

Human Organization, Vol. 57, No. 2, 1998

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0018-7259/98/020238-7\$1.520/1

Anthropology in Prison: Negotiating Consent and Accountability with a "Captured" Population

JAMES B. WALDRAM

Research with Aboriginal (Native American) prison inmates presents complex methodological and ethical challenges. This article examines a variety of these, including issues of informed consent, accountability, and the need to balance the perceived needs and goals of the inmates with those of correctional officials. Prison inmates in general are characterized by their official lack of power, personal autonomy and freedom. Anthropological research with such a population, if done ethically, encourages a significant degree of empowerment. This paper argues for the need to reconsider our view of certain populations as incapable of meaningful, informed participation in research.

Key words: Aboriginal peoples, prisons, research ethics, consent; Canada

Issues of ethics and accountability are often raised by anthropologists working with marginalized populations, with regard to our ability to protect these people from inadvertent harm resulting from our research activities. Are marginalized peoples capable of offering informed consent, and of participating in research activities in a way that empowers rather than exploits them (Murphy and Johannsen 1990; Fluehr-Lobban 1994)? It is assumed that marginal populations, by virtue of their lack of power, are at a disadvantage when faced with the objectives of the anthropological researcher. As Van Willigen so aptly puts it:

because we may work with an agency that is from outside or is marginal to the community, we may be forced to deal with an especially complex set of ethical concerns. Applied anthropologists typically face more complex ethical situations than other anthropologists (1986:41).

In this article, I will describe research among a population that is among the most marginal: Aboriginal (or Native American) prison inmates. In general, prison inmates are characterized by their official lack of power, personal autonomy and freedom. Anthropological research with such a population, if done

ethically, encourages a significant degree of empowerment. Such empowerment is contrary to correctional philosophy and legal statutes that greatly curtail the essential freedoms of inmates. This article will describe the process by which I was granted access to federal penitentiaries, how the research goals of correctional officials were rendered compatible with the very different goals of the inmates, and how the inmates were empowered to be more meaningful actors in the research process. The story is rife with 'complex ethical situations' that will emerge along the way.

Ethical Issues in Research with "Captured Populations"

The insistence that individuals be informed and participate voluntarily in research through the disclosure of its essential elements (aims, methods, sponsorship), is a central tenet in the social sciences. The concept of informed consent, however, does not preclude the granting of permission to undertake research by the "legally authorized representative(s)" of certain individuals (Fluehr-Lobban 1994:5), a situation that some of us might find problematic. Within the Canadian legal framework, prison inmates are wards of the state, and the Correctional Service of Canada (CSC) has the legal responsibility for "the care and custody of inmates." Although "offenders retain the rights and privileges of all members of society," an exception is made for "those rights and privileges that are necessarily removed or restricted as a consequence of the sentence" (Canada 1992).

This leaves inmates in an ambiguous legal position with respect to research. It is established that the state (embodied in prison officials) is the trustee of inmates, and the state is

James B. Waldram is a medical and applied anthropologist and Professor of Native Studies at the University of Saskatchewan. He is also an Associate in the Departments of Anthropology, and Community Health and Epidemiology. He expresses special thanks to Pamela Downe for her insight and helpful criticisms of this manuscript, to the anonymous reviewers, and to Ruth Wilson and Lenore Manderson for organizing this special section of the journal.

therefore seen to be competent to make some decisions on their behalf. But, with respect to research, does the state become their 'legally authorized representative'? Is the informed consent of state authorities all that is required? Can the state volunteer inmates for research purposes? Certainly, correctional officials often act as if they have this power.

In Canada, much research is guided and influenced by the ethics protocols of the Social Sciences and Humanities Research Council of Canada (SSHRC),¹ a federal agency. In its ethics guidelines, SSHRC refers specifically to "Research on Captive and Dependent Populations," defined as "individuals or groups in a relationship where a power differential could operate to their disadvantage as subjects: for example, students, minors, prisoners, employees, military personnel, minority groups, incapacitated people and the socially-deprived" (SSHRC 1994:25).

Aboriginal inmates could arguably fit three of these categories: prisoners, minority groups, and the socially deprived. The SSHRC assumes that these individuals are inherently powerless, or at least more open to manipulation than others. The guidelines state, "In addition to consent of the subjects themselves, informed consent of the authorities should be obtained" (1994:25). In the context of this research, this would mean that the consent of correctional officials was needed, which is sensible given that they control access to the inmates. But this is not what SSHRC is getting at here; these ethics imply that the members of marginalized groups need someone to look out for their best interests.²

Not surprisingly, Aboriginal inmates reject any notion that non-Aboriginal prison officials act in their best interests. They view the correctional system as an obvious manifestation of the racism and oppression they have experienced historically at the hands of non-Aboriginal people. Hence the policy comes across as not only paternalistic, but inherently racist in that non-Aboriginals are once again given authority over the lives of Aboriginal peoples.

Undertaking research with an Aboriginal inmate population, therefore, is predicated on the ability to mediate between their unique legal status and the obvious control that others have over them, as well as their own conceptions of oppression and the rejection of such authority structures. The conceptions of the inmates themselves are important for historical and cultural reasons, and not simply because they are prisoners in opposition to their jailers. This mediation empowers these men through research by listening carefully to their concerns and needs, and acting on them when possible.

This, then, establishes the dilemma. The research is authorized by the state on behalf of its wards, the inmates. But the act of authorization circumvents the possibility that these wards might have something to say about the research objectives, methods, and/or their participation. Is it possible for an ethical anthropological research protocol to be established within this context? The rest of this article will address the issues surrounding this question, leading to a cautionary and qualified "yes."

Gaining Entry

My initial entry into prison was through the psychology department at a prison psychiatric center. I was asked to explore

the implications of Aboriginal culture (many correctional officials spoke in terms of a single, homogeneous one) for the forensic psychological and psychiatric treatment of Aboriginal inmates. Not surprisingly, the contract called for me to work only with the Aboriginal inmates, and not the other inmates or the staff. The culture of treatment was not to be examined, only the culture of the Aboriginal. I argued that I could not understand how forensic treatment interacted with Aboriginal inmates and cultures without understanding the culture of that treatment. I made little headway with this argument, and I acquiesced in order to avoid jeopardizing an opportunity for fascinating and potentially useful research. Prisons are ultraconservative bastions characterized by a tension between punishment and treatment goals. I anticipated that there would be an opportunity to help change correctional views only if, at least initially, I did not make too many demands or express ideas that would appear too strange to psychologists and other prison officials. As the first known anthropologist to work in these institutions, both my identity and my approach were unknowns, and considered "fringe" social science.

Eventually the research expanded beyond that of the psychiatric center to include four other federal prisons and three provincial correctional facilities in western Canada. A research team interviewed three hundred inmates using survey instruments and tape-recorded structured interview protocols. Several Elders working in the prisons as healers and spiritual advisors were also interviewed. My research team and I were also able to observe and participate in Aboriginal activities behind the walls, such as sweetgrass and sweat lodge ceremonies. Sweetgrass and sweat lodge ceremonies are central to the ceremonial lives of many Plains Indian cultures, and have spread to many other areas of Aboriginal North America. [For a further description of these ceremonies within the context of prison healing programs, see Waldram (1997).]

Entry into the prison environment was conceptualized by correctional officials as a formal process involving only them and me. As understood by some officials, the inmates had no role to play in this entry. By virtue of the research contracts, I had the right (albeit limited) to enter and move about each prison, and to talk to inmates. Different institutions established different rules and protocols regarding mobility and access.

In some, the research team was able to enter the prison and move about virtually at will, to contact inmates, to set up interview appointments, and participate in cultural and spiritual activities. Inmates were given informal consent to be absent from other prison programs or activities to meet with us. In other institutions our entry and mobility were greatly restricted. Some days we did not get in at all, blocked at the front gate by security officers who lacked the proper documents authorizing our entry. At one particular institution, each day was a struggle to get in, as the proper paperwork to grant us easier access was always "still on the warden's desk." Escorts were required to move about this prison. We would be taken to our interview site by a prison official, and we were required to remain there. When we were done, we phoned security to be escorted back to the gate. While participant-observation was undertaken in all institutions, in some instances this was only when officially in the care of a prison Elder or Aboriginal program staff member.

Several different constituent groups exist within prisons. The treatment staff and administrators constitute two such groups, the security personnel a third, and all are separated from each

other by both function and attitude. The response we received from prison staff members was mixed. Some were very cooperative, and a few actually admitted the need for research into the special issues pertaining to Aboriginal inmates.

In contrast, many security officers and other officials viewed us as a potential crisis-in-waiting, a group of naïve outsiders with romantic views of the inherent goodness of prison inmates. Our movement throughout all institutions was always under the watchful eye of security staff; if not directly, then through closed-circuit cameras. Entry into any controlled area required a positive identification by security before the gates were electronically opened. Many security officers felt compelled to give us the "truth" about prisons and the men we were working with, occasionally trying to bias us against particular inmates ("He's a piece of work, that one!" "Don't turn your back on him!"). Occasionally, the Aboriginal members of the research team were harassed. In several cases, it was assumed by racist security officers that the Aboriginal researchers must have relatives within the inmate population, for whom they would engage in smuggling activity. I was sometimes condescendingly referred to as "the pefesser"[sic].

In many respects, due to the complexity of the correctional system, our entry was forced upon prison officials and employees without regard for their views. The research contract was approved by regional offices, the staff of which were often viewed by "front-line" staff as out of touch with the reality of prisons, or as "brown nosers" concerned only with upward mobility. Prison officials were not consulted, yet were directed to cooperate with us, and, in this sense, we were certainly naïve in assuming that approved research meant cooperation! Prison wardens feign omnipotence, and those who were suspicious (either of us or the regional officials who had approved the research) were easily able to obstruct our work by invoking security concerns while nevertheless appearing cooperative.

In a couple of institutions, sympathetic staff members offered us details of passive resistance, anonymously of course. For instance, in one institution we were required to process passes for inmates to meet with us, but these passes were to be delivered for us by security officers. We discovered after several weeks that security officers often failed to deliver the passes, or they delivered them after the specified date or time, thus nullifying them. Since we could not normally access the inmates directly, it often took quite a few days before we were informed by sympathetic staff or inmates about what had happened. We lost several interviews as a result.

From the perspective of correctional officials, their permission to undertake the research was all that we needed. The inmates, as a collective, were not seen as having a voice in such matters.³ This view is, of course, contradictory to today's anthropological codes of ethics. I determined at the outset that I would not proceed with research in any institution where the inmates or Elders were opposed. In effect, the inmates were given a veto. As a result, the first order of business at each institution was to meet with the Elders and Aboriginal Brotherhood organizations that represented the interests of Aboriginal inmates.

At each meeting I explained that the purpose of the research was to determine how cultural differences affected prison treatment success for Aboriginal men. Perhaps not surprisingly, I learned early on that this issue was not a major concern with many Elders and inmates. They had come to realize that the

correctional system was racist and biased against their cultures. How cultural differences affected their participation in treatment programs, or the evaluation of their participation, was of less concern to them than was the need to obtain more resources for their Aboriginal cultural and healing programs, and more freedom to pursue these. Many men seemed content to go through the motions of participating in mainstream programming while saving their time, energy, and commitment for the few Aboriginal programs that were available to them. These inmates wanted research that would support their requests for expanded programming in this area. As a result of these concerns, the research was quickly reformulated to include an examination of inmates' involvement in traditional treatment programs.

Meetings with the Aboriginal Brotherhoods were often gruelling. It was essential to establish my credentials as an "outsider," i.e., someone not beholden to the correctional system. In turn, I was grilled about past research activities and achievements. Inmates were concerned with practical matters, and many wanted some evidence that I could produce tangible results. We often discussed understandings of how policy change related to policy research. It was evident that some men wanted guarantees that could not be given, such as the guarantee that program changes would ensue, and especially changes that *they* determined were desirable.

Some men saw me as an academic egghead, although a few implied that the "power" I had as a "scientist" would legitimize their views.⁴ Others saw me as their typist ("We'll tell you what to say, and you write it down"). A few accused me of being duplicitous in a justice system that continues to oppress Aboriginal peoples.

Discussion in these meetings often lasted for hours. Yet, in every instance, inmates reached the consensus that the research proceed. Upon this decision, the full authority and influence of the Aboriginal Brotherhoods was put at my disposal. They pitched the research at their weekly meetings, helped develop lists of known Aboriginal inmates, and lobbied correctional officials for the proper locales within the prisons for me to undertake the interviewing. They also invited me to attend the various spiritual and healing ceremonies that occurred.

Informed Consent

While the permission of both correctional officials and Aboriginal Brotherhoods was essential to the research process, I felt that it was still necessary to obtain the informed consent of individual inmates. At no point had correctional officials ever raised this issue, and no one had ever asked to examine or approve any protocol to ensure consent. While it may have simply been assumed that I would develop one, the research could potentially have been executed without ever formally asking individuals to participate.

A typical consent form was developed, and after an explanation of the research, individuals were asked to sign. The form allowed participants to consent to an open-ended, tape-recorded interview, a structured interview with a survey instrument, and a search of their correctional files. Each item was separate, and an individual could consent to one, two or all three.

Were the prison inmates able to offer informed consent as free individuals, or did pressures exist within the prisons (which

I would know little about) that affected their decision to participate? I was certainly aware that some men thought participation would make them look 'cooperative' in the eyes of staff, and a few declined to participate because they were concerned that information about them might leak. But perceptions of personal benefits or perils associated with research participation do not distinguish prison inmates from members of the public. Does their imprisonment and limited legal status mean they cannot, by themselves, consent to research? As mentioned earlier, the institutions provided me with a blanket consent to interview inmates, and did not seem concerned with individual consent. Based on my experiences within the prisons, and my interviews with the Elders, I concluded that inmates were capable of offering consent, their legal situation notwithstanding. Inmates seized my offer of an opportunity to consent to, and meaningfully participate in, the research as an opportunity to express their limited autonomy.

Accountability

In applied anthropology, where research contracts are involved, the issue of accountability often entails some degree of tension between the various demands for accountability placed upon the researcher. We are certainly accountable to those who fund the research, but we are also accountable to those who participate in the research. Often it is necessary to appease both groups; sometimes this is impossible, and occasionally it is necessary to count the participants more heavily than the funding agency (or vice versa). Each of these scenarios creates unique issues and concerns.

In this research, accountability to the funding entity (the correctional system) called for the production of technical reports and seminars on the research findings. The research reports tended to be longer and considerably more detailed than the norm for contract research in these institutions, but recent evidence shows that they have had some impact. In particular, correctional officials now pay more attention to the variation among Aboriginal inmates in heritage cultures (e.g., Cree, Ojibwa, Blackfoot), and also in their orientation to that heritage culture in contrast to the broader Euro-Canadian culture (see Waldram and Wong 1994; Weekes *et al.* 1995).

Similar to the issue of informed consent, correctional officials did not envision accountability to the inmate participants. However, in order to secure their cooperation, as well as for ethical reasons, it was necessary to develop an accountability protocol acceptable to them. Accountability to the participants was achieved in a variety of ways. Wherever possible, individuals interviewed with a tape recorder were provided with transcripts of their interviews, and given the opportunity to review the text and make changes. Few actually asked for changes, but many were clearly pleased that the opportunity was made available to them.

Official information about inmates is held within their files and is carefully controlled by the correctional system. Although inmates are technically allowed to view and correct information in their files, they frequently complain about difficulties in achieving this. Thus, allowing them to read and alter interview transcripts was an exciting opportunity for many inmates. Further, certain Aboriginal Elders were able to review the reports prior to submission to correctional officials, and a general report

was made available to the inmates through their libraries. Elders and a few inmates were able to review a book based on the research, and many provided valuable feedback as the final text was prepared (Waldram 1997). All royalties from the sale of the book are being donated to an Aboriginal Brotherhood organization in one of the prisons where research was conducted.⁵ It was agreed in consultation with Elders that the money would do the most good by being concentrated in one institution. This money will assist them in further developing their spiritual and cultural programs.

Security Concerns

Prisons, of course, are dominated by concerns for security. Inmates must be prevented from escaping or breaking prison rules, and inmates and staff must be protected from harm. Visitors and other outsiders are carefully screened and frequently searched before being allowed to enter. The ability to engage in participant-observation and to undertake interviews was affected by these concerns.

In a study of Sikh insurgents, Mahmood (1996:496) described the importance of gaining trust in order to undertake research, while at the same time avoiding an overt declaration of sympathy or loyalty to their cause. In some ways, prison inmates stand in a similar relation to their jailers. It was important that I gain the trust of the men in order to execute the research, and I did this by appearing as unlike the prison staff as possible. As Sluka has written with respect to a common misconception of anthropologists, "if you do not want to be defined as a spy, then do not act like one" (1990:121). In this spirit, I declined to wear a personal security device that allows security to locate and help staff members in an emergency. These devices exist as very obvious symbols of distrust. My participation and observation in ceremonies, especially sweat lodge ceremonies, was sometimes challenged by security officials on the grounds that there was no surveillance whatsoever and I would therefore be vulnerable to harm. I also engaged in social activities with the inmates, occasionally having meals with them or sitting with them in their lounges. Security officers often commented that mingling with inmates in this manner was inappropriate, again because of the possibility of harm as well as concerns about the plotting of illegal activities.

A particularly telling issue explains some of the constraints of the research. In interviewing men with a tape-recorder, it was important that the inmate be as comfortable as possible and feel secure that he was not being overheard. Initially, I started interviewing in the men's cells (their "houses"). In a few instances, this created quite a stir. A party of security officers would appear at the door, demanding I leave immediately, and I endured many speeches about prison rules prohibiting solitary staff entry into the cells. The inmates themselves became aware of these controversies, often making jokes that security must think they were going to beat me up or slit my throat. Hence, entering inmates' houses was both a declaration of trust and an acknowledged act of resistance.

In some institutions, I was forced to use formal interview rooms. These rooms have large windows and occupants are in clear sight of security officers and other inmates. This was hardly ideal. In these instances I situated myself so that the inmate's

back was to the windows, so he could not observe those passing by. In doing so, however, the inmate was sitting between me and the door, and I was frequently chastised by security for this. However, by once again bending the rules I was able to demonstrate my outsider status and my trust for the inmates.

It is normal practice for anthropologists to offer gifts, money or other reciprocal services to those who are involved in our research. Many years ago Pelto and Pelto wrote, "The ethics of the complex exchange relationship of fieldwork require that researchers be prepared to use considerable amounts of their financial resources, skills, and information for the benefit of the people who supply them with data in the long hours and days of the fieldwork enterprise" (1976:539-40). Prison inmates have exceptional needs by virtue of their captivity, and the correctional system goes to great lengths to control access to resources. Items such as money, cigarettes, hobby items, and toiletries are considered contraband, and it is illegal for outsiders to provide these to inmates. The explanation is reasonable: all such items are scarce goods that take on an enhanced economic value within prison, and conflict between prisoners can result. As outside agents, we were not even allowed to facilitate communication between inmates and their families, (for instance, we were not allowed to carry letters or messages in or out).

In effect, while expecting the inmates to give to us, we were legally prohibited from reciprocating. We managed to work around this problem in a variety of ways. In a few institutions we were allowed to offer a single cigarette to inmates as a spiritual offering of tobacco, which normally precedes a request for assistance or knowledge. Part of the contract money was used to purchase books for prison libraries. Participants were asked if there was anything they would like to read that was not available, and some responded with very specific titles while others did so with more general requests, for example, "something on the Blackfoot." Finally, participants and Elders were promised that all royalty money from a book based on the research would be paid to one particular Aboriginal Brotherhood. These efforts were appreciated by the inmates, who were aware of the constraints under which we operated.

Contractual Dissonance

Applied anthropologists often face two concerns when accepting research contracts. The first pertains to the ownership and control of the data, and to the rights to publish and use the data so that it can not be suppressed. The second concern pertains to the need to safeguard the identity of participants where warranted.

Recently, because of the success of the research described above, I was approached by correctional officials, who asked me to conduct a new project on the effectiveness of Aboriginal-specific sex offender treatment. Some institutions had developed these programs, which followed a traditional approach to healing, and which complemented regular sex offender treatment programs. Correctional officials wanted to know if these programs "worked," that is, if they were likely to reduce recidivism. After much dialogue, they were convinced that this question was premature, and that they needed to investigate whether this form of traditional Aboriginal healing *could* be evaluated at all. What definition of success, if any, did the Elders use? What

behavioral changes did they notice? What were they teaching the men? Could a method of evaluation be developed that was compatible with the treatment approach of the Elders (correctional officials were thinking in terms of a scale)? These are fundamental questions, and the correctional officials agreed to this approach.

Unfortunately, the proposed research contract was unacceptable. One clause stated that the federal government would own and control all resulting information. Two other clauses spoke directly to the issue of my ability to protect research participants from harm as a result of their involvement in the research. The first of these stated that correctional officials had the right to examine *all* records and supporting data, and the second stated that the researcher was required disclose personal information stipulated to be necessary for the support of the personnel security program.

I expressed my concerns that the identities of interviewed inmates remain confidential, and that correctional officials must not have access to original data that might identify individuals. As Jorgensen wrote more than two decades ago, "as anthropologists we ask for the help of our subjects and we offer confidentiality as an inducement to informants for their cooperation" (1971:327). Van Willigen adds:

...it is absolutely necessary to maintain the anonymity of our research subjects...No matter what our relationship is with a client, we must maintain the privacy of the informant. Our job is not to collect data about individuals for other individuals (1986:49).

Applied anthropologists are also influenced, if not bound, by the statement of ethics of the Society for Applied Anthropology:

The people we study must be made aware of the likely limits of confidentiality and must not be promised a greater degree of confidentiality than can be realistically expected under current legal circumstances in our respective nations (SfAA 1997:497).

Unlike Mahmood (1996), I did not have the luxury of using aliases as a means of protecting informants. Not only did everyone know everyone else (and it is the job of security officers to know everyone), but identities were essential to allow me to access correctional files. While transcripts and tapes never contained the names of interviewees, there would be sufficient other information in them that could compromise identities.

While it was not my intent to discuss security issues or criminal activities, in interview contexts any subject matter might surface. Prison inmates hunger for vehicles to tell their side of the story, to complain about unfair treatment, or to criticize prison staff. I was concerned that prison officials would want to know the content of my interviews with inmates, not only to feed ideas into the treatment team, but also to look for evidence of security matters (for instance, discussion of intents to escape or commit an assault). As Polsky has written, "...Unless he [the researcher] is a complete fool, he uncovers information that law enforcers would like to know, and, even if he is skilful, he cannot always keep law enforcers from suspecting that he has such information" (1967:145). Even with an elaborate coding system for names, I would still retain a master codebook. If confronted with a court-order for disclosure, the extent to which anthropologists can protect the identity of informants remains unclear (see Hopper 1990).

Some officials balked at my insistence that I not be required to turn over original data, arguing that without the data they could not properly assess the validity of the work. I responded by arguing that success in the research was wholly dependent on guaranteeing anonymity to the inmates involved, that they should "realistically expect" the confidentiality that would be offered to members of society in general. The need to control information about oneself is acute within the prison environment; inmates would not talk to us as *outsiders* if we were required to behave like the correctional officials (who routinely share information gleaned from inmates).

It is quite understandable for prison staff to want to know about security or criminal matters, and inmates were always made aware of the requirement that these be reported. What the correctional officials could not grasp, however, was that aside from these types of disclosures, it was essential for the success of the research that information provided by an inmate not be shared with staff or be otherwise attributable to a specific individual. Since the research would involve Aboriginal men, I argued that I needed to offer them the same degree of confidentiality that the prison Elders offered. Elders are known to strenuously protect inmates' confidences, and prison officials have come to respect this alternative way of working with inmates (Waldram 1997). These men were also sex offenders, which meant that knowledge of their past actions required safeguarding from other inmates to ensure their personal safety within prison.

In the end, as a result of the insistence on a research protocol that I consider appallingly unethical, the research contract was not signed. However, I have since learned that another individual was contracted to undertake research into the original question of the efficacy of the Aboriginal approach to treating sex offenders. This represents significant regression from the original agreement that what was needed was an examination of Aboriginal healing from the point of view of its amenability to such study.

Conclusion

Aboriginal prison inmates constitute a unique population for research purposes. Certain ambiguities exist with regard to their basic rights in research contexts, and the Canadian correctional system appears to exploit these ambiguities in a manner contrary to the ethical sensibilities of most social scientists.

In order to conduct research successfully and in an ethical manner, it was important to empower inmates in ways unfamiliar to them. For example, issues of concern to them were included in the research protocol. Inmates could veto the research, they could consent separately to different aspects of the research, they were given copies of their transcripts and the opportunity to edit them, they were promised readable reports, and they were guaranteed the monetary benefits of publication.

It was also necessary to establish trust within an environment rife with distrust and suspicion. Bending certain prison rules and norms established my status as an outsider who could be trusted, in part because I was making myself vulnerable to them, and in part because I was rejecting common stereotypes about prison inmates perpetuated by both the public and correctional officials. My research activities and anthropological ethics were

challenged constantly by prison staff and especially security personnel, but meeting these challenges ensured the success of the research.

While research with prison inmates is somewhat unique, in many ways the methodology is not unlike that frequently used by anthropologists who work with groups that are relatively powerless. Empowerment is more than simply a buzzword, and we must strive always to empower those with whom we work. This may mean bending some rules, disguising our activities, antagonizing people in a position of power, and transferring some control over the research to the researched population.

We must also critically examine the notion that some groups, by virtue of their apparent powerlessness or ambiguous legal status, are unable to make informed and independent decisions about their involvement in research. I find it difficult to accept Fluehr-Lobban's (1994:8) assertion that "paternalism, or the interference with an individual's or group's freedom to determine what is for their own good, is not necessarily a bad thing." It becomes both absurd and repugnant when the permission of the warden (the modern-day version of the historic Indian agent) takes precedence over that of the individual research participant who happens to be an Aboriginal prison inmate. A correctional system that insists on maintaining absolute control over inmate participation in research, to the exclusion of the inmates' own wishes, is not a healthy place for ethical social science.

Finally, for anthropologists who undertake contract research, it is essential that we determine to whom we are accountable in the first instance. This may only occasionally be the agency that funds the research, and is more likely to be the participants. Ethical sensibilities dictate that, where a contracting agency insists on breaching fundamental ethical principles such as the confidentiality of participants, we must walk away.

NOTES

¹Although the research described in this article was not funded by SSHRCC, the guidelines of this government agency represent the industry standard in Canada. This discussion will highlight some of the complex issues raised by research with Aboriginal inmates, and some current thinking on the ethics of this kind of research.

²As one of my colleagues has suggested, it is also possible that SSHRCC is seeking to protect itself from implication in overtly subversive research. As this article goes to press, SSHRCC has joined with the two other major Canadian research agencies to produce a draft of new research guidelines. The new guidelines differ from those discussed herein only minimally. The new draft SSHRCC guidelines have added the clause, "Captive subjects should always have the right and power to veto others' consent."

³The one exception to this was the psychiatric center, which has an active research program.

⁴This latter situation is common among applied anthropologists. Mahmood (1996:496), for instance, in her work with an insurgent community of Sikhs, noted that they chose to protect her from "potentially compromising or conflicting demands." She suggested that this was because she could do "a lot more in their world than out of it, as a legitimate expert in legal settings rather than as a partisan whose opinions would carry no weight."

⁵This institution is the psychiatric facility introduced earlier in this paper. Inmates spend an average of six months undergoing treatment there, and usually return to their home institutions. Therefore, it is the only institution that may temporarily house many participants from all the other prisons. Since the inmate base is constantly in a state of flux, the Aboriginal Brotherhood has difficulty maintaining continuity and raising funds for cultural and spiritual activities.

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