UCLA
American Indian Culture and Research Journal

Title
Prison Born: Incarceration and Motherhood in the Colonial Shadow

Permalink
https://escholarship.org/uc/item/9zk357p5

Journal
American Indian Culture and Research Journal , 49(1)

ISSN
0161-6463

Author
Lumsden, Stephanie Anne

Publication Date
2026-04-02

DOI
10.17953/A3.62969

Copyright Information
This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at https://creativecommons.org/licenses/by-nc/4.0/

eScholarship.org Powered by the California Digital Library
University of California

10.17953/A3.62969

Prison Born: Incarceration and Motherhood in the Colonial Shadow. By Robin F. Hansen. Saskatchewan: University of Regina Press, 2024. 336 pages. $32.95 paper.

Prison Born focuses on the horrific practice of automatic forced separation of newborn infants from Indigenous mothers who give birth while incarcerated in Canada. The book is inspired by the case of an incarcerated Indigenous woman called "Jacquie" and her newborn, "Yuri," as she faces the colonial violence of child removal after giving birth in a Canadian prison. The legal details of Jacquie's case that are presented throughout the book come from the author's firsthand experience of acting as Jacquie's lawyer and helping her avoid separation from her infant. The book comprises a partial narration of Jacquie's case, an analysis of colonial gender violence in the law, and a larger exploration of the historical and political context that enables Canada's racist colonial legal system. The main argument of the text is that Canada's legal system has embedded "colonial lens norms" that lead to high rates of child removal for incarcerated pregnant Indigenous women and a disregard for the rights of their newborns. Ultimately, Hansen argues that the legal system should be reformed so that it upholds the legal and human rights of incarcerated Indigenous pregnant people and their newborns.

The chapters of the book are divvied up among five parts that provide different analyses of the law and make recommendations for potential changes in the legal system in Canada. In part one, Hansen introduces the reader to Jacquie's case and describes Jacquie's efforts to obtain an alternative prison sentence that would allow her to retain custody of her unborn infant. Through Hansen's narration it is evident that Jacquie's pregnancy and her ability to retain her parental rights are disregarded by the judge during sentencing. Part one also provides statistics on the shockingly high rates of Indigenous incarceration in Saskatchewan, the prevalence of Indian Residential School trauma for Indigenous people like Jacquie, and the consequences of child removal for Native peoples including substance abuse and the disruption of familial bonds. Part two provides the theoretical framework of the text, which draws heavily on Niklas Luhmann's system theory and Sherene Razack's analysis of colonial racial violence and spatialized justice. Hansen utilizes Razack's analysis of violence against Indigenous women in Canada to argue that it is foundational to the formation of the settler state and the racial hierarchy that organizes colonial governance. Similarly, Hansen uses Luhmann's analysis to demonstrate how the legal system was initially created to colonize Indigenous peoples and how it continues to reproduce colonial lens norms. Part four engages in an analysis of four spatial categories, the Indigenous woman, court, prison, and the Indigenous child. In this section, Hansen discusses stereotypes about the presumed savagery of Native women, the civilizing violence of the courts, the coloniality of incarceration, and the lack of care given to Indigenous children who are separated from their parents. Finally, part five outlines

the heteropatriarchy embedded in the legal system through a discussion of what the author calls "androcentric lens" norms that lead to further sexist discrimination and bias against incarcerated Native women caught in the legal system. This section also discusses other factors in the legal system such as a lack of diversity among juries and judges, lack of accountability during oral arguments in court proceedings, and the unlawful treatment of newborns born in prison. The book concludes with an argument for the reformation of the legal system in Canada so that incarcerated mothers and their children have their legal rights upheld.

The subject of forced child separation is urgent and relevant to all Native peoples in settler states. The most compelling parts of the book are those that adhere most closely to Jacquie's story and the longer history of forced child removal and incarceration for Indigenous peoples that her experience reveals. However, the overall argument presented in the book has significant critical limitations. For example, in part two of the book, Hansen provides a theoretical framework for understanding the law in Canada and argues that the legal system is foundationally colonial, but then she discusses reforms to address the individual prejudice that Native people endure when caught in that system. The analysis that the book begins to offer loses impact because of Hansen's emphasis on the legal system's "colonial lens norms," which focuses on the actions of individual actors—judges, police officers, lawyers—rather than the violence endemic to the law. Despite Hansen's acknowledgement that the legal system in Canada is foundationally dependent on the ongoing subjugation of Indigenous peoples and theft of their homelands, her solution is to reform this system through policy. Hansen also fails to mention the critical work done by Native scholars and activist who argue that anti-Indian racism is foundational to settler state legal systems, not evidence of their failure. The author declines an opportunity to interrogate the law and instead repeats the noncontroversial argument of the text: Indigenous mothers experience high rates of child removal from their infants when they give birth while incarcerated because of structural racism.

While not a Native American and Indigenous studies text, *Prison Born* would be useful for those who need an introduction to the context of the relationship between First Nations people and the criminal legal system in Canada.

Stephanie A. Lumsden
University of California, Davis