# The Annual Review of Interdisciplinary Justice Research Volume 7, 2018

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**Centre for Interdisciplinary Justice Studies (CIJS)**
**ISSN 1925-2420**

**Representing Justice in Indigenous Canadian Crime Films**

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**Abstract:**

Using Nicole Rafter's (2006) framework for analyzing crime films and society as a starting point, this paper analyzes fictional Canadian crime films that represent Indigenous peoples in Canada and their struggles for justice. Heeding Rafter's (2007) call to take crime films seriously as sources of popular knowledge about crime and society, we analyze four films that represent Indigenous peoples, crime and justice in historical and contemporary Canadian settings. We explore the way Indigenous Canadian crime films take up differing standpoints on justice and the causes of crime in a colonial context. Like crime films generally, Indigenous Canadian crime films pose questions about the nature and possibilities of justice. These films do so by juxtaposing traditional Indigenous and western models of justice and by often critically interrogating vengeance/revenge as a potential response to crime and victimization. We argue that Indigenous Canadian crime films replicate many of the plots and themes of crime films more generally, but also diverge in important ways that can shed new light on issues of justice for Indigenous peoples in Canada. Rather than contrasting traditional and critical crime films as Rafter (2006) does in her work on American crime films and society, we instead contrast films framed by "the white camera eye" (Gittings 2002: 198) against those framed by Indigenous filmmakers working toward decolonization. This paper moves criminological film analysis beyond established conventions in the literature on crime films and society while extending the reach of academic criminology into Canadian popular culture.

## Introduction

Building from Nicole Rafter's (2006) work on crime films, Kohm, Bookman and Greenhill (2017: 3) define Canadian crime films as "fictional and factual films that explore as a central theme crime and its consequences in Canadian society." Using this definition as a starting point, we interrogate cinematic representations of crime and its consequences that arise because of the fraught relationship between Indigenous peoples and white settler society in Canada. Adapting and extending Rafter's (2006; 2007) template for analysis allows us to examine the way various colonial myths about Indigenous peoples and the Canadian state are formed, maintained and sometimes resisted through the work of popular culture. Film is a powerful tool for representing and misrepresenting the reality of crime and the impacts of colonization for Indigenous peoples. As Christopher Gittings (2002: 198) has argued, even sympathetic white Canadian filmmakers have, at times, contributed to a "whiting out" of Indigenous peoples — defined as "…the projection of white concepts and anxieties about the primitive on to the Aboriginal Other." This paper examines four Canadian crime films that contribute to and resist the "whiting out" of Indigenous people. These films also contribute to broader myths about the causes of crime and its potential control by the criminal justice apparatus. Analyzing Indigenous Canadian crime films spanning nearly eighty years of cinema, we explore the way these films represent the roots of crime and take up differing standpoints on justice. In so doing, we unpack the way these films address broad colonial myths about Indigenous peoples that in turn shape contemporary assumptions about the so-called "Indigenous crime problem"[1] in Canada.

Gittings' (2002) provocative analysis of films about Indigenous peoples in Canada provides a useful point of departure for the present

[1] As Lisa Monchalin (2016) points out, the overrepresentation of Indigenous peoples in Canada's criminal justice system is not an "Indian problem," but rather a problem stemming from colonization.

analysis of crime films. Examining films made by non-Indigenous filmmakers, Gittings (2002: 198) draws attention to "…the gaze through which the white camera eye *apprehends* the Aboriginal Other…" (emphasis added). The term *apprehend*, used in this context, suggests that cultural products like film work alongside the criminal justice apparatus to ideologically support the Canadian colonial project. Consequently, this highlights the social effects of representations (e.g., Valverde 2006). We argue Canadian crime films help to construct powerful myths and taken-for-granted assumptions or ideology about the causes and effects of crime for Indigenous peoples. This in turn helps to justify and make natural the colonial processes that undergird the Canadian state and the criminalization of Indigenous culture and practices historically as well as within the contemporary criminal justice apparatus. As Santoro (2013: 267) argues, "the cinematic gaze on Indigenous lives is clearly that of a non-native, at worst imbued with superiority and at best with ethnographic or ideological intentions." However, a few Indigenous filmmakers and artists are beginning to take up film as a tool of decolonization (Hladki 2006), while other Indigenous artists and art curators are grappling with the very meaning of decolonization and indigenization within the world of visual art (Hampton and Wood Land School 2017).[2] Our discussion below interrogates colonial and decolonizing representations and how each constructs and deconstructs myths about Indigenous peoples and crime in Canada.

## Representation and Overrepresentation

It is commonplace in introductory Canadian criminal justice textbooks and undergraduate courses to talk about the problem of "Indigenous overrepresentation" in the Canadian criminal justice system. Commonly, overrepresentation is presented as enduring and

[2] The Wood Land School is an ongoing project involving artists, art curators and writers that "seeks critical engagement within the realms of representation, film, contemporary art, land, and politics on Turtle Island and beyond" (http://www.orgallery.org/wood-land-school-critical-anthology-symposium).

resistant to positive initiatives undertaken by the justice system. For instance, Griffiths' (2011: 47) popular introductory textbook identifies "the overrepresentation of Aboriginal people at all stages of the justice process" as one of the "biggest challenges facing the criminal justice system." However, he wryly notes that "despite the development of policies and programs over the past three decades designed to reduce high levels of Aboriginal involvement in the justice system, the rates are increasing" (Griffiths 2011: 49). Similarly, Roberts and Grossman's (2016: 185) popular reader *Criminal Justice in Canada* devotes only one chapter out of twenty-eight to discussing "the reasons why Aboriginal Canadians have been overrepresented in criminal justice statistics." In fact, rather than presenting reasons for the current crisis of overrepresentation of Indigenous peoples in the criminal justice system, non-Indigenous authors Lithopoulos and Ruddell (2016: 186) identify a number of "past discriminatory and paternalistic government policies" and "historic factors" that are contrasted with a number of "positive changes" in the latter part of the twentieth century. To be clear, it is not our intent to single out these authors for their views. Rather, we use these examples to illustrate a common and indeed hegemonic view advanced in many contemporary academic representations of Indigenous peoples in the Canadian criminal justice system. This common academic narrative firmly locates discrimination and colonization in Canada's past, while simultaneously expressing frustration and even bewilderment about the current state of overrepresentation in light of what these authors describe as several decades of "positive changes to reduce Aboriginal overrepresentation" (Lithopoulos and Ruddell 2016: 195). This hegemonic academic narrative subtly suggests that Indigenous peoples are unable or unwilling to move past the injustices of a colonization process that was completed many decades ago and embrace the many positive programs and initiatives embedded into the contemporary criminal justice apparatus.

Such academic representations reify overrepresentation of Indigenous peoples as an enduring and unchanging feature of crime and justice in Canada — the causes of which are not fully understood by criminologists, and well-intentioned remedies are seemingly not being embraced by Indigenous peoples. Furthermore, the dominant academic understanding frames colonization as a historic factor, rather than an ongoing process that may be refracted through contemporary popular culture. We argue that common assumptions about "overrepresentation" are shaped in part by cinematic *representation* of Indigenous peoples in Canadian crime films as well as by more formal academic representations. Thus, film may be conceptualized as a tool of cultural genocide (Gittings 2002: 196). Films about Indigenous peoples, crime and the colonial state work to locate these injustices in the past rather than connecting colonization to present day Indigenous experiences in the justice system. In this way, film works ideologically to construct and maintain powerful myths about the Canadian state, thereby allowing it to "maintain its own legitimacy by preventing the fact of contemporary Indigenous nationhood to intrude on its own mythology" (Alfred 1999: 59, as cited in Gittings 2002: 198). For example, as Braithwaite (2017) has noted in her analysis of *Bon Cop, Bad Cop* (2006),[3] the historical narrative of Canada's "two solitudes" — referring to French and English founding nations — works to erase Indigenous peoples, as well as other immigrant groups, from its construction of Canadian nationhood. In this way, ideology in film works through what is represented as well as what is absent (Rafter 2006).

The films we interrogate both add to and contest these myths of nationhood by posing questions about the nature and possibilities of justice for Indigenous peoples and communities disrupted by crime. They juxtapose Indigenous and western models of justice and frequently proffer vengeance/revenge as a potential response to crime

[3] *Bon Cop Bad Cop* is the highest domestic grossing Canadian film of all time, earning more than 12 million dollars in Canada, putting it just ahead of *Porky's* (1981), the previous Canadian record holder (Hertz 2016).

and victimization — and more radically as a potential means of decolonization. Rafter (2006: 4) has suggested a dichotomy of crime films — traditional films that offer audiences a "double movement" where transgression is met by the restoration of justice in the end, versus alternative/critical films that deny the possibility of justice and lack compelling heroes. However, Yar (2010: 74) is critical of this dichotomy, arguing that crime films may contain elements of "*both* socially conservative *and* critical viewpoints" (original emphasis). In addition to Yar's astute critique, we argue that Rafter's dichotomy may not fully capture the complexity of Indigenous Canadian crime films. Rather, it is useful analytically to contrast films approached with the "white camera eye" against those that pursue decolonization in their representation of Indigenous peoples and crime. The former is comprised of films made by non-Indigenous filmmakers who frame the problem of Indigenous crime primarily as one of cultural conflict and locate crime in the clash between modern and pre-modern ways of life. The latter are efforts led by Indigenous artists that engage in decolonizing film practice.[4] Within the latter group of films, crime and justice are interrogated by examining key social and cultural issues for Indigenous peoples including the experience and legacy of residential schools in Canada and the spiritual as well as material contexts of crime in Indigenous communities.

All the films we examine work in complex ways that contribute to or resist the "whiting out" of Indigenous peoples. However, it is important not to imbue film texts with a singular meaning. As Gittings (2002: 196) points out, films may be read oppositionally by audiences who could, for instance, see the cinematic violence of Indigenous peoples against white settlers as "resistance to aggressive

[4] According to Hampton and Wood Land School (2017), it is appropriate to be cautious when using terms like "indigenization" and "decolonization." We therefore acknowledge that differences of opinion exist about the full meaning of the term "decolonization" as it may be applied to filmmaking. Here we cautiously use the term to mean efforts led by Indigenous artists to resist hegemonic, non-Indigenous cinematic framings of Indigenous peoples and stories.

acts of invasion." Film is a complex visual art form, and therefore it is important to consider the range of meanings bound up within each text as well as the broader conditions of production and reception (Valverde 2006).

Knopf (2008) proposes a multistage classification of postcolonial Indigenous North American films. Beginning in the late nineteenth century with ethnographic works that "became one major aspect in the process of mental colonization and the creation of a discursive exotic other" (Knopf 2008: 55), the earliest stage of development also included much of the output of Hollywood up to the postwar period. In the period up to the 1970s, enduring Hollywood stereotypes of Indigenous peoples were forged, including "noble savage," "bloodthirsty devil" and "drunk and lazy Indian" as well as "handsome exotic womanizer" (Knopf 2008: 57). Knopf (2008: 56) characterizes the relationship between filmmakers and Indigenous peoples in this period as "a colonist subject/object relation (filmmaker/filmed) with its underlying self/other dichotomy." Later stages of development of Indigenous films include a greater degree of collaboration and ultimately creative control by Indigenous filmmakers and artists. However, much of Indigenous filmmaking in the contemporary era amounts to a "cinema of duty" (Knopf 2008: 59) primarily concerned with correcting "misrepresentations of the mainstream" (Bailey 1990; Knopf 2008: 59) requiring Indigenous filmmakers to respond to mainstream filmic representations. Below, we analyze crime films that can be placed at various positions along the developmental sequence proposed by Knopf, including two recent films that have been lauded for their decolonizing potential.

## Apprehending the Other: Criminogenic Relations between Indigenous Peoples and Settlers

Early Indigenous Canadian crime films take up the idea of cultural conflict between Indigenous communities, white settlers and the colonial state. This mirrors mainstream criminological scholarship on race and crime (e.g., Wortley 2003). In this perspective, crime arises when Indigenous values (or non-Western immigrant cultural

practices and values) clash with the values and laws of the white settler majority and the colonial state. In films proceeding from this perspective, crime erupts from cultural misunderstandings between "innocent primitives" and the white invaders who fail to understand the cultural practices of the people they encounter. Made by non-Indigenous filmmakers and often presented in a pseudo-documentary style, these films invoke the voyeuristic ethnographies of early twentieth-century cultural anthropology that were linked to "a discourse of power, knowledge and pleasure" (Rony 1996: 10; Gittings 2002: 198). In the earliest of these films, a key source of the cultural conflict arises from what white filmmakers depict as the peculiar and exotic sexual customs of Indigenous peoples. Several early films in this tradition depict "wife sharing" among the Inuit as a cultural practice that is misunderstood and exploited by white settlers. This inevitably leads to tensions that culminate in violence or murder. Consequently, the Canadian criminal justice system is presented with a dilemma. Indigenous peoples are cast as primitive and largely innocent. From an etiological standpoint, their violent reactions, while stemming from "backward" practices, are understandable and rational within a "primitive" worldview, rather than pathological or evil. Conversely, the white settlers are sometimes presented as unscrupulous, but are nonetheless cast as victims of violence at the hands of the Indigenous peoples. While possibly well intentioned, these films reify and perpetuate powerful colonial myths about Indigenous peoples needing to be brought under the paternalistic protection of the Canadian state. Crime is understood to be a rational reaction to cultural conflict and misunderstanding, but the original cultural practices at the root of the conflict are presented as strange, exotic and even titillating for white, western audiences.

### *Eskimo*

The clearest articulation of this theme can be found in the 1933 Hollywood production *Eskimo* (directed by W.S. Van Dyke). Taking up the common representation of Indigenous peoples as "Noble Savages, the fossilized remains of a culture that belongs to the

historical past" (Gittings 2002: 196), *Eskimo* followed Van Dyke's earlier ethnographic exploration of Indigenous peoples of the south pacific, *White Shadows in the South Seas* (1928). Like the 1928 film, Van Dyke framed *Eskimo* as an exploration of the corrupting influence of white settlers on Indigenous peoples. The film was shot on location in Alaska, featured Indigenous Alaskans as minor cast members and extras, and is reputed to be the first feature film shot in a North American Indigenous language (Inupiaq). Based on books that Danish adventurer and author Peter Freuchen wrote about his experiences in Greenland, *Eskimo* resituates the story to the high Canadian Arctic. The opening titles position the film as cinematic ethnography and realism:

> …The Expedition to the Arctic began in April 1932…In November of 1933, the record was completed…
>
> …Excepting the characters of the Canadian Police, there are no actors in this record… [the] entire story [is] told by primitive Eskimos in Native tongue, in Native custom…
>
> …The Books by Peter Freuchen were notable for their discussion of the Moral Code of the Eskimos…this record attempts to present that Code…a strange, primeval Creed belonging to the farthest wilderness of the endless North…

By referring to the film's production as an "expedition" and the resulting film as "the record," *Eskimo* asserts documentary authority and promises an anthropological exploration of Inuit culture. Reception of the film by contemporary news media was positive and effusive. A review appearing in Toronto's *Globe* gave the film high marks:

> "Eskimo" is more than a travelogue or dramatized news-reel. Through its thrilling scenes against an enormous and varied outdoor background runs a story of intense drama, acted mostly by native Eskimos, who, considering their bland

> Oriental cast of countenance, are fine actors and not a bit camera-shy. Briefly, the play centres around Mala, magnificent hunter, who revenges a wrong done his wife by the white trader…and who fears no hardship or death as much as any infringement of his high primitive code of honor. (*The Globe*, Feb. 19, 1934)

*The Medicine Hat Daily News* lauded the film's perceived realism, in particular the performance of protagonist Mala: "…there can be no praises for his 'acting' because he lives before the camera as do all the other natives in the cast. There is not a moment of 'camera consciousness' in the entire picture" (July 14, 1934). Meanwhile, a review in *The Oakland Tribune* fetishized Mala's physique, describing him as "tall, handsome, and a swarthy son of the icelands and has the features of a bronze statue" (Feb. 21, 1934). Significantly, *Eskimo* drew comparisons in reviews to *Nanook of the North* (1922), an earlier putative documentary about Inuit life filmed in Northern Quebec.

Despite its perceived realism, *Eskimo* was a fictional and staged Hollywood representation of Inuit life. Although not credited, the lead role of Mala was played by actor and cinematographer Ray Wise (who after this film adopted the name Ray Mala). Wise was born in Alaska in 1906 to a Russian Jewish immigrant father and an Inupiat mother (Aleiss 2005: 43). The female leads of the film, however, were portrayed (uncredited) by Asian-American actresses Lotus Long and Lulu Wong Ying, and key scenes were recreated in a Hollywood studio. As evidenced by the contemporary reviews of the film cited above, audiences were led to believe the film was a real ethnographic account of a vanishing culture belonging to prehistory. When read as a Canadian crime film, *Eskimo* also helps to sustain and construct myths about the origins of the so-called Indigenous crime problem.

*Eskimo* centres on Mala, a successful and well-liked Inuit hunter. Following the conventions of the documentary film form, early

scenes depict romantic images of life in an Inuit community including realistic hunting scenes filmed in Alaskan coastal settings. The community is shown to be harmonious and welcoming to hungry strangers in need. In the winter, several community members return from trading with white men who have come by ship. They bring back iron needles and a hunting rifle. Mala's wife, Aba, suggests that he could be an even greater hunter with a gun. They set out on the long journey to the white men's ships. Along the way, audiences are introduced to what we are led to believe is the common, but strange, cultural practice of "wife sharing." Mala offers Aba to a friend who has been recently widowed. This custom is misinterpreted by the white traders. Aba is forcibly taken aboard the white men's ship, plied with alcohol and sexually assaulted. The white men are puzzled by Mala's angry reaction:

> "Did he feel a little funny about his wife?"
>
> "You'd think he was a white man."

Predictably, the white captain reneges on his promise to leave Aba alone, and she is accidently killed while Mala is away on a hunting expedition. Mala murders the captain in revenge and returns to his village. Haunted by visions of the dead man, Mala asks the spirits for a new name. He takes on the name Kripik, and this stops his haunting visions, and he no longer grieves for his wife.

At the same time, an RCMP detachment is established nearby. The Mounties ask local white settlers if there are any outstanding breaches of the law to be investigated. Despite being told that the Inuit have their own way of settling disputes, Sergeant Hunt declares: "They are subjects of the crown. They must abide by the laws of the crown." The RCMP learn about the murder of the captain and set out by dogsled to find Mala.

The Mounties become lost in a fierce snowstorm and are rescued by Kripik/Mala and taken back to the village. They eventually learn

Kripik is Mala, and the Mounties are forced to arrest him. The Mounties agonize over the injustice of the situation, but are duty-bound to follow the law. However, Mala escapes, and the Mounties refrain from shooting him as he drifts away on an ice flow. They smile and shout "goodbye and good luck."

*Eskimo* romanticizes the notion of the "noble savage" and in so doing suggests there is honour in the traditional ways and customs of North American Indigenous peoples. However, it also depicts these customs as simplistic and of a different time. Traditional customs have no place in a colonial context and inevitably lead to conflict. Whether they understand it or not, the Inuit became subjects of the British Empire and must comply with modern traditions and customs. While the RCMP officers might wrestle with the injustice of punishing a man who did not understand his actions were wrong, they ultimately obey orders, lie to their new friend, place him in shackles and seem prepared to see that he is taken to the gallows; that they let him escape in the end was not part of the original script or vision of the director, who was keen to depict the corrupting influence of white contact on Indigenous peoples. However, the studio insisted on a more uplifting ending instead of the scripted end where Mala drowns during his escape (Aleiss 2005: 43).

### *Alien Thunder/Dan Candy's Law*

Shifting from the Arctic to the Prairies in what is now southern Saskatchewan in the late 1800s, *Dan Candy's Law*[5] (1974) re-imagines the theme of cultural conflict by placing it within a tale of retribution and vigilantism. Originally released as *Alien Thunder* and based on a true story, the film was directed by Claude Fournier, who is regarded as a key figure in the early development of the

[5] The original release title *Alien Thunder* cast the Mounties as invading aliens in the traditional territory of Indigenous peoples. However, the film was later released as *Dan Candy's Law* — a title that aligns the film with contemporary westerns focused on vengeance and vigilantism. The French title for the film was *Le Tonnerre Rouge,* meaning Red Thunder, perhaps meant as a double-entendre.

commercial film industry in Quebec in the 1960s and 1970s (Marshall 2001: 176). The inciting incident stems from conflict between the needs of Indigenous peoples forced to live on a reserve with limited resources and the laws of the Canadian colonial state. Indigenous hunter The Almighty Voice kills and slaughters a cow belonging to a government herd (what is referred to later as an Indian agency cow from a department herd). Though the cows are intended to feed Indigenous peoples who are being forced to herd and farm rather than hunt, The Almighty Voice did not have permission to take a cow even though his family was hungry.

At the behest of his commanding officer, Constable Dan Candy is sent to arrest The Almighty Voice to make an example of him. The Almighty Voice is placed in chains at the RCMP barracks. That night, officers drink, and Candy jokes about hanging the man instead of waiting for a fair trial. The next morning Candy awakes to find that The Almighty Voice has escaped. While searching for the fugitive, Candy is enraged to find his best friend, Sgt. Malcolm Grant, murdered. When told by his Inspector not to pursue The Almighty Voice, Candy abandons his RCMP uniform and goes to seek revenge for his friend. After an epic search of several months, Candy finds The Almighty Voice and his wife. While in a position to attack, Candy's plan is interrupted when the Inspector turns up with a large contingent of RCMP troops, volunteers and heavy weapons.

Candy then becomes enraged with the actions of the RCMP. Throughout the film, Candy appears to understand the plight of Indigenous peoples and seems unhappy, but resigned to carry out orders issued from distant commanders who do not understand conditions on the frontier. At the climax of the film Candy tries to help The Almighty Voice escape but is too late. The RCMP officers charge into the forest on their horses and use heavy cannon fire in their attack on the Indigenous men. The RCMP decidedly win the battle against their vastly overpowered foe.

Although presented in the style of a western and ostensibly a tale of a rogue Mountie seeking vengeance for deeply personal reasons, the film's climax suggests a blunt critique of the colonization project itself, and the role of the RCMP in the process of subjugating the Indigenous peoples of Western Canada. The RCMP's overreaction to a case of minor theft motivated by hunger leads to a series of injustices. The Almighty Voice is imprisoned and threatened with the gallows, Candy's friend and comrade is killed during the escape, and a massive force of government troops first poses for a photograph, and then unleashes an apocalyptic bombardment on a small band of lightly armed Indigenous men. In the end, Candy loses his lust for vengeance as he appears to understand the scope of the injustices that have led to the final showdown.

Despite being hailed as a breakthrough for Canadian feature filmmaking, and boasting one of the largest budgets at the time, the film was widely panned in contemporary reviews largely due to editing and directorial decisions that rendered the story incomprehensible. In addition, a number of contemporary reviewers also pointed out that film did little to tell the real story of the encounter between Indigenous peoples and the RCMP during colonial expansion in the West. Instead, Indigenous peoples were relegated to the status of props in a film that clearly continued the tradition of "whiting out" Indigenous stories while failing to move beyond the tropes of Hollywood films that cast Indigenous peoples as childlike noble savages. For instance, describing it as disjointed and lacking drama, *Globe and Mail* critic Betty Lee (1974: 15) wrote "it's tough to understand the point behind *Alien Thunder* at all." In particular, Lee (1974: 15) noted that Indigenous characters were underdeveloped, actor Chief Dan George "has little to do but smile knowingly" and The Almighty Voice "remains a vague figure until the end." Natalie Edwards (1974: 74) similarly wrote that the intent of the film to showcase the plight of Indigenous peoples "is seriously diluted" because of the lack of development of Indigenous characters. Nat Shuster (1974: 52) called it a "feeble attempt at profundity in a

disastrously limp production." Nevertheless, the film had a prominent release in Canada – coinciding with the centenary of the RCMP (Powers 1973: 10). Its original screenplay was penned by well-known Canadian author W.O. Mitchell, although he demanded his name be removed from the credits of the completed film because of decisions by the director that radically changed the story (Shuster 1974: 52). From an ideological standpoint, the subject matter of the film forms a key part of the colonial mythology of Canada. Set at the time of Indigenous and Métis uprisings in Western Canada, the film was an attempt to recast the story of The Almighty Voice in sympathetic terms. Yet, despite the sympathetic intentions of the filmmakers, the realization of the story on film did not challenge popular colonial narratives about Indigenous peoples. In fact, contemporary white historian Pierre Burton (1978: 211) was unmoved by the intention of the film, calling The Almighty Voice nothing more than a "twenty-one-year-old punk" and he charged that sympathetic white writers and filmmakers were merely wrestling with their own "tribal guilt." So while the film may have been well intentioned, it failed to displace colonial myths about the settlement of Western Canada and the involvement of the RCMP in the colonial project. Indigenous peoples in the film were reduced in status to props who stood by while colonial forces set about subjugating them in preparation for the colonial settlement of the West. This film stands as a good example of Gittings' (2002) warning that even sympathetic white filmmakers may contribute to the "whiting out" of Indigenous peoples.

The films discussed so far locate crime in the cultural conflicts that arise in the clash between the pre-colonial traditions and ways of life of Indigenous peoples, and the new legal and social order imposed by the colonial state. The films depict justice on the ground in remote locations on the frontier as fraught. Orders from higher-ranking officials who come to the frontier from the South (or back East) often appear out of touch with local conditions, and the laws of the colonial state appear too inflexible to deliver true justice. Nevertheless, most early period films uphold the myth of the Mountie as fair and even

handed, even if confronted with tough dilemmas of justice. *Alien Thunder* is a rare example of a critical film representing the RCMP as a heavy handed colonial force prone to genocidal violence, even if Candy was himself reluctant to carry out orders. In the end, films that exemplify the theme of cultural conflict propagate the same myths underpinning *The Indian Act* (1876). *The Act* and these films aid in "the construction of Aboriginal difference as abject and subordinate to white North Americans of European descent" (Gittings 2002: 196). Indigenous peoples "had to be protected not only from certain aspects of 'civilization' such as liquor but also from their own 'heathen' cultural practices through the project of assimilation" (Gittings 2002: 197). In the films discussed so far the RCMP and colonial law are visible and intrude in significant ways into the social relations and traditions of Indigenous peoples. However, in the two films discussed below police are absent or almost entirely invisible, and Indigenous peoples are left to struggle alone with issues of violence and the lingering effects of colonization.

**Decolonizing Justice: Representing the Abused and the Forgotten**

Despite the muted social critiques of the films discussed above, their depictions of crime and justice are framed through what Christopher Gittings (2002) calls "the white camera eye." This framing perpetuates ethnocentric and racist ideas about Indigenous peoples. While a film like *Dan Candy's Law* intended a critical or sympathetic representation of Indigenous peoples, it still contributed to a "whiting out" of Indigenous peoples largely through relegating its Indigenous characters to minor, one-dimensional roles. Contemporary Indigenous filmmakers resist this framing of Indigenous peoples. This section analyzes two crime films that work toward decolonization by countering contemporary myths about the so-called "Indigenous crime problem" in Canada.

Knopf (2008: 63)[6] describes decolonization as a multifaceted project for Indigenous filmmakers:

> …decolonization starts when they take their image-making and self-representation into their own hands, creating decolonized cultural, historical, and political discourses, and becoming progressively emancipated from the Hollywood-dominated industry. This decolonizing process works in a twofold manner: first, as a political struggle, through the creation of self-fashioned images and anticolonialist rewriting and filming of history; and, secondly, as an aesthetic struggle, through defiance of and/or negotiation with established conventions of feature and ethnographic film.

According to Santoro (2013: 268), *Atanarjuat* (2001) represents a "watershed moment" for decolonization by Indigenous filmmakers.

### *Atanarjuat: The Fast Runner*

Inuit director Zacharias Kunuk and the Isuma Film Collective produced *Atanarjuat: The Fast Runner* entirely in Igloolik, Nunavut. Isuma's mission directly links to decolonization. They are committed to producing independent, community-based media, preserving Inuit language, culture and stories, and providing economic development in the region (Brydon 2017: 318). The film adapts a traditional oral tale of survival, lust, betrayal, spirituality and murder. The setting is before European contact (between 500 to 1500 years before present). The story centres on Atanarjuat, also known as the Fast Runner.

[6] We utilize Knopf's (2008) discussion of decolonizing film because the work is well-cited in the academic literature and because it offers a detailed and thorough analysis of the issue. However, it is worth noting that Knopf is not Indigenous herself, although she had some scholarly affiliation with Canada's First Nation University in Regina, Saskatchewan. This may raise some questions about who has the authority to speak for and define what decolonization means in filmmaking. We acknowledge that the issue is complex and continues to be a source of discussion and debate among Indigenous artists, scholars and allies (see, for example, Hampton and Wood Land School 2017).

When Atanarjuat and his brother Amaqjuat were children, an evil shaman (Tuurngarjuag) placed a spell on the local Inuit camp, disrupting the harmony of the community. The shaman designated Sauri the chief. Relegated to lower status in the community, Atanarjuat's family struggled to survive in the harsh Arctic environment.

Years later, Atanarjuat falls in love with Atuat. Atuat was initially promised to rival Oki — camp bully and son of the Sauri. Oki is angry and this leads to more conflict in the community. Some years later, while caribou hunting without Atuat, Atanarjuat stops at Sauri's camp. Oki convinces Atanarjuat to take his sister, the seductive Puja. Puja becomes Atanarjuat's second wife. This causes tension in the household Atanarjuat shares with his brother Amaqjuat and family. Puja sleeps with Amaqjuat, and when they are discovered, Atanarjuat sends Puja back to her father. This counters the stereotype of freewheeling sexual practices among the Inuit forwarded by Hollywood films such as *Eskimo*.[7] Oki now has an excuse to seek revenge.

Oki and two henchmen attack Amaqjuat and Atanarjuat while they are sleeping in their tent. Amaqjuat is killed but Atanarjuat escapes and runs for his life naked and barefoot across the frozen ice. He is able to evade capture when a spirit helps him soar over a wide crack in the ice.

Eventually, after a long period of running, Atanarjuat is rescued by Qulitalik, who is now a powerful shaman. Qulitalik and his family hide Atanarjuat from Oki and nurse him back to health. In Atanarjuat's absence, Oki rapes Atuat and murders his own father to become the chief of their camp.

[7] *The Savage Innocents* (1960) and *The White Dawn* (1974) also depict "wife sharing" among the Inuit in Canada's high arctic.

Finally, once Atanarjuat has recovered, he returns to his home camp to exact revenge. Atanarjuat beats Oki and his associates, but does not kill them. He exclaims "No more killing!" Atanarjuat is made chief, the evil shamanic spirit is excised, and Puja, Oki and his co-conspirators are banished from the camp. Balance in the community is restored.

Brydon (2017: 310) explains how the film was adapted from traditional oral versions of the tale, transforming it "into a transcultural epic about human conflict and its resolution." The Inuit filmmakers made important changes and additions to the oral accounts: "…the story's translation to cinema required additional elements to propel the action as well as accomplish goals of cultural revitalization" (Brydon 2017: 311). Importantly, they strove for historical accuracy in depicting the details of daily life that allowed Inuit people to survive for thousands of years. To accurately recreate life in pre-contact times, producers used Inuit oral histories and historical records from drawings and accounts from European explorers. Thus, the filmmakers "re-appropriat[ed] ancient knowledge from Southern museums and books" and put decolonization into practice by relearning and practicing traditional skills (DVD special features, Art Direction).

Brydon (2017) argues that *Atanarjuat* depicts not simply crime, but presents a community out of balance. This unbalance arises not simply from worldly conflict, but also from conflicts in the spiritual realm. However, this aspect of the story was not original to the oral tale. The filmmakers added a spiritual dimension to the tale in order to "recover the place of the shaman destroyed by the church" (Brydon 2017: 311). According to Mallon (2004, as cited in Brydon 2017: 312) this aspect of the film is "part of the search to recover the spiritual component of traditional life, a component that was crushed by the arrival of missionaries," thus furthering decolonization.

Additionally, the original oral tale ended violently with Atanarjuat clubbing his antagonists to death. However, the cinematic adaptation

opts for an ending that embraces informal and nonviolent conflict resolution, thus breaking with conventional crime films that resolve with the protagonist avenging injustice. The reasons for the change to the ending are debated but perhaps embody the values of pre-contact customs among the Inuit as well as signaling a way forward for decolonization:

> Working against the stereotype of violent primitives, the film points to nonviolence just as the Idle No More movement advocates and embodies in its actions. By modelling justice as reparative and not punishment, as something that communities negotiate and enact among themselves to arrive at consensus, *Atanarjuat* broadens the genres of crime and thriller to address social injustice beyond the screen. (Brydon 2017: 316)

Thus, Brydon (2017: 323) suggests *Atanarjuat* can be an important work of popular criminology, but only if it is read in its context of production and reception:

> …non-Indigenous viewers must be mindful of the social and political context of the film's production in the continuing practices and legacies of Canada's colonial relations with Indigenous peoples. Otherwise, scholarly disciplinary boundaries are guilty of the crime of cutting off the roots and cultural contexts of the film, reproducing a colonial framing device that effectively erases the agency and the justice-seeking and cultural-healing intentions of the film's producers.

Contemporary reception of *Atanarjuat* was uniformly positive. It was lauded by critics, winning the Caméra d'or from Cannes, several Genies and "a bagful of other festival citations" (Groen 2002: R1). White film critic Rick Groen (2002: R5) suggests that *Atanarjuat* has achieved the central aims of decolonization:

> Too often, our Western response to aboriginal culture carries a strong whiff of the sentimental, of the patronizing and the politically correct. But *Atanarjuat* steadfastly resists that. Rather, it demands both to be heard in its own voice and to be appreciated on its own terms — not as a quaint native artifact, but as a damn fine and truly distinctive and deeply pertinent film.

American film critic Jim Hoberman (2002) similarly described the film as "engrossing from first image to last, so devoid of stereotype and cosmic in its vision it could suggest the rebirth of cinema." Thus, *Atanarjuat* was perceived by contemporary critics at least as a clear break from earlier colonial filmic (mis)representations of Indigenous peoples.

### *Rhymes for Young Ghouls*

The full decolonizing potential of cinema may be realized in the recent revenge fantasy *Rhymes for Young Ghouls* (2013), directed by Mi'gmaq filmmaker Jeff Barnaby. Described by *Globe and Mail* critic James Adams (2013: L5) as "hot-wired to the bitterness, black humour and still-resonant pain associated with residential schools," the film depicts life on the Mi'gmaq Red Crow reserve in 1969. The film commences with a passage paraphrasing *The Indian Act* compelling Indigenous children to attend residential schools:

> The law in the Kingdom decreed that every child between the age of 5 and 16 who is physically able must attend Indian Residential School. Her majesty's attendants, to be called truant officers, will take into custody a child whom they believe to be absent from school using as much force as the circumstance requires. A person caring for an Indian child who fails to cause such a child to attend school shall immediately be imprisoned, and such person arrested without warrant and said child conveyed to school by the truant officer.

Several years in the past, tragedy strikes the film's young protagonist, Aila. Her brother Tyler is killed in a drunk driving accident, her mother commits suicide and her father is arrested and sent to prison. With the help of her uncle, Aila sells drugs to eke out a living and, importantly, to pay so-called "truancy taxes" demanded by corrupt Indian agent Popper. Popper is represented as uniformly and one-dimensionally evil. In addition to operating an extortion scheme and overseeing the nearby residential school, Popper steals money from Aila, physically assaults members of the community and generally takes sadistic pleasure in hurting the residents of the reserve.

Aila plots revenge against Popper, but before she can put her plan into action, she is taken away to the residential school. Nuns strip Aila of her belongings, remove her clothes and cut off her long braids. Aila's friends help her escape, and they execute their plan of retrieving their stolen money from Popper while humiliating him in the process. Afterward, when Popper confronts Aila at her house and threatens to rape her, he is shot from behind by a young boy named Gooch.

According to Sean Carleton (2014), *Rhymes for Young Ghouls* "dramatizes the process of decolonization." He argues that the film is "less about reconciliation…and more about vengeance as a means to deal with colonial trauma." The film is a revenge fantasy that violently confronts Canada's genocidal colonial past. While not fitting neatly into a conventional crime film genre, the film depicts crimes of all types woven into the fabric of life on the reserve — described by Adams (2013: L5) as "a festering colony occupied by cruel (white) administrators, its young people debased and abused by the priests of St. Dymphna's residential school, the rest hobbled by poverty, violence and ridiculous rules." Aila subsists by selling drugs to members of her community, while corruption, extortion, physical and sexual abuses surround the Indian agent and the school. While Popper is the direct object of Aila's vengeance, he merely stands in for the larger problems facing the community. The larger crime is

perpetrated by the state. The intergenerational effects of colonization and residential schools ripple through the reserve impacting all aspects of life, family and community. These impacts are brought home powerfully when an elder recounts a legend to Aila about a wolf who consumes the community — the legend is set against dramatic animated images that connect the story to contemporary Indigenous suffering. Furthermore, drugs offer more than just subsistence for residents of the Red Crow Reserve. During a scene at a party where Aila sells drugs, she says, "This is what brings my people together. The art of forgetfulness." Thus, the violent vengeance enacted upon the state's agent provides a cathartic end to a film that vehemently rejects the "whiting out" of Indigenous peoples found in earlier films. In this film, crime is violent, disruptive and perpetrated at the hands of the powerful upon the bodies and spirits of those who cannot defend themselves. Rather than appealing for greater cultural understanding and tolerance, this film argues for direct, possibly violent action and tangible acts of decolonization. Contemporary reviewers have described the film and "gritty" and "angry" (Adams 2013a: L5), "seething with righteous rage" (Adams 2013b: L4) and a potential corrective to Hollywood representations of Indigenous peoples.

**Representing Justice in Indigenous Crime Films: From Whiting Out to Decolonizing**

This paper has examined films about crime and justice for Indigenous peoples in Canada. In most of these films, injustice and crime arise from the fraught relationships between white settlers and Indigenous peoples within the framework of colonization. Rather than analytically distinguishing between traditional crime films and critical crime films, our analysis suggests films can offer critical narratives about justice and deny the possibility of a just resolution of crime and conflict, while still maintaining and constructing colonial myths about Indigenous peoples. Thus, as Yar (2010) has suggested, crime films are complex texts that may contain dissonant messages about crime and society. The two earlier films present narratives of crime and justice flowing from cultural conflict and

misunderstanding. Indigenous peoples are represented as prehistoric and out of step with modern (colonial) society. Despite the sympathies of their makers, these films present stereotyped and even racist constructions of Indigenous peoples that justify their subjugation by law and the criminal justice apparatus. Conversely, the two more recent films proceed from a decolonizing position that aims to create "decolonized cultural, historical, and political discourses…through the creation of self-fashioned images and anticolonialist rewriting and filming of history" (Knopf 2008: 63). So while *Eskimo* presents the sexual practices of the Inuit as primitive, strange and leading to violent criminal clashes with colonizers, *Atanarjuat* rejects this ethnocentric simplification and appropriation of their culture. Instead, *Atanarjuat*'s narrative "grows out of a fraught love triangle marked by rivalry, petty cruelties and forbearance; climaxes in premeditated murder and attempted murder, and ends with good triumphing over evil" (Brydon 2017: 311). Similarly, *Rhymes for Young Ghouls* appropriates features of conventional crime film genres to indulge revenge fantasies that counter the tragic histories of Indigenous peoples and residential schools. Thus, decolonizing Canadian crime films deploy features of conventional crime films and present revenge as a path to justice for long suffering and mistreated heroes. In so doing, these films reject the colonial myths of Indigenous difference and cultural conflict that have been used to justify the imposition of the colonial order. The analysis of crime films therefore holds great potential to not only critically interrogate the construction of the "Indigenous crime problem" in Canada, but also the very foundations of the colonial apparatus that undergirds Canadian society.

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