

RESEARCH SHOWS LINK BETWEEN POVERTY AND CRIMINALIZATION

The criminalization of Indigenous people in Canada is linked to how wealth is re-distributed in Canada. The re-distribution of wealth must be democratized for Indigenous communities.

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About the author

[Dr. Jason Webb](#) is a qualitative researcher who studies the criminalization of poverty and urban citizenship in Canada. His work intersects with topics ranging from housing policy, harm reduction, and social welfare. Dr. Webb held a Post-Doctoral Fellowship at Wilfrid Laurier University studying how NIMBYism in three mid-sized cities in Ontario influenced law enforcement responses to homelessness. He has taught courses on policy, labour, racialization, and families at York University and Humber College. He is currently a Senior Policy Researcher at the [BC First Nations Justice Council](#) and the architect of the first pre-arrest diversion program for Indigenous peoples experiencing homelessness in British Columbia. Outside his role in the Justice Council, Dr. Webb will publish theoretical work on homelessness and citizenship to better understand anti-homeless discrimination.



Overview

The over-representation of Indigenous people in the Canadian criminal justice system is one of the most critical problems we must address in this country. It would require systemic change to address the root causes of criminalization and to support Indigenous people's right to self-determination (the right to determining one's own destiny and to be treated respectfully) which is vital to ending discrimination and creating positive change.

Neoliberalism and settler colonial capitalism

Neoliberal policies emerged alongside the 1970's oil crisis and cumulated (at least in Canada) in 1993-1994 with federal and provincial governments enacting drastic cuts to social spending. As an ideology, neoliberalism adopts market-based solutions to social problems to facilitate the state's withdrawal from providing social welfare (Davidson 2023).

Prior to 1993-1994, Canadians could access adequate supports if they were unable to work, and they would not face catastrophic consequences. I should point out, however, that this "Golden Age" in the Canadian welfare state largely benefited white households with male breadwinners, largely excluding Indigenous, Black, and racialized households in the process.

The logic behind the "93 Guillotine" was to consolidate workers' attachment to the labour market with the intent to enforce continuous

employment. Instead of a social security net that catches people before they experience absolute deprivation, Canada introduced a social security "trampoline" to bounce people back into the labour market as quickly as possible. This was accomplished by rolling back social spending and rolling out punitive social programs that provide minimal financial support, making it much more difficult for those unable to work.

From the rush to fill the Prairies with settlers to establish farms in the late 19th and early 20th centuries to the oil pipelines that cut through First Nations territories today, we cannot underestimate the economic reasons behind Canada's violent oppression of Indigenous people.



I refer to forces behind re-distribution of wealth in modern day Canada as *settler colonial capitalism*.

What makes Canadian capitalism unique is that our economic system took shape under settler colonialism. Settler colonialism is defined as a system of colonialization that aims to violently replace the Indigenous populations with a settler population.

Britain colonized Indigenous lands and displaced Indigenous people with the express purpose to exploit natural resources for Britain's gain, facilitated by the *terra nullius* doctrine that considered lands to be empty if they were not inhabited by Christians. From the rush to fill the Prairies with settlers to establish farms in the late 19th and early 20th centuries to the oil pipelines that cut through First Nations territories today, we cannot

underestimate the economic reasons behind Canada's violent oppression of Indigenous people.

Racism rationalizes settler colonialism and white supremacy as the beating heart beneath settler colonial capitalism. This is why I describe our current economic system as settler colonial capitalism instead of racial capitalism. Canadian settler colonialism is founded on advancing the interests of the two Charter groups, British-Canadians and French-Canadians, and the white descendants of those British and French colonists. Settler colonial capitalism encapsulates the racist logics informing modern economics.

Settler colonialism does not just exist in the past: this ideology continues to shape our laws and policies, including the re-distribution of wealth. This is why I describe the politics of re-distribution in Canada as racialized, as re-distribution serves to uphold white supremacy.

The market society

Neoliberalism dovetails into settler colonial capitalism when our modern society and self-regulating free markets developed in tandem. This historical development led to a transformation of the economy and government that replaced localized networks of reciprocity and re-distribution embedded in social relations with a free market mistakenly considered external to local social relations (Polanyi 2001). The politics of re-distribution transformed in Canada in 1993-1994 to re-entrench a settler colonial capitalist ideology as a “means to subordinate the substance of society itself to the laws of the market” (*ibid*: 71).

What makes up the substance of society is a community's capacity to develop reciprocal and redistributive models of care for their members. Under settler colonial capitalism, the responsibility for social welfare is downloaded to communities with inadequate funding and support because the preventative effects of investing in social welfare runs contrary to national economic growth. This had catastrophic consequences for Indigenous communities.

Criminalization of Indigenous people

The criminalization of Indigenous people is a stark example of the racialized politics of re-distribution in Canada. Instead of investing in Indigenous communities and upholding this country's commitment to the *Declaration on the Rights of Indigenous People Act* (DRIPA), Canada relied on over-policing (and under-policing) Indigenous communities and over-

incarcerating Indigenous people instead of working to be a partner in healing colonial trauma.

While Indigenous people make up 5% of the total adult population, they comprise 28% of the federal correctional system and 32% of people in custody writ large. Moreover, Indigenous women shockingly represent half of the federal correctional system population (Public Safety Canada 2023). The Assembly of First Nations (2024) share decades of research on over-policing that demonstrate, among other issues, that Indigenous people are twice as likely to mistrust law enforcement officers than non-Indigenous people, likely caused by years of officers mistreating and discriminating against Indigenous communities. The tools needed to reduce the over-representation of Indigenous people in the criminal justice system can be found in social research.



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Care is crime prevention

Crime prevention research suggests that if people had ready access to material and other supports, the likelihood they will commit or re-commit an offense reduces over time. In fact, research on decreasing re-offense among formerly incarcerated people shows that employment opportunities and community integration are effective strategies (Steurer and Smith 2003).

Another good example is the Mincome Experiment in Manitoba. Mincome, or the Manitoba Basic Annual Income Experiment, was conducted between 1974 and 1979 where families from Winnipeg, rural Winnipeg, and Dauphin received cash benefits according to their family size. The experiment was established to determine if a basic income would disincentivize people from working. Despite the experiment being abruptly canceled by the Progressive Conservative Party (provincial and federal), initial analysis pointed to little effect on disincentivizing people from working and suggest that participants benefited from receiving GBI. Hospital visits declined by 8.5% among Dauphin residents (Calinitsky 2016).

The research tells us a story: when governments invest in social welfare, populations are healthy, stable, and (in their own way) productive. People are less likely to commit an offense when their basic needs are met. The systems that make up criminal justice and re-distribution reinforce

colonialism and capitalism and require a change in how we think about those systems.

How then do we embark on a paradigm shift that challenges settler colonial control over every day social life? The criminal justice system focuses on transforming the behaviour of individuals rather than the structures or systems that impact individuals. Therefore, we need to embrace upstream thinking to implement systemic change.

Pre-arrest diversion as upstream thinking

An example of systems change that incorporates upstream thinking is a pilot project I designed in my role in the [BC First Nations Justice Society](#). The Prince George Crime Prevention and Diversion Program is a pre-arrest diversion program designed for Indigenous people experiencing homelessness in the Prince George community. This initiative was made possible through collaboration with Indigenous organizations and the provincial and federal governments.

The pilot was designed using a collaborative, community-based assessment tool with Indigenous people experiencing homelessness to ascertain their immediate needs. The goal of the program is to divert Indigenous people from criminal justice while providing the necessary supports they might require, such as harm reduction and counselling, that would reduce offending and re-offending over time.

The consultations and collaborations that brought this pilot to life speak to the power of including partners from multiple orders of government, First Nations and other Indigenous communities, Indigenous organizations, and lived experts to come together to enact systemic change. In this article I am critical of the state but that does not suggest that the state cannot play a role in solving our most pressing issues.

To divert Indigenous people from the criminal justice system and provide the means for Indigenous communities to advance self-determination, we need to democratize the politics of re-distribution in Canada. I will leave it to the reader to reflect on what I mean by democratizing re-distribution but do have one thought: Communities should have a say on how much governments spend on social welfare and where that funding should be allocated. This is especially true for Indigenous communities.

Take your learning further:

- LISTEN | [Jan 2024 BC CoP](#) on the Intersection of poverty, justice & homelessness
- WEBSITE | [BC First Nations Justice Council](#)
- WATCH | [Transforming the Criminal Justice System: Indigenous Overrepresentation – Jorgina](#)
- ARTICLE | [Indigenous Justice and a New Path for Canada’s Prisons](#)

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