

# “We Can Speak for Ourselves”: An Applied Theatre Workshop About Decolonization for Judges

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Article abstract

This article is about how we developed and delivered a full-day applied theatre workshop about decolonization for judges. The workshop first provided a framework for judges to take into account Canada's colonial history and the ongoing colonial ideas that manifest within us at the individual level. Next, the workshop offered judges an opportunity to step outside of their usual professional roles and consider how the needs of an Indigenous youth are addressed in court from the perspective of the young person and their grandmother. The purpose of our workshop was to collectively consider what it means to decolonize ourselves and our justice system. This case study demonstrates that “rules of engagement” are flexible, yet must be supported with cultural knowledge, respect for cultural protocol, reflection, respect for lived experience, and an openness to learning by all.

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## Dossier

# “We Can Speak for Ourselves”: An Applied Theatre Workshop About Decolonization for Judges

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## Abstract

This article is about how we developed and delivered a full-day applied theatre workshop about decolonization for judges. The workshop first provided a framework for judges to take into account Canada's colonial history and the ongoing colonial ideas that manifest within us at the individual level. Next, the workshop offered judges an opportunity to step outside of their usual professional roles and consider how the needs of an Indigenous youth are addressed in court from the perspective of the young person and their grandmother. The purpose of our workshop was to collectively consider what it means to decolonize ourselves and our justice system. This case study demonstrates that “rules of engagement” are flexible, yet must be supported with cultural knowledge, respect for cultural protocol, reflection, respect for lived experience, and an openness to learning by all.

**Keywords:** applied theatre; Indigenous education; decolonization; judicial education; anti-oppressive research



Eagle Feather. T'Souke Territory, 2023.

Photograph by BJ Voth.

## Introduction

This case study exemplifies how non-Indigenous and Indigenous people can co-create an applied theatre workshop for gatekeepers about decolonization. The workshop was specifically designed for federal judges in Alberta (from the Court of Queen's Bench). The purpose of the workshop was to consider how colonial values impact judicial decisions about childcare and to consider what it means to decolonize ourselves and our justice system. On the creation team were:

- Dr. Lauren Jerke (Métis – Scottish and Cree, Polish, Irish, French), Assistant Teaching Professor in Indigenous Education at University of Victoria (UVic) and applied theatre practitioner;
- Rupert Arcand (Alexander First Nation), Director of Yellowhead Tribal Community Corrections Society;
- Rocky Ward (Métis – French and Cree), Program Manager of the Indian Residential Schools Health Support at Native Counselling Services of Alberta;
- Another representative from Native Counselling Services of Alberta;
- Roger – Court of Queen's Bench Judge;
- Dionne – Executive Counsel for the Court of Queen's Bench; and,
- As a special topics course, seven undergraduate students and two master's students from UVic also helped to design and facilitate the workshop.

Participating in the workshop were:

- Edgar (Elder, Alexander First Nation);
- Neya (Rocky's colleague);
- Jack (a Métis building maintenance employee at the Courthouse);
- A retired Indigenous judge; and,
- Eighteen other judges from the Court of Queen's Bench, executive counsel, and Provincial Court judges.

Aside from the authors' names, pseudonyms have been used for all other participants' names to maintain anonymity. We have received Ethics approval from UVic to share this work. In this case study, we highlight the critical reflections that we learned from this process; in particular, the politics of representation, and what it meant to "speak for ourselves" at every project phase: our partnerships, workshop creation, workshop delivery, and post-project reflection.

## Background: colonialism and the justice system

Colonialism is not a thing of the past. State policies and law continue to colonize. For example, Canadian law protects and encourages nuclear families and private property. These systems are in direct opposition to Indigenous ways of being. In addition to law itself, the justice system specifically caters to non-Indigenous people and is "structurally racist" (Monchalin, 2016: 144). Established policies are not necessarily overtly racist, but they privilege non-Indigenous people.

For example, the 2018 trial for Gerald Stanley, regarding the killing of Colten Boushie<sup>1</sup> in 2016, brought national attention to the lack of Indigenous representation on juries (Dhillon, 2018). There are several obvious systemic barriers that explain the lack of Indigenous representation on juries. One is that juries are often selected from voters' lists, and according to Elections Canada's (2018), Indigenous voters are statistically less likely than non-Indigenous Canadians to vote. This process automatically reduces the number of Indigenous people eligible to sit on a jury. Another barrier is "peremptory challenge" (Roach, 2020), which is the accused's right to veto potential members of the jury without explanation. When selecting the jury for Stanley's trial, five Indigenous people were screened out by Stanley himself using peremptory challenge. As a result, no one who presented as Indigenous sat on the jury. Stanley was acquitted of murder and manslaughter. *nîpawistamâsowin: We Will Stand Up* (2019) is a documentary film by Tasha Hubbard in collaboration with Colten Boushie's family that considers how the history of colonialism created structural and personal racism in the justice system and documents the Boushie family's journey to seek justice. Thankfully, within two months of the verdict of the Stanley trial, Minister of Justice and attorney general of Canada Jody Wilson-Raybould, the first Indigenous person to hold this office in Parliament, submitted a bill to abolish peremptory challenge altogether (*idem*). The bill was passed in September 2019.

As a result of the devastating impact of cultural genocide and continued colonialization, enforced by both justice and law (amongst other systems), there is a gross over-representation of Indigenous people in the criminal justice system and a disproportionately high rate of apprehension of Indigenous children by child welfare agencies (Truth and Reconciliation Commission of Canada, 2015). In 2011, Indigenous people made up 4.3 per cent of the total population in Canada, yet "Indigenous adults (over 18) accounted for 28 per cent of admissions to sentenced custody, 25 per cent of admissions to remand, and 21 per cent of admissions to probation and conditional sentences" (Monchalin, 2016: 143-144).

There are some efforts in the justice system to take into account the history of colonialism and the continued impacts of colonialism that Indigenous peoples face. One of the most significant changes are Gladue reports, which began after the *R. v. Gladue* (1999) decision and were reaffirmed in *R. v. Ipeelee* (2012). Gladue reports are only relevant to Indigenous offenders and include detailed information about the offenders' life history. These reports ensure judges have taken into account colonial history and intergenerational trauma in sentencing, and align with S718.2(e) of the criminal code, which declares that "all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, *with particular attention to the circumstances of Aboriginal offenders*" (Government of Canada, 2023; we underline). Gladue-informed decisions can result in reduced jail time, or conditional sentencing. However, according to Kent Roach and Jonathan Rudin (2000), alternative sentences following Gladue-informed decisions are sometimes ordered in place of weaker or less intense measures, like fines or probation orders. As a result, "some people who might not have gone to prison consequently find themselves there" (Monchalin, 2016: 270). For these and other reasons, Gladue and S718.2(e) alone haven't made significant progress in reducing the high numbers of Indigenous people who are incarcerated.

There have been numerous efforts to provide culturally appropriate justice processes for Indigenous people in Alberta's Provincial court. For instance, there are First Nations / Indigenous or Gladue Courts, which "are criminal sentencing courts that use restorative justice and traditional ways to reach balance and healing" (Aboriginal Legal Aid in BC, 2020). One week before our workshop, the eagle feather was made available for witnesses to swear on in both the Provincial and Queen's Bench courts, instead of a bible. There are also Aboriginal Court Worker Programs in Alberta, which provide support to Indigenous people who are involved in the justice system. Some of these programs exist within Indigenous communities, such as our partner Yellowhead Tribal Community Corrections Society. Where the community-based programs do not apply, our other partner, Native Counselling Services of Alberta, provides such court worker services.

It appears that the use of Gladue reports, aboriginal court workers, and eagle feathers (amongst many other efforts to indigenize the justice system) are instances of reformist approaches to address colonialism and structural racism in the justice system. While these initiatives likely make Indigenous people's experience in the system tolerable, the colonial structure and intention of the justice system remain.

## Decolonization is comparable to exposing ideology

Aside from the laws in the system itself, personal perspectives of lawyers, judges, and others involved in the justice system may also be influenced by colonialist values and further oppress and offer unfair or insensitive treatment to Indigenous peoples (Truth and Reconciliation Commission of Canada, 2015).

Colonial values are a significant component of the ideological superstructure, and these values rationalize and support historical actions, and current systems such as justice, education, and health. At the core of colonial values is the perception that the colonizer is superior, and the colonized is inferior. European ways of knowing and educational systems, justice, governance and family systems, and spirituality are enforced by law, while Indigenous ways of knowing and educational practices, justice, governance and family systems, and spirituality are ignored.

To support Indigenous peoples, Indigenous cultural resurgence, and the reclamation of Indigenous rights in Canada, reports, scholars, artists, and activists call for decolonization. Lisa Monchalin defines decolonization as the "unlearning and undoing of colonialism... a conscious engagement with colonial structures, ideologies, and discourses" (Monchalin, 2016: 293). In order for

colonialism to be unlearned and undone, both non-Indigenous and Indigenous people need to recognize colonialism. This involves understanding how colonialist values are embedded within Canadian policies, institutions, laws, education, culture, and personal values. Unlearning and undoing the existing system and dominant ideology plant the seeds for revolutionary change.

## How can drama relate to revolutionary change?

Bertolt Brecht popularized drama as a methodology for exposing dominant ideology and the social injustice caused by capitalism (Snyder-Young, 2013). In his plays, contradictions between social realities and political and economic agendas are demonstrated within stories, scenarios, and characters. When structured to highlight these contradictions, drama can not only reflect human life, but it can offer opportunity for analysis of human life. Brecht's plays aimed to encourage theatre artists and audiences alike to refrain from assuming circumstances are fixed, and instead to consider who benefits from things like war, terrorism, and widespread disease (Brecht, 1964). Brecht's approach to structuring drama allows us to question power, authority, complicity, ignorance, and naivety. With the aesthetic, the systems that support social injustice are up for questioning.

In addition to content designed to ignite critical thinking, the dramatic form can also do its part to support a developing critical consciousness and ontology. Careful use of the dramatic art form ignites participants and audiences' intuitive and affective responses (Anderson, 2014). These responses can encourage discovery and inquiry. In his essay, "The State of Drama" (2010), Edward Bond argues that the dialectical relationship between intellect and imagination, fostered when its content and form support one another, is the basis of a developing self-consciousness. Similarly, James Thompson argues that "[a]rtistic experience and practice are best understood for their capacity to agitate at the level of sensation, and it is this force that propels a demand to know more" (Thompson, 2009: 125). Joe Winston (2011) echoes these theorists and suggests that the use of aesthetic to show beauty can bring joy, and motivation for learning.

## Negotiation of workshop approach and content

In August 2019, Lauren travelled to Edmonton to meet with Dionne, Roger, the representatives from Native Counselling Services of Alberta (including Rocky), and Yellowhead Tribal Community Corrections Society (Rupert) in person. Lauren made it clear she was at the "idea stage," and that she was flexible and honestly looking for input and partners. Rocky and Rupert spoke about the challenges they encountered with the justice and child welfare systems. We agreed that a workshop that explored what constitutes safety and "best interests" of the child would be relevant and in service to the local First Nation communities. Rupert urged us to consider whose interests are being served by the existing system, and another person from Native Counselling Services of Alberta said that "some judges seem to think that [they know] just because they've read one Gladue, or gone to one cultural sensitivity training, but it doesn't mean you know." The Native Counselling Services of Alberta representative suggested we begin the workshop by saying something like: "You all know Gladue. Today we are going to go deeper." We agreed the workshop should aim to demonstrate and examine colonial values and their impact on both personal perceptions of childcare and the judicial system because it has power over Indigenous childcare.

Together we negotiated event logistics. We decided on a workshop registration fee, which would include tea, coffee, and lunch. The remaining fees would be donated to an existing Yellowhead Tribal Community Corrections Society family support initiative in their communities. We also

agreed that the workshop should take place at the courthouse because it would be accessible for judges and would (hopefully) encourage their involvement.

## Three very important decisions

At the meeting in August, Yellowhead Tribal Community Corrections and Native Counselling Services of Alberta discussed three topics that significantly shaped the design of this project. They were the inclusion of a territorial acknowledgment, the representation of Indigenous peoples in the drama, and the possible inclusion of the play *No Stepping Back* (2016), written Dr. Warwick Dobson, Phil Duchene, and Lauren Jerke.

### (1) Territorial acknowledgement

Lauren prepared a territorial acknowledgement in advance, and on the day of the workshop, she asked if Edgar and Rupert would like to do the territorial acknowledgement. Rupert suggested Lauren try it. Recent literature about Indigenization encourages facilitators to consider how to go beyond a territorial acknowledgment – to ensure that the acknowledgement doesn't fall into a repetitive, meaningless routine (Allan *et al.*, 2018; Robinson, 2016). Our workshop was literally being “hosted” by Native Counselling Services of Alberta and Yellowhead Tribal Community Corrections Society, and in this case, we were invited guests, in the Courthouse and on the Land itself. The participation by Rocky, Rupert, Edgar, Neya, and the retired Indigenous judge was a keystone of the workshop's success. When asking Lauren to deliver the territorial acknowledgement, we also aimed to model lifelong learning for the participants, and to model how a guest can respectfully acknowledge the Nation whose land they are visiting (Kouri, 2020). Hopefully, the workshop participants will be encouraged to try their own territorial acknowledgements in the future.

### (2) Representation

Artistic representation of Indigenous peoples can be extremely damaging because art can be a part of the superstructure and re-enforce ideology. In a seminal essay, *Performing a Moral Act* (1985), Dwight Conquergood summarized four traps an artist / anthropologist might encounter when performing about an “other” culture. The traps are, “The Curator's Exhibitionism,” “The Custodian's Ripoff,” “The Enthusiast's Infatuation,” and “The Skeptic's Cop-Out,” and we will examine these in more detail below. Ideally, Conquergood suggests that those who make art about “others” should aim for *dialogical performance* – meaning that the performance itself enacts a link between the “other” and the performers themselves. A dialogical process is relational and is a valuable learning experience for all creators.

Artists have fallen into all four of the traps Conquergood identified when making work about Indigenous peoples in Canada. According to Daniel Francis (1992), who provides a detailed account of the artistic misrepresentation of Indigenous peoples by European settlers in Canada since the XVIII<sup>th</sup> century, this vast and extensive misrepresentation created the entirely fictional “Indian.” Francis examines how art re-enforced myths that supported colonialism, like the “vanishing Indian,” and the depiction of Indians as villains against fair and ethical Royal Canadian Mounted Police.

During the time “Indians” were produced through art, paradoxically, under the Indian Act, it was illegal for Indigenous peoples in Canada to practise their own culture by gathering for potlatches and participating in ceremonies. This historical context makes it vital that any applied theatre workshop involving Indigenous history in Canada portrays Indigenous culture and ceremony with respect, and permission. To apply Conquergood's suggestion of *dialogic performance*, artistic

representation of colonial history should be created *with* Indigenous peoples – meaning Indigenous peoples are positioned as the creators and decision-makers.

Unfortunately, the pitfalls Conquergood identified still occur, even in professional theatre. For example, several Indigenous artists publicly denounced renowned writer / director Robert Lepage's *Kanata*<sup>2</sup> because Indigenous artists were not included in the performance (Nestruck, 2018). While the play did aim to highlight the Indian residential schools (IRS) history and its connection to missing and murdered Indigenous women, theatre critic J. Kelly Nestruck felt that *Kanata* did not attempt to respectfully represent Indigenous peoples (for instance, actors wore black braided wigs), and that it “did not figure out the right story to tell with the ensemble – or the right way to tell this story with this ensemble” (*idem*). In applied theatre, because so much of our work aims to address social injustice, robust ethical foundations in representation are critical: “[W]e have a responsibility towards ensuring that the representations that are made are produced through a climate of sensitivity, dialogue, respect and willingness for reciprocity” (Prentki and Preston, 2008: 65).

Applied theatre should enact social justice as it attempts to address social injustice. While aware of ethical pitfalls and Lauren's responsibility (as an applied theatre practitioner) to work dialogically, Lauren, Rocky, and Rupert collaborated with an attitude of openness. Together we selected content, discussed dilemmas, and Lauren adhered to the decisions Rocky and Rupert made.

We discussed who, besides Lauren, would be involved as actors and facilitators for the delivery of the workshop. If we arranged it as a UVic theatre course, it would guarantee skilled actors / facilitators, and make it possible for actors / facilitators to receive course credit for the efforts they put into the project. However, it would be very difficult to include Indigenous students, because there are so few who are Indigenous in the theatre department. After some consideration, Rocky and Rupert decided it would be okay to involve mainly non-Indigenous students, as long as Lauren and the students explained their intentions and connections to the content – especially before taking on the role of Indigenous people in the drama.

The low numbers of Indigenous students enrolled in theatre programs is a nationwide trend, and it indicates a much larger structural issue. “Native theatre” (Greyeyes, 2016: 98), as Carol Greyeyes refers to it, wasn't included as part of the Canadian theatre canon until fairly recently, despite the fact that Indigenous peoples in Canada have been dancing, singing, and telling stories for hundreds of years. Writer Drew Hayden Taylor recalls that theatre was “essentially dead white men” (Hayden Taylor, 2016: 159), and that he avoided theatre altogether until he was asked by Tomson Highway to work at Native Earth Performing Arts in 1994. A vicious cycle that still mirrors Greyeyes' recounted experience in theatre school continues. Plays that require an all-Indigenous cast can't be produced in departments because of a lack of Indigenous actors, and Indigenous theatre students rarely seek out post-secondary theatre programs because they don't see themselves or their culture reflected in the department's faculty, curriculum, or programming.

### (3) Use of the play

Lauren asked Rocky and Rupert to read the play *No Stepping Back* and to share their thoughts. The main topic of the play is the history of IRS, but the play isn't just about the suffering that Indigenous peoples endured, it's also about the importance of culture, and it shows hope. *No Stepping Back* braids four stories together. Those stories are:

- *The Frog Girl* (1997) by Paul Owen Lewis – based on a theme shared in Haida, Tlingit, and many other Nations along the Pacific Northwest Canadian coast, and where a person finds themselves in a parallel world inhabited by animals in human form. This story was published in 1997 by a non-Indigenous writer.

- *The Secret Path* (2016) by non-Indigenous Canadian artist Gord Downie (inspired by Chenie Wenjack, and created with Chenie's relatives' permission and collaboration throughout).
- *The Pied Piper of Hamelin* (1888 [1842]), a version by Robert Browning, an English poet.
- Residential school Survivors' stories – these are fictionalized but inspired by Survivors' real accounts from the Truth and Reconciliation Commission Survivors' accounts.

The play was devised at UVic in 2016 by theatre students (including Lauren) and written by Dr. Warwick Dobson. From 2016 to 2019, the play was presented in a workshop setting to several different groups of Indigenous people, including Ktunaxa First Nation youth, Indigenous inmates in a federal correctional institution, UVic Elders, and UVic Indigenous Education Faculty. Lauren was involved in most of these workshop sessions. Each time, the play was received well and stirred emotion, appreciation, and encouragement to continue producing the play.

Rocky raised concern about including the play in the workshop before reading it: in her experience, some plays about the residential schools were sometimes too instructional – and she felt that it would be important to present the history differently, so it didn't "talk down" or "at" the audience. Lauren agreed, sent Rocky and Rupert the script, and eagerly awaited their thoughts. Rocky and Rupert read the play within a week of our meeting. Here are their emailed responses:

*This is great!! Wow, lots of work went into this script. You deserve a big applause. Well done!! I can't see anything that I would change. You really captured it all, so well. Thank you for allowing me to read the script.*

*I read the information that you sent. I really liked how it was presented. It seemed to allow the reader (audience) to arrive at their own visualization of events as they may have happened to them. It was great.*

We also discussed the play over the phone, and much of the same enthusiasm and support was shared. Rupert really appreciated that the play ended with hope. With that, we decided to include *No Stepping Back* in the workshop.

## Workshop preparation with students

Lauren and the theatre students reviewed the Doctrine of Discovery and *terra nullius* – fifteenth century British and European policies that instigated and supported colonialism, and we discussed the ideas of white superiority that accompanied these policies. Next, in groups of two, students researched and presented the main colonial policies and actions that took place in Canada. Presentation topics were the Doctrine of Discovery, the Indian Act, Residential schools, and the Sixties Scoop. Lauren and the students then discussed how stereotypes and racism manifest today.

In a phone meeting with the class, Rocky helped us connect our research to reality. She spoke about her role at Native Counselling Services of Alberta, and about the intergenerational trauma caused by IRS on Survivors, their families, and their communities. She explained how the values that were enforced in the Indian residential schools are sometimes internalized and gave examples: more Survivors still live with the ideas that they are not worthy, not smart enough, that they are bad people, savages, or dirtier than pigs. Rocky said that some children were told that their parents were devil worshippers or were practising voodoo, and she spoke about how Indigenous young people continue to struggle in schools today. Students asked Rocky how Survivors, families, and communities cope while living out intergenerational trauma, and Rocky explained that they often use alcohol or drugs to cope, which she said causes a high incarceration and recidivism rate,

homelessness, gambling. She shared that some Survivors also receive support, by going to Elders, therapists, or participating in cultural ceremonies like sweats, round dances, and potlatches.

Rocky told the students that the history of colonialism has impacted Survivors' level of trust in the justice system today. Many Survivors are scared to talk to judges at all, so part of her role is to ensure that her clients and the judges, lawyers, and social workers are "speaking the same language."

As third and fourth year applied theatre students, the students were cognizant, as Lauren was, of the responsibility they had as applied theatre practitioners to maintain ethical integrity in casting and dramatic representation. Lauren explained in detail the partnerships that had already been formed, the process of decision-making we used, and that our partnership would continue going forward. Lauren set up phone meetings between the class, Rocky, and Rupert so students could raise their concerns with them directly.

With advance notice that students were concerned about taking on the role of Indigenous children and telling the story of the IRS experience, Rupert consulted Elders in his community, and a support group for Survivors of IRS. Those who Rupert consulted appreciated the students' concern. They said they took this concern as a sign that students were taking this work very seriously. Before making his next point, Rupert stressed that he was speaking for himself only – not on behalf of all Indigenous peoples. Rupert, the Elders he consulted, and Rocky encouraged the participation of non-Indigenous students in this project because it could offer an experiential learning opportunity for students about the history of IRS and encourage them to become allies. To help students feel connected to the roles they were taking on, Rupert suggested that they look for the universal connections – instead of focusing on the differences, they should find the aspects of humanity that we all share: "Think about the children you know who are five and six. Find a personal connection. Imagine how a parent would feel, sending kids after hearing for generations of the atrocities."

Further, Elders and Survivors hoped that by including non-Indigenous students, it might initiate what they called the "ripple effect": if students could speak about their unease before taking on those roles, it might model for judges how they could become allies too, even if they felt uneasy about their connection to the content. They hoped that by performing these roles, students would learn how to explain to others (their friends, their families) why they were doing this work, and even correct others when they heard discriminatory comments made about Indigenous peoples and their circumstances. Despite their fear of offending or doing harm, students were encouraged to take up this subject matter to learn about how the histories and realities of Indigenous peoples in Canada are connected to students' own stories, so that in turn, students could share their learning with others. The cyclical model of experiential education that Rocky, Rupert, and the Elders cultivated is a pillar of Indigenous pedagogy (Allan *et al.*, 2018). As Lauren and the students rehearsed the play, and developed the workshop, Lauren checked with Rocky and Rupert by phone and email often. Students also had several video conference meetings with Roger and Dionne to understand what topics and forms would be relevant and appropriate for judges.

Other significant logistical tasks to prepare were a non-disclosure agreement and coordination to allow smudging in the building. The non-disclosure agreement was a Court of Queen's Bench document, and it ensured that judges' identity and contributions during the workshop would remain confidential. In order to have smudging at the workshop, we let the building managers know in advance so the emergency sprinklers wouldn't be set off. The Court of Queen's Bench had only done smudging in the building a few times in the past.

The day before we presented our workshop, Senator Murray Sinclair, a former judge, and the former Chair of the Truth and Reconciliation Commission, published an opinion article in *The Globe and Mail*. Its title was, "The Legal Industry Needs to Understand the Truth of Canada's

Indigenous History if We Truly Want to Move Forward” (2019). Subtitled was, “Lawmakers, Judges and Lawyers Are the Gatekeepers to the Justice System and Have a Key Role in Making Change.” Because the article echoed the exact language Lauren used in her research, right down to the word “gatekeepers,” there was much excitement in the upper floors of the courthouse where offices are located, and Dionne even brought down a printed copy of the article to share with us as we were rehearsing. It was truly evident that the work we were going to do was important, relevant, and timely.

The goals of the workshop, which were developed collaboratively between all partners, were to initiate collective consideration of:

- What it means to decolonize ourselves and the justice system;
- What it means to support Indigenous resurgence as judges;
- How values can differ across cultures;
- How colonial values shape institutions;
- Our own perspectives, recognizing stereotypes and biases;
- How intergenerational trauma actually looks and feels;
- Why Gladue factors matter; and,
- What ideas for personal or systemic change can be thought of and advanced.

## Questioning the ultimate function of the justice system

In the last activity of the workshop, judicial participants took on the roles of researchers to consider (at arm's length) judicial education, judges' priorities, objectivity, cultural sensitivity, and judges as agents of social change. This final section fed into our final reflection question and post-workshop survey, where we considered judges' role in the justice system, and what it would mean to decolonize this system. Here are some of those reflections:

- “If we continue to apply the ‘law’ as developed from colonial values, then we fail to address past injustices. Doing what’s right requires asking beyond precedent and evaluating all factors – interests and entitlements – through our current lens and understanding.”
- “Recognizing that we have and continue to act as colonizers, often with the very best intentions.”
- “Decolonizing means first recognizing that colonialism is real and ongoing. Then using any privilege, power, or position you may have to make space for other systems, values, viewpoints, and encourage others to do the same.”
- “Why is it that love and acceptance are not enough? It’s generational, and it carries forward, and you cannot love this away. It’s so much more than that. You can’t fix this because you are loving and supporting – and there is so much more work to be done.”

At the end of the workshop, the participants and the facilitators discussed at length the contradictions between the current justice system and what might support Indigenous resurgence in the justice system. The chart below summarizes our discussion.



Participants considered how the system limits judges from seeing the whole picture by limiting communication with the accused, the defendant, witnesses, and children who may be involved on the periphery. This intentional distance makes it very difficult to make decisions that are child-centred, or to consider in detail how resources within Indigenous communities might support those involved in the justice system.

## What lingers? Moments of affect

“By bringing politicians into direct contact with the raw, very raw, material of actual stories, cases are transformed into people and the theatrical force of empathy is let loose upon those who have the power to make and unmake the legal framework” (Prentki and Preston, 2008: 183). Similar to the project Tim Prentki and Sheila Preston refer to above, our applied theatre workshop engaged both cognitive and affective faculties. It cultivated “felt understanding” (Clark *et al.*, 1997: 23). “Felt understanding” is difficult to quantify, but still incredibly important because this is what may “linger” after the workshop (Thompson, 2009: 157). “Felt understanding” and affect slowly permeate human perspectives and span vast times and spaces. This is the impact that touches our spirit and crosses many aspects of ourselves. It is an important component towards sincerely addressing social justice issues using theatre. Here are four moments, although there were many more, that produced obvious “felt understanding” amongst the participants in our workshop:

1. When students presented *No Stepping Back* in the courtroom – they performed amongst the judge’s podium, in the witness box, and underneath the province of Alberta crest. It was an obvious decolonization of the space. Some participants shed subtle tears throughout the performance, and immediately after it, Lauren received a big hug from Edgar, the Elder. Lauren will never ever forget the emotions this play stirred in our audience of judges, and Edgar’s instantaneous hug to show appreciation for our work.
2. Participants created still images of residential school students’ compliance and defiance. Participants embodied power and oppression. For example, one participant stood with his back arched, and his own fist pushing into his mouth.
3. Participants were asked to demonstrate in the courtroom how much trust Lisa Four Feathers, a residential school Survivor character from the play, might have in the justice system. The left side of the court room represented “trust,” and the right side indicated “no trust.” Participants were asked to consider the character’s position, and then place themselves accordingly on the spectrum. The courtroom became almost completely one-sided. The overwhelming feeling of distrust embodied by participants who, in reality, are part of the system was a significant moment of demonstrated contradiction.
4. Near the end of the workshop, Mela, granddaughter of Lisa Four Feathers, had to leave her grandmother’s house and move to a foster home. Participants were asked to write a message for Mela. One by one, participants approached Mela (a student in role) to share their message with her. In this moment judges could share their personal, heartfelt responses to young people impacted by our collective history of colonialism, and they witnessed their colleagues do the same. The tone in the room was serious and focused.

At the end of the workshop, one participant shared that they “felt frustrated, because they were hoping to leave the workshop with clear answers, but instead they were left with more questions.” Decolonization is not simple, and there are certainly no clear answers! The fact that we were able to examine, with appropriate complexity, the vast influence of colonial values on childcare in

Canada and its far reaches into the justice system may have left some feeling frustrated, sad, or deeply empathetic. We hope that these strong emotions and the sense of collective understanding cultivated in the workshop might urge judges to courageously support Indigenous resurgence. Our workshop ended with hope. Previously unconnected groups, including students, Indigenous Elders and court workers, judges and legal counsel had expressed shared understanding of the complexity and urgency required to decolonize childcare and the justice system.

## Indigenous partners' response

Rocky, Rupert, several other folks from Native Counselling Services of Alberta, Jack, Edgar, and the retired judge participated throughout the workshop. Their presence and the perspectives they shared were an invaluable component of this workshop. Here are Rocky and Rupert's responses to the work:

*I have to reiterate that I truly enjoyed the applied theatre workshop. You all did an excellent job in bringing forward the information in a non-threatening manner. It was very appropriate and respectful. Awesome work.*

*Thank you for allowing me to experience the workshop.*

*Respectfully,*

*Rocky*

*What you've done, and what you're doing is finding a way for people to hear the truth. It doesn't matter if you try to deny it – you can't deny truth. It's magic. It cuts through everything. It transforms – one to not only witness, but to be there.*

*My personal experience with your group's workshop was that it impacted on a number of levels. It was very thought-provoking and emotionally impactful. One experience for me was that it transported me back to the residential schools' era. I think others participating along with myself became one of those children living through the actual experience. The difference was we had our current life experience and knew we were in a safe place. It was very emotionally draining.*

*I am hopeful that others who were there better understand what that kind of repeated trauma does to a child's psyche, loss of innocence, damage to spirit. It gives better insight into what the impact could be when it occurs to families for multiple generations. It brings new meaning to the often-used phrase "why don't they just get over it."*

*The work you and your wonderful group are doing must be continued.*

*Rupert*

## We're not done yet...

When Lauren and the students demonstrated the workshop to students and faculty in the theatre department at the University of Victoria, Rocky and Rupert could not attend, because they were located in Edmonton. This time, some (non-Indigenous) attendees were critical of casting, and the use of stories in the play, particularly *The Frog Girl*. We were cautioned against using Elders to justify unethical work. Prentki and Preston warn: "Ethical practice however cannot be separated

from awareness that representations, however sensitively and carefully handled, will carry their own political significance and resonance in the broader socio-political sphere and will be constantly vulnerable to appropriation and redefinition” (Prentki and Preston, 2008: 65).

Despite our explanation of the workshop’s development process, our self-locations, and our Indigenous partners’ contributions and support, some attendees suggested we had crossed some ethical boundaries. To reflect in more depth on the feedback we received, we returned to Conquergood’s four identified unethical traps below, and in detail consider these in relation to our workshop.

### **(1) The Curator’s Exhibitionism – Sensationalism / Tourists’ stare**

At no point in our play or in our workshop did we perform imaginary “Indians.” The actors / facilitators wore black, modern clothing. We did not add braids, wigs, or any other imaginary “Indian” signifier, like beads, feathers, moccasins, etc. Before taking on any role, actors were upfront with the audience, and shared what they had learned from participating in the creation of the workshop, and how it impacted their own changing self-locations.

Our focus was on the nature of colonial values, and as a group we sought to understand how these values translate to bias and discrimination in current judicial decisions involving Indigenous children. To avoid simplification or exaggeration, the workshop was developed with partners (Rocky, Rupert, Roger, and Dionne) who are well-versed in believable and reasonable scenarios faced by Indigenous people involved in the criminal justice system. We developed a fictional story that was believable, and not stereotypical.

### **(2) The Custodian’s Rip-Off – Selfishness / Plagiarism**

In the future, we would reconsider the use of the play *No Stepping Back*, because of the use of the story *The Frog Girl*. According to the author, the story was written based on the idea in Pacific Northwest cultures that there are parallel worlds, inhabited by animals. There is no indication that collaboration or partnership with any Pacific Northwest First Nation took place in the writing or illustrations of this story. While we do think this story respectfully portrays Indigenous culture without stereotypes, we are uneasy about the lack of permission the author received to share the story. The guide *Pulling Together: A Guide for Teachers and Instructors* (Allan et al., 2018) offers several lists of authentic resources for teachers of First Nation stories. *Pulling Together* also cites British Columbia’s provincial First Nations Education Steering Committee and First Nations Schools Association who list qualities that make up an authentic Indigenous text. These are texts that:

- Present authentic First Peoples voices (i.e., are created by First Peoples or through the substantial contributions of First Peoples);
- Depict themes and issues that are important within First Peoples cultures (e.g., loss of identity, tradition, healing, role of family, importance of Elders, connection to the land, the nature and place of spirituality as an aspect of wisdom, the relationships between individual and community, the importance of oral tradition, the experience of colonization and decolonization); and
- Incorporate First Peoples storytelling techniques and features as applicable (e.g., circular structure, repetition, weaving in of spirituality, humour) (First Nations Education Steering Committee and First Nations Schools Association, 2016).

*The Frog Girl* achieves each one of these criteria except the first. These criteria and extensive resource list were published after the devising and writing of *No Stepping Back* – so this wasn’t available to us. When selecting the play as a component of the workshop, we thought *The Frog Girl*

was a Haida First Nation story, and we did not research any further beyond this. We wrongly assumed that since we knew the First Nation which it came from, that they had given permission to publish the story. This was our mistake, and we suspect that since it achieved all the other criteria, the parts of the story used in the play did not set off any red flags for us when selecting the play for our workshop. Continuing critical practice and humility are vital for any teacher / practitioner to foster, and we will carry forward our learning into our current and future practice.

### **(3) The Enthusiast's Infatuation – Superficiality / Singles' bar cruising**

We have already addressed this, but it is worth repeating here. We did not simplify Indigenous ways of life, approaches to childcare, or the challenges that may arise in Indigenous contexts. However, our workshop showed one family's situation, which, according to our partners, was believable and true to life. We did not attempt to show all the complexity of the challenges that exist in many Indigenous communities, like fetal alcohol spectrum disorder, access to drinking water, crowded and inadequate housing, alcoholism, drug abuse, etc. By showing one *particular* family's story, we were attempting to bring participants' attention to some *universal* injustices that Indigenous peoples face as a result of colonialism.

### **(4) The Skeptic's Cop-Out – Cynicism / Stony silence**

The fear of being offensive or of making a mistake can be debilitating. However, to build a just future, it is essential that non-Indigenous people and Indigenous people work together – as allies, and take up issues of racism, colonialism, Indigenization, and Indigenous resurgence together. The Truth and Reconciliation Commission has repeatedly encouraged all Canadians to do so. Instances where non-Indigenous people tell stories about Indigenous peoples' experience in Canada can be fraught with ethical dangers and controversy. However, if non-Indigenous applied theatre practitioners completely avoid these topics because they are controversial, they avoid the pursuit of decolonization. They simply support the *status quo* and the continuation of racist attitudes, policies, and systems. When making theatre to expose and examine ideology with those who are disadvantaged because of it, we put our own positions as “experts” under question. However, we cannot learn from our own mistakes if we do not try.

All parts of our lives are related to colonialism – the laws that govern our country, the justice system, our child welfare system, the lands where universities and courthouses are located, and without a doubt, colonialism complicated and influenced this workshop too. Both Indigenous and non-Indigenous people must have courage – to take up difficult, controversial topics, and to learn about ethical ways of working throughout the process.

Throughout our project, students shared how they were making sense of their own histories in relation to Indigenous peoples in Canada, and how they were understanding their own history in ways they had never ever considered before. Some questioned how their family land had been acquired, and others let go of the guilt and shame they had for their own ancestry, knowing that their actions could address colonialism now. In the workshop, before students took on the roles of Indigenous people, they spoke about what it meant to them to do so, speaking of their existing relations with Indigenous people, respectful storytelling and portrayals, and their changing narratives of self-location. Near the end of the project, several students shared that they were beginning to speak about colonialism, Indigenous rights in Canada, and their relations to those topics with their friends and family. This was the “ripple effect” that Elders and Survivors had hoped for.

We learned to resist a pan-Indigenous approach to making theatre with / about Indigenous people. Indigenous theatre does not look or sound one certain way (Lachance, 2018). It does not always include drumming or singing or dancing, and it does not necessarily require all-Indigenous performers. Indigenous theatre, and applied theatre, are incredibly specific to the context and community they are embedded in – dependent on the land they were made on, who they are for, who they are created by, etc. Supporting Indigenous voices and representation in theatre is a vital component of cultural resurgence; however, the presence of Indigenous actors on stage should not be the only signpost of a sound, ethical project. Casting is not as cut and dried as some (both non-Indigenous and Indigenous people) insist it should be. For example, in Native Earth's production of *The Unplugging* (written by Yvette Nolan, and directed by Nina Lee Aquino in 2015), the current artistic director, Ryan Cunningham, eRocky raised concern about including Indigenous actors we would have loved to have worked with were unavailable. So we put together what we believe is a strong, talented cast who have great chemistry" (Cunningham, cited in Wheeler, 2015). Arguably, more broadly significant is that Canadian Indigenous theatre concentrates on responsible partnership, process, and allyship (Alvis, 2016).

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Colonialist values at all levels in Canada still remain. They emerge in conversations with friends (*why don't they care about the garbage in their yards?*), family (*employees who work on the reserves don't have the same work ethic the rest of us do*), and with people we meet in one-off situations (*why don't they just get over it?*). Lauren shared with Rocky and Rupert the response we received when we shared our work at the University. Here is Rupert's reply:

*I think to myself, darn! I was planning to fly up on Monday and attend.*

*There is a non-Indigenous population that have strong beliefs. I honour that they care that much, that they're passionate.*

*However, we can speak for ourselves. We have the capacity, forethought, ability to articulate when something is okay. If we support something, to then tell us and the Elders that we've consulted were wrong is insulting.*

*The Elders that I've talked to said clearly that in order for the people of this land to understand us better, sometimes they need to walk in their shoes. In doing what you are doing, and the emotion coming from those roles is significant. Your workshop brings very strong emotions to the forefront and obviously impacted those particular individuals in a way that speaks to a whole bunch of stuff – that is their stuff. It obviously struck a chord. And that's going to happen.*

*You guys are an amazing collection – I support you 150%. I'm so proud of you.*

*Questions I would have for those people: what kind of work are you doing to support our people?*

"[W]e can speak for ourselves" will stay with us and will remain a constant guide as we continue to do community-based research and theatre practice. Furthermore, we learned that when tackling ideology, learning from mistakes and practising humility in this work are essential, and so is having the courage to address ideology at all. It is our responsibility, as is every single other Canadian's, to actively engage with the history of colonization and cultural genocide in Canada and to deepen the understanding of how this history maintains present oppression and excessive disparity.

## Biographic Notes

I am an applied theatre practitioner and scholar. I trace my Métis roots through my mother's side. My great-grandmother was born in Fort à la Corne, Saskatchewan. My Métis heritage was not acknowledged in my family, until just before my grandpa died, when he told me his mother spoke Cree – but perhaps it was Michif-Cree? I began researching our family history, and I immediately found out that my great-aunt is honoured as the first aboriginal Métis woman to graduate from the University of Saskatchewan (Spafford, 2012). I am trying to learn about our language and cultural traditions now, in honour of my mother and my grandmother. This project was personally significant to me, because it is about honour and respect for Indigenous culture in Canada, and for the Indigenous children, like me, who must honour their grandmothers.

I am Cree and come from the Alexander First Nation in Central Alberta. I am a pioneer in the area of Native men's issues, and I am currently the Executive Director of the Yellowhead Tribal Council Justice Society. I have worked extensively in communities across Canada and the United States, in both Native and non-Native environments. In the last number of years, my work has been in the area of restorative justice. I have considerable experience working in the healing field, specializing in areas of Adult Children of Alcoholics, Community Development, Life Skills, and Relationship Building.

I am a mother of three adult children, grandmother to three boys and three girls. I am a Social Worker, a Stride Advocate with John Humphrey Centre and a Home Study Writer for Children Services. I have been employed through Native Counselling Services of Alberta for over twenty-four years. I am the Program Manager of Indian Residential Schools Health Support Program, as well as MMIWG2SLGBTQIA+, and the Indian Day Schools Program. I like to think that I am a cheerleader for all the IRS, Day School and MMIWG2SLGBTQIA+ individuals. I believe that I can make a difference in their lives, by being there for them and validating their struggles are real, and helping them find their strengths, their supports, and finding their space. I am of the firm belief that the clients are the experts in their own lives, we just need to be patient, non-judgmental and help them work through whatever process they need to.

## Notes

[1] Colten Boushie was shot and killed in rural Saskatchewan by Gerald Stanley. A review of the event can be read here: [www.thecanadianencyclopedia.ca/en/article/gerald-stanley-and-colten-boushie-case](http://www.thecanadianencyclopedia.ca/en/article/gerald-stanley-and-colten-boushie-case) (<http://www.thecanadianencyclopedia.ca/en/article/gerald-stanley-and-colten-boushie-case>)

[2] This play premiered at the Festival d'Automne in Paris, France, from December 2018 to February 2019.

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