives are focused upon diverting offenders from the formal criminal justice system. Some initiatives, what are termed 'advisory' initiatives here, work within the formal system through community input at the sentencing stage to tailor a disposition that will best aid in the rehabilitation of the offender and will restore harmony in the community. In these advisory initiatives, elders and other community members take part and play a role in the actual dispositions handed down by the Canadian criminal justice system.

One example of an advisory initiative is the Sandy Lake Justice Project. The main feature of this project is an Elders Council that co-presides with the provincial judge during sessions of circuit court in Sandy Lake. Since early 1990, this Elders Council had provided its wisdom, guidance, and experience to the dispositions handed down to offenders by the Ontario Provincial Court (Senini, 1993). Consisting of three members (two men and one woman, all between the ages of 60 and 70), the Elders Council is involved in any trial dealing with offences that come before the provincial court in Sandy Lake. They take an active role in the court process, including questioning the accused and recommending sentence (Senini, 1993).

Another initiative that has a strong advisory component is the Teslin Tlingit Tribal Justice System. The Teslin Tlingit First Nation is at the forefront of implementing community justice structures. By creating initiatives which 1) "dove-tail" with the current criminal justice system and 2) meet the needs of the people of the community, the Teslin Tlingit have created initiatives which not only meet the requirements of officials in Whitehorse, but are also, most importantly, culturally relevant to the people of Teslin.

After a community conference that was arranged and directed by leaders of the Teslin Tlingit First Nation, the community came to the conclusion that the Canadian justice system was not serving them adequately and that changes needed to be made. It was decided that the best route to follow for Tlingit of Teslin was the reapplication of traditional methods and structures of social control. A traditional system of government based on a system of clans, which had been employed for hundreds of years, was "dusted off" and restored as the foundation of the community.
Among the other functions they perform, the leaders of each of the five Teslin clans, as set out in the Teslin Tlingit Council Constitution, serve as members of the Teslin Tlingit Justice Council. This council serves as a tribunal that passes sentence on offenders convicted in Territorial Court in Teslin. Bound only by the sentencing limits provided by the judge, and informed by submissions from the Defence and the Crown, the Justice Council passes sentences that are appropriate for the treatment of the offender and for the restoration of harmony in the community. Once the sentence is passed, the clan leaders are responsible for insuring that it is carried out. According to Laprairie (1992), this approach is beneficial because it involves every community member in insuring that offenders obey the conditions of their sentence, which helps increase the likelihood that the offender will be supported and that the sentence will be carried out.

The use of clan leaders in sentencing is only part of the holistic approach taken in Teslin. Proposals have been made to increase the authority of the Justice Council to adjudicate all summary conviction cases. The Teslin Correctional Centre will house 25 inmates (20 male and 5 female) and rehabilitation activities will occur in the community. For example, since no recreational facilities have been constructed at the correctional centre, inmates must go into the community for recreation.

b. A Comparison of the Initiatives

The purpose of all of these initiatives is to prevent crime. While there are many ways of preventing crime, including community development and target-hardening, most Aboriginal community justice initiatives are law reform efforts. These initiatives, at some level, seek to replace the formal Canadian justice process (which has not served Aboriginal peoples particularly well) with a process that is handled within the community. The initiatives are centered upon dealing with an offender once he or she has been caught committing a crime. All of the initiatives deal with criminal behaviour after it has occurred. Only the Teslin Tlingit Tribal Justice System attempts to proactively address criminal behaviour through social development to attack some of the underlying causes of social problems in the community. None of the initiatives seek to prevent crime by target-hardening.

The goals of these initiatives are also quite similar. These initiatives attempt to return harmony to the community by preventing crime and by keeping community members out of the criminal justice system. They try to achieve these goals through rehabilitation and victim compensation rather than through punishment. It is believed that because members of the offender's community know the offender best, they have the better idea of what is necessary to make
him or her return to a life or lawful behaviour. As such, community censure is seen as a more effective impediment against criminal behaviour when compared with state censure.

While the approach to crime prevention and the goals of these initiatives are quite similar, the basis for them varies from being totally community driven to being the product of an agency of the Canadian criminal justice system. The advisory initiatives, while working within the formal justice system, are both examples of programs that are community-based and community-driven. Both are also examples of programs that are a return to traditional methods of social control: the Teslin Tlingit reimplemented their traditional clan system while the Sandy Lake Cree reestablished the role of their elders. Some diversionary initiatives are also community-based and community-driven. The Gitksan-Wet'suwet'en Nation's Unlocking Aboriginal Justice program, as discussed above, is a community outgrowth of their traditional House system. Other diversionary initiatives, while operating for Aboriginal communities, are the product of criminal justice system agencies. Both the Manitoba Community Justice Committees and the Battlefords Adult Diversion Project are government initiatives that have been made available to Aboriginal communities. In fact, the Battlefords initiative, which was started in early 1992, has yet to receive the support of the aboriginal groups it serves (Senini, 1993). Finally, some diversionary initiatives are based on a combination of community and agency efforts. The Micmac Diversion Council of Lennox Island is an example of an initiative that was developed by the band in conjunction with the local RCMP detachment.

There are few definite measures of the effectiveness of these Aboriginal community justice initiatives because of the relatively short period of time they have been operating and because of a lack of formal evaluation. Overall, all of the initiatives discussed above, save the Battlefords project, are said to be receiving widespread community support (Senini, 1993). There have been few problems reported as far as the programs' ability to get offenders to successfully complete their sentences (Senini, 1993). One program, the Teslin Tlingit Tribal Justice System, has shown some successes in reducing crime. According to Flather (1992), the support and cooperation of the Territorial Court, of the Crown, and of the RCMP in combination with the persistent hard work of the Teslin Tlingit First Nation administration appears to be paying off. Indeed, RCMP statistics since 1990 show a substantial decrease of police-recorded crimes in Teslin (CCJS, 1991, 1992).

v. Another Understanding: Measuring Success

Recent political rhetoric concerning crime within both Canada and the United States has swung strikingly towards the political right. The populist view appears to be that it is time to "get
tough" on crime and criminals since, they claim, neither current treatment nor rehabilitative methods seem to work. Politicians and lay people alike point towards both apparent and real increases in officially recorded rates of crime to support their beliefs. Yet, do these figures offer accurate representations of the actual crime occurring or are they influenced by other factors, such as policing or charging practices, political decisions and agendas, and crime prevention methods. Furthermore, can we measure the effectiveness of community crime prevention programs in the short-term?

Emerging from among the many correctional reforms of the past two decades has been the switch from line-item budgeting to budgeting by objectives (zero-based budgeting and planned program budgeting approaches) and the attendant growth of evaluation research. Many of the deficiencies of line-item budgeting surfaced during the mid-1970s as the activities of "creative" program managers in their budgeting approaches were discovered by auditors. Performance budgeting emerged as one alternative to line-item budgeting. Within a performance budget approach, financial resources were allocated to an agency for it purposes for a limited period of time during which it had to illustrate both it expenditure and effectiveness (Jayewardene and Jayasuriya, 1981). While program evaluation has hailed as the method to assess the effectiveness of such programs, it has often meant the death blow to many community-based programs and services.

Until recently, program evaluation and/or evaluation research have often been discussed in the same breath as experimental and quasi-experimental research (cf. Babbie, 1989; Cook and Campbell, 1979; Hackler, 1974; Nachmias and Nachmias, 1987; Rutman, 1977). Experimental and quasi-experimental research, on one hand, may be regarded as what occurred when an intervention was introduced to an treatment group and measured against a control group to determine success or failure. On the other hand, methodologist Michael Quinn Patton (1986:15) summarizes program evaluation as: "(1) the systematic collection of information about (2) a broad range of topics (3) for the use by specific people (4) for a variety of purposes. This broad definition focuses on gathering data that are meant to be, and actually are, used for program improvement and decision-making." It is the difference between their respective audiences and purposes which Patton (1986:17) claims that, in turn, distinguish program evaluation from evaluation research since the latter "studies of program outcomes and effects where there is relatively greater emphasis on generalizability, causality, and credibility within the research community." Patton (1986:345-347) further delineates

42 The hiring of British Columbia's first four Probation Officers serves as an example whereby the lack of a line item for probation officer salaries resulted in their being hired as "trucks" which had both a line item and a budget surplus (Doherty and Ekstedt, 1991).
evaluative research into the following categories:

- Accreditation Evaluation
- Cost/Benefit Analysis
- Cost-Effectiveness Evaluation
- Criterion-Referenced Evaluation
- Decision-Focused Evaluation
- Descriptive Evaluation
- Effectiveness Evaluation
- Efficiency Evaluation
- Effort Evaluation
- Evaluability Assessment
- Extensiveness Evaluation
- External Evaluation
- Formative Evaluation
- Goal-Based Evaluation
- Goal-Free Evaluation
- Impact Evaluation
- Internal Evaluation
- Longitudinal Evaluation
- Meta-Evaluation
- Needs Assessment
- Norm-Referenced Evaluation
- Outcomes Evaluation
- Performance Evaluation
- Personal Evaluation
- Process Evaluation
- Product Evaluation
- Quality Evaluation
- Social Indicators
- Summative Evaluation
- Utilization-Focused Evaluation

Thus, program evaluations and evaluation research became regarded as the method by which program managers could determine which of their programs were cost-effective and should, therefore, continue to be funded (Bartollas and Miller, 1978; Coffey, 1975; Ekstedt and Griffiths, 1988; Jayewardene and Jayasuriya, 1981).

Canadian criminologist James Hackler (1974) offers the criteria for both an effective crime prevention program and program evaluation. Although somewhat dated, his criteria for success and evaluation remain true to this date and have become commonplace. An effective crime prevention program, he notes, contains the following 'formal' requirements, namely:

1. There should be a clear set of program procedures which could be repeated at different times with different subjects and by different administrators. In other words, the program should not be dependent on the unique personality of a person involved in the program.  
2. There must be some division, preferably random, into treatment and control groups with the two groups differing as little as possible.  
3. There must be a measure of the behaviour that is to be changed before and after the program for both the treatment and control groups.  
4. The definition of "success" must be reliable and compatible with reasonable expectations as to what success should be. That is, "success" should not reflect just happiness, personal adjustment, or faith in the program, or the opinion of observers; it should refer to criminal behaviour.  
5. There should be a follow-up in the community for both the treatment and the control groups sometime after the program has ended (Hackler, 1974:2-3).
These requirements are interesting since Hackler's (1974:4) further comment that "soft" studies (such as this evaluation) are almost universally successful. The "hard" studies are almost universally unsuccessful or reflect no change" supports sociologists Eugene Doleschal and Nora Klamputs' (1973:610) caveat that "generally, the more rigorously scientific the methodology the less likely is success to be reported." These results may be attributed, in part, to the linear notions of crime prevention/crime control mentioned earlier, i.e., 'x' causes crime, 'x' is present within the community, 'y' will be introduced into the community to eliminate or reduce 'x.

vi. Conclusion

At this point, however, it is important to note what has been presented thus far has been done so within a Western scientific rather than traditional Aboriginal knowledge framework. Although basic data are gathered concerning participation and activities, the latter perspective would have evaluation researchers examining long-term processes and interrelations between this and other programs in the community rather than the application of scientific rigour or resulting short-term changes.

The indicators of success within an Aboriginal, community-based crime prevention program would likely not be "did intervention A result in condition B," but, any number of indicators determined be relevant within a holistic, perspective, e.g., general health improvements, improvements in educational levels, reduction in crime, level of volunteer involvement, etc. Indeed, there is often less concern with the 'niceties' of scholarly research, e.g., Hackler's (1974) five criteria, while emphasizing the need to do something positive.

Thus, the generalized Aboriginal perspective mentioned here has much in common with that of policy analysts Robert Weiss and Martin Rein (1969) and social animator Sandra Susut (1981). The former, on one hand, would find much to support this approach since it seeks not to understand specific success criteria but, what is occurring within the program so that future programs and policies may be improved. On the other hand, social workers Henri Lamoureux, Robert Mayer and Jean Panet-Raymond (1989) would most likely regard the animation of the community, its mobilization of resources, and processes by which the community began to improve its sense of social worth as more important than the scientific rigour applied throughout the program.
Community-oriented crime prevention programs may be implemented, however, and have immediate effects on crime and delinquency within a community. The implementation of the Northern Fly-In Sports Camps in the predominantly-Inuit communities of Coppermine and Iqaluit during the early 1980s offer excellent examples of intense, short-term activities to reduce crime through positive, organized activities. Anecdotal information concerning the effects of these two programs was extremely positive and a short-term reduction in crime was evident (Patenaude, 1993). Similar information has been received concerning the summer camp programs operated by the numerous Dene bands within the South Slave Region of the N.W.T.
Part 4 - The Grande Finale or A New Beginning?

Chapter 11

Addressing Community-Based Justice in the North

In attempting to define any problem, and hopefully a solution, one must account for a wide variety of factors and variables: the situation, the people, the geographic locale, the time-frame and time-span, internal and external forces, local constraints, regional and national constraints, even international constraints. This is doubly important when one is examining a northern native situation, for in this case both the reader and the author must take each factor across a cultural barrier, and examine it within its proper context.

Michael Richardson, Community Development in the Canadian Eastern Arctic: Aspects of Housing and Education (1976).

i. Introduction

The greatest challenges for policy analysts in the northern criminal justice policy environment are the rapidly changing social, cultural, political, and economic conditions found within the Northwest Territories. Although change also occurs within Southern Canada, the history of government and administration in the Northwest Territories, as presented both here and in the previous Chapter, is one of rapid change and decentralization (Swiderski, 1989). Just as Inuit have moved from the Stone Age to the Space Age during the last fifty years so, too, have the challenges of governance in the North. The major challenge facing Northern government is the fact that interrelated social problems, such as crime, are also changing at that same rapid pace.

Community-based justice programs generally seek to facilitate localized program and service delivery, develop a positive criminal justice presence and also promote community development in areas outside of the provision of criminal justice services. This type of approach is not mere rhetoric, but is indicative of a shift from criminal to social justice in the Northwest Territories and elsewhere.

Building on the foundations provided by the previous chapters, Chapter 11 seeks to explore the areas of government block funding, community policing and community-based justice. Indeed, these were three of the major concerns voiced most often by community members and leaders. The creation of Nunavut notwithstanding the time is ripe for the devolution of many justice-related
services and programs to community governments. Within the area of criminal justice, the federal and territorial Departments of Justice may serve as cultural brokers, advocates and change agents.

Indeed, local conditions and decision-making must not only be recognized, but encouraged and justice-oriented initiatives carried out only if the community opts for such initiatives or participates in one or more of the processes mentioned herein. This is not to say, however, that communities must follow the transfer/delegation/devolution model in order to have government programs and services transferred to their control. The processes involved in the settlement of comprehensive and specific land claims between Bands, Tribal/Regional governments and the federal government offer, yet, another option whereby the transfer of responsibility and resources may occur. Examples which have direct applicability to the Northwest Territories may be drawn from the *James Bay and Northern Québec Agreement* (1975) between the federal government and the Cree and Inuit and the subsequent *Northeastern Québec Agreement* (1979) between the federal government and the Naskapi.

The concepts of community development and devolution need to be understood as the ultimate paradox of social leadership and social power. According to Swiderski (publication forthcoming), in order to be an effective leader, one must turn the followers into leaders:

...the central paradox of social development: the need to exert influence over people for the purpose of building their capacity to control their own lives. Maintaining the line between the use of socialized power to build the capacity of others and the exercise of personalized power to control them for narrow personal advantage.

Several times throughout this dissertation, it was noted that recent inquiries concerned with the delivery of justice services to aboriginal people have pointedly and consistently remarked that there exists a need for change in relationships between aboriginal communities and the criminal justice system and its agents. The time for change, many aboriginal leaders argue, is now. One area where change may occur is the administration of criminal justice in the North.

### ii. Policy Alternatives: Seeking a New Understanding of the Problem

With a multidimensional problem such as crime, there needs to be a multidimensional approach to the problem. However, this is not possible without a redefinition of the policy problem. What is the problem? The high incidence of crime? Lack of adequate public legal education? Lack
of public participation within the justice system as community members or as practitioners? Inappropriate sanctions for the target population?

While these developmental questions point towards a fundamental shift away from the current modes of justice service delivery, the opposite is true. The territorial Department of Justice is promoting discussions which involve communities and its senior managers to seek alternatives that meet the needs of the current system of criminal justice, reform that current system and, finally, seek to promote the inherent rights of aboriginal people to govern themselves. From a public policy perspective, the issues include:

1. The lack of consensus regarding the need for either an integrated or parallel justice system for aboriginal peoples or whether the current criminal justice system is capable of adapting to meet the needs of aboriginal offenders, victims and communities.
2. The academic and professional education of aboriginal persons seeking a career in the criminal justice system.
3. The need for increased communications and involvement of aboriginal peoples and their communities in the delivery of criminal justice services.
4. The need to develop and institute intermediate sanctions which are culturally-relevant for Northerners.

Although these issues are important in their own right, they merely point to the problem of a loss of control by aboriginal peoples over justice issues. What this Chapter seeks to address is the manner by which the federal and territorial Departments of Justice may return such responsibility back to the community-level. The following discussion offers an overview of some of the recent initiatives undertaken by the territorial Department of Justice to answer these questions prior to establishing a public policy strategy for aboriginal or community justice.

During the past few years there have been increased demands for community participation in the administration of justice and other government services which affect their lives on a daily basis. Although personnel within the criminal justice system have attempted on occasion to address the concerns of community members, there has been only one systemic attempt to do so. This occurred with the enactment of the Young Offenders Act (1983) and the subsequent introduction of Youth Justice Committees.

These comments are reflective of both the Law Reform Commission’s Aboriginal Peoples
and Criminal Justice (1991) which addressed each component of the criminal justice system in their discussion on aboriginal community involvement with the justice system and nearly every public meeting involving the community and representatives from the criminal justice system. Notable among their recommendations were a shift towards a restorative justice process, the use of elders to assist in assessing sanctions, and use of the collective to supervise individuals released from incarceration back into the community. Yet, what is the current state of research concerning aboriginal justice within Canada's Northwest Territories?

Policy Options:  
(A) Acceptance that current levels of support provided by the federal and territorial Departments of Justice to academic researchers is sufficient and should be allowed to expire;  
(B) Provide support for new and existing research into aboriginal justice and traditional methods of social control;

Recommendation:  
(1) The federal and territorial Department of Justice should secure funds for community or regional level organizations to conduct research on local adaptations to traditional law and social control and their applicability to the current socio-legal situation.

At the present time, there are no large-scale research endeavours into the areas of traditional aboriginal law and contacts with the non-aboriginal system of criminal justice in the Northwest Territories. Two such studies have been concluded, however, during the last two years. Under anthropologist Joan Ryan's leadership, this project is sponsored jointly by the Dene Cultural Institute, Arctic Institute of North America, and the federal and territorial Departments of Culture & Communications, Justice and the Social Sciences and Humanities Research Council (S.S.H.R.C.). The goals of the Dene Traditional Justice Case Study are three-fold:

a) To provide an accurate and complete information base of the traditional laws, rules, mores, values and the means used to establish and maintain social control within one (expanded to five) Dene community, based on the oral testimony of Dene elders;  
b) To document the extent to which traditional laws, rules, mores, values and mechanisms for ensuring social control are practiced today within that community; and,  
c) To enhance the understanding and appreciation of Dene justice among both Dene and non-Dene through the publication of the findings of this project and their distribution throughout the Dene communities and to the general public (Dene Cultural Institute, 1990:6-7).
This study of traditional *Dene* law and legal concepts among the *Dogrib*-speaking culture has an applied anthropological perspective and the primary investigator has resided within the *predominantly-Dogrib* community of Lac La Marte for six to ten months of each year of the study. The research team has employed "participatory" or action research methods which empower the community in the research process. An integral component of this commitment to community ownership was the establishment of a technical advisory committee comprised of academics, criminal justice practitioners and, most importantly, local *Dene* elders which would meet at least twice per fiscal year. The function of the committee is to provide both methodological and analytical expertise as well as assist in the publication of a product of use for both those administering criminal justice and those to whom it is administered.

Also completed recently is another justice-related study, the *Baffin Region Crime and Justice Study*, is nearing completion in the Eastern Arctic. Under the leadership of sociologist C.T. Griffiths, the goals of this S.S.H.R.C. funded study include:

1. To research the rates and patterns of criminality in the Baffin Region;
2. To research the perceptions of *Inuit* political leaders and community residents regarding the nature and extent of crime in their communities and to examine the factors that distinguish 'high' and 'low' crime communities;
3. To research the perceptions of both individuals involved in the delivery of justice services and of community residents current services; and,
4. To research the perceptions of criminal justice personnel and *Inuit* as to the potential for developing alternative, community-based programs to meet the needs of victims, offenders, and the community (Griffiths, 1992:1).

Unlike the approach favoured by Ryan, this study has paid primary attention to those agencies involved in the delivery of criminal justice rather than the residents view of the problems. As such the project has emphasized the identification of patterns of behaviour from quantitative data and correlating them with social, economic, demographic and other non-ideational factors. Indeed, the question of comparing high and low crime communities illustrates the choice of an outsider rather than culturally appropriate perspective.

While these two studies will contribute to the overall knowledge base, the data which they offer are needed to supplement rather than replace the other. Additional research of these types should be encouraged. Indeed, these studies will complement the data reported by the *Gender*
Equality Review (1992) and other recently-released reports concerning the administration of justice in the Northwest Territories.

Recent project proposals which contain a research component have been submitted to the federal and territorial Departments of Justice. Common to nearly all of these proposals was a recommendation that local people be trained and employed as researchers. The value of this approach is that several individuals receive short-term employment, research skills remain in the community, and the community is empowered to define its research agenda and some of the uses of the data which are gathered. The value of this "participatory research" approach has been identified by Ryan and Robinson (1990), who note that this model employs a methodology which includes:

1. a commitment to the community controlling the process, from setting the research agenda, through consultant and trainee selection and project development, to budgeting and annual project review;
2. a commitment to community ownership and control of all research products and their use. This meant that copyright was retained by the community;
3. a strong and continuing reliance on the capability of community adults as trainee researchers, teachers, writers and project advisors;
4. a shared commitment to advocacy on behalf of the community on issues of its choosing;
5. a commitment to a group dynamic and consensual process of decision-making and a feminist interrelation approach; and,
6. a commitment to working oneself out of a job within a specified time (Ryan and Robinson, 1990:59).

In a community development context, the methods of participatory research are easily incorporated into the definition/redefinition of the problem and the development/adaptation of a policy solution to solve it. This spiral rather than linear approach to understanding the problem is presented by G. Goyette and M. Lessard-Hébert (1985), who noted that the first cycle within that participatory research spiral:

begins by exploring and analyzing the experience. But the project's accomplishment entails changes in the situation as well as in participants. A cycle is completed with an interpretation, a conclusion and a decision that generally leads to the another cycle in which the modified and enriched experience is explored and analyzed (in Alary et al, 1990:207).
A participatory research format empowers the community leadership, as Goyette and Lessard-Hébert (1985:104) noted, to become "the primary director of [their] participatory research project, responsible for its success." In addition, it also commits whichever government agency is involved in the project, to support not only the growth process through training and research funding but, to act on changes recommended by the project.

Policy Options:

(C) Provide support and technical assistance for communities to determine the direction which they perceive as appropriate for the administration of justice within their community or region; This model uses a "bottom-up" or community development approach;

(D) Develop a centralized strategy of community programs and services which may be delegated to the local community or region; This model employs a "top-down" approach limits community participation to a manner determined by government rather than the community;

(E) Develop a territorial-wide strategy of community initiatives from which communities may opt as they choose to do so; This model employs an intermediate strategy vis-a-vis community development and government control;

Recommendation: (2) The territorial Department of Justice should employ a dual-track approach which empowers communities and regions to determine the nature and level of involvement within the current regime of justice administration and assists communities to develop alternative models which reflect local need, resources and culture.

Currently the only mechanisms for community involvement within the corrections component of the criminal justice system are through Citizens Advisory Committees for institutional corrections and Youth Justice Committees for youths in the community. Elders and other interested citizens have been slow in stepping forward to participate in the institutional phase. While the federal Young Offenders Act (1983) provides mechanisms for community involvement at the pre-trial diversion phase of the criminal justice process, cultural constraints on interference and the principles of reintegrative shaming are involved in a tug-of-war between those traditional values and their modern applicability.

Although the success of Youth Justice Committees have yet to be measured, there appear to be some elements of the committee structure which could be successfully adapted to serve the needs of offenders of all ages. One program initiative which is in harmony with the L.R.C.'s (1991) recommendations is the establishment of "Community Justice Committees". This program initiative
holds the most significant potential as a catalyst for the eventual devolution of justice services to interested aboriginal communities.

Although some practitioners may have a preference for post-charge, pre-trial services, the expansion of the current Youth Justice Committees into Community Justice Committees could deal with both youths and adults from the pre-charge stage to the post-sanction or after-care stages of the criminal justice process. The committee could become involved in diversion projects, similar to alternative measures under the Young Offenders Act (1983), whereby the Crown would likely request a stay of proceedings to permit the committee to work with the offender. The committee could offer post-conviction services by acting as windows on community values for the judiciary, Volunteer Probation Officers, or participating intensive supervision-style programs such as Community Incarceration Programs. During both pre- and post-conviction processes, committee members should be required to report to the courts on the their activities and the progress of the offender who would be rewarded for positive behaviour (early withdrawal of charges, termination of probation, etc.) or sanctioned for negative behaviour (proceedings restarted, breach of probation, Temporary Absence suspension, etc.).

Figure 54 The Criminal Justice System and the Community Justice Committee.
The ideal conditions for such an expansion of services would include either: 1) a successful Youth Justice Committee exists and is ready for expansion, or 2) a community has expressed a specific desire to become involved in this area. The latter situation could progress through the expansion of this committee to deal with young offenders. This expansion would not place undue demands upon either the volunteer base within the community or the financial resources of the Department of Justice. The committee could, thus, become a visible mechanism for the community’s empowerment and increasing the level of justice service delivery. They would be involved in the criminal justice process by determining division from the various diversion points presented in Figure 54, offer advice and local knowledge to the courts, help offenders during the community integration process, and report to the community and the courts at the termination of that process.

The overall objective of this strategy is to encourage and develop a series of successes within the area of community-based justice upon which communities may build future success and growth through being re-empowered in one government program area by the Department of Justice. The immediate goal, however, is the urgent need to develop strategies to divert offenders at both pre- and post-conviction stages of the justice process. In order to accomplish either of these goals requires that the Department of Justice, at both headquarters and regional levels, adopt a community development model, i.e., increased community involvement in community justice and the eventual devolution of those services to the municipalities, including the commitment of the necessary resources to carry out this task.

The establishment and expansion of Youth Justice Committees into “Community Justice Committees” meets not only the needs of offenders, but also victims, the community and the courts. The implementation of programs such as community incarceration would serve both the Department of Justice mandate and communities as they develop helping strategies for offenders. Since this strategy has not been attempted in other Canadian jurisdictions, it is presented in the form of a policy statement rather than for discussion.

To empower communities to regain control over their daily lives requires more than just legislation or good intentions, it requires support from both within and outside of the community. If Community Justice Committees are to be established throughout the Northwest Territories, for example, there must be a community-based foundation upon which to build such programs. The current youth justice focus must be expanded to include adult offenders, therefore evolving from
Youth Justice Committees into hybrid "Community Justice Committees" which would serve as a stepping stone towards the full devolution of justice services and programs to the community level.

While it is incumbent upon the community to provide the desire and human resources to operate community-based correctional services, the challenge for government is to provide the material and technical support to community groups in a manner which is neither patronizing nor exclusionary. The program must remain a community project assisted by government personnel and resources. The expenses incurred in the management of volunteers (even those receiving honoraria) are minimal in comparison to incarceration while the potential gains could possibly be very significant.

Although policy makers may create structures to facilitate the expansion of diversionary mechanisms, such as intermediate sanctions, the notion of community ownership is essential and must be addressed. Officials from criminal justice agencies may initiate discussions with community leaders and members aimed at empowering the community to take a lead in determining which direction they ultimately wish to take, namely external or internal locus of control. The focus of the criminal justice agency must be community development rather than community control. This approach is in line with the findings of not only the Manitoba and Alberta judicial inquiries into the justice system, but also the recently published Law Reform Commission of Canada report, *Aboriginal Peoples and Criminal Justice* (1991). These reports are united in their views that justice services must "be for aboriginal people and by aboriginal people".

The first track of the two tracks within the Government of Northwest Territories approach to community-based justice should be found within the existing system of criminal justice. The establishment of a "Community Justice Committee" forms the basis of that track and could follow one of two approaches with the locus of control remaining within the municipal and/or band structures for community government. In communities with an established Youth Justice Committee currently exists it should be re-appointed as a community justice committee empowered to divert both adult and young offenders from having further formal contact with the formal criminal justice process at various possible diversion points (see Figure 54). Where no such committee exists, the focus of government efforts should be the establishment of a community justice committee which could deal with either offender age group as chosen by the community.
The notion of empowerment is important here as the community would choose to deal with strictly youths (as some communities have chosen), youths and young adults under the age of 25 years (as some other communities have chosen), or the entire range of criminally responsible persons (above the age of 12 years). Such choices are not "one-time deals" as communities may opt for lesser or greater levels of responsibility based on the experience gained in operating such committees and diversion programs. In addition, the community's comfort level with respect to the severity of offences which it feels are within its ability given community dynamics (power structures, type of offence, etc.) will grow with those experiences.

There are numerous philosophical points upon which the Young Offenders Act (Canada) and aboriginal concepts of justice are in agreement, notably in the use of restorative sanctions determined by a collective. Recent territorial government initiatives in the area of pre-trial diversion is a provide an excellent example of this agreement. Community Justice Committees may chose to offer pre-charge, pre-trial, point-of-sentencing and post-conviction services to the accused, the courts, the victim and the community.

Acting in either their pre-charge or pre-trial diversion roles, these committees would receive individuals referred by the police, the individual's family, or the community at-large, in much the same manner as do Youth Justice Committees currently operating under the Young Offenders Act (Canada). Their primary role is interventive to offer persons who are either in conflict with or are at risk of coming into conflict with the justice system with structured alternatives to the formal processes. Community Justice Committees would offer guidance, advice, lay-counselling and, where appropriate, community-based sanctions such as apologizing to the victim(s), making restitution in the form of personal service (cutting wood, clearing snow, repairing any damage done during the offence, etc.) or voluntary community work.

The primary difference between pre-charge and pre-trial referrals is that a criminal charge has not been laid in the former whereas the latter requires it. In either case, however, the community may chose to utilize the committee as a "court of first resort" to mediate disputes and, thereby, reinforce cultural institutions. Since a criminal information has not been sworn against an individual, the legal protections afforded an accused under the Canadian Charter of Rights and Freedoms (1981) do not apply in the case of pre-trial referrals. The effect of this policy should not be interpreted as widening the net of social control, but as a return to the point where the basic principles of English Common Law and aboriginal customary law intersect, namely, the community
sanction has meaning to the offender, the victim and the community and recompense is not made, but seen to be made.

Making their sanctions relevant to the offender, victim and community has been the concern of many members of the Courts (Justice of the Peace, Territorial and Supreme) in the Northwest Territories. Within the Inuvik and Baffin Regions, the Territorial Courts have begun to use respected community members, usually elders, as "lay sentencing panels" to assist them in delivering sentences which are more appropriate in the eyes of the community. The role of a sentencing panel is one which a community justice committee could choose to adopt.

Once legal guilt has been established in the Western juridical context, the justice or magistrate may refer the matter to the community justice committee for a verbal recommendation based on their understanding of the offender (their home situation, unresolved problems, etc.), the damage done to the victim and the community standards of behaviour. Those sanctions recommended by the community justice committee are more reflective of the worldview of the local aboriginal community and the need to treat the actor rather than punish the behaviour. As with pre-charge and pre-trial diversion, the community justice committee offers support and lay counselling to the offender and victim, present alternative sentences such as personal service to the victim similar to the provisions of the Young Offenders Act (Canada) including: recording oral histories of tradition social control, repair any damage incurred, wood cutting, snow removal, etc. Other recommendations could include removal to a bush camp, community service or substance-abuse treatment as needed by the offender. Results to date have indicated that this initiative is successful as most recommendations have been incorporated into the sentence of the court.

The involvement of community justice committees in the area of post-sentence supervision of offenders is important and, especially in the eyes of the community, a continuation of their role in court. Having stated the offender's background to the court and offered a recommended course of action, the committee might naturally assume responsibility for assisting with as much of the sanction as practical. Their close relationship with the trial judge permits committee members to report to the courts on their activities and the progress of the offender who would be rewarded for positive behaviour (early withdrawal of charges, termination of probation, etc.) or sanctioned for negative behaviour (proceedings restarted, breach of probation, Temporary Absence suspension, etc.).
This holistic approach is much in common with the general world view within most aboriginal communities across the North. Indeed, one of the factors which promotes success in this area may be the fact that failure to comply is not merely a criminal matter, but a rejection of the community and its perceptions of shame or loss of face in dealing with the courts.

The current youth justice system in the Northwest Territories may be criticized for being excessively bureaucratic and controlled from Yellowknife. Since the community justice committee format owes much of its content and structure to the current youth justice committee format changes will be required to streamline the new system and promote its effectiveness. The number of forms designed by the territorial Department of Social Services and inherited by the Department of Justice for the processing of young offenders from diversion to probation or incarceration and return to the community has been excessive and oriented towards persons with high degrees of English language literacy and comfort with complex forms. The result of this focus has been the frustration of many aboriginal persons and their resigning from their respective committee. Thus, if effective community justice committees are to be promoted, the number and complexity level of the forms used in the youth and adult systems of community-based justice need to be redesigned with this concern in mind.

This frustration has been mirrored in the appointment process used by the Department of Social Services (processing the appointment) and the Department of Justice (gazetting the process). The present appointment system is overly-bureaucratic and hindering the effectiveness of the committee system. With the transfer of corrections responsibilities from the Department of Social Services to the Department of Justice, the potential for streamlining this process has increased and should be effected.

The development of community justice committees offers an example of the interplay between the Anglo-Canadian and Aboriginal worldviews concerning justice and the applicability of intermediate sanctions at a jurisdictional level. Understanding and working with these differences are a fact of life for criminal justice practitioners within the North.

It is important to remember that community-based sanctions, such as a community justice committee might recommend, are not aimed solely at reducing the prison population within the North. Indeed, Tonry and Morris (1990:47) note that community-based alternatives tend "to draw their subjects from those who had previously been sentenced less not more severely, from those
who would otherwise be on 'ordinary' probation rather than in prison or jail" while the Canadian Sentencing Commission (1987) identified such programs as additives rather than alternatives to incarceration. These options should not, therefore, be held out as panaceas for the reduction of gaol populations across the North. Their role should be understood as "efforts to develop credible non-incarcerative sentences with contemporary sentencing reform" (Tonry and Morris, 1990).

The second track of this dual-track approach should be the promotion of both incremental reform leading towards fundamental change within the overall system of criminal justice to permit aboriginal values and beliefs to be either incorporated within a hybrid aboriginal/non-aboriginal system of criminal justice or a separate or parallel aboriginal system of criminal justice. Rather than "judging the justice system" and its efficacy, the Department of Justice has adopted an approach which has much in common with a participatory research format. Within a discussion paper presented to the Gwich'in Tribal Council during September, 1992, the Department of Justice presented three principles which will shape its approach to community-based justice programs and services. They include:

1. Aboriginal peoples have an inherent right to self-government. This principle will guide the Government of the Northwest Territories.

2. The Government of the Northwest Territories is a public government with a responsibility to serve all residents, in a manner which recognizes and respects the constitutional and collective rights of aboriginal peoples while providing public government options and respecting the rights guaranteed to all persons by the Canadian Charter of Rights and Freedoms.

3. The Department of Justice may exercise its mandate in relation to the administration of justice by negotiating justice projects at the community level recognizing that communities may exercise their rights either individually or as part of a larger collective or collectives (GNWT Justice, 1992:1).

With these principles in mind, senior members of the Department of Justice, Royal Canadian Mounted Police, and Justice of the Peace and Territorial Courts have been travelling, on more than one occasion, to numerous Western Arctic communities to participate in community meetings lasting from one to three days. Their goal has been to gather both information and grass-roots commitment. A number of valuable insights into the effectiveness of the current system of criminal justice and practical alternatives offered by the traditional social control methods have been gained by both parties. Examples of these insights and differences in approach are provided within Appendix 2.
Throughout his numerous writings on Inuit conflict with the Anglo-Canadian legal and judicial systems, legal anthropologist Harald Finkler (1981, 1982, 1983, 1985, 1986, 1992) has offered the view that traditional Inuit methods of social control, for example, may be adapted for use within the current regime of criminal justice and points out that community involvement in the criminal justice process has occurred on a limited scale due to the scarcity of Northern resources. In addition, Finkler (1985) has provided a valuable summary of the manners by which individuals and communities have been involved within the Northern criminal justice system in the past. He noted:

...the major thrusts in current or proposed remedies in regard to the situation of Native peoples and the delivery of socio-legal services in the N.W.T., as elsewhere, comprise the indigenization of the criminal justice system and initiatives in cross-cultural and public legal education. Specifically, examples of indigenization, i.e. the utilization of indigenous persons and organization in the delivery of existing socio-legal services and programs, have been reflected in ongoing efforts to recruit Natives as R.C.M.P. special constables or regular members, Justices of the Peace, social workers, and corrections staff, etc., along with indigenous involvement in community-based alternatives to institutionalization (e.g. community service orders, fine option program) and in services to the addicted. Secondly, a greater emphasis is being placed on public legal education initiatives by the Legal Services Board of the N.W.T., Native Courtworkers, and Frobisher Bay Legal Services, etc., and on cross-cultural education courses to sensitize non-Native staff throughout the justice system (Finkler, 1985:149).

Validating Finkler's (1985) observations, the current series of community meetings also pointed out the need to not only involve communities in the planning and delivery of criminal justice programs and services, but the need to re-empower them to take the leading role in those same activities. In one Sahtú Region community, for example, many community residents noted that amendments to existing federal and territorial legislation, rather than broad policy statements, are needed to permit communities to opt into a community-based system of criminal justice. Similarly, they claim that this is one of the first steps towards community empowerment within the justice system (Patenaude, 1992).

Although the need for new enabling legislation is a high priority, a research base from which to base legislative and policy change is required. Although the, now defunct, Northwest Territories Committee on Law Reform (N.W.T.C.L.R.) had the requisite credibility within the Anglo-Canadian legal community to recommend changes, it lacks both a full-time research capacity and cultural credibility among the aboriginal population to engender confidence in its recommendations.
One alternative may be a participatory research effort involving regional bodies, such as Regional/Tribal Councils and/or Aboriginal Justice Councils,\(^{43}\) with a consortium drawn from a resurrected N.W.T.C.L.R. or Special Committee (established by the Minister of Justice), Department of Justice personnel and academics. At the present time, the Department of Justice is fortunate to have in its employ, Mr. Sam Stevens, an aboriginal lawyer whose ethnicity, professional qualifications and publication record provide him with the credibility necessary to lead such an endeavour.

This research effort, for example, could be undertaken to: 1) review of traditional Dene, Métis and Inuit legal beliefs and methods of social control; 2) examine the areas of commonality where those beliefs and practices could be immediately incorporated into the Northwest Territories criminal justice system; and 3) to recommend legislative and other changes needed to make the criminal justice more amenable to the needs and aspirations of aboriginal and non-aboriginal Northerners in a system of public government. This effort could mirror many of the proposed terms of reference put forth by legal scholars Veryan Haysom and Jeff Richstone (1987) for Nunavut.

Within their "Customizing Law in the Territories: Proposal for a Task Force on Customary Law in Nunavut" Haysom and Richstone (1987) recommend the establishment of a task force to research the modification of the existing system of criminal justice to reflect traditional Inuit legal beliefs and practices. Rather than delving into the issue of whether or not aboriginal systems of law should be promoted in the public government regime of Nunavut, they chose to research the manner by which such incorporation could be effected.

Indeed, Haysom and Richstone (1987) have proposed both terms of reference and a work plan which, although written within western juridical terms, could be adapted for use by a territorial-

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\(^{43}\) The establishment of Aboriginal Justice Councils was authorized by the N.W.T. Legislative Assembly during 1991. Based within the 256 recommendations made by the *Report of the Ministerial Working Group on Family Law Reform (1991)*, its area of responsibility would be to ensure that family law would be reflective of aboriginal custom and community-based values. While their mandate was strictly family law in focus, their structure, mandate and membership was to be determined by local communities and/or regions which, in turn, could evolve into criminal justice matters with only minor changes to existing statutes and regulations. To date, however, Aboriginal Justice Councils have yet to become functional in any form.
wide review. While research by Haysom and Richstone (1987) provides one example of public policy advocacy as opposed to public policy research, examples of the integration of research and reform agendas may be drawn from judicial inquiries held in several Western provinces, such as Manitoba, and the recent Royal Commission on Aboriginal Peoples.

The Report of the Aboriginal Justice Inquiry of Manitoba (1991) acknowledged the basic and fundamental differences between the dominant Euro-Canadian and the Aboriginal perceptions of the meaning of justice as an abstract concept and the purpose of a system of criminal justice. Indeed, the Manitoba report offers a succinct discussion which is applicable to this discussion:

At the most basic level of understanding, justice is understood differently by Aboriginal people. The dominant society tries to control actions it considers potentially or actually harmful to society as a whole, to individuals or to the wrongdoers themselves by interdiction, enforcement or apprehension, in order to prevent or punish harmful or deviant behaviour. The emphasis is on the punishment of the deviant as a means of making that person conform, or as a means of protecting other members of society.

The purpose of a justice system in an Aboriginal society is to restore the peace or equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged. This is a primary difference. It is a difference that significantly challenges the appropriateness of the present legal and justice system for Aboriginal people in the resolution of conflict, the reconciliation and the maintenance of community harmony and good order (Manitoba, 1991:22).

This statement alludes to the success of legal systems around the world, codified or not, which are based on the needs of the collective rather than those of the individual; a system based on reintegrative shame rather than punishment and stigmatization.

Once again, it is mandatory that these or other courses of action be undertaken only as responses to local concerns rather than imposed from outside the community. The inherent contradictions between development and modernization or community actualization and the imposition of a solution are avoided through a process of community education, albeit using outside resources to increase community awareness of problems and alternatives. A multi-media approach (using a combination of print-audio-video materials) may be best suited to accomplishing that goal.

Haysom and Richstone's (1987) six terms of reference and five-point work plan for a law reform study in Nunavut are presented as Appendix 3.
Policy Options:

(F) Employ the community justice forum approach to increase community-government interaction within the justice system;

(G) Utilize Arctic Public Legal Education and Information Society (Arctic P.L.E.I.) as the appropriate vehicle for community legal awareness and increases funding and other support to that agency;

(H) Produce one, or more, information pamphlets in all eight N.W.T. official languages to promote awareness of community-based justice initiatives and possible funding alternatives;

(I) Adopt a multi-media approach to increasing public awareness of criminal justice system which includes multilingual pamphlets, videotapes and tele-conferences using Television Northern Canada (T.V.N.C.);

(J) Produce a law awareness package, in conjunction with the Department of Education, Employment and Culture, for use in schools across the N.W.T.; the Law Awareness Badge program offered by Boy Scouts of Canada offers an attractive package which may be adapted;

Recommendation: 

(3) The Department of Justice adopt a coordinated approach towards increasing community awareness and participation in the criminal justice system which includes: community meetings and regional justice forums, a multi-media format and the creation of a law awareness program for school-aged children and youth.

The overall goal of the Department of Justice in this area should be to communicate its desire to involve local community members and leaders in the administration of criminal justice, how such a "partnership" may be entered and, finally, what resources may be available for those purposes. If that Department desires to affect a shift from the current non-participative to a participative approach, it needs to communicate these messages using one or more methods reflective of the cultural and regional variations which exist in the North. Indeed, the Department of Justice must ask itself, "Do we wish to merely inform people or provide them with ways to use that same information?"

Providing printed pamphlets to communities, for example, presumes a priori interest in the topic and a degree of literacy in the language which the pamphlet is printed, whereas audio, video or personal contact offers the opportunity to create such interest and to then utilize the information thus gained. The development of information pamphlets for or by the territorial Department of Justice must be cognizant of the fact that it cannot be all things for all people. In short, it must be concise, clear of jargon, easily-translatable into Northern aboriginal languages and deal with a single topic area. Such pamphlets should present enough information to create interest and offer further
sources of information rather than attempt to provide its readers a short course in the topic area and its use. Experience has shown the value of a series of short, translated pamphlets of, perhaps, three pages in each language. Possible topic areas could include:

1. Components of the existing criminal justice system;
2. General statement of intent (participative v. non-participative);
3. Diversion (pre-charge and pre-trial);
4. Policing and community involvement;
5. Involving the communities in the judicial process;
6. Communities and community-based sanctions; and,
7. Funding for communities and groups for justice-related projects.

Although they have incorporated many aspects of non-aboriginal society, most aboriginal communities have retained aspects of the past oral tradition and adapted them to the demands of an urbanized lifestyle. The use of public meetings to discuss major concerns is one such aspect. As mentioned previously, senior-level justice practitioners have been participating in a series of community meetings across the Western Arctic. This series of public meetings has provided community residents, of all ages, with cursory introduction to the components of the criminal justice system and the roles and responsibilities of the attending criminal justice practitioners. Similar use of traditional gatherings of chiefs and elders, such as regional council meetings and the upcoming meeting of the Treaty 8 chiefs, are also being encouraged as culturally appropriate methods of introducing predominantly aboriginal communities to the new directions pursued by the Department of Justice. A modern adaptation of the public meeting is the use of phone-in radio programs on community radio.

Each community within the contemporary Northwest Territories possess a low power, Frequency Modulated (FM) radio station for local programming as well as the rebroadcasting of CBC-North programs. These radio stations provide the social animator with unique opportunities to promote community development and the establishment of a community-based justice system through both radio interviews and phone-in talk shows. While the former offers an opportunity to promote such initiatives to a large audience, it may perpetuate the scenario in which federal government officials have heard the voices, but not the words of Northerners.
The use of a "talk-show" or phone-in format on local and regional radio stations offer a dynamic opportunity to present and discuss the merits of a community-based system of criminal justice. Once again, the requirement to translate both the initial presentation and subsequent questions and answers will constrain the depth and breadth of issues being discussed. This limitation is offset, however, by the degree of personal involvement which both the presenter and the audience may claim to the process.

At this time it may be noted participation in a radio talk-show could occur either prior to or immediately after public meetings within a community. The benefits of both approaches may include, as previously noted, the heightening of both community knowledge about the current and emerging systems of criminal justice and interest in community-based justice. Similarly, justice practitioners acting in their role of community developers should remain within the community after such public meetings and radio phone-in shows to gauge the reaction of community members.

Having examined interactive public meetings and radio programs as communication and information conduit, other more powerful communication media have remained unexplored, namely television and video-cassettes. The impact which television has had upon Northern aboriginal peoples, especially Inuit, has been well documented within academic journals and texts as well as the so-called "grey literature" of graduate student theses and dissertations (cf. Caron, 1976; Cranston, 1984; Kirkaldy, 1984; Koeberling, 1988; Mayes, 1972; O'Connell, 1974; Valaskakis, 1979; Wilson, 1981, 1987). Despite the rhetoric of cultural colonialism and the negative impacts which it has had upon Northern aboriginal societies, television offers an opportunity to reach the greatest number of community residents and to be internalized due to both the authoritative nature of television ("I saw it on TV") and the potential for retention due to the number of senses involved, especially when the format is interactive such as phone-in programs.

The use of interactive television programming has been promoted by the former Justice of the Peace Administrator of the Territorial Court during recent months. The format of these programs generally follows an introduction to the program, a short presentation of the information which the program is seeking to convey and, finally, discussions between the panellists and telephone callers regarding the material. It would appear that the general topics mentioned previously with regard to information pamphlets will be topic areas examined throughout the program series. Additional programming will concentrate on topic areas relevant to the sentencing and supervision of offenders.
Broadcast on Television Northern Canada (T.V.N.C.), these programs are videotaped and may be distributed throughout the North for use in community education and awareness programs. Although such programs have been designed for the training of new and relatively inexperienced Justices of the Peace, they provide the basic information which community members and leaders will need if they are to become full participants within the existing justice system or an alternative system of community-based justice. While interactive television offers one example of a multimedia approach to promoting community legal awareness, the efforts of the Arctic Public Legal Education and Information Society (Arctic P.L.E.I.) offers another option.

At the current time, Arctic Public Legal Education and Information Society (Arctic P.L.E.I.) provides basic public legal information and awareness in communities across the N.W.T. The program goals of Arctic P.L.E.I. are to reduce and prevent legal problems, increase knowledge of the legal process and justice system, and encourage people to protect their rights through understanding the law (Arctic P.L.E.I., 1991:2). These goals are usually accomplished by providing pamphlets, posters, short audio and video cassettes, a speaker's bureau of lawyers who visit schools and community groups, a toll-free Law Line offering free legal advice to callers and, finally, a theatre group offering information about dramatized events. During 1990-1991, Arctic P.L.E.I. conducted research into the relationship between oral culture and intra-familial violence, a needs assessment of victims of crime, a series of short community workshops, continued its Speaker's Bureau activities, maintained a modest resource library and assisted in establishing the Yellowknife Victim Assistance Service (Arctic P.L.E.I., 1991:5-6).

Although Arctic P.L.E.I. received over $525,000 in government and private donations to operate, it is underfunded for the broad range of activities which it is mandated to deliver. Due to their limited resources, Arctic P.L.E.I. serves as an information and services broker to other agencies. Although Arctic P.L.E.I. has the potential to serve as the primary vehicle for public legal awareness and education, as it is currently structured, it would require a substantial increase in funding to provide the range of services (increased community meetings, large scale multi-media campaign, research into traditional law and social control, etc.) envisioned by the Department of Justice.

Approximately half of this amount was allocated to the theatre group project while remaining funds are used as the Society's operating budget.
While the Speaker's Bureau offered by Arctic P.L.E.I. appears to be an *ad hoc* solution, i.e., it occurs on an irregular and as available basis, the design and implementation of a program to promote legal awareness among elementary and secondary school should be promoted. Such a law awareness package could be developed in conjunction with the Department of Education, Employment and Culture for use in schools across the N.W.T.

The elementary school level program could be aimed at the 7-10 year age group or grade 2-4 level. The Law Awareness Badge program offered by Boy Scouts of Canada offers an attractive package which may be adapted for use within the current school curriculum. The requirements for that badge requires that the youth talk about the importance of rules to a small group (such as a class), the law making process and law enforcement in Canada, discuss any number of personal, property and environmental law concerns using situations offered by the leader or teacher. The specific badge requirements are presented in Appendix 4.

The secondary school program could be aimed at the 13-15 year age group or grade 9-10 level. Such a program could begin with an in-depth examination of the topics presented in the elementary school program, examine in greater detail the components of the existing criminal justice system and their interrelations, examine aboriginal traditional legal beliefs, and explore the potential for communities to become involved in the administration of criminal justice.

As can be seen from the discussion, thus far, there is no central agency approach to the delivery of information and education to the general public. Programs such as the legal life skills workshops sponsored by Saskatchewan Public Legal Education have potential for the Northwest Territories. This format offers a two day workshop for community-based groups and individuals wherein they receive training in the components and roles of the criminal and civil justice systems. Participants are then encouraged to assist local community members in identifying whether or not an incident is a civil or criminal matter and providing a referral to an appropriate agency.

In summary, these various communication media and strategies illustrate the value of a multimedia approach to increasing the awareness and skill levels of community resident *vis-a-vis* the existing criminal justice system and alternative justice structures and programs as may be developed in the future. The single caveat remains implicit, however, that no program of change can succeed without the involvement and full partnership of communities and their leaders or political representatives.
Policy Options:  

(K) Adaptation of existing professional development programs and services to promote and develop increased cross-cultural sensitivity among criminal justice practitioners;

(L) Development of new programs, based on models employed by other jurisdictions, to increase the awareness and sensitivity of non-aboriginal criminal justice practitioners;

(M) Development of new programs, based on consultation and shared experiences, to increase awareness among criminal justice practitioners and community residents of each other;

Recommendation:  

(4) In consultation with interested community/regional/territorial level aboriginal groups, the Department of Justice undertake a review of existing Government of the N.W.T. programs and services to increase cross-cultural sensitivity and develop a program specific to the justice related needs of practitioners and community members.

The following discussion moves past the notion that the community-at-large lacks a basic education in the area of criminal justice services and examines the problem of increasing aboriginal involvement within the current criminal justice system, a notion which requires a pool of well-educated and well-trained aboriginal persons and sensitized non-aboriginal persons. This is seen as one of several first steps towards "dealing with matters relating to aboriginal persons in the criminal justice system" as recommended by the Law Reform Commission of Canada (1991:105).

Drawing from numerous public meetings wherein community leaders and elders offered their understanding of the problems facing aboriginal communities today and literature within the disciplines of education, law and social work as well as efforts within the criminal justice system, the following discussion presents several models which may be employed to develop a resource pool to draw from which will meet the needs of both societies. If the current series of public meetings has accomplished one feat, it was to bring the communities and the criminal justice system together for a brief time and to assist both parties to understand that they were not effectively communicating with each other nor are they adversaries. The delivery of public legal education is one component of this communication process while educating practitioners within the criminal justice system is the other.

As portrayed in the previous discussions dealing community legal education and awareness, there is a need for community members to be offered a basic understanding of legal and judicial processes. This need is mirrored by the need for non-aboriginal criminal justice practitioners to
become more aware and sensitized towards the cultural demands placed upon community residents and for increased numbers of practitioners who are of aboriginal ancestry. The following paragraphs examine the latter two requirements.

Criminal justice agencies, according the L.R.C. (1991), need to increase the numbers of aboriginal persons employed at all levels of the criminal justice system. The current affirmative action policies of the Government of the Northwest Territories are not only supportive of this goal, but actively promote it. Few aboriginal people have chosen the criminal justice system as a career. While increasing numbers of court workers, Justices of the Peace, correctional officers and probation officers are of aboriginal descent, such is not the case among the ranks of the police, the territorial bar and the judiciary (Griffiths and Patenaude, 1988). This has forced the criminal justice system to sensitize its mainly non-aboriginal members to the needs of the predominantly aboriginal communities which they serve rather.

At the current time, a large percentage of line and supervisory personnel within the institutions are aboriginal persons. Although not representative in terms of numbers at the management level, an Inuk male serves as the Assistant Warden (Operations) at Baffin Correctional Centre and a Dene female serves as the Manager of River Ridge Secure Custody Facility (Young Offenders). Within community corrections, nearly all Probation Officers (Community Social Service Workers I-IV) are aboriginal persons. Few aboriginal persons have been promoted, however, to the regional headquarters level (Community Social Service Worker V-VI). Two major obstacles to upward mobility have been identified: lack of advanced education credentials and strong familial pressures to remain in the local community. Although the Government of the N.W.T. has supported its employees to improve their academic qualifications through Education Leave and providing local learning centres through Arctic College, it cannot interfere with familial or cultural bonds.

To correct the problem of aboriginal under-representation at the management level, the Government of the Northwest Territories has entered into a arrangement with Arctic College and McGill University at Montréal, Québec, to operate a Management Training Institute in Iqaluit, N.W.T. The institute's primary objective is to train Inuit middle- and senior-managers and to employ them at the Assistant Regional Superintendent level upon completion of this two-year program. At the current time, the Department of Justice has not sponsored any candidates for this program. Yet, this is a direction which other jurisdictions, notably Alberta, have explored in partnership with institutions of post-secondary learning.
In the wake of the Mackenzie Valley Pipeline Inquiry (1977), there arose a ground-swell of public opinion concerning the conditions under which many aboriginal peoples were living. Indeed, education was seized upon and viewed as a panacea which could correct the socio-structural imbalances which then existed and continue to exist to this day. This new emphasis had numerous benefits for aboriginal peoples. The most dramatic benefits were the result of recognizing the unique needs of aboriginal teachers and students and accompanying increases in funds and programs for aboriginal teacher education (Griffiths et al., 1990; Ryan, 1990).

Growing from a handful of courses for non-aboriginal teachers in Western Canada, Teacher Education Programs (TEP) for aboriginal student-teachers are now being offered across the country by many mainstream universities such as Alberta and McGill (Burpee and Wilson, 1990). In the Northwest Territories, for example, student-teachers living in the Western Arctic attend first- and second-year education courses at Arctic College which are, then, transferred to a baccalaureate program at the University of Saskatchewan while their colleagues in the Eastern Arctic receive the same training and services through McGill University at Montréal. Both groups complete their degrees at their respective university bases and, upon completion, receive both a B.Ed. degree and a Northwest Territories Teaching Certificate.

Although previous comments present the impression that educators are leading the way in their accommodation of the cultural, educational, linguistic and social challenges faced by aboriginal peoples entering their field, it is the field of social work which appears to have taken and maintained the lead in educating both the aboriginal and non-aboriginal populations about each other. For example, the attitude expressed by Kirkness (1976) that:

> We believe in obtaining an education that respects and enhances our identity, permitting us to retain those aspects of our culture which are meaningful to us, while at the same time, learning the culture of the dominant society from which we can choose those aspects essential for adequate functioning in the modern world (in Pace and Smith, 1990:109).

appears prevalent throughout the literature on social work education and specific social work programs involving aboriginal peoples as either clients or practitioners.

Indeed, this perspective was firmly endorsed by the Canadian Association of Schools of Social Work during 1987. That association now encourages Schools of Social Work "to provide
culturally relevant programs for Native people and to provide a yardstick for assessment and comparison of programs already in place" (Pace and Smith, 1990:109). Precedence is given, according to Pace and Smith (1990), to ensuring aboriginal rights, aboriginal control of the educational program, the integration of aboriginal culture and history and the use of aboriginal faculty teaching aboriginal students.

Today, Dalhousie University and the Universities of Manitoba and Saskatchewan offer social work programs tailored to meet the needs of aboriginal students. Focusing on the needs of Mi'kmaq in Nova Scotia Dalhousie University established during 1984 a baccalaureate program specific to their needs within the Maritime School of Social Work. The five goals of that program, the Micmac Bachelor of Social Work program, were developed in conjunction with the Mi'kmaq community and include:

1) to provide a highly relevant and effective education to Micmac people that will improve the quality of services provided by social program staff in the Native Alcohol and Drug Abuse Counselling Association, the Native Council of Nova Scotia, the Welfare Program, and the Micmac Family and Children's Services Association;

2) to give the Micmac social program staff the opportunity to upgrade their personal and professional qualifications and skills;

3) to broaden the capacities of social program staff to include effective preventive and interventive work;

4) to contribute to a co-operative working environment among social program staff; and,

5) to implement a teaching approach which recognizes the skills and experiences of participating students (Pace and Smith, 1990:110-111).

The Micmac Bachelor of Social Work places priority on the employment of aboriginal persons as faculty and program input and adaptation from the aboriginal community. In closing, this Dalhousie University program has illustrated:

that it is possible to combine university training requirements with culturally relevant learning and appropriate practical experience. Community groups and universities can work in harmony and respect, if the will is there. By bridging the often inflexible Dalhousie structure with active Micmac involvement, the program provides a model and highlights important insights for schools following the CASSW Native social work education resolution (Pace and Smith, 1990:117).
A similar approach has been taken by Arctic College within its Social/Human Services programs and may be adapted for use within either a criminal justice or criminology department/program or an Aboriginal Justice Institute (as recommended by the L.R.C.).

Earlier discussions on the criminal justice system, noted that, it has also been slow to recognize the specific needs of aboriginal offenders, victims and communities and to take steps to reduce its negative impact on those groups. It is also apparent that very little change within the criminal justice system is likely to occur, unless the distrust and powerlessness felt by many aboriginal communities and the distrust, albeit for different reasons, and intransigence of many criminal justice practitioners can be reduced and ultimately removed.

Although Ontario and Québec Provincial Police and the Royal Canadian Mounted Police have programs to involve aboriginal peoples in policing these programs have, until recently, waited for aboriginal recruits to seek the police rather than the police seeking them. While hoping to increase the numbers of aboriginal police officers, these police forces were handicapping themselves through, for example, educational entrance standards were inflexible and often beyond the reach of many aboriginal applicants. The first, and often only, instruction which non-aboriginal police officers received in aboriginal culture and beliefs was during their recruit training.

Until recently these police forces merely sought to "indigenize" their ranks by recruiting aboriginal persons to carry out the tasks of a non-aboriginal institution. The Royal Canadian Mounted Police has taken steps to correct that practice by removing the stigma of "Special Constable" status for its aboriginal members and implemented a unique developmental program for aboriginal recruits. Recognizing that many aboriginal persons possess the desire to enter the policing profession but do not meet the educational, physical, driving or other standards for entry, the R.C.M.P. has decided to assist those individuals attain their goal. Aboriginal persons wishing to enter the R.C.M.P. are now enlisted, paid a regular salary for performing limited police duties and taking remedial action to remove any shortcomings, and at the end of two years service either sent to the R.C.M.P. Recruit Depot or released from service.

Today, few post-secondary institutions offer certificate and diploma programs in law enforcement and policing. Indeed, community colleges such as Alberta's Grant McEwan Community College and Ontario's Sir George Brown College offer a wide variety of core and related courses within their law enforcement programs. As with the police agencies mentioned previously, these
institutions await aboriginal students to arrive at their doorstep rather than reaching out to the aboriginal communities or including a high proportion of aboriginal content in their curriculum.

As the Maritime School of Social Work realized the importance of aboriginal practitioners dealing with aboriginal clients so, too, did many law schools. During the late-1970s and early-1980s many mainstream law schools established Native Law Programs to decrease the impact of systemic barriers to aboriginal persons entering the legal profession and practicing law.

Most Law Schools adopted approaches, however, which had been to grant special consideration to not only previous university studies and the Law School Admission Test (LSAT) scores by aboriginal students, but also to their work experience, age and background. Aboriginal students are strongly encouraged to complete pre-law course such as the Program of Legal Studies for native People offered by the Native Law Centre, University of Saskatchewan. Thus stated it possible to regard these programs, for the most part, as remaining isolated from aboriginal community which it claims to serve. Although encouraging aboriginal students to apply to the Law School, the major barrier remains general university admission. An interesting phenomenon emerges from a content review of the courses offered by Native Law Centres/Schools is that those faculties located in western Canada address aboriginal law rather than aboriginals and the law as is the case in central and eastern Canada.

The key element in the provision of legal aid services to aboriginal peoples in isolated communities remains the Native Court Worker Program. These individuals are, for the most part, aboriginal residents of the local community. They provide a broad range of services including the provision of legal education for the accused and the general public, translation services, assistance in applying for legal aid and other services. There has been mixed acceptance of this program by juridically trained members of the legal community due to the quality and nature of the work performed. Such work is often dependent upon the tasks which the non-aboriginal lawyers permit the court worker to perform as some are relegated to interpreting duties. At the current time, few post-secondary institutions offer training for para-legals and those which do offer such courses are oriented towards non-aboriginal students. For the most part, training provided to para-legals serving remote areas tends to be an informal, in-service affair rather a formal, academic training course.

Based on the limited number of aboriginal lawyers it is not surprising to find, therefore, that the ranks of the judiciary are nearly devoid of aboriginal persons. Although there are aboriginal
puisne court judges (numerous Justices-of-the-Peace and fewer Provincial Court Magistrates), there are no aboriginal superior or appellate court judges (Court of Queen's Bench, Supreme Court, Appeal Court judges). The Western Canada Judicial Training Centre offers training to newly appointed and continuing jurists on numerous subjects, including aboriginal law and legal beliefs, aboriginal peoples and the law, and cross-cultural sensitivity. This format offers a conference style approach to training which could easily be adapted to the need of the North. There are no post-secondary institutions offering training for this group.

During recent years, there has been a dramatic increase in the number and variety of scholarly work conducted on the primary change agents within corrections: the correctional officer and the probation officer. Coinciding with this increase in scholarly work has been an increase in the in-service and academic training available to these corrections professionals. In the past, correctional agencies operated in much the same manner as police agencies with entry-level training occurring within a staff college or training academy. Unlike probation officers, correctional officers were not required to hold a degree/diploma/certificate and often perceived little or no value in post-secondary education.

As society and the offender population increase in complexity, many correctional jurisdictions are recognizing the need for both increased staff training and professional education. Indeed, many community colleges across Canada began to offer diploma programs in corrections to meet that need. The Alberta Solicitor-General Department provides a case-in-point of the cooperation which may occur between post-secondary institutions and correctional agencies in this area. Having acknowledged the high standard of in-service training it provided its officers and their need for academic credentials, the Alberta Solicitor-General Department entered into a series of agreements with post-secondary institutions in Alberta and British Columbia. These agreements resulted in the granting of university transfer credits for essential staff training courses. These entry-level courses provided over fifty percent of the credits required for a diploma in criminal justice at the community-college level. Similarly, as the officer progressed through the correctional ranks and completed additional staff training courses they would be granted university-transfer credits towards a certificate or degree in criminology.

In terms of recruiting aboriginal persons, correctional agencies in Canada have not fared as well as their police counterparts. It would appear, on one hand, that only Saskatchewan, Québec and the two Territories place priority on the recruitment of aboriginal correctional and probation
officers, primarily, for their northern correctional centres and probation offices. On the other hand, Alberta has taken a North American lead and assisted the Blood Reserve to operate its own correctional centre and community-based programs, the Kainai Correctional Centre. Staffed and managed by aboriginal people for aboriginal people it reflects an interesting mixture of traditional and modern beliefs, including the use of local elders as spiritual leaders and lay-counsellors.

Building on the cross-cultural awareness programs currently delivered by the Government of the Northwest Territories to its employees (through Arctic College), the Department of Justice could adopt a program of cross-cultural awareness and sensitivity which begins at the recruitment stage and continues throughout the employee's service with the Department or related agencies (R.C.M.P., Courts, etc.). Once again, in order for this initiative to succeed, it requires both the political will of the territorial and community/regional governments.

Community members and leaders, for example, have been calling for more involvement in the selection of R.C.M.P. members posted into their communities and far greater police accountability to the band and/or hamlet government. Many communities have requested to send representatives to participate in selection boards when individuals are about to be posted to a community. The Department of Justice which manages the territorial policing contract with the national police force has publicly agreed with the need for such involvement, but points out both its limitations and those of the R.C.M.P.'s "G" Division in such matters since staffing occurs at a national rather than divisional level within the R.C.M.P. although the latter has limited autonomy once a person is posted within its geo-political area of responsibility. Acknowledging the financial and administrative constraints of the R.C.M.P. and the Department of Justice, many community leaders would simply like to be sent a short biographical sketch of the individual and their family to assist their acceptance in the community. This could be followed by a short period of cultural and community orientation whereby the new family could be taken by a small group of elders, or an extended family, out on the land to gain a first hand understanding of the culture of the local area.

In the area of police-community liaison, many community leaders have complained that the individual responsible for reporting the crime situation (usually the detachment commander or, in larger detachments, the community liaison officer) to the band or hamlet council seem more interested in leaving the council meeting than remaining. They claim, for instance, that the police officer usually requests that their report be the first item on the agenda, quickly pronounce the previous month's crime statistics, and leave the meeting forthwith. They would like to be able to
question the officer further and state their feelings. Once more, both the R.C.M.P. and the
Department of Justice have stated their desire to see this relationship improved and accountability
increased. One possible solution to this problem may be found in the previous cultural orientation
followed by a meeting between the detachment commander and the respective council to determine
policing goals for the upcoming year. This option provides the local council with limited control over
the manner by which it is policed (overall responsibility rests with the R.C.M.P. and the Government
of the N.W.T.) and would serve to further reduce the gulf between the detachment and the
community. While this is occurring on an informal basis, to the praise of many detachment
commanders, it could be expanded to every N.W.T. community through a divisional-wide directive
from Yellowknife.

The efforts of these criminal justice agencies, albeit well-meaning and well-intentioned, have
shown the need for a coordinated approach to the involvement of aboriginal peoples as practitioners
within the criminal justice system. At the current time there are several players in the criminal justice
service which are not only responding to community concerns for increased involvement in the
existing system, or in the creation of an alternative system, but are often initiating such discussions.
These include the following persons: Coordinator for Community Corrections, Administrator of the
Justice of the Peace Program, magistrates from the Territorial Court in both Inuvik and Iqaluit, and
members of the Directorate within the territorial Department of Justice. The current situation
presents the potential for these same players to provide disparate and contradictory answers to the
same community regarding community-based justice, creates in minds of community members and
leaders an image of uncoordinated and imprecisely-defined program area, and the creation of
numerous committees within a single community to deal with the same problem or issue. While the
identification of one agency or individual as responsible for the promotion and administration of
community-based justice programs and services should be a priority within the Department of
Justice, the independence of the judiciary may prove problematic in the case of judge-initiated justice
committees.

While commendable, many of these efforts fail to recognize the need for a paradigm shift
from accommodating aboriginal people entering the non-aboriginal social institution to bringing that
same institution into the aboriginal community and accommodating the latter's needs rather than the
other way around. Failure to do so will, undoubtably, result in their eventual failure and the
continuation of mistrust between the predominantly aboriginal community and the predominantly non-
aboriginal institutions of law and social control. At the current time, the issue of "ownership" may
be a problem in this regard. Indeed, it may be extremely difficult to bring the previously-mentioned justice practitioners to agree on a common approach when they have invested themselves heavily in, for example, training justice committees to work with the courts in regard to sentencing rather than their role in the pre-charge or pre-trial diversion.

Policy Options:  
(N) Maintenance of the *status quo* or existing system of criminal justice within the Northwest Territories;  
(O) Development of a series of structures to facilitate the development of an alternative justice system over a 3-5 year period;  
(P) Establishment of a committee and special advisor to report to the Minister of Justice regarding the need to establish an alternative criminal justice system and recommend the mandate and structure of such a system;

Recommendation:  
(5) The Department of Justice undertake to develop a series of action goals to establish an alternative system of criminal justice within the Northwest Territories which is community-based over the next 3-5 years; Such activities should be based on a series of pilot projects and must be undertaken with the view of eventually transferring as many justice responsibilities as are practical, within the context of the Community Transfer Initiative, to the local/regional/tribal government;

The possibility of pursuing what Etzioni (1976) termed a "mixed scanning" approach to change within public policy was noted within Chapter 2. The specific initiatives which have been drawn upon, thus far, offer examples of incremental change within the overall system of criminal justice within the Northwest Territories. The current recommendation would validate their existence and commit the Department of Justice to a course of fundamental change over a 3-5 year time frame using incremental changes brought about by a series of pilot projects and negotiated transfer of responsibilities, or quite simply: a mixed-scanning approach. The following discussions examine some of the difficulties in this approach and explore the notions of community justice committees and intermediate sanctions.

During the past few years, there have been increased demands for community participation in the administration of justice and other government services which affect their lives on a daily basis. Although personnel within the criminal justice system have attempted on occasion to address the concerns of community members, there has been only one systemic attempt to do so. This occurred with the enactment of the *Young Offenders Act (1983)* and the subsequent introduction of Youth Justice Committees.
While the *Young Offenders Act* and the Government of the Northwest Territories have provided mechanisms for such community involvement in the administration of justice, it still remains for communities to recognize the benefits and to take full advantage of such opportunities. This comment is not to be taken, however, as a blanket statement that Youth Justice Committees are not operating nor that they are ineffective. Indeed, in many communities across the North such committees have been operating successfully for several years, while in others the opposite is often the case. Once again, the *caveat* that for community-based initiatives to succeed there needs to be desire for change and ownership of such change at the community level is repeated. In fact, such success requires than while government may facilitate such change, the community must remain visible as the primary change agent.

The last five years have been exciting times for those involved in the delivery of community-based justice initiatives. From the policing perspective, on one hand, the removal of the stigma associated with "Special Constable" status has improved the morale of many aboriginal members of the Royal Canadian Mounted Police as one roadblock to their being viewed as professionals, by both their fellow members and the community, has been removed. On the other hand, the implementation of both an aboriginal constable recruitment program and an Auxiliary Constable Program on a pilot project basis will provide both employment and encouragement for those community members interested in a policing career. Concomitant to these initiatives, internal directives instructing R.C.M.P. members to take an active role in community affairs and form police-community liaison committees has been indicative of a move towards community-focused intervention strategies.

The judiciary within the Northwest Territories is now seeing their efforts to reform the Justice-of-the-Peace system come to fruition. Today, the selection, recruitment, training, and retention of local justices (both aboriginal and non-aboriginal) has improved dramatically from the situation of several years past and Justices of the Peace are now handing more complex cases. Similarly, the efforts of Territorial Court judges to increase community participation by creating "justice committees" has resulted in several such committees and heightened awareness of the judicial process. The level of community support for these programs is increasing and is likely to continue.

The delivery of institutional and community correctional services is adapting to changes occurring within the communities across the North and to the new social and fiscal realities of the 1990s. The major initiatives within the area of community corrections have included the
establishment of youth justice committees, limited alternative measures programs (including the use of outpost-camps), a fine-option program, and local community service projects.

In terms of innovation, those correctional programs mentioned previously may be classed as modifications of mainstream correctional programs. A program initiative that may hold the most significant potential as a catalyst for devolution of the justice process is the community justice approach. The establishment and expansion of youth justice committees into "community justice committees" is the cornerstone of this approach. Meeting the needs of not only youth but, also adult offenders and victims, and the development of intermediate sentencing options for the Courts, such as community incarceration, would not only serve both the Department of Justice mandate but, would also assist communities to develop helping strategies for offenders which could lead to the eventual devolution of justice programs.

At this point, it is difficult to state whether a separate or parallel systems of justice is required for aboriginal peoples of the Northwest Territories. Indeed, the current Royal Commission on Aboriginal Peoples and the various Royal Commissions into aboriginal peoples and the criminal justice system have yet to offer a consensus on this issue.

Today, the aboriginal peoples of the Northwest Territories are striving to achieve a degree of economic, social and, most importantly, political self-determination through the process of negotiating and settling comprehensive land claims with the federal government and negotiating the transfer of programs, including responsibility for service delivery and adequate resources, from the territorial government. An important component of these processes will be the development of a system of criminal justice which meets the needs of all Northerners.

Although personnel within Canada's mainstream justice system, according to the Law Reform Commission of Canada's (L.R.C.) report Aboriginal Peoples and Criminal Justice (1991), have attempted on occasion to address the concerns of aboriginal community members, such efforts "as have been made to involve the community in the administration of justice are seen as puny and insignificant, and there is little optimism about the future" (1991:6), not so in the N.W.T. The Royal Commission on Aboriginal Peoples recently held a series of meetings in the N.W.T. concerning the issue of creating a separate or maintaining the existing criminal justice for aboriginal peoples and, again, a lack of consensus was evident in that regard.
Returning to *Aboriginal Peoples and Criminal Justice* (1991), it would appear that the Department of Justice has, by both coincidence and design, been able to take steps to address most of the recommendations contained within the L.R.C.'s report. As presented earlier, the ethnic composition of the Northwest Territories has contributed to a level of awareness and sensitivity towards the cultural needs and aspirations of aboriginal peoples which is unequalled in other parts of Canada. The Department of Justice is committed to developing and delivering programs for aboriginal peoples which promotes their cultural, economic, political and social development while reducing their dependence upon government services.

The territorial Department of Justice has made specific progress vis-a-vis the many L.R.C. recommendations concerning equal access to justice services and the desirability of an aboriginal justice system. For example, the L.R.C.'s primary concern that the cultural distinctiveness of aboriginal peoples would be "recognized, respected and, where appropriate, incorporated into the criminal justice system" (L.R.C., 1991:9-12, 95) mirrors the concerns of the Department of Justice and, indeed, the Government of the Northwest Territories. While many jurisdictions have taken this concern to mean the use of bilingual court-workers to assist accused persons, hiring aboriginal people to fill entry-level positions, or the use of sweat-lodges within institutional walls, the Department of Justice moved beyond that point in the early days of correctional operation. The unique programs at the three adult male correctional centres are examples of this departure from the practices across Southern Canada. *Dene, Métis* and *Inuit* elders from the local community, as one example, are encouraged to assist many younger offenders in rediscovering their language and culture while interaction through local community projects with offenders "restoring some of the disharmony which their offence created", is another example of cultural distinctiveness being incorporated into the Northern criminal justice system.

The L.R.C.'s recommendation that an aboriginal system of justice be explored is a daily activity within the North. Discussions with several Band/Community/Tribal/Regional Councils have presented a consensus that aboriginal peoples across the Northwest Territories do not necessarily desire an aboriginal justice system, but merely desire a justice system which is responsive to the needs and aspirations of offenders, victims and communities (Patenaude, 1991, 1992). Although the Law Reform Commission summarized the views of aboriginal peoples living primarily in Southern Canada, they mirrored the views held by many Northerners, both aboriginal and non-aboriginal, by stating:
Initiatives such as these are valuable only when they meet the desires of the community. Some communities will want to control a system that more closely conforms to their notions of justice. The Gitksan and Wet'suwet'en societies suggest, for example, that they wish "to explore how the two legal systems might co-exist with dignity rather than try to thrust large parts of one system onto the other."

We believe that, initially at least, many communities may wish to create alternatives that bear a strong resemblance to our current justice system. Others may advance more distinctive models....

Finally, it should be borne in mind that the proposal to provide for the establishment of an Aboriginal justice system is not one that calls for the creation of huge, costly and monolithic structures and institutions. Aboriginal justice systems should not be imagined as being on the same scale as the Canadian criminal justice system. These systems would be scaled to the communities themselves and would reflect their needs and priorities (L.R.C., 1991:18-19).

Needs for both increases and improvements in the levels of community control in criminal justice services delivery is taken as a fact in the North. To do this requires that the criminal justice system adopt either the establishment of a separate system through either legislation and/or land claims, radically alter the existing system or empower communities to develop their own system. These alternatives conform to those offered earlier by aboriginal law specialist Bradford Morse (1983). It is interesting to note, as well, that the Northwest Territories is currently the only North American jurisdiction which is implementing system-wide consultations with aboriginal peoples to reform the existing system while facilitating community-based initiatives to meet the needs of the entire community, to handle civil (family law) and criminal justice issues.

The Law Reform Commission addressed each component of the criminal justice system in their discussion on aboriginal community involvement with the justice system. Notable among their numerous recommendations were a shift towards a restorative justice process, the use of elders to assist in assessing sanctions, and use of the collective to supervise individuals released from incarceration back into the community. Youth/Community Justice Committees could offer the community an opportunity to exert such restorative influence at several points: pre-charge, pre-trial, pre-sentence and post-sentence diversion as well as the supervision of a broad range of

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46 Recently, some Territorial Court magistrates have been promoting the establishment of "Elder's Justice Committees" and fostering their growth once they begin to operate. These committees operate in the same manner as Youth or Community Justice Committees, however, the limited population base and resources mitigates against the establishment of yet another committee serving the same client group.
intermediate sanctions within or near the community. Although the territorial government is defining this global strategy it would be community/regional members and leaders who would determine its local expression with technical assistance provided by territorial government specialists. The potential benefits of this approach include the streamlining of institutional populations to serve those requiring more structured environments and the empowerment of the community in a positive manner. The following discussions will explore the notion of intermediate sanctions as it currently applies to mainstream criminal justice and how it might be redefined, perhaps as “alternative sanctions, to encompass the domain of community-based justice in the Northwest Territories.

Alternative sanctions may begin with pre-charge or pre-trial diversion stage of the criminal justice process. At this point, the process is similar to the diversion under the Young Offenders Act (Canada). They offer guidance, advice, lay-counselling and, where appropriate, community-based sanctions such as apologizing to the victim(s), making restitution in the form of personal service (cutting wood, clearing snow, repairing any damage done during the offence, etc.) or community service. Similarly, alternative sanctions may be recommended by community members serving as a lay sentencing panel to the Territorial Court. In addition to the type of sanctions imposed at the pre-charge/pre-trial stage, alternative sanctions imposed at the post-sentencing stage could include the supervision of an offender's probation order or release conditions from gaol. Although these concepts are culturally-relevant among many traditional communities and are beginning to find acceptance, they remain externally-imposed alternatives to the current system of circuit courts.

Rather from the approach taken by the Territorial Courts, the Department of Justice has adopted a community development approach to the issue of Community Justice Committees. The ultimate goal is not only increased community involvement in community corrections, but the eventual devolution of those services to the municipalities, wherever practical. At his time, the territorial Department of Justice is acting as a social animator and resource broker to communities wishing to participate in this program. One of the primary reasons underlying this approach is the history of imposed educational, justice, religious and social programs in the North. As mentioned earlier, this program and the Department of Justice's involvement is on an "as requested" basis except for efforts aimed at helping communities understand the extent of the problem.

This type of approach is not merely an exercise of "doing more with less" or the "off-loading" of responsibility. This developmental process is aimed at empowering the predominantly-aboriginal communities of the Northwest Territories to deal more effectively with their own social problems.
This requires a commitment by the federal and territorial governments of necessary human and fiscal resources to carry out these tasks.

The Community Justice Committees, regardless of whether their parentage is the Territorial Court, Youth Justice Committee or a grass-roots organization, was chosen as the most appropriate method by which communities may be more involved in the criminal justice process. While they were introduced in Chapter 2, the issues of electronic monitoring and home incarceration, for example, have not been discussed due to their lack of cultural relativity within predominantly aboriginal communities and the technical difficulties which specifically exclude the application of the former. Indeed, non-aboriginal society continues to debate whether the offender or offender's family is being punished by electronic monitoring and home confinement!

Similarly, the use of disqualifications has proven problematic as witnessed by the high number of disqualified drivers continuing to drive in Winnipeg and other parts of Manitoba during the recent years. In terms of weapons restrictions under Section 100 of the Criminal Code, such restrictions often mean a decrease in family earning and, on the land, the difference between life and death.

As previous comments have noted, many community members and leaders have been demanding not only a criminal justice system which is reflective of their needs but also permits them to participate within it in a manner which they perceive as meaningful. Unfortunately for policy makers and analysts, the views of community residents and the literature concerned with intermediate sanctions offers a consensus concerning the need for intermediate sanctions but a dissensus concerning the approach. The subsequent discussion offers a critique of the theoretical issues and questions posed by Justice-Canada in its discussion paper, Intermediate Sanctions (1991), and implies the need for a discussion based on the practical experience of the Department of Justice. As such, it presents a unique perspective which has evolved from our traditional correctional operations and attempts to increase involvement of aboriginal communities in developing a practical approach to reintegration and rehabilitation of offenders.

The background information appeared to support the 'crime as a rational act by rational criminals' attitude presented by its precursor, Sentencing Reform: A Canadian Approach (1987). Intermediate Sanctions builds upon the former's belief any "sanctions other than imprisonment are lenient" (1991:1). Indeed, the inclusion of Section 12.26 from Sentencing Reform (1987) as an
appendix illustrates a shift towards the "hierarchy of sanctions" or matrix-style of sentencing favoured by many jurisdictions within the United States (Tonry and Morris, 1990).

Discussions of intermediate sanctions should present, more appropriately, a background which offers an understanding the interrelationships between the concrete systems of punishment and changes in the economic and social conditions in society. The development of fine options programs occurred, for example, as correctional jurisdictions west of Lake Superior realized that the proportional use of their short-term, institutional bed-spaces was increasing for fine-default as the economy continued its downward spiral (cf. Griffiths, Yerbury and Weaver, 1987; Hylton, 1982; LaPrairie, 1990; McCaskill, 1970, 1985; Patenaude, Wood and Griffiths, 1991). Indeed, Rusche and Kirchheimer (1968) offer these concerns for discussion when they ask, "Why are certain methods of punishment adopted or rejected in a given social situation? To what extent is the development of penal methods determined by the basic social relations?" These two questions are central to the discussion of intermediate sanctions in Canada and, especially, the Northwest Territories were the economy is becoming increasing dependent upon federal transfer payments and the aboriginal (Dene, Métis and Inuit) societies are experiencing great social change.

*Intermediate Sanctions* (1991) is remiss, or so it appears, in its treatment of the uniqueness of aboriginal communities and offenders as prior to the fourth page of Annex 4 there are only two references to aboriginal offenders! This is an important omission for the Northwest Territories. Although large in geography, this jurisdiction may be viewed as a small town, comprised of sixty-three predominantly-aboriginal neighbourhoods, spread over the top two-thirds of Canada. Indeed, only four N.W.T. communities may be regarded as predominantly non-aboriginal in composition (Hay River, Inuvik, Norman Wells, Yellowknife) with an equal number of 'mixed communities.'

Recent research has illustrated the public's desire for carceral sanctions to be restricted to violent and sexual offenders while offenders who commit lesser offences receive significantly less punitive sentences. This has been stated throughout both *Intermediate Sanctions* (1991) and *Sentencing Reform: A Canadian Approach* (1987) and by academics and practitioners.

At first glance, defining intermediate sanctions as those which cover the entire sentencing spectrum between absolute discharge and incarceration appear to conform to the principles of maintaining "a just, peaceful and safe society through the imposition of just sanctions". The hierarchy of sanctions proposed within *Intermediate Sanctions* (1991:15) offers a range of
sentencing options which requires a change in sentencing philosophy. This requires a major philosophical shift within the adult criminal justice system which would place it more in line with the philosophical statements of the Young Offenders Act. The use of personal service orders and cascading of offenders from custodial to non-custodial sentences through a review process or temporary absences may offer examples of the commonality between the two systems.

The conflict between the worldviews held by the aboriginal and non-Aboriginal societies of Canada are immense. Within their respective beliefs concerning crime and criminality more than the creation of intermediate sanctions is required to eliminate the conflict. However, the definition and application of community-based, intermediate sanctions is a first step along that road. Aboriginal communities find cultural relevance in intermediate sanctions which accept the notion that while a person's behaviour may be termed as "bad", the person exhibiting the behaviour is not inherently "bad" and that once their problems have been corrected, the good person remains.

Although intermediate sanctions are often promoted on the grounds that they are less costly and more effective, there is no doubt of the former claim but very little conclusive research exists to support the latter. In order to promote the application and acceptance of intermediate sanctions by both the judiciary and the general public more effort must be placed on not only the punitive aspects of these sanctions but also their concern for the offenders and the economic and social costs to the larger society. Increased public awareness of the percent of violent:non-violent offenders, per diem institutional:community supervision costs and the costs of familial support during and post-incarceration offer one method by which these sanctions may be accepted by the general Canadian public.

In closing, it must be remembered by policy analysts and planners that, regardless of its basis within either a punitive or restorative paradigm, the type of sanction must be enforceable and culturally-relevant in the case of Northern and aboriginal communities. The following section examines whether or not a territorial-wide model (Community Transfer Initiative) is flexible enough to permit community development to occur within the field of criminal justice administration.

iii. Policy Alternatives: Charting a Course of Action

The efficacy of programming in institutional corrections for aboriginal offenders has been brought into question by numerous researchers (cf. Griffiths, Yerbury and Weafer, 1987; Hylton,
Concomitant with such criticism have been calls, by some, for the increased use of community-based sanctions as either an alternative or supplement to carceral sentences as a method of reducing institutional numbers. Some individuals have argued for the integration of community-imposed sanctions into the general sentencing practices of the courts. Yet, others have argued for the need for meaningful consultation and participation in the development and delivery of criminal justice services on a community-by-community basis.

Unlike the delivery of government programs in many communities across the South, these initiatives require policy analysts to understand that not all communities are either interested or capable of becoming involved in criminal justice programs and services. Hence, community-based justice is not having government agencies involve the community in the delivery of government programs on the former's terms, but the development of strategies through which the community brings the government agency into it and a partnership develops to deliver justice services and programs.

The shift from a retributive to restorative justice system on both a jurisdictional and community basis is possible within the Northwest Territories, for no other reasons than the unique physical environment and cultural composition of the region, and most importantly, the desire of Northerners to transform this abstract policy statement into a concrete reality. The creation of Nunavut offers further opportunities to integrate these two, often conflicting, systems of law and social control.

In order to develop and implement a viable system of community-based justice in the Northwest Territories requires recognition of the following axioms:

1. Community-based justice services require a comprehensive program statement and policy base which outline the extent of community-based justice services in the N.W.T.

2. That one criminal justice agency assume the responsibility for coordinating community-based justice policy initiatives. Although other criminal justice agencies are involved within the community-justice field, whether community-based policing, recruiting and training aboriginal Justices of the Peace or developing lay sentencing panels, the Corrections Services Division should assume the coordinating role in this regard as it may have continuous contact with offenders from pre-trial diversion through the pre-sentencing process and post-trial supervision.
3. It is recommended that the focus of the community justice program be at providing a continuum of criminal justice services which integrates and emphasizes each component of the criminal justice system.

4. The grass-roots principles of community-based justice are not necessarily in harmony with decentralization or regionalization of programs or in conflict with a central office (headquarters) policy and program development.

5. Adequate human and fiscal resources are required to ensure the success of community-based justice initiatives. Failure to provide adequately for this initiative will result in more than the failure of a single program initiative but in the loss of faith in both the Department of Justice and the Government of the Northwest Territories.

6. The duties of the Community Justice Specialist will deal with issues which are justice and community development oriented. This require working towards the devolution of community-based justice services to interested communities.

These same axioms may, nay, must be translated into concrete policy recommendations which assist in the development of competence and confidence among community residents to deliver community-based justice programs and services at the local, regional and tribal levels. Although not exhaustive the following five policy recommendations could be regarded as the some of the first of many steps down the road to community development, they include:

(1) The federal and territorial Departments of Justice should secure funds for community or regional level organizations to conduct research on local adaptations to traditional law and social control and their applicability to the current socio-legal situation.

(2) The territorial Department of Justice should employ a dual-track approach which empowers communities and regions to determine the nature and level of involvement within the current regime of justice administration and assists communities to develop alternative models which reflect local need, resources and culture.

(3) The territorial Department of Justice adopt a coordinated approach towards increasing community awareness and participation in the criminal justice system which includes: community meetings and regional justice forums, a multi-media format and the creation of a law awareness program for school-aged children and youth.

(4) In consultation with interested community/regional/territorial level aboriginal groups, the territorial Department of Justice undertake a review of existing Government of the N.W.T. programs and services to increase cross-cultural sensitivity and develop a program specific to the justice related needs of practitioners and community members.
(5) The Department of Justice undertake to develop a series of action goals to establish an alternative system of criminal justice within the Northwest Territories which is community-based over the next 3-5 years; Such activities should be based on a series of pilot projects and must be undertaken with the view of eventually transferring as many justice responsibilities as are practical (given the limitations and context of the Community Transfer Initiative) to local, regional or tribal governments;

If anything can be drawn from the experiences of aboriginal peoples in the N.W.T. it is that governments come and governments go, but the life of the community continues onwards like the river to the sea. For a community-based justice policy to have any modicum of success it requires more than just government funding to become a success or failure. It hinges on the internalization of the values and principles upon which the program is built by community residents.

These policy statements require concerted effort which is currently available within the field of criminal justice. Such effort must not follow, however, the paternalistic approaches which have characterized the distribution of justice services in the past, but instead should include initiatives that take into account traditional forms of social control in order to give the task of community order back to the people. At the current time, there is dissensus on the notion of community-based justice at both conceptual and operational levels between agencies and individuals involved in the delivery of criminal justice services and community members. Although generalized, such difficulties must be overcome for this policy to succeed as community members and leaders will accept such dissensus as a forecast of program failure.

iv. Resources: "Deeds Not Words"

In comparison to other social programs, correctional agencies have been treated as "poor relations" whenever the resource pot has been opened and resources ladled out. The same statement can be made concerning community-based correctional programs which have traditionally received much less than their institutional counterparts. Limited fiscal and human resources have often contributed to uncoordinated effort and ineffective growth within community-based corrections. This situation is common throughout Canadian corrections and has been a fact of life in the Northwest Territories since shortly after the creation of that jurisdiction's corrections service.

Within the Northwest Territories, the Department of Justice has recently acquired the legal mandate to deliver institutional and community-based corrections programs and services. Through
a Memorandum of Understanding (M.O.U.) between the Departments of Justice and Social Services, the former delivers institutional programs and has begun to provide developmental assistance to interested community, regional or tribal governments while the latter provides community supervision. Community Social Service Workers have been confronted with rapidly increasing adult probation/parole and young offender caseloads while meeting their responsibilities in the other statutory services. A redistribution of both human and fiscal resources is needed and will be required to remain in place until positive, demographic change occurs.

In fiscal terms, there does not appear to be a current demand for increased capital funding for community corrections. In the past, however, limited minor capital expenditures were incurred as part of program start-up, e.g. Kingnait Aulatsivik's fine option program in Cape Dorset. By their very nature, programs which are offered within the community are personnel or labour intensive as opposed to capital resources. Indeed, such capital items which may be required are minor capital items such as computer equipment or office furnishings. It is in terms of non-capital or operating and maintenance (O & M) expenditures where the greatest resources will be required.

Substantial increases in operating and maintenance (O & M) funding levels are required once a community-based justice system is desired within a jurisdiction. Thus far, the discussions within this Chapter have focused on the need for substantial increases to accommodate not only travel expenses but, also the resultant growth in Community Justice Committees and honoraria and per diem payments. Similarly, volunteer management expenses will be incurred as recognition and awards for service are presented. In closing, increased funding needs to be made available for the evaluation of both current programs and their delivery and the need for program development.

In terms of human resources, it is anticipated that a review of the roles and responsibilities of the Community Justice Specialists will be forthcoming, e.g., will they become probation administrators, community developers, and so forth, are questions which will need to be addressed. This review would be undertaken as a formative evaluation. The need for increased contact between the community, courts, and correctional facilities (youth and adult) will place new levels of expectation upon the Community Justice Specialists during the next several years. The need for annual community corrections conferences, involving lay persons and professionals, is anticipated and should be seen as both a recognition of the value of the community in program development and delivery, but most importantly, as a source of information concerning what is needed and not needed in the communities vis-a-vis community-based justice programs and services.
v. Conclusion

Those persons interested in the concepts of aboriginal justice in Canada often encounter numerous misconceptions among both professionals and lay persons. One of the greatest misconceptions is the commonly-held belief that empowerment means creating an autonomous, or separate, system of criminal justice. Empowerment, within the context of this discussion, is the gradual process whereby the local community is able to exercise a certain amount of control over its citizens, through involvement in the sanctioning process. This involvement may occur at pre-trial diversion, pre-sentence investigation, or post-conviction stages and should be carried out in such a manner as to promote the ultimate devolution of those services to the local community.

Having presented the positive effects of community justice initiatives and local control, two caveats must be offered: 1) community volunteer groups are, by their very nature, transient and constantly in search of operating funds, and 2) the lack of adequate planning and modelling for success will be greeted with scepticism and distrust by both the communities and other criminal justice agencies. This program area is not a panacea for the devolution of government services or overcrowding within the courts and institutional-based corrections. Solutions for those problems require the resolution of larger social and economic problems in the North.

Empowerment requires a meaningful commitment on the part of community members, criminal justice agencies, and the judiciary. Such commitment involves the allocation of adequate human and fiscal resources, whereas a failure to do so will most likely result in the reification of the current status quo. The next logical step should be the realignment of the Community Justice Specialist roles and responsibilities to support these and other community-based correctional programs. In turn, these steps must be supported with adequate fiscal resources.

The territorial Department of Justice has had the opportunity to take a leading role in the empowerment of Northern communities to deal with justice-related issues. Failure to act, now, could result in continuing the dependency of many Northerners and their communities upon external agencies to deal with local social problems. In a political sense, it would be preferable to deal with these issues at this time, rather than to address them in an inevitable reactive mode within either the Legislative Assembly or the media in the near future.
Chapter 11 was only one of many voices which are calling out for change in the way that criminal justice services are provided to Aboriginal peoples in Canada. As it "strongly suggests" a course of action, Chapter 11 crosses the rather blurry line between analysis and advocacy. It is hoped that many more voices take up this chant and advocate for change.

The following chapter, Chapter 12, provides a conclusion to this dissertation. As such, it brings together the various policy knowledges which have gathered throughout this dissertation and discusses their relative values as seen through the eyes of a liberal and conservative policy-maker. In addition, it offers some ideas concerning where we should go from here, so to speak.
Chapter 12

Policy Knowledge and Crime Policy in Nunavut

I've seen what happens when people find themselves — find their identity and their heritage. You can take a drunk Indian and give him culture and self-esteem and watch him change for the better. I've known people who were on the wrong road — even a few who were in jail before — but some of the programs they got going now are teaching them the cultures — the language and the religion. Now I know a few who even have their master's degrees now, and they are coming back and helping their people. You see you can't get nothing together without getting your own stuff together.


Both science and criminal justice management must proceed toward a greater rationality by successive approximations. The increased rationality is not apt to come by revolution; it can be achieved by evolution. This requires, however, attention to establishing a framework within which acceptable decision processes may evolve and from which gains in knowledge can be made. The process envisioned is a dynamic one, with no firm answers and only partial, perhaps temporary gains. Its central features are the articulation of problems and of policies, procedures to structure and control decision-making while assessing the consequences of alternative actions, repeated analysis of the relations of the alternative choices to the purposes of the decisions, and a continuous search for knowledge to inform those responsible for the entire process.


i. Introduction

American criminologists Michael R. Gottfredson and Don M. Gottfredson illustrate the need for varied policy knowledge sources rather than our usual reliance, some critics might say dependence, upon crime statistics for our basis upon which to build our crime policy. Indeed, they note the importance of different knowledge from which to offer policy-makers "alternative actions" (Gottfredson and Gottfredson, 1980: 356-357) in a manner not unlike that proposed earlier by Webber (192).
This Chapter seeks to bring together the types of policy knowledge discussed previously in this dissertation and to create the foundation for a 'policy praxis', so to speak. In order to synthesize the policy information gathered thus far, we will present short commentaries concerning the various methods employed, thus far, and an short discussion of how either a liberal or conservative policy-maker might interpret these findings. As such, this chapter will examine the utility of crime statistics alone, crime statistics and demographic information (i.e., census data) together, location quotients, and criminological theory to create well-reasoned crime policy in the North and elsewhere.

As these chapters have shown, this dissertation has been an exploratory exercise which sought to understand the manner by which social science research can inform public policy in areas of Aboriginal peoples and the administration of criminal justice. As such, the extant literature and the most appropriate theories are still being explored and examined. These organizational choices were made to give structure to the arguments "as they evolve" rather than to assume that the relevant literature and theories can be presented at the beginning of the dissertation to provide guidance or direction for the following analysis or at the end of the dissertation to permit comparing and contrasting of the events with the literature and theories. In doing so, this dissertation has walked a fine line between the deductive and the inductive processes in social science research.

ii. From Environmental Surveys to Crime Policy

The use of census data provides criminal justice policy-makers and scholars alike with data that may classified, according to Webber (1982) as either policy-oriented or journalistic knowledge. Although it is not gathered as a method of showing how a policy works this is data which is generally available and which explains the underlying policy issue and the conditions which a policy seeks to ameliorate.

Environmental surveys provide the basic information concerning the local, regional, and national conditions from which the offender and target populations are drawn. As such, they also provide valuable insights into the conditions which crime policy must take into account in order to be effective. Although the census is conducted on a five year cycle it is still in a position to reflect changes in social, economic, and political conditions that can affect any social policy and intervention.

The liberal policy-maker, on one hand, would likely continue to point out that crime is the
product of social inequity, the result of problems with the systems of public education, social welfare, criminal justice, and so forth. The liberal policy-maker would see the environmental conditions of low educational attainment, poor school attendance, and low social mobility and optimistically ask why these criminogenic conditions can be allowed to exist. Similarly, they would stress that the census data clearly indicates that the school system is failing the needs of both the students and the nation and possibly argue for more resources and public involvement in the programs and their development. Changes in areas such as these would potentially increase the upward social mobility of students (Lester and Stewart, Jr., 1996).

The conservative policy-maker, on the other hand, would likely not regard the educational system in as positive terms as their liberal counterparts. Policy-makers holding this worldview would argue that the poor attendance and attainment are not the fault of the educational system but that any blame rests solely on the shoulders of the individual student, their family, or their culture (Lester and Stewart, Jr., 1996). Yet, changes in this area might not result in the sought after changes the crime data if, as some theorists argue, the social welfare system remains the unaffected.

In the field of social welfare as a contributor to crime, once again, the conservative policy-maker adopts the individualist view that the individual is responsible for their respective fates whether it is their educational attainment, employment status, or poverty level. Indeed, they believe that government actions should be limited to creating processes and opportunities for the poor rather than legislating the outcomes of those same processes. Thus, welfare policy has been linked to crime policy in a manner similar to American sociologist Edward Banfield’s (1990) beliefs in learned poverty or a “culture of poverty” where the level of understanding is oriented for the present moment rather than the future. Census data and other environmental knowledge are used to support these beliefs and theories which support them.

This view is countered by the liberal view of poverty and social welfare which holds that the individual and their social condition is shaped by the environment in which they live their daily lives. Their underlying belief remains that the structural position occupied by individuals, especially those of Aboriginal ancestry, determines the level of social injustice which they face daily. Their perspective differs from those on the political right, i.e., conservatives, that the economic situation is worsening and that structural economic changes are resulting in the displacement of workers and the increased levels of poverty. The liberal view of the role of government is that it must redistribute
existing resources to reduce the fiscal inequities in society and that legislated equality must be sought. Liberals interested in crime would likely point towards the environmental survey for support of Aberle’s (1972) notion that property and white-collar style offences are more likely to occur in areas of relative poverty, where insufficient resources exist, rather than in areas of absolute poverty where not only are such offences are nearly non-existent but so, too, are the economic resources.

iii. From Crime Statistics to Crime Policy

With limited knowledge of the local cultures and annual crime data as the paint on our metaphorical palette, we have created a partial picture of the crime situation in the Northwest Territories. This partial painting, akin to a canvas upon which the background has been painted but only outlines of the main characters, reveals a jurisdiction in which the crime therein has exceeded both the provincial and national rates of crime throughout the study period.

Extrapolating the rates of actual crime in the North (see Figure 31) we are able to predict trends in these crime categories. In the absence of massive external change it could be possible to predict, using this data, that drug offences and provincial statute offences should remain relatively stable until the year 2007. Property crime should experience a massive decline from a high of over 27,000 offences to approximately 750 offences per 100,000 population by 2007 while Other Criminal Code offences will climb substantially and nearly quadruple its 1977 rates! Violent crime, according to the data analyzed, should remain relatively constant and experience only a slight increase by 2007. These predictions may be seen in Figure 49.

In summary, the 1977-1992 crime picture of the Northwest Territories may be seen as:

- An overall crime rate which was 3.21 to 4.90 times higher than the national crime rates per 100,000 population.
- Reporting violent, property, and provincial statute offences as the majority of offences which occurred during the study period.
- Violence accounting for approximately 40 percent of the overall Criminal Code rates in the Northwest Territories; Sexual violence accounted for approximately 10 percent of the total violence rates during this same period.
- Except for the last four years of the study period when it was over taken by Nunavut, Denendeh accounted for the highest rates of violent offences within the North, with Inuvik region being uniformly more violent than any other region.
Property offences accounted for approximately 30 percent of the total \textit{Criminal Code} offences.

Property rates, although rising slightly throughout the study period, remained uniformly higher than those found within Southern Canada; Interestingly, while the rates of property offences decreased with Denendeh they increased by a corresponding amount in Nunavut.

Although the overall rates of drug offences remained nearly constant throughout the study period, the Northwest Territories rate was approximately three times the national rate; Except for the first two and final two years of the study period the drug offence rates in Nunavut exceeded those in Denendeh with the communities of Iqaluit and Cape Dorset reporting the highest rates, respectively, for the N.W.T.

The projected rates for total criminal offences (including federal, provincial, municipal offences) for the Northwest Territories should exceed 49,000 offences per 100,000 population by the year 2007; This is contrasted by the Canadian national rates which are only expected to reach 14,000 offences per 100,000 population.

What implications do these crime rates and percentages have for the future of the North? Well, the answer depends upon the worldview and analytical approach taken by the policy analyst. American policy analysts James Lester and Joseph Stewart, Jr. (1996) offer the opinion that the choices may be regarded as either end of the liberal-conservative dichotomy. They present liberals, at one end of this dichotomy, as holding the structural view that crime is the result of social injustice and frustration with one's environment, offenders can be rehabilitated with punishment holding no useful function, that social reforms such as increased education and employment opportunities will reduce crime, and focus on the effects of rehabilitation on crime rather than the crime itself (1996: 206-207, 209,). They present conservatives, at the other end of the dichotomy, as holding crime as the result of defects in the individual who is unlikely to be rehabilitated and therefore certain apprehension and severe punishment will deter further crime (1996: 204-206, 208-209).

A policy-maker holding conservative views on crime and society would most likely argue, based solely on the crime statistics presented thus far, that the North does not require additional policing resources in order to increase the certainty of detection of offenders. With the highest rates of reported crime and clearances of those reported incidents, conservatives would argue, the police are apparently providing for the certainty of detection and arrest (Lester and Stewart, Jr., 1996: 206). The conservative criminal justice policy analyst is caught between these facts, on one hand, and the need to improve policing services in those communities which are currently served by neighbouring
detachments on a patrol and "as required" basis, on the other hand. Thus the conservative policy maker would argue that there exists a need for additional police resources in those communities currently without a resident RCMP detachment or those regions which show the lowest clearance rates, such as Yellowknife (72.5%) and Keewatin (76.2%).

Similarly, a conservative-minded policy maker would likely argue that these extreme crime statistics illustrate that the judiciary and current penal measures are not working and that society needs to get tough on criminals and increase both the length of sentences being levied by the courts and the actual time served by the offender. The policy issues would be the need to reform the criminal law to increase sentence length and to reduce or remove parole. Correctional régimes need to be stricter and more prisons are needed to hold more people and for longer periods of time; punishment will deter further crime. Unfortunately these two views are countered by the Northwest Territories having exceeded the national incarceration rates (average of 165.9 10,000 population compared to 46.7 per 10,000 population) and the national average length of stay (average 77.8 days compared to 26.8 days) throughout the study period (CCJS, 1993). Conservatives argue that offenders may be classified as either a rational actor who weighs the costs-benefits of their actions or the frustrated individual caught in a interpersonal conflict (Lester and Stewart, Jr., 1996: 206).

Using theory more as a crutch than as a worldview, the conservative policy maker is more likely to adopt the view that some offenders are in conflict with the dominant cultural or societal views due to the heterogeneity of the society. Mis-applying Thorsten Sellins' (1936) theory of culture conflict they would argue that as new members are brought into the society that some individuals will be unable to function within it due to their own limitations rather than ignorance of the new cultural norms (1996: 204-206). Does this mean that those incarcerated are unable to function in society due to their involvement in culture conflict? Yes, the conservative would argue, these individuals are unable to function in society. Indeed, they might state that the average population of the territorial correctional centres at 86.27 percent Aboriginal inmates over the study period would bear the notion of individuals in conflict with the dominant justice system. Others commit crime as rational actors, they argue, and perform a type of cost-benefit analysis prior to their criminal actions (1996: 206). This is the group for whom conservatives seek to increase the certainty of apprehension and the severity of punishment in order to increase the costs element in the analysis.

Taking pages from the conservative's policy play-book, the liberal policy maker argues that both the rational actor and the individual experiencing culture conflict are committing crime, but that
they may be rehabilitated and taught new cognitive and vocational skills and that prison is not the best place for this to occur. This was the principle behind the original Baffin Correctional Centre and its programs. Holding that Inuit offenders were coming into conflict with the new Qallunaat ways in the settlements, the program argued that by first understanding what it was to be an lnuk could the offender begin to understand these new ways and to put them into perspective. Although admirable, this concept fell down by not including instruction in the ‘hows’ and ‘whys’ of the new ways with which the offenders were coming into conflict.

Liberal policy-makers would argue that it is the social inequities and inherent structural limitations in society which contribute to criminal activity rather than rational choice or culture conflict. American criminologists Richard Cloward and Lloyd Ohlin (1960) and Robert Merton (1938) regard crime as an adaptation to blocked opportunities. Reducing the structural inequities which create these blocked opportunities would be the priority for liberal policy-makers, including those within a criminal justice policy environment. Although limited in their scope, increasing access to justice (notably legal representation), provision of court interpreters to all attending court, and the ability of unilingual Aboriginal persons to serve as jurors are all regarded within the legal community as steps towards reducing the inequities which exist. They have not focused, as yet, on the educational, employment and social reforms which must also be undertaken to reduce crime or that events in the larger society may overtake them.

The processual relationship between changes in social values and consequent changes in legal beliefs occurring over time becomes important at this point. During the 1960s, Canadian society became intolerant of drug use and prosecuted those offenders heavily while during the 1970s changes in societal values against impaired driving resulted in increased prosecution and mandatory incarceration for second and subsequent convictions. The Crown Prosecutor's Office in Yellowknife, for example, changed its prosecution policy with regards to spousal assault and abuse during 1983. The policy became one of charging the offender regardless of the victim's desires and using the judicial process to prod the abuser into counselling with the promise of stays of prosecution and, whenever warranted, eventual dismissal of the charges.

Building upon the notions of rehabilitation best occurring in the community and changing social values, the liberal policy maker might see the need for additional probation officers to assist offenders and victims of spousal abuse and sexual violence in those regions where the rates of such crime warrant intervention. Recently, the regions of Nunavut would be targeted for such intervention.
iv. From Location Quotients of Crime to Crime Policy

It must be remembered that, unlike crime rates, location quotients (LQs) and location quotients of crime (LQCs) are relative measures of an activity. In the case of the former the activity may be anything within the range of human endeavour while the latter is restricted by its definition to the study of crime. As such they present criminal justice policy-makers and scholars of criminal justice with a planning tool, rather, than another methodology that can be applied to the study of a phenomena according to the needs of a given theoretical construct. LQs and LQCs have crossed into the realm of applied policy research and may conform to Webber's (1982) definition of policy research.

While crime statistics may be interpreted in a positivist manner by conservatives since they describe the measured state of a social activity, location quotients of crime are more subjective since they measure the relative state of crime in the communities and offer unique views. For example, it was interesting to note the decreasing LQCs as one moves from the two violence sub-categories to property and other Criminal Code offences. As each LQC is calculated using actual offences which are examined in relation to others in and across their respective crime categories, one can only conclude that the North is a more violent environment than the one found within Southern Canada, or can we?

A policy-maker holding conservative views on crime and society would most likely argue, based solely on the use of location quotients of crime presented thus far, that the North does not require additional policing resources in order to increase the certainty of detection of offenders but that there are areas where certain types of crime could benefit from either (a) additional police resources, or (b) redeployment of specialized police resources, such as sexual abuse specialists, to control the population through better detection of the signs that such crime is occurring and the arrest of as-yet undetected criminals.

Liberal policy-makers would probably agree with alternative (b), however, but for entirely different reasons. In those areas where specific crimes are occurring, liberals would argue, specialized resources are needed although not to control the population, but to reduce the social inequities which give rise to those criminal situations through education, awareness programs, and so forth. Liberals would most likely point towards various social science theories and, if possible, studies which bear out their beliefs that social programs can reduce crime better than enforcement.
Interestingly, both liberal and conservative could make meaning of the crime situation by employing location quotients of crime as an evaluative measure of whichever intervention strategy they chose to attempt. In *Crime and Canadian Public Policy* Canadian criminologist James Hackler made the bold statement “Government intervention reduces wife abuse” (1994: 302). He went on to offer support for this claim, noting:

...the family allowance contributes toward the financial independence of women. In a small but possibly long-range manner, stresses that lead to other forms of violent crime would be reduced. Women raising small children either without a husband or with a non-supportive husband are vulnerable. Policy-makers overlook the criminogenic potential of such family conditions. By simply providing a woman with the means to move away, circumstances conducive to violence might be avoided. Some of these changes may already be occurring in North America (Ursel, 1991). When Strauss and Gelles (1986) reported a decrease in child and wife abuse between 1975 and 1985, there was a mixed response from the official agencies, since they had witnessed an increase in such cases. Broad-based social concern leading to a variety of programmes could make women seek help instead of enduring beatings. This would mean more contact with agencies, but also a decrease in actual beatings. Broad-based programmes that make modest contributions to the quality of family life for many families are often overlooked in favour of those programmes that focus on the violent few (Hackler, 1994: 302).

LQCs could be employed to show the relative decrease of violence during an intervention program or after one has either been in operation for some time or has completed its lifespan. Similarly, looking at the notion that crime in the two jurisdictions of Denendeh and Nunavut exhibit distinct amounts and patterns, both the liberal and conservative policy-maker are likely to see value in a tool which, unlike crime rates, is not dependent upon other data to give it meaning. Both would likely see high value in a technique which is capable of making relational statements on crime and can be used to link areas geographically using maps.

v. From Theories of Crime to Crime Policy

Numerous social scientists have explored the correlations between poverty, which has been operationalized in many different manners, and criminal activity. Banfield (1970: 159) has argued, for example, that crime depends upon two variables:

One set relates mainly to class culture and personality (but also to sex and age) and determines an individuals propensity to crime. The other relates to situational factors (such as the number of policemen on the scene and the size of the payroll) and
determines his incentive. The probability that he will commit crimes - his proneness to crime - depends upon propensity and incentive, while just as many social scientists have taken other roads to the “truth” about crime and criminals.

The point being that regardless of the theory or thematic model employed in the study of crime policy-makers will employ it just as an optometrist uses his or her lenses to help a person to see what they wish to see. The notion of poverty as either a cause or correlate of crime is such a case in point. While these discussions have shown that poverty, as previously operationalized to include some features of social disorganization, can be shown to be a correlate of violence in the North.

Having built a model of poverty, the liberal policy-maker returns to the notion that economic inequity and other forms of social injustice are the causes of social problems such as crime. The major form of poverty is not pauperism or similar forms of destitution, argue liberal policy-makers, but relative deprivation. This may be adjusted, but not removed, by a radical redistribution of wealth (Lester and Stewart, 1996:184-186). Liberals further claim that the role of government is to mandate social equality, create jobs, and guarantee a minimum standard of income in order for the poor to rise up from their current undesired position. Such interventions would reduce crime arising out of the frustration experienced by individuals undergoing relative deprivation according to this worldview.

The conservative policy-maker also notes that poverty may be a correlate to violent crime, but in typical conservative fashion argues that it is the individual not the state who is at fault here. Although poverty is decreasing, they argue, it is both inevitable and a culture amongst a small core of individuals who have neither the knowledge, skills, or abilities to make it in society. Redistribution of wealth is an enigma to them since it merely penalizes those who have mastered their place in society rather than those who commit crime (Lester and Stewart, 1996:184-186).

It is interesting to note that both liberals and conservatives place blame on the victim; liberals stating that only government intervention can help the individual while conservatives argue that the individual is master of his or her own fate. Banfield (1970) offers a hybrid liberal-conservative perspective (i.e., mostly conservative) when he notes that the role of criminal justice policy-makers is to reduce the incentives to crime:

These, it will be recalled, are the benefits and costs entering into the individual’s calculus in consequences of the situation in which he is placed. Even though his
propensity toward crime is great, he will not commit a crime if situational factors make some non-criminal action seem more profitable. Similarly, even if his propensity is very small, he will commit a crime if the situational benefits of doing so are sufficiently great. The implication is, of course, that efforts to deter crime should concentrate on increasing the incentives to non-criminal behaviour, especially those offered to persons who are near the margin between crime and non-crime — that is, who do not need to be moved very far one way or the other. In principle, this may be done by raising the costs of crime or by raising the benefits of non-crime (Banfield, 1970:174).

The policy-maker must also take other steps to reduce the incentives to crime, according to Banfield (1970), by employing the "carrot and stick" of a hybrid liberal-conservative approach to crime policy. He ponders that "If making it easier to earn money is one way of influencing the outcome of an individual's calculus of profit and loss when he contemplates crime, increasing the possibility both of his being caught and of his being severely punished is another" (Banfield, 1970: 176).

If the discussions concerning the use of theory to understand crime have shown policymakers anything of interest concerning violence in the North, it is that poverty is multi-dimensional in nature and that, if we are serious about combatting violent or any other type of crime, we must address conditions which are normally outside the typical justice arena, namely: poor educational attainment, high unemployment, poor employment prospects, high rates of alcohol and drug abuse, overcrowded housing, family breakup, and so forth.

vi. From Community Concerns to Crime Policy

For many years the phrase "two solitudes" has been employed to describe the gulf that exists between the so-called "two founding nations" in Canada, that is English and French Canada. Indeed, very little attention has been paid to the other founding 'nations' in Canada, namely: the Aboriginal peoples. The gap between the solitudes of the Aboriginal peoples and the non-Aboriginal peoples in Canada has been widening and nowhere is this gap more evident than within the areas of crime and criminal justice. Let us examine, for moment, these two solitudes.

It is important to understand what constitutes crime and how the actor in criminal events is

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47 Notwithstanding the ethnopolitical value of the term "First Nation(s)," this term was not employed here since it describes only those recognized Indian bands and excludes the Métis and Inuit.
regarded by both Aboriginal and non-Aboriginal societies. Indeed, the question of what constitutes "crime" continues to plague comparative researchers, socio-legal scholars, and criminal justice practitioners. This is especially true within those regions and countries which, like Canada, are experiencing social change vis-a-vis the indigenous and incursive populations. In Law As Process: An Anthropological Approach (1978) legal scholar Sally Falk-Moore comments that as society has changed so, too, have its laws and social institutions:

The continuous making and reiterating of social and symbolic order is seen as an active process, not as something which, once achieved, is fixed. The view is taken that existing orders are endlessly vulnerable to being unmade, remade and transformed, and that even maintaining and reproducing themselves, staying as they are, should be seen as a process (Falk-Moore, 1978:6).

Support for the notion of "law as process" is offered by criminologist Leslie Wilkins (1964), who notes that social meanings attached to crime and deviance similarly change both spatially and temporally as "at some time or another, some form of society or another has defined almost all forms of behaviour that we now call criminal as desirable for the functioning of that form of society" (Wilkins, 1964:46). Bridging traditional forms of aboriginal law and social control and that of the Anglo-Canadian criminal justice system may be accomplished through an acceptance of "law as process". Indeed, since both societies have changed substantially since the period of initial contact, it would be unreasonable to expect that their systems of law and social control had remained static and frozen in time.

Today, changing norms and mores within both aboriginal and Euro-Canadian societies point to law as a dynamic process. Regardless of their ethnic background, many aboriginal and non-aboriginal Canadians hold a definition of "crime" which is in harmony with criminologist Thorsten Sellin's (1938) definition, namely:

A crime is an act by a member of a given social group, which by the rest of the members of that group is regarded as so injurious or as showing such a degree of antisocial attitude in the actor that the group publicly, overtly and collectively reacts by trying to abrogate some one of his rights (Sellin, 1938:31).

Where there is disagreement between these two legal belief systems, however, is in the identification of criminal incidents and the sanctions to be imposed on the actor. Although serious offences were treated harshly, such as when the actor or action threatened the survival of the group,
traditional aboriginal law was, and remains, a restorative system of law and social control. Its major premise was that the immediate conflict must be resolved and order restored through the use of informal and formal sanctions. The high degree of communitarianism and interdependency between individuals within traditional aboriginal society contributed to a restorative system wherein stigmatization was low, indeed, many aboriginal elders have commented that within their traditional culture there was no stigmatization. Notwithstanding actions which the community disliked or labelled "bad", the actor remained a good person in need of help to stop doing such bad things. Once the help was given and the bad actions ceased, the good person remained (Patenaude, 1992).

Within the current form of Anglo-Canadian justice, criminal acts are no longer regarded as personal interactions but as symbolic attacks upon the Crown in the Right of Canada (i.e., the nation-state). Indeed, crime may be interpreted as:

an offence against the state, and not merely a wrong done to an individual. Hence, no private party can, by condoning or forgiving a personal injury done to himself in the commission of crime, thereby condone or pardon the offence against the King - that is to say, against the state - which is the essential element of all crime (in R. v. Strong (1915), 43 N.B.R. 190, 26 D.L.R. 122).

The Anglo-Canadian justice is, thus, regarded as a punitive system of law whereby the criminals are punished for their transgression and both they and others are deterred from committing further crime through the imposition of that sentence. Stigmatization of the offender often occurs, coupled with their rejection of the society which imposed the criminal sanctions. This is in direct conflict with traditional aboriginal social control practices whereby the offender has not been removed from the larger society nor given opportunities to reject it and its values. Traditional aboriginal law held the collective responsible for criminal activity and its correction, whereas Anglo-Canadian law emphasizes individual accountability for the criminal act and the state responsible for their correction.

Although Cant (1980), has noted that contrasting norms and legal systems presented in Table 22 are merely "the distinction... between primitive, tribal, rural society and modern, industrial, urbanized society," the history and intensity of the contact between these two value systems have influenced the aboriginal world view to a much greater degree than those of the Euro-Canadians. Today, we have seen limited integration of aboriginal methods of social control within the some of the provinces and the Northwest Territories with the use of "community councils" to deal with non-
serious offenders. These comments, then, form the very essence of the value conflict between traditional aboriginal law and modern Anglo-Canadian law, its agents of social control and the decision to define and record certain behaviours as "criminal."

These, then, are the essence of the value conflict between the aboriginal and non-aboriginal legal complexes. One question which remains unanswered is "how will they be appear through liberal and conservative lenses?" Indeed, how might these two political worldviews interpret the culture and desires of aboriginal communities?

In general terms, the aboriginal worldview concerning crime, criminals, and criminal justice may be described as subscribing to the liberal worldview and vice-versa. The major source of the criminal act lies within the collective whose fault is not identifying the problem and taking steps to prevent it. Having failed in those activities, it is the collective which must take steps to help or correct the offending party. Thus, both the individual and the collective are healed. Punishment is not required, rather education and counselling are seen as the way in which offenders can be corrected prior to being reintegrated into the collective. Formal criminal justice agencies are regarded as 'remedies of last resort' or as reinforcing the decision of the collective.

<table>
<thead>
<tr>
<th>Table 22</th>
<th>Contrasting Normative Orders and Legal Systems</th>
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<tbody>
<tr>
<td><strong>Traditional Normative Order</strong></td>
<td><strong>Western Normative Order</strong></td>
</tr>
<tr>
<td>- Simple set of norms</td>
<td>- Complex set of norms</td>
</tr>
<tr>
<td>- Agreed norms</td>
<td>- Divergent norms</td>
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<tr>
<td>- Internalized norms</td>
<td>- Imposed norms</td>
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<tr>
<td>- Integrated norms</td>
<td>- Lack of integrated norms</td>
</tr>
<tr>
<td>- Immediate and certain sanctions</td>
<td>- Uncertain and delayed sanctions</td>
</tr>
<tr>
<td>- Deviant behaviour seen as one part of total behaviour</td>
<td>- Deviant behaviour seen as characteristic of total person</td>
</tr>
</tbody>
</table>

| Traditional Legal System | Western Legal System |
- Simple legal system
- Laws defined according to norms of the community
- Laws govern one community
- Laws unwritten and flexible
- Laws founded on traditional concepts, e.g. worship of ancestral spirits, chieftainship
- Law administered by tribal chiefs within community
- Emphasis on conciliation and compensation

- Complex legal system
- Laws defined according to norms of dominant groups
- Laws govern all communities in the same political jurisdiction
- Laws written and precise
- Laws founded on Western concepts, e.g. Christianity, democracy
- Law administered by institutions of the state
- Emphasis on punishment


The aboriginal/liberal policy-maker would argue that more police and criminal justice agencies are not required and that the activities of the current system of criminal justice need to be re-aligned to better meet the needs and desires of the community. Those mechanisms which support the existing collective views should be enhanced: use of diversion, elders or community councils as adjudicators, counselling, land programs, and gaols as a last resort for serious offenders. Thus, we are asked by many aboriginal people to let them “take a chance” at correcting offenders using their traditional methods of social control such as bush camps or land programs. They usually address the lack of formal rehabilitation services by stating that the people on the land are too busy working together to talk about how to work together! Adaptations of traditional social control mechanisms are also offered as ways through which the community can deal with offenders. The community of Lac La Martre’s use of “Dene justice” and the Yukon Territorial Court’s use of “circle sentencing” offer two examples supporting the liberal views of adapting to meet the needs of the community.48

So, too, does the non-aboriginal worldview concerning the criminal event and response conform to the other end of the liberal-conservative dichotomy, namely, the conservative worldview and vice-versa. Persons subscribing to this worldview hold the individual offender responsible. Indeed, it is their personal physical, emotional, or mental states which are the cause of crime. The police are regarded to ensure that such persons are swiftly caught and brought to justice. Reform

48 In Lac La Martre, the process involves: 1) the offender appearing before the community as a whole and taking responsibility for their actions, 2) being criticized by those community members present and then welcomed back into the community, and 3) a sentencing recommendation made to the court. In the Yukon this process is incorporated into the physical structure of the court and its processes, thereby permitting any citizen to present their views on the offender and the outcome of the case. Neither process empowers the community as the judiciary remains the decision-making power.
of the current prison régime would be heralded to deal with the soft handling of offenders therein and the use of bush camps decried as pampering one group of offenders while ignoring the needs of other groups of offenders. Cultural-based defences would find little relevance within the worldview of the conservative as he or she would hold each citizen to the same standard of guilt. Criminal justice agencies would cease spending on aboriginal cultural or social programs in an effort to seek equality (read: assimilation). Whereas the conservative policy-maker may promote equality, for instance crying out for a single, harsh prison environment which treats everyone as if they are equal, their position merely exacerbates the structural inequality of most aboriginal persons vis-a-vis the life experiences and opportunities permitted non-aboriginal persons.

vii. From Crime Prevention Programs to Crime Policy

The fact that crime prevention programs come in many different guises is problematic for many government program managers. As one senior official commented “it is quite different from the traditional bricks and bars of corrections.” The four general types of crime prevention are law reform, community-based policing, situational/opportunity-reduction, and social development/community-based prevention. Neither the liberal nor the conservative policy-maker can argue against the concept of crime prevention be it located in downtown Toronto or Taloyoak in the Kitikmeot. Where they seem to differ is in determining the type of such programs and their desired outcomes.

The conservative policy-maker would continue to hold the individual at fault for either offending or victimizing behaviours. The reform of the criminal law to increase penalties would be favoured by the conservative, as would community-based policing since it reduces the opportunities while increasing the costs, i.e., potential for detection, of criminal activities for the criminal actor. The use of situational/opportunity-reduction represents to the conservative most effective but costly, for both the offender and his or her potential victim.

These three strategies are currently present throughout the North. The presence of steel grating, heavy security doors, exterior lighting, and alarm systems are as ubiquitous on the Northern Store buildings as is the Northern Store across the North. Many entrepreneurs have also welcomed the advent of the so-called community-based policing model in the North as having the Mountie drop by unannounced or at regular times has an immediate effect on shoplifting. The adoption of a zero-tolerance policy in cases of spousal violence was lobbied by many Northerners, men and women alike, and is an example of law reform which does not increase the criminal sanction for violence,
but rather seeks to reduce the incidence of violence.

Liberal policy-makers, however, would decry increases in criminal penalties sought through law reform since it is the application of the criminal law and other social inequities which they hold to be the cause of crime. Situational crime prevention, liberals would argue, is akin to adopting a siege mentality and not addressing the root causes of crime as they perceive them. The concept of community-based policing would be more palatable to the liberal policy-maker since it reduces the gulf between the police and the community and promotes a peace-maker rather than law enforcement approach to people and problems in the community. The development and implementation of community-based, social development programs would be the most desirable alternative for the liberal policy-maker since it seeks to change the environmental conditions which contribute to crime and reinforces the informal leadership and social control mechanisms of the family, the neighbourhood, and greater community.

Although the Northern Fly-In Sports Camps and other recreational programs have been limited in number, their success has been confirmed anecdotally. These programs promote a crime-free lifestyle through involvement in sports and challenge activities. Social development programs which have a greater potential for effectiveness are those which seek to promote long-term learning of positive lifestyles and cooperation. The Ndilo Chekoa Program is one successful example of the type of program which liberal policy-makers could support.

viii. Where Do We Go From Here?

Through the use of liberal and conservative worldviews, this chapter has explored the notion that different research methodologies will create different types of policy knowledge. The crime policy options which emerge from those policy knowledges need to be integrated in much the same manner as Banfield (1970, 1974) presented his hybrid liberal-conservative alternatives or ‘policy praxis.’

Thus, it was shown that we can "make meaning" of the official crime statistics and location quotients of crime of Northern communities. These indicators of social malaise are not measures of isolated activity but, rather measures of expressions of multi-dimensional problems in the North. The cry for more enforcement resources or better use of them arises from our discussions of crime statistics and location quotients of crime. So, too, did our discussions concerning the use of social
science theory help us to make meaning of one type of criminal activity, i.e., violent crime. More than any single "scientific" measure, that discussion illustrated that several social conditions are correlates to violent crime in Northern communities. These social conditions which were identified through experience and tested using computer-aided statistics were, in turn, validated throughout the meetings concerning crime and discussed to assist in developing informed crime policy for the Northwest Territories and Nunavut. The use of Webber's (1992) conceptual model of policy knowledges has shown to be an effective way of understanding the creation of criminal justice and other policy. While this dissertation did not explicitly adopt a rational model of decision-making, it implicitly used such a framework by asking readers to look widely outside criminology for answers.

There are limitations of the present study. One limitation was the inability to effectively measure crime in the North prior to 1977 and, for which, no remedy seems available. Having noticed that the data from the front end of this study was lacking, however, there was only the excuse of brevity for not having gathered additional crime data for the years past 1992. As Bachman (1992) noted in her pioneering work on violence amongst Aboriginal peoples in the United States, additional statistical models and refinement could have been applied to make the data and model employed herein testable, i.e., test the social disorganization and poverty hypotheses using Canadian data.

Another limitation was due to the loss of a file-folder which contained the unedited interview notes from several key informants. These key informants included: senior officials in the criminal justice system, community leaders, and others from across the North. This was most distressing as some of these knowledgable individuals, such as former Chief Territorial Court Judge James Slaven, have passed on. It would have been a pleasure to have written a chapter which related their experiences and understanding of what is needed to improve the delivery of criminal justice services for both Aboriginal and non-Aboriginal peoples in the N.W.T.

Yet, as has been asked at the end of nearly every chapter thus far, "where do we go from here?" Alas, it would require winning the lottery or having the government rediscover the North as it did during the 1960s and 1970, for the type of research which is required to develop a rational crime policy for the North. By combining the research methodologies of the Dene Justice and Baffin Justice Projects and extending them to every region of the North, ethnohistorical and contemporary baselines could be established which would assist policy-makers far better than another lawyer-headed study of social phenomena.
Slipping back into reality for a moment, Northerners need to examine what might constitute an informed crime policy for the Northwest Territories and Nunavut from within the communities which will constitute Nunavut. The average person on the street is affected by crime and has an understanding of what is needed at both the micro and macro-levels to deal with it. The answer for the Government of the Northwest Territories and the future Government of Nunavut may be equally as simple: once the people have been listened to and their ideas incorporated into a crime policy, follow the path of inter-agency cooperation to effectively reduce the correlates of crime which have been identified herein and within *Building a Strategy for Dealing With Violence in the N.W.T.*, a discussion paper created by the territorial Department of Justice during 1993.

*Taimatsiaq!*

(Trans. "Finished Absolutely")
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APPENDICES

Appendix 1: Evolution of the Community Self-Government Concept

Appendix 2: Recommendations - Justice in the Deh Cho Conference, 1992

Appendix 3: Terms of Reference and Work Plan for a Customary Law Task Force in Nunavut

Appendix 4: A Law Awareness Program for Youth Scouts Canada’s “Law Awareness Badge Requirements for Cubs”

Appendix 5: Ndilo Youth Crime Prevention Program (Ndilo Chekoa Program)

Appendix 6: Services Supported by the Department of Justice (G.N.W.T.) Through a Contribution Agreement with the Yellowknives Dene Band

Appendix 7: Patton’s (1986) Typology of Evaluation Methods
Appendix 1
Evolution of the Community Self-Government Concept

1966-67
Report of the Advisory Commission on the Development of Government in the NWT (Carrothers Commission)
- establishment of the Department of Local Government (Municipal & Community Affairs).
- recommendation to facilitate politically workable and administratively self-sufficient communities.

1975
Department of Local Government Philosophy Paper
- community consultation on local government structure, mandate and issues was undertaken.
- rejection of municipal councils by Dene Chiefs and Bands was documented in the philosophy paper.
- paper recommended that settlement councils be viewed in terms of a process of political development, not the creation of administrative structures.
- the paper was tabled before the Territorial Council, but not discussed. Status of paper: unknown.

1976-77
GNWT Committee on Devolution
- established by the NWT Commissioner to study the concept and potential of devolution.
- the Committee found widespread support in the communities and concluded that devolution was viable.

1977
GNWT Annual Report: Towards Decentralized Government
- affirmation of commitment to and principles of decentralization and devolution.
- key momentum/initiative for political and constitutional development in the NWT.

1979
GNWT: Local Government Directions for the 1980s
- review and evaluation of the local government program.
- recommendation to maintain local government as a priority, with increased emphasis on: local responsibility; strengthen councils and re-affirm their prime importance for providing overall community direction; more fully recognize and accommodate the 'Band Structure' in Indian communities; and, encourage and facilitate transfer of programs and services.

1980
Report of the Special Representative on Constitutional Development in the NWT (Drury Commission)
- focus on political development in the NWT.
- recommended against division of the NWT.
- identified problems associated with multiple bodies, committee's, agencies at the community level.

1981
GNWT Devolution Policy
- support and encouraged devolution of responsibility for delivery of government programs and services to the community level.
- maximize local decision-making with respect to program delivery.
- community choice as to the extent of responsibility assumed.

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1983
Report of the Special House of Commons Committee on Indian Self-Government (Penner Report)

- identifies aboriginal self-government as the pivotal issue. Call for Constitutional entrenchment of aboriginal self-government. The non-partisan Report contributes to a renewed debate and provides momentum for the Inuit claim, and pressure for community autonomy.

1983
GNWT Position Paper: Design for Devolution

- statement that the community council should be the prime public authority.
- community council to be responsible for co-ordinating special purpose bodies sponsored or supported by the GNWT.
- recognition of the need for enabling legislation to implement this concept.

1985
First Ministers' Conference on Aboriginal Issues

- Prime Minister acknowledges that aboriginal self-government is the central issue. While some progress is made and there is initial support for aboriginal self-government, Inuit reject proposal wording - no agreement is reached.

1986
GNWT Municipal Capital Assistance Policy

- establishment of administrative framework to facilitate increased level of community control over capital projects. Has not yet received formal approval by the Executive Council, but is used in practice.
- three progressively higher levels of authority and responsibility of community control are identified.

1986
Policy Statement on Indian Self-Government

- Minister of DIAND (David Crombie) states that it is imperative to facilitate aboriginal self-government. Some principles and process are announced, including the fact that this process must be community based and community specific.
- the Dene/Métis in the western Arctic react positively to the potential for negotiations. The resulting GNWT position is not clear in terms of the devolution/decentralization initiatives and continued role in the land claims process.

1986
Release of the Task Force Report on Comprehensive Claims Policy

- Living Treaties: Lasting Agreements recommends broader negotiating agendas, including social and political provisions.
- TFN claim and the Dene/Métis claim is temporarily disrupted pending some clarification of issues and recommendations in the Report.
- the role of the GNWT continues to emerge.

1986
Policy Statement on Indian self-government community negotiations

- the new Minister of DIAND (Bill McKnight) announces a framework of basic legal and policy requirements for this process to work - to give communities a 'realistic' sense of the possibilities and limitations of aboriginal self-government. The process is clearly viewed as being community-based and community specific.
- re-affirmation that the federal government is committed to the objective of aboriginal self-government but within the 'existing constitutional framework'.

- re-affirmation that the federal government is committed to the objective of aboriginal self-government but within the 'existing constitutional framework'.
NWTHC Corporate Planning Project: Comprehensive Community Development

- in response to direction from the Special Committee on Housing, the NWT Housing Corporation embarked on a new approach to housing and community development. The scope and scale of the NWTHC dictated this strategy.
- the new approach is based on principles of: accountability to and by the local community, community development, and economic development. This strategy is within the overall devolution and decentralization framework of the GNWT.
- the NWTHC is attempting to maximize development opportunities within the general philosophy of the Prime Public Authority Concept.

GNWT: Direction for the 1990s

- commitment to shaping a public government framework within which devolution, delegation and public access may operate.
- affirmation that economic development was the priority issue of the GNWT.

GNWT Transfer Policy

- policy outlining the manner in which programs will be negotiated and transferred from the GNWT to community governments.
- this is the main policy framework for the Prime Public Authority Strategy.

GNWT Executive Council directs that a Strategy be developed.

- affirmation of community governments as the prime authority.
- establishment of key principles.
- identification of the Department of Municipal and Community Affairs as leading this initiative.
- direction to prepare background papers.

GNWT Paper: Application of PPA Concept at the Community Level

- identification of two alternative PPA models.
- Option 1: consolidation of existing responsibilities.
- Option 2: consolidation and enhancement of community (local) governments.

GNWT Enabling Legislation (Department of Municipal and Community Affairs)

- Legislation was enacted to facilitate implementation of various community government initiatives. The following Acts come into effect: Cities, Towns and Villages; Charter Communities; Hamlets; and, the Settlements Act. The individual Acts superseded the omnibus Municipal Act.

GNWT Paper: Regional and Tribal Councils

- report recommended that regional and tribal councils assume territorial government program and service delivery (become the PPA).
- rejection of report recommendation by the Executive Council.
- decision to limit the roles and responsibilities of regional and tribal councils. PPA responsibility and authority to community government was affirmed.

Federal government announces a new Northern Political and Economic Policy Framework

- new policy commits the federal government to transferring the remaining provincial-type-programs to the territorial governments, including natural resources and revenue sharing; land claims settlement a priority; and, emphasis on new initiatives in economic development.
1988
GNWT Paper: Scope and Implementation of PPA Concept

- decision to implement option 2: consolidation and enhancement of community (local) governments.
- restricting the establishment of new GNWT special purpose bodies at the community and regional level.
- designation of the Minister of Municipal and Community Affairs as the Minister responsible for PPA.

1988
GNWT Discussion Paper on Political and Constitutional Development

- the objective is to develop a consensus on the form, process and framework of shaping public government in the NWT.
- reaffirmation of the legitimacy and role of community governments (manifest in the Prime Public Authority Strategy).

1988
PPA Steering Committee is formed

- senior management Steering Committee is formed to direct and oversee the PPA Initiative.
- a work plan is developed to undertake research into program and service transfer and coordinate departmental input into PPA.

1989
GNWT Organization Policy

- principles for authority, responsibility and functions of departments and agencies are articulated. Based upon the rationale of Ministerial accountability and public accountability by the Executive Council and the Legislative Assembly.
- recognition of evolving change resulting from decentralization (devolution and delegation) and the need for organizational adaptation to provide programs and services effectively.

1989
GNWT Decentralization Guidelines adopted

- in conjunction with the GNWT Organization Policy, the Decentralization Guidelines outline the principles, eligibility, authorities, implementation and evaluation processes for transfer of programs and services to communities.
- approved by the Executive Council.

1989
GNWT Paper: PPA Implementation

- Executive Council directed that an Implementation Plan be developed.
- a second Minister is given responsibility for PPA in the western Arctic in order to facilitate discussion with the Dene and Métis communities.

1989
GNWT Departments review of programs and services for transfer

- departments review their program and service functions and submit to the PPA Steering Committee detailed Transfer Forms.
- detailed analysis is undertaken to determine what can be transferred to communities. Ongoing consultation with department continues.

1990
Limited activity throughout all levels of government on the strategy

- temporary shift to other agenda items on the land claims front.
- the Dene-Métis Land Claim process includes negotiations on self-government issues.

1991
Territorial Election

- Election of new Government Leader (Premier) with a comprehensive philosophy and platform of community based government.

1991
Beatty Report

- The report Strength At Two Levels (Beatty Report) sets out a comprehensive government restructuring process, including achievement of increased community government.
1991
Division Plebiscite

• Plebiscite on the boundary to divide the Northwest Territories is approved (by a slim majority).

1992
Self-Government Section in DIAND

• DIAND establishes an Intergovernmental Affairs Division in Yellowknife to facilitate negotiations on self-government proposals.

1992
Implementation of Beatty Report Recommendations

• a number of recommendations on community self-government begin to be implemented.
• community self-government transfer/implementation - group established by Cabinet.
Appendix 2

Recommendations - Justice in the Deh Cho, 1992

Community Justice

1. To take community alternative suggestions from within the community as opposed to depending on the current/professional legal system.

2. Review alternative measures. Youth Justice Committees are more reflective and adaptive to local communities and should be utilized more.

3. There should be more focus on peace making/restitution regarding community crime rather than just punishment.

4. More community processing of young offenders - i.e. corrections diversion programs more utilized so that offenders do not go to jail.

5. Could use the Wabasca example and have an elders council to deal with young offenders.

6. Justice Committees could meet with the Police to liaison about different community crime problems

7. Sentencing Committees could be formed that would/could deal with domestic disputes, youth criminal activity. Sentencing committee could also do some counseling. Community based Sentencing Panel.

8. There could be an extension of Youth Justice Committees (where in place) to deal with criminal activities among all people.

9. There should be an exploration of various ways of dealing with crime/social problems that are being done in other communities:
   - Navaho way of dealing with things
   - Greenland - justice committees, own judges, no jails, halfway house
   - Australian missions - offenders afraid to go back to their own communities to face elders

10. Community commitment will be needed. Need to get community resources working together. Communities will need to make decisions on what they wish to become involved with. Communities will need support from the system in the way of allowing input and for aftercare services.

11. Funding sources need to be identified and coordinated.

12. More education of individual rights, law processes, more workshops of this type to help spread knowledge.
13. A full time staff person is needed to help integrate some of the ideas of the workshop into the communities. Motivation and interest should be kept at a maximum. The Deh Cho Tribal Council spoke with the community of Pikagikum and they stated that their justice committee was falling apart as they had not hired a person who worked solely with community justice issues.

14. Communities consist of more than elders and it is important to bring in others i.e. adults and youth (men and women) in any initiative. Communities must become aware that they are responsible for the people of their community and this must be communicated to the communities.

15. Re-education of the communities is needed. Traditional knowledge could be used to gain community consensus so that everyone comes together on issues.

16. It is recommended that community people are not asked to sentence relatives and/or friends, but that elders and youth from different communities (Dene Communities) be asked to recommend solutions e.g., Denendeh Elders Council (could travel when asked or needed). Community justice should remain at arms length from political organization.

17. Where Dene Law is clear and held by the community that it be applied to for the Dene persons instead of Canadian Law.

18. Have a full Dene System:

1) Dene policing (Community networking)
   Will be everyone’s responsibility to report offences

2) Dene Court System
   Community Confrontation or intervention and the start

3) Dene Sentencing System
   Elders are offered the responsibility to sentence offenders. These elders may accept to sentence or delegate it to another group.

4) Dene Healing
   The community has to be willing to accept the responsibility to heal the wrong that has been done, through counseling, positive image sentencing, community services, Drug & Alcohol treatment.
In order for the Dene communities to be able to take on their own justice system, they need to go through a healing process. This healing process has to involve all individuals in the communities. It has to be inner healing.

19. There needs to be better co-operation between the different components of the Justice System. The components should include the members of respective parliaments, elders, agencies and government bodies.

20. More workshops in the Deh Cho region regarding family violence, offenders, healing, youth and elders. Workshops should be out on the land for 2 or 3 days.

21. The implementation of a community justice system should begin with the formation of an education committee that would begin a process of justice education and debate within communities as to the nature and scope of community justice and its possible impact on their individual communities.

22. Each community who wishes to participate in community justice could use a phased implementation approach according to the structure that each community had decided was appropriate for their community.

23. Communities would need to decide to what degree they wished to take on certain responsibilities e.g. some communities would not feel comfortable dealing with sexual assault cases. Clear guidelines would need to be drawn up in advance by the communities so that cases would be directed to the correct authorities in a timely fashion so as to cause the least possible suffering to victims and accused alike.

24. Pilot project for the Deh Cho Region is needed.

25. Training and education was stressed as being vital to the integrity of community justice. It would be recommended that training and community education be emphasized in any implementation of community justice, both for members of the community and for members of justice committees.

26. A resource person should be made available to provide administrative backup to volunteers involved in community justice.

27. A Community Justice Steering Committee should be set up (at this conference) to examine ways of implementing a pilot project in the Deh Cho Region as soon as possible.

Community Based Policing with R.C.M.P., Tribal/Band Police Forces

1. The R.C.M.P. should work more closely with the community. More liaison between R.C.M.P. And Youth Justice Committees. More interaction of the R.C.M.P. within the communities. Police should get involved with the community.

2. Native communities and government departments tend to compete against each other. The Police and the communities need to work together and not try to solve all the problems by themselves.

3. Politics between the bands and policing must be separate. The community should set up policy,
but police need to be an independent operation to enforce policy. Need to be independent of political interference in policing work.

4. People need more education as to individual rights according to law processes such as this seminar to help spread the knowledge.

5. Communities want more information from R.C.M.P. other than monthly reports as to the number of arrests and complaints.

6. Police members should be told that changes are coming, that the communities are going to become more involved.

7. Bands should prepare BCR’s and formally begin implementation of policing of their choice.

8. Better liaising with community and Ottawa to inform of funding programs, summer student programs, etc.


10. Cross cultural awareness training is needed for R.C.M.P. members in the detachments of the Deh Cho Region, R.C.M.P. need to get out and speak to the Dene because about 80% of the people in the communities are Dene.

11. The R.C.M.P. should host a conference in the N.W.T.

12. Crime Prevention starts with the discretion of the police. Issues should be brought to community justice panels for diversion rather than just going through the formal processes.
Appendix 3

Proposed Terms of Reference and Work Plan for a Customary Law Task Force in Nunavut

Proposed Terms of Reference

The task force is to make recommendations to the Nunavut Constitutional Forum (or the Nunavut government) on all aspects of the implementation of Inuit customary law in Nunavut, and in particular:

(a) to provide an account of the practice by Inuit of their customs and practices in the various communities and regions, including an account of substantive content of the customary laws of these communities or regions and the institutions and procedures by which they were maintained;

(b) to report on the wishes of Inuit respecting the manner in which their customary laws and systems of cultural and social maintenance should be provided for:
   (i) under the laws of Nunavut;
   (ii) under the system for administering justice in Nunavut;
   (iii) through public legal and social programs and services in Nunavut;

(c) to review institutions (including police and correctional services and legal and social services agencies) and systems for the administration of justice and delivery of public legal and social services within the NWT, for purposes of:
   (i) identifying the manner in which and the degree to which they provide for recognition and implementation of Inuit customs and traditions;
   (ii) making recommendations to ensure that the structures and functions of similar institutions in Nunavut are compatible with the continuance of Inuit customs and traditions;

(d) to review the various approaches that may be used for the implementation of customary law (including specific or general incorporation of such law within the general law, exclusion from the general law certain matters governed by customary law, and adjustment of the general law to accommodate customary law), and to recommend a general scheme for the application of Inuit customary Law in Nunavut.

(e) to advise on the desireability of a legislative or constitutional obligation on courts and other agencies to take into account applicable Inuit customary laws; and to suggest frames of reference or guidelines for courts, legal and social agencies and administrative bodies to reflect and provide for recognition of Inuit customs and traditions;

(f) to recommend substantive, procedural, and evidentiary provisions that may be necessary or desirable to take account of and allow for customary Inuit practices, and in so doing make specific reference to the provisions of the Constitution of Canada, and in particular to the Canadian Charter of Rights and Freedoms;

Proposed Work Plan

The task force would be encouraged to review material and the experience of other jurisdictions that deal with the recognition of customary law. However, its primary purpose is one of consultation, inquiry, and recommendation with respect to the proposed Nunavut Territory.

In the course of its work the task force would have to:

(a) solicit and consider representations from Inuit, Inuit communities and relevant organizations, and for that purpose to travel to certain communities in Nunavut in order to hear the views and submissions of interested parties;

(b) receive and consider representations from other interested parties;

(c) conduct such research and investigation as it considers necessary;

(d) make use of legal, anthropological, ethnological, criminological and any other services it deems proper, for advice and information concerning its work;

(e) adopt such practices and procedures as are necessary to achieve its goals, it being understood that the task force would conduct its activities in as informal a manner as possible.

The report of the task force would be published in Inuktitut and English. Having regard to the dynamic and evolutionary context in which it is to work. The task force might decide to submit interim and provisional recommendations as well as final proposals. It should be borne in mind that the process of recognizing and implementing Inuit customary law could not be accomplished in a single report and ought to be a continuing process. The work of the task force would be to lay the foundations for the implementation of customary law in Nunavut.
Appendix 4

A Law Awareness Program for Youth Aged 8 - 10 Years

Scouts Canada's "Law Awareness Badge for Cubs"

This badge is meant to help you learn why we have laws and how they can serve you.

1. Talk with your six about the laws of the Wolf Cub pack and what they mean. What rules should you have in your six so that everyone can enjoy Cubs more? What might happen if your pack or six did not have rules?

2. Talk to Akela, Baloo or one of your other leaders about who makes the laws in our country and why they are important to us. Who is responsible for making sure our laws are followed? Who can you get to help?

3. For any four of the following situations, explain to your six what the laws are and why we have them.
   a) crossing private property
   b) burning or damaging private property
   c) traffic laws for bicycles, pedestrians and automobiles
   d) littering
   e) hurting other people
   f) taking what doesn't belong to you
   g) polluting or damaging the environment

4. Talk with your parent or guardian about the following situations and decide what you could do for any four of them.
   a) Someone breaks into or damages your house.
   b) Someone steals your bicycle.
   c) A stranger asks questions about your parents or neighbours.
   d) You see someone hurting another person.
   e) Someone asks you to break open a school locker.
   f) Someone offers you drugs to make you feel good.
Appendix 5

Ndilo Youth Crime Prevention Program
(Ndilo Chekoa Program)
Executive Summary

The Ndilo Chekoa Program:

1. This report offers a qualitative evaluation of the operations of the Ndilo Chekoa Program between June 1993 and October 1994. It is based on observations of the program and its activities, interviews with participants, staff, volunteers, parents, elders and government officials during a two-week period during July of 1994 and subsequent interviews conducted during one week in early November, 1994. Supplementing these interviews and observations was of available file documentation. This documentation included monthly reports, financial statements and invoices. The reliance on anecdotal information was the result of the research teams inability to secure a copy of the Yellowknives Dene Band list from either the Band Council or the Dene Nation National Office. This lack of information precluded the compilation of the rates of program participation, educational attendance, or a community profile. The final report was written during the first week of December, 1994.

2. The Ndilo Chekoa Program is a community-based, government funded, crime prevention program operated by the Yellowknives Dene Band of Ndilo, Northwest Territories. This program includes both an after-school and week-end component. Unlike most non-Aboriginal crime prevention strategies (i.e., law reform, community policing, situational/opportunity reduction, and social development), this program focuses on the basic needs of Dene children and youth to reduce the nature and extent of crime and delinquency within the community.

3. The Ndilo Chekoa Program’s orienting strategies and emphasis on participant self-esteem as a method of crime prevention is supported not only by published literature within criminology and criminological theory, but also within the growing bodies of literature concerned with community development, criminal justice policy, studies. Although not aware of the international Child-to-Child Program during its formative and early stages, the Ndilo Chekoa program has in fact mirrored much of the former program’s goals and activities, namely: the provision of proper nutrition, remedial and core education, opportunities for improved self-esteem, and activities to assist in understanding a changing Dene culture.

The Ndilo Chekoa Ha Tse’e To Component:

4. The Ndilo Chekoa Ha Tse’e To component is delivered on an after-school basis and begins shortly after the arrival of the St. Patrick’s school bus at the community education centre. Typical activities include: arrival, provision of nutritious snacks, periods of homework/education, periods of computer activity, games and crafts, discussion groups, and special visitors.

5. Throughout the Ndilo Chekoa Ha Tse’e To component’s short lifespan, it has consistently had a large number of young participants. Although the limitations of the data preclude participation rates from being determined, the after-school component has grown consistently from only three participants to a high of 47 children and youth in attendance. The daily average number of participants has been approximately 36 children and youth of nearly equal numbers of males and females. The weekend component has had consistently lower numbers of participants averaging approximately 27 children and youth per day.
6. The Ndilo Chekoa Ha Tse’e To component makes limited use of local resources and resource persons, i.e., volunteers, drawn from both Ndilo and the larger community of Yellowknife to make its program and activities successful.

7. The Ndilo Chekoa Ha Tse’e To component must be regarded as a successful program within the terms of current contribution agreement between the G.N.W.T. Department of Justice and the Yellowknives Dene Band. It fully complies with the conditions found in Sections 1, 3, 4, 5, 6, 7, and 8 of that agreement. It is not a program which relies on the “traditional bricks and bars of corrections,” but on the internal resources of the community of Ndilo with a long-term, developmental focus on crime prevention through social development. Given it’s limited resources (both financial and other), competition for the use of the building, and the limited size of that same building, it is amazing that the Ndilo Chekoa Ha Tse’e To component has been as successful as it has been. This success is directly attributable to the dedication and hard work of the Ndilo Chekoa Program Coordinator and overall support provided by the Yellowknives Dene Band Council.

8. The Ndilo Chekoa Ha Tse’e To component requires only limited improvement in the areas of child and youth programming to balance its activities. This balance should focus on the needs of young persons to “let off steam” during the program, e.g., a schedule could include activities - games/crafts - activities - games/crafts, etc. during the typical after-school activities. A second focus, and one which is currently being addressed, should be on the needs of older, i.e., older teenaged, participants since this group often feels that its needs are different from those of the “younger kids.”

9. The staff employed within the Ndilo Chekoa Ha Tse’e To component require additional professional development in the areas of child and youth intervention and the effective mobilization and use of volunteers from the local community. While Arctic College can provide Euro-Canadian specific training in child/youth intervention strategies, there is a strong desire and need for Dene-specific methods of intervention. Similar information and assistance concerning the mobilization of volunteers may be provided from agencies such as Boy Scouts of Canada and Big Brothers/Sisters, both of whom have long histories in the successful use of volunteers, but must be adapted to Ndilo’s cultural and socio-political conditions.

The Ndilo Chekoa Tsa Tse’di Component:

10. The Ndilo Chekoa Tsa Tse’di component operated on weekends, during school breaks, and was combined with the Ndilo Chekoa Ha Tse’e To component over the summer holidays. Typical activities include: life skills, drama, arts and crafts, swimming lessons, mini-carnivals, provision of nutritious snacks, traditional and modern camping, and occasional visits by elders.

11. Throughout the Ndilo Chekoa Tsa Tse’di component’s short lifespan, it has consistently had a large number of young participants, but slightly less than that of the Chekoa Ha Tse’e To. As with that program component, the limitations of the data preclude participation rates from being determined, the week-end component has grown consistently from only nine participants to a high of 35 children and youth in attendance.

12. While the Chekoa Ha Tse’e To component has operated primarily within Ndilo, the Chekoa Tsa Tse’di component has made use of resources located outside of that community, i.e., the larger community of Yellowknife to make its program and activities successful. These resources have included the delivery and use of camping activities at Wool Bay, swimming pool and staff, Long Lake Beach, and the bowling lanes. These activities exposed the participants to broader areas of local
traditional and modern activities other than the typical use of the arcades and coffee shops of Yellowknife.

13. The Ndilo Chekoa Tsa Tse'di component must be regarded as a moderately successful program within the terms of the contribution agreement between the G.N.W.T. Department of Justice and the Yellowknives Dene Band. It complies with the conditions of nearly all sections of that agreement with special emphasis being paid to Section 2.

14. The Ndilo Chekoa Tsa Tse'di component requires improvement in the area of culturally relevant programming which may be met through the expanded use of volunteers, especially elders. While it has offered participants exposure to traditional working and modern recreational camping and the use of Dogrib as the working language was limited these are areas which may be improved.

15. The Ndilo Chekoa Tsa Tse'di component has suffered through an extremely high rate of staff turn-over since its inception. Among those reasons which have been offered as possible explanations, the part-time pay for what constitutes a full-time responsibility was cited as the major reason. Once staff are hired and they remain in the position additional development in the areas of child and youth intervention and the effective mobilization and use of volunteers will be required.

Program Recommendations:

Recommendation #1: That the Ndilo Chekoa Program continue past the expiration of the Department of Justice (G.N.W.T.) funding. Such a program is indispensable to the academic achievement and social development (self-worth, self-confidence, accomplishment, etc.) of those youth participating within the program. These two conditions are correlates of general social well-being and low crime rates within a population.

Recommendation #2: That the continuation of the Ndilo Chekoa Program be supported through either internal Yellowknives Dene Band resources or those secured from outside funding sources. To this end, the Band must explore all possible avenues of external support.

Recommendation #3: That the number of paid and volunteer staff be increased to provide additional services to participants based on the extremely broad range of individual learning needs.

Recommendation #4: That the position of after-school coordinator be converted to a full-time position from its current half-time position. This recommendation is reflective of the actual hours worked by the incumbent and the needs of the program.

Recommendation #5: That the Band take an active role in securing additional suitable space for the Ndilo Chekoa Program as the current location inhibits the effectiveness of the program and its activities.

Recommendation #6: That the Band secure adequate transportation for the Ndilo Chekoa Program as current arrangements are unworkable. This may include placing the program as a priority for the use of the current Band-owned van, or securing an additional vehicle and dedicating its use to the Ndilo Chekoa Program.

Recommendation #7: That the Band not consider expanding the Ndilo Chekoa Program into program areas other than those mentioned within Recommendations #8 and #9.
Recommendation #8: That the Band consider expanding of the Ndilo Chekoa Program to include pre-school children in the same manner as the current Head Start Program, or develop a similar program under either the Band’s Education or Health and Social Development Committees.

Recommendation #9: That should the Band consider expanding the Ndilo Chekoa Program into other locations, that the community of Dettah be considered as the only locale for expansion as to place a duplicate program within the confines of Yellowknife would create new, and possibly negative, changes to the character of the Ndilo Chekoa Program which could lead to its downfall.

Recommendation #10: That the Ndilo Chekoa Program be authorized its own bank account, including cheque writing, and bookkeeping separate from that of the Yellowknives Dene Band. This change will facilitate more effective purchasing and invoicing services while retaining an “arms-length” reporting relationship with the Yellowknives Dene Band Council.

Recommendation #11: The Yellowknives Dene Band Council request an independent evaluation of the educational program and services provided at St. Patrick’s Elementary School for Dene children from Ndilo with special attention paid to both traditional and non-traditional (e.g., Dogrib language instruction) education and concerns that Ndilo youth are being streamlined into alternative rather than matriculation programs and activities. Based upon interview data, the Ndilo Chekoa Program is currently providing students with basic and remedial instruction as opposed to home-work assistance.

Recommendation #12: That the Yellowknives Dene Band examine the operations of summer crime prevention programs operated by the various communities in the South Slave and Deh Cho Regions with an eye towards incorporating program ideas into the Ndilo Chekoa Tsa Tse’di component. Those activities operate throughout the Summer period rather than for one or two weeks.

Recommendation #13: That the Yellowknives Dene Band seek additional funding for the operation of the Ndilo Chekoa Tsa Tse’di component with specific attention being paid to the salaries of co-ordinator and staff, food and supplies, and the costs of transportation as efforts to increase the stability of the overall Chekoa program. It has been shown that without a decent wage package and limited job security that even the most highly motivated persons will not remain with the program.

Recommendation #14: That the Yellowknives Dene Band consider well-publicized fund raising activities to support the Ndilo Chekoa Program. These need to be planned, coordinated and carried out to supplement existing program funding, allow for a possible supplement in order to increase the co-ordinator and assistant’s salaries, and to increase community awareness of the program and its importance to the children and youth of Ndilo, N.W.T. Such public awareness should be extended into the larger community of Yellowknife in order to tap into those resources which may be available there.
Appendix 6

Services Supported by the Department of Justice (G.N.W.T.)
Through a Contribution Agreement with the Yellowknife Dene Band

Schedule A
Services to Be Provided by the Recipient

The program or services to be provided under this Agreement are as follows:

A Pilot Project, of no greater than 22 months total, to provide crime prevention, promotion of a crime-free lifestyle and positive decision-making for members of the Yellowknife Dene Band located within the communities of N'dilo, Dettah, and Yellowknife, N.W.T.; this project will be operated out of N'dilo and focus primarily on the needs of the residents of that community.

This program shall include, but not be limited to, the provision of the following activities or procedures:

1. Provision of a comprehensive program of activities and events that will provide Dene youths with an alternative to crime and delinquency;

2. Provision of activities and events which will enhance and promote the use of traditional Dene values and beliefs within a modern context; this will include cooperation, group skills development, consultation with elders and the use of a holistic approach to problem-solving; these activities will be carried out within an outdoor setting whenever practical;

3. Provision of programs and activities for the youth of N'dilo and Dettah which will assist them to make positive lifestyle decisions and regain confidence and pride in their cultural heritage, restrengthen family relationships and help to build a positive community spirit; these programs and services will include: life skills, homework assistance, computer education, arts and crafts, recreation activities, guest speakers, career days, mini-carnivals and winter and summer camping experiences; community volunteers and parents will be utilized wherever practical;

4. Provision of a nutrition awareness and education program which will include the provision of nutritious snacks to program participants;

5. Provision of staff adequate to for the purposes of meeting the obligations of this Agreement; preference must be given to hiring and training Aboriginal residents of the Northwest Territories for the operation of these programs;

6. Provision of an unaudited financial statement on a monthly basis and an annual audited financial statement submitted no later than sixty (60) calendar days from March 31, 1994.

7. Provision of timely and accurate program information as requested by the Department of justice;

8. Provision of an external evaluation of the effectiveness of the pilot project upon its completion.
### Appendix 7

**Patton's (1986) Typology of Evaluation Methods**

<table>
<thead>
<tr>
<th>Type of Evaluation</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accreditation Evaluation</td>
<td>Does the program meet minimum standards for accreditation of licensing?</td>
</tr>
<tr>
<td>Cost/Benefit Analysis</td>
<td>What is the relationship between program costs and program outcomes (benefits) expressed in dollars?</td>
</tr>
<tr>
<td>Cost-Effectiveness Evaluation</td>
<td>What is the relationship between program costs and outcomes (where outcomes are not measured in dollars)?</td>
</tr>
<tr>
<td>Criterion-Referenced Evaluation</td>
<td>To what extent has a specific objective been attained at the desired level of attainment (the criterion)?</td>
</tr>
<tr>
<td>Decision-Focused Evaluation</td>
<td>What information is needed to make a specific decision as a precise point in time?</td>
</tr>
<tr>
<td>Descriptive Evaluation</td>
<td>What happens in the program? (No &quot;why&quot; questions or cause/effect analyses).</td>
</tr>
<tr>
<td>Effectiveness Evaluation</td>
<td>To what extent is the program effective in attaining its goals?</td>
</tr>
<tr>
<td>Efficiency Evaluation</td>
<td>Can inputs be reduced and still obtain the same level of output or can greater output be obtained with no increase in inputs?</td>
</tr>
<tr>
<td>Effort Evaluation</td>
<td>What are the inputs into the program in terms of number of personnel, staff/client ratios, and other descriptors of levels of activity and effort in the program?</td>
</tr>
<tr>
<td>Evaluability Assessment</td>
<td>What is the feasibility of various evaluation approaches and methods?</td>
</tr>
<tr>
<td>Extensiveness Evaluation</td>
<td>To what extent is this program able to deal with the total problem? How does the present level of services compare with to the needed level of services?</td>
</tr>
<tr>
<td>External Evaluation</td>
<td>The evaluation is conducted by people outside the program in an effort to increase objectivity.</td>
</tr>
<tr>
<td>Formative Evaluation</td>
<td>How can the program be improved?</td>
</tr>
<tr>
<td>Goals-Based Evaluation</td>
<td>To what extent have program goals been attained?</td>
</tr>
</tbody>
</table>
Goal-Free Evaluation What are the actual effects of the program on clients (without regard to what staff say they want to accomplish)?

Impact Evaluation What are the direct and indirect program effects?

Internal Evaluation Program staff conduct the evaluation.

Longitudinal Evaluation What happens to the program and to participants over time?

Meta-Evaluation Was the evaluation well-done? Is it worth using?

Needs Assessment What do Clients need and how can those needs be met?

Norm-Referenced Evaluation How does this program population compare to some specific norm or reference group on selected variables?

Outcomes Evaluation To what extent are desired client outcomes being attained? What are the effects of the program on clients?

Performance Evaluation What are participants actually able to do as a result of participation in the program?

Personnel Evaluation How effective are staff in carrying out their assigned tasks and in accomplishing their goals?

Process Evaluation What are the strengths and weaknesses of day-to-day operations? How can these be improved?

Product Evaluation What are the costs, benefits, and a market for a specific product?

Quality Assurance Are Minimum and accepted standards of care being routinely and systematically provided to patients and clients? How can quality of care be monitored and demonstrated?

Social Indicators What routine social and economic data should be monitored to assess the impacts of this program?

Summative Evaluation Should the program be continued? If so, at what level?

Utilization-Focused Evaluation What information is needed and wanted by decision makers, information users, and stakeholders that will actually be used for program improvement and to make decisions about the program? (Utilization-focused evaluation can include any of the other types above.)