

UCLA

American Indian Culture and Research Journal

Title

Beyond Justice: What Makes an Indigenous Justice Organization?

Permalink

<https://escholarship.org/uc/item/2bg4c16z>

Journal

American Indian Culture and Research Journal , 36(2)

ISSN

0161-6463

Author

Nielsen, Marianne

Publication Date

2012-03-01

DOI

10.17953

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/>

Peer reviewed

Beyond Justice: What Makes an Indigenous Justice Organization?

Marianne O. Nielsen and Samantha Brown

In twenty years of investigating how indigenous justice service organizations survive in sometimes unfriendly—even hostile—bureaucratic environments, one question no interviewee ever asked was, “what do you mean by an ‘indigenous organization?’” Everyone seemed to know exactly what kind of organization was being studied—the organization they worked for was “indigenous,” or the organization that was the focus of the study was “indigenous”—and it had little or nothing to do with the researcher identifying the organization that way. Even if many nonindigenous people worked at the organization, or if many of its programs were available to nonindigenous people, it was still perceived to be indigenous.

Although our working definition of *indigenous* is adapted from that developed by Bradford Morse in relation to Canadian Aboriginal people—that is, indigenous people are “people who trace their ancestors in these lands to time immemorial”—the characteristics of these organizations that enabled them to be understood as indigenous only became clear after years of analyzing the study’s longitudinal data (see table 1 for an overview of the research process).¹ What the respondents consciously or unconsciously perceived to be the indigenous characteristics of the organizations in or with which they worked may

MARIANNE O. NIELSEN is a professor of criminology and criminal justice at Northern Arizona University who has worked with indigenous organizations since 1977. She is the coeditor, with Robert A. Silverman, of *Criminal Justice in Native America* (2009) and, with James W. Zion, of *Navajo Nation Peacemaking: Living Traditional Justice* (2005). Samantha Brown is a graduate student in the master’s program in the Department of Criminology and Criminal Justice at Northern Arizona University who has previously worked as a defense lawyer at an indigenous legal service in Australia.

never be known, because the original focus of the research was organizational survival, not identity. Interviews, document analyses, and site visits, however, painted a vivid picture of the organizations. More differences than similarities existed among them because they were located in four different countries, had different missions and a variety of structures, provided many different justice services, and developed through very different paths, depending on the history, laws, politics, cultures, and organizational environments of the area. The similarities, however, were haunting—and these were what made them *indigenous* organizations. This article summarizes the answer to that one important but unasked question: what makes an indigenous justice service organization?

INDIGENOUS CHARACTERISTICS OF THE ORGANIZATIONS

Seven indigenous justice service organizations in four colonized countries were researched between 1988 and 2008: (1) in Australia, the Aboriginal Legal Rights Movement of South Australia (ALRM); (2) in Canada, Native Counselling Services of Alberta (NCSA), the Aboriginal community-based Youth Justice Committees of Alberta (YJC), and the Stan Daniels Healing Centre (SDHC) located in Edmonton, Alberta; (3) in New Zealand, the Hamilton Abuse Intervention Project (HAIP); and (4) in the United States, Native Americans for Community Action of Flagstaff, Arizona (NACA) and the Peacemaking Program of the Navajo Nation (PMP). The history, mission, structure and staff, locations, clients, programs, and funding sources for these programs are summarized in table 2.

Nine characteristics emerging from the data are tentatively proposed as being wholly or partly constitutive of indigenous organizations: (1) the impacts of past and present social and environmental forces centered on colonialism, (2) organizational dependency on indigenous stakeholders, (3) organizational responses incorporating indigenous values and practices, (4) organizational dependency on nonindigenous stakeholders, (5) organizational responses to resource dependency, (6) the importance of respect for the organization, (7) organizational support for indigenous self-determination, (8) indigenous organizational governance, and (9) organizational balancing strategies that keep the organization on an organizational life path “in between” indigenous and nonindigenous organizations (as one respondent termed it); that is, the organizations adopt and maintain characteristics of indigenous and nonindigenous organizations. These characteristics overlap and are interconnected, although they are differentiated clearly below for heuristic purposes (see figure).

Four of these characteristics form the core of the definition of an indigenous justice service organization: (1) organizational dependency on indigenous

TABLE 1
OVERVIEW OF THE RESEARCH PROCESS

	Organizations ¹						
	NCSA	YJC	NACA	PMP	HAIP	ALRM	SDHC
Number of Interviews							
Staff	22	3	12	0	7	12	2
Administration	2	3	2	2	1	1	4
Board	1	N/A ²	4	N/A	3	2	0
Community ³	8	19	0	0	1	3	0
Funders	10	N/A	0	N/A	0	0	0
Total	43	25	18	2	12	18	6
Type of Interview							
Face to face	43	15	17	2	11	17	6
Telephone/mail	0	10	1	0	1	1	0
Year research began	1987	1994	1999	1995	2001	2000	2001
Latest data collection	2007	2008	2008	2008	2008	2008	2008
Latest site visit	2007	2007	2008	2001	2002	2001	2007

¹ Native Counselling Services of Alberta (NCSA); Youth Justice Committees (YJC), Alberta, Canada; Native Americans for Community Action (NACA), Flagstaff, AZ; Peacemaker Program (PMP), Navajo Nation; Hamilton Abuse Intervention Program (HAIP), Hamilton, New Zealand; Aboriginal Legal Rights Movement (ALRM), South Australia; Stan Daniels Healing Centre (SDHC), Alberta, Canada.

² N/A means “not applicable.”

³ Includes criminal justice system members.

stakeholders, (2) organizational responses incorporating indigenous values and practices, (3) organizational support for indigenous self-determination, and (4) indigenous organizational governance. These characteristics are essential and specific to indigenous justice service organizations and perhaps all indigenous organizations, although further research is needed here. A fifth characteristic, the impact of past and present social and environmental forces centered on colonialism, is also constitutive but is not specific to indigenous organizations. The impact of colonialism, an underlying pattern in all four countries, is omnipresent to the point of invisibility; these countries were based in and continue to be influenced by colonialism. It could therefore be argued that the social and economic processes of colonialism similarly influence all justice service programs—irrespective of their target audience. As Jurgen Osterhammel concludes, “the effects of colonization, whether positive or negative, are ubiquitous. The post-colonial world has retained forms of manipulation, exploitation, and cultural expropriation, even if colonialism itself belongs in the past.”² To define an indigenous organization, the first four characteristics are paramount.

TABLE 2
KEY FEATURES OF THE CASE STUDY ORGANIZATIONS (AS OF 2008)

ORGANIZATION	HISTORY	MISSION	STRUCTURE/STAFF	LOCATION(S)	CLIENTS	PROGRAMS	FUNDING
Australian Legal Rights Movement, Inc. of South Australia (ALRM) Established 1971; incorporated 1973	<ul style="list-style-type: none"> Grassroots mobilization by Aboriginal and non-Aboriginal leaders Responding to large numbers of Aboriginals appearing in the justice system without legal representation Support from other Aboriginal organizations 	<ul style="list-style-type: none"> Promote legal, cultural, political, and social rights of Aboriginals through the provision of legal services and community representation and participation Recognize Aboriginals' collective rights and self-determination 	<ul style="list-style-type: none"> Aboriginal board of directors 75 full- and part-time staff 32% of staff are of Aboriginal descent 	<ul style="list-style-type: none"> Head office in the state capital Five regional offices in areas of high indigenous population density 	<ul style="list-style-type: none"> Aboriginal and Torres Strait Islander adults and children 	<ul style="list-style-type: none"> Legal services in criminal, family, and civil jurisdictions Native Title Unit (1994–2008) Financial Counselling Horse Aboriginal Prison Visitor Scheme 	<ul style="list-style-type: none"> Legal services funded through federal government contract Other programs funded through state and federal government grants
Native Counseling Services of Alberta (NCSA) Established 1970	<ul style="list-style-type: none"> Aboriginal grass-roots initiative Responding to the over-representation of Aboriginals in prisons and the cultural and linguistic disadvantages they experienced in courts 	<ul style="list-style-type: none"> Promote the fair and equitable treatment of Aboriginal people Contribute to the holistic development of Aboriginal individuals, families, and communities 	<ul style="list-style-type: none"> Aboriginal board of directors 190 full-time and contract staff 85% of staff are of Aboriginal descent 	<ul style="list-style-type: none"> Head office in the provincial capital 22 branch offices in areas of high indigenous population density 	<ul style="list-style-type: none"> Primarily individuals of Aboriginal descent; however, some programs also assist non-Aboriginal clients 	<ul style="list-style-type: none"> Native court workers Native parole and probation supervisors, prison liaisons and elders Family, youth, and community wellness Employment and housing Healing and health 	<ul style="list-style-type: none"> Primarily funded by federal and provincial government departments Some funds from municipal government and private foundations
Stan Daniels Healing Centre (SDHC) Established 1988; renamed SDHC 1999	<ul style="list-style-type: none"> NCSA contracted to operate this federal correctional facility for conditionally released prisoners Responding to high rates of Aboriginal incarceration and recidivism 	<ul style="list-style-type: none"> Provide programs addressing residents' social, emotional, spiritual, and physical needs and to develop pro-social behaviors Enable residents' participation in goal formulation 	<ul style="list-style-type: none"> Legislatively mandated to provide Aboriginal-specific programs and promote Aboriginal autonomy Aboriginal board of directors (NCSA) 40 staff; 65% of Aboriginal descent 	<ul style="list-style-type: none"> SDHC is located in the provincial capital One site for healing ceremonies is located outside the city 	<ul style="list-style-type: none"> Almost all residents of SDHC are males of Aboriginal descent 	<ul style="list-style-type: none"> Institutional services for conditionally released prisoners Skill development Treatment Cultural programs (elder counseling and ceremonies) 	<ul style="list-style-type: none"> Funded by Correctional Service Canada
Youth Justice Committee Program of Alberta (YJC) Established 1990	<ul style="list-style-type: none"> Initiative of one remote indigenous community with the assistance of a local judge Responding to the large numbers of Native youths incarcerated away from their local community Rapid expansion to other areas 	<ul style="list-style-type: none"> Increase community involvement in the administration of justice Promote community harmony Promote healing of offenders, victims, and communities Reduce recidivism 	<ul style="list-style-type: none"> Alberta Justice oversight and "designation" on showing local criminal justice system support 60 volunteers per YJC comprised of respected individuals ethnically representative of the local community 	<ul style="list-style-type: none"> YJC operates in Aboriginal and non-Aboriginal communities 19 Aboriginal YJCs are located in rural communities 	<ul style="list-style-type: none"> Primarily young offenders involved in the CJJS Some YJCs informally assess adults or youths not involved in the CJJS 	<ul style="list-style-type: none"> Community-based sentencing advice to youth courts after a YJC hearing involving offenders and persons affected by their behavior Nonjudicial alternative measures 	<ul style="list-style-type: none"> Unfunded by law but the provincial government provides small grants for ancillary expenses

ORGANIZATION	HISTORY	MISSION	STRUCTURE/STAFF	LOCATION(S)	CLIENTS	PROGRAMS	FUNDING
Hamilton Abuse Intervention Project (HAIP) Established 1991	<ul style="list-style-type: none"> Government-initiated trial of coordinated justice and social service responses to family violence Responding to a perceived lack of government and societal concern for the female victims of family violence and to address the high rates of Maori men incarcerated for family violence offences 	<ul style="list-style-type: none"> Reform the justice system's response to domestic violence Advocacy for and reduction of violence against women and children Hold perpetrators of family violence accountable Provision of culturally appropriate services 	<ul style="list-style-type: none"> 50/50 Maori/Pakeha charitable trust 11 full-time, 4 part-time, and 12 contract staff 50% of staff are Maori 	<ul style="list-style-type: none"> Hamilton, an area heavily populated by Maori, on the north island of New Zealand 	<ul style="list-style-type: none"> Maori and non-Maori victims and perpetrators of family violence 	<ul style="list-style-type: none"> Interagency coordination and monitoring Women's court and advocacy Men's and women's education and support offered in Maori and non-Maori formats Youth protection Host organization 	<ul style="list-style-type: none"> Government funding withdrawn after three-year pilot Presently funded through municipal and lotteries board grants, private foundations, and corporations
Native Americans for Community Action of Flagstaff, AZ (NACA) Established 1968; incorporated 1971	<ul style="list-style-type: none"> Grassroots initiative of Native American community and Navajo and non-Navajo lawyers Responding to lack of access to Indian health clinics and police treatment of Native Americans 	<ul style="list-style-type: none"> Provide culturally appropriate human and health services to individuals and families Promote community involvement, advocacy, harmony, and respect in operations 	<ul style="list-style-type: none"> Mainly Native American board of directors Nonprofit organization 30 staff, of whom 65% are of indigenous descent 	<ul style="list-style-type: none"> Flagstaff, AZ 	<ul style="list-style-type: none"> Anyone (in practice, primarily indigenous individuals) Geographical limit of service delivery to Flagstaff and surrounding county 	<ul style="list-style-type: none"> Family medical center Substance abuse and mental health counseling Youth crime-prevention programs 	<ul style="list-style-type: none"> Varying amounts of funding provided by tribal, state, and federal governments Private foundations and some fees for services
Peacemakers of the Navajo Nation (PMP) Established 1981; formal reorganization 1991	<ul style="list-style-type: none"> Initiative of the Navajo Nation judiciary Responding to judicial dissatisfaction with the adversarial court process and its limited ability to address the justice needs of Nation members 	<ul style="list-style-type: none"> No official mission statement However, the principles and objectives of PMP have been adopted by the Navajo judiciary and the PMP is mandated under the Navajo Nation Code 	<ul style="list-style-type: none"> PMP liaisons are located in each of the 10 judicial districts of the nation 105 active PMP members (respected members of the Navajo community) 	<ul style="list-style-type: none"> Coordinated from Window Rock, AZ PMP practices throughout the 110 semi-autonomous communities that comprise the Navajo Nation 	<ul style="list-style-type: none"> Primarily adult members of the Navajo Nation 	<ul style="list-style-type: none"> Peacemaking for civil, family, and criminal matters through Navajo courts, police, or self-referral Using Navajo spiritual narratives, PMP helps parties reach a harmonious settlement of disputes and restitution for those aggrieved (<i>judiyéh</i>) 	<ul style="list-style-type: none"> Funded by the Navajo Nation

Source: These data were derived from a wide variety of organizational documents and scholarly writings by and about the case study organizations. Organizational documents included annual reports, minutes of board and staff meetings, pamphlets, websites, audit reports, organizational charts, training manuals, and policy manuals.

It should be noted that the indigenous organizations were not compared to nonindigenous organizations at any point during the research. A comparison with nonindigenous organizations might be a next step, but would be most valuable if carried out from an indigenous perspective as a means of contributing new ideas to the field. In particular, we note that much of the conceptual terminology used here is derived from Western-based organizational theory because indigenous-derived terms do not yet exist. It is not our place to (nor could we, as nonindigenous researchers) develop an indigenous conceptual framework for organizations and organizational behavior; this is a realm particularly ripe for indigenous contributions.

The research was intended to explore the impacts of colonial processes on indigenous organizations. Rather than utilizing a pure colonial theory framework that focuses on European acquisition of indigenous resources and the nonindigenous control of indigenous social institutions, instead we used concepts from organizational theory that presumed interconnectedness and interdependence to deconstruct and complement colonial theory and analyze the case-study organizations and their interactions with their environments.³ This approach facilitates acknowledgment that nonindigenous control is an important organizational characteristic. The concept of “external environmental conditions” from organizational theory provides a framework from which to explore the impact of various colonially rooted environmental conditions such as cultural differences, legal constraints, political goodwill, demographic characteristics of clients, and economic dependency.⁴ The organizational concept of “resource dependency” operationalized some of these linkages between the environment and the organizations (as did the concept of “organizational legitimacy,” which provides linkages between colonial ideologies of inferiority and paternalism and also to resistance to the organizations by important stakeholders).⁵ “Organizational culture” was also an important concept because colonial theory predicts the importance of indigenous cultures and values in self-governance and self-determination efforts.⁶ Finally, the concept of “critical contingencies” is used to describe changes in interorganizational relations used by the organizations to manipulate their environments and maintain their balance, that is, their ability to survive.⁷

Impacts of Past and Present Social and Environmental Forces Centered on Colonialism

The organizations were perceived to have continuity with indigenous cultures, values, and practices despite the impacts of colonialism—but the organizations were also perceived by the respondents to have been shaped by these colonial impacts.

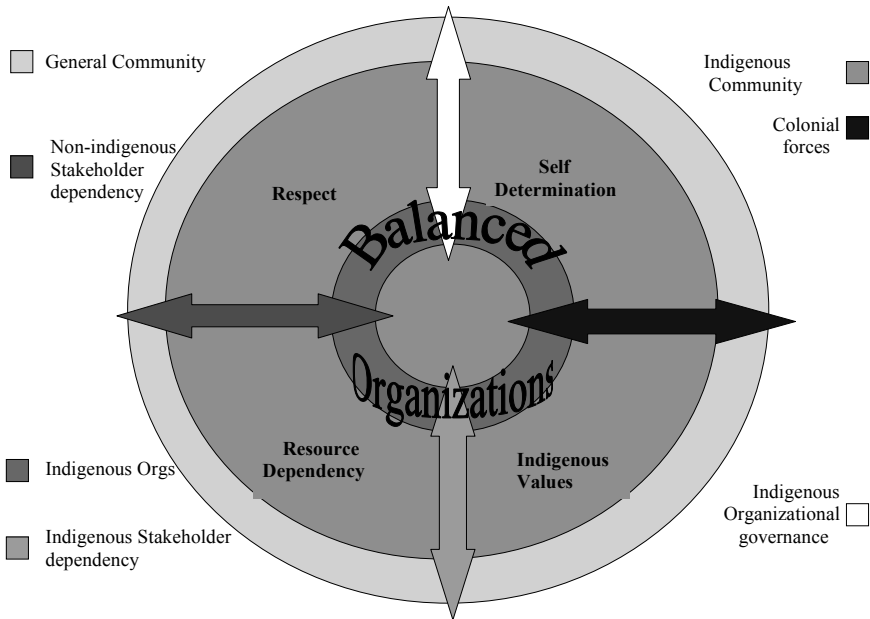


FIGURE: *What Makes an Indigenous Organization?*

Prior to colonization, the indigenous peoples of Australia, Canada, New Zealand, and the United States each had their own social structures: societies were self-governing, had effective economic systems and structures to ensure the transmission of knowledge and culture, made certain that their members were cared for and taught appropriate behaviors, and encouraged those who strayed to conform. Each of these structures was directly and indirectly damaged by colonial processes.

Colonialism—commencing during the mid-1500s in Canada and the United States and during the late eighteenth century in Australia and New Zealand, and continuing to the present day—followed a similar pattern in all four countries. The expansion of European powers to colonial territories dislocated indigenous societies and expropriated their land and natural resources, while the colonial processes of depopulation, economic exploitation, exercise of legal control over indigenous peoples, assimilation, and eventually, urbanization, were underpinned by racist and paternalistic ideologies.⁸ Some of these processes overlapped, and although none of them were completely successful, they have left a legacy of individual and group marginalization and dysfunction that continues today among significant proportions of indigenous populations. For example, indigenous people are more likely to have a lower level of educational achievement, be unemployed (or, if employed, earn lower incomes),

and suffer violence, either self-directed or inflicted by others. These and other marginalizations have been described in research publications by scholars and by government task forces and commissions in all four countries.⁹

These conditions place indigenous peoples at risk of involvement in the criminal justice system and inform what services the indigenous justice organizations feel obliged to provide to their clients. In each of these countries, indigenous peoples are overrepresented in the criminal justice system. In Australia, indigenous people comprise 24 percent of incarcerated offenders and 2.5 percent of the national population; in Canada, 17 percent and 3.8 percent; in New Zealand, 50 percent and 14.6 percent; and in the United States, 2.4 percent in federal prisons and 1.5 percent (with more significantly high proportions in some states in which they are a higher proportion of the population).¹⁰ Ample evidence exists in government and scholarly documents to show that the dominant criminal justice system in each of these four countries is not effective in its efforts to provide equitable treatment to indigenous peoples or prevent criminal involvement.¹¹ Indigenous justice service organizations, therefore, work both to prevent incarceration and provide equitable and humane services to indigenous peoples already in the criminal justice system.

These organizations, however, do not exist in a vacuum: they must interact with the complex environment in which they are situated. This environment is comprised of a range of conditions—demographic, legal, political, economic, cultural, ecological, and technological—that simultaneously constitute the forces and resources that shape indigenous organizations.¹² These contextual conditions are mediated by relations between indigenous organizations and key stakeholders, such as the indigenous communities they represent and serve; government (for example, tribal, municipal, state, and federal), indigenous and nonindigenous criminal justice and other organizations; and the general community. For indigenous organizations, their environment is one that is colored by colonialism.

Demographic conditions are the characteristics of the population from which the organization draws its clients and staff. For example, for the PMP, clients and staff are primarily adult members of the Navajo Nation, while for the ALRM, clients are indigenous Australians who are too poor to obtain private lawyers, and staff members are both indigenous and nonindigenous Australians. Marginalization of various types (for example, economic, educational, and health) can be directly or indirectly traced to colonial processes. Although indigenous employees and board members provide indigenous organizations with special knowledge and skills, the stresses of marginalization mean that they may also be more likely to experience personal or family issues that affect their job performance.

The majority of the organizations also “must live with federal, state, and local [and tribal] laws and regulations as a major part of their environments” that constrain their activities.¹³ At the very least, legal mandates set many of the operating conditions under which indigenous organizations must function, ranging from specific prohibitions of certain kinds of operations to regulations requiring the periodic reporting of income and staffing. For example, the YJC received its mandate from the 1985 Young Offenders Act, and the 2003 Youth Criminal Justice Act of Canada maintains it.

Political and legal conditions are closely related, because changes to laws do not often occur without political pressure. Organizations must be “attuned to the political climate” (whether this is an indigenous or nonindigenous political condition) and actively try to influence it. Organizations may exert political pressure (as HAIP and ALRM have done) through the official or unofficial lobbying of government, through advertising campaigns directed at the general public, or by joining larger political networks of other indigenous and nonindigenous organizations.¹⁴ All of the organizations belonged to local, regional, national, and international alliances of other indigenous and nonindigenous organizations, so that, for example, NACA is a member of the (US) National Council of Urban Indian Health, while HAIP is a member of the (New Zealand) National Network of Stopping Violence Services. The political climate may influence government spending levels and priorities for indigenous organizations.

Ecological conditions are physical and social. The physical ecology, comprised of climatic and geographic conditions, can set limits on how organizations allocate resources. It influences changes in infrastructure—transportation, communication, and even heating and cooling systems—that affect organizations and how they deliver services. In northern Alberta, for example, extreme cold in winter can prevent NCSA staff from reaching court, and extreme heat in summer may have the same consequences for ALRM staff. The social ecology refers to the other organizations with which indigenous organizations have contacts and relationships.¹⁵

Organizations must keep pace with changes in technology to remain successful.¹⁶ Technological conditions can be divided into three types: operations technology, or the methods of providing client services such as counseling or crime-prevention programs, group homes, and legal advocacy; materials technology, which refers to the demographic characteristics of the organization’s client population; and knowledge technology, which encompasses, for example, knowledge of indigenous traditional values and practices, issues facing indigenous communities, and staff training obtained inside and outside the organization.¹⁷ New knowledge in the form of idea technology is “introduced through research, serendipity, or practice” and may provide the organizations

with new tools for providing services.¹⁸ All of the organizations used some technology originating in indigenous cultural practices, such as using *nályééh* (roughly translated as restitution) at the PMP, using elders as counselors at the SDHC, and starting all programming sessions with Maori prayers at the HAIP.

How cultural conditions impact an organization is harder to conceptualize.¹⁹ Culture is not monolithic. The culture of the dominant society will influence many organizations' structure and operations, but for indigenous organizations, there are also the influences of the indigenous cultures from which their clients, staff, and many values and practices originate. Cultural issues may give rise to conflicts, such as those originating in differences between nonprofit and bureaucratic organizational cultures and between indigenous and nonindigenous values and practices. For criminal justice organizations, an additional cultural dimension is presented by the occupational cultures operating within police forces or correctional institutions. All of the indigenous organizations studied had to negotiate each of these cultural influences in order to provide services to their clients.

Organizational Dependency on Indigenous Stakeholders

Indigenous communities and individuals are vital stakeholders in indigenous organizations. The organizations provide them with explicit services such as legal aid, family violence prevention, dispute resolution, probation supervision, and implicit services such as political advocacy and debunking stereotypes about indigenous peoples. Indigenous communities and their leadership provide the organizations with important resources such as political goodwill, cultural and issues-related information, and, in some cases, funding and mandate (as with the PMP). Other indigenous organizations provide resources in the forms of role modeling, lending expertise, political support, and, sometimes, funding or in-kind services.

Indigenous individuals comprise the majority of clients for most organizational programs, and their needs shape the kinds of services that the organizations strive to offer. Only NACA and HAIP serve more than incidental numbers of nonindigenous clients, primarily because of funding requirements. Indigenous people are also the main pool of staff and board members; their special knowledge and skills about indigenous cultures, languages, issues, and resources are unlikely to be found among nonindigenous employees. However, the demographic legacies of colonialism mean that indigenous organizations may face difficulties in finding indigenous staff with requisite qualifications (as defined by either Western-based or indigenous cultural standards), or they may have to hire nonindigenous staff for specialized roles in areas such as

alcohol counseling (NACA), law (ALRM), or finance (NCSA) and provide them with training and supervision by indigenous staff.

Organizational Responses Based in Indigenous Values of Holism

In order to reflect the values and practices of their indigenous stakeholders, the organizations developed formal and informal practices. These originated in the local indigenous cultures, so there were many differences. Some of the similarities, however, were quite striking. For example, the traditional justice values and practices of Alberta's Aboriginal people were reflected in some organizational aspects of the three Albertan organizations (NCSA, SDHC, and YJC): egalitarianism, as illustrated by flat leadership structures; informal yet respectful communication patterns among staff and between staff and clients; educational and counseling roles of the elders on boards and as staff; and the use of the language of "healing." Each organization emphasized its connection with its cultural roots through prominent displays of indigenous artwork and the use of indigenous names for programs, indigenous ceremonies and prayers at important events, and indigenous words in everyday speech, even among the non-Native staff.²⁰

The PMP also incorporated Navajo culture into its values and practices, as illustrated by the semiautonomous and noncoercive role of the peacemakers, use of counseling and mediation, involvement of clan and community members in resolving disputes, use of Navajo narratives as part of the process, and use of restitution as a primary resolution.

Australia's ALRM probably had the least leeway to incorporate traditional holistic cultural values and practices of any organization because of its mandate to provide legal counsel, a concept and practice specific to a Western-based justice model. The organization reduced some of the tension between Western-based knowledge and practice and indigenous values and practice through control of the organization by an indigenous CEO under the supervision of an indigenous Australian board of directors. Where feasible, ALRM incorporated indigenous values and practices; for example, the Native Title Unit meeting protocols ensured that participants sat on the ground when talking and had food at meetings. In addition, traditional values such as being each other's keeper, caring, and sharing are reflected in the educational information sent to members of the Aboriginal community through newsletters, the efforts of the financial counseling program volunteers, and also the Prison Visitor Scheme, which provides volunteers' emotional support to jailed indigenous people. The indigenous leadership of the other organizations also played an important role in ensuring that indigenous values and practices were central

to the operation of the organization, even challenging nonindigenous stakeholders such as funders to do so, as was the case with HAIP.

New Zealand's HAIP reflects important Maori values and practices even though it is a bicultural organization.²¹ The organization based its structure on discussion and consensus, and even though its mandate focused on responsibilities to Maori (and non-Maori) women and children, the organization provided services to both partners in a relationship (and even day care for their children) despite in some years being funded primarily to assist only male offenders and child victims. Food and hospitality were offered to all who visited, an important Maori practice.

These organizations successfully blended indigenous practices into Western-based organizational structures as a way of connecting with their indigenous stakeholders. There was an obvious connection between the many services each organization offered beyond those aimed at resolving the original problem that prompted the client to engage their services (see table 2 for an overview of these services). This holistic strategy was developed in order to respond to the underlying issues that affected their clients (such as unemployment, substance abuse, and lack of parenting skills) so that the organizations provided a wide range of justice programs, complemented by an equally wide variety of programs that addressed social issues arising out of colonialism and its resulting marginalization. The frontline workers of the organizations and the outside agencies referred clients to these complementary programs, in addition to individuals who referred themselves.

Organizational Dependency on Nonindigenous Stakeholders

Although indigenous organizations may depend on nonindigenous stakeholders for resources such as legal mandates, qualified and culturally sensitive staff, facilities, client referrals, cooperation, legitimacy, and political goodwill, the most important resource to originate from such stakeholders is funding.

Only a few indigenous groups have managed to move toward economic self-sufficiency, such as those that negotiated mineral rights as part of land claims in Canada, negotiated casino compacts in the United States, or developed *iwi*-based businesses in New Zealand during the last quarter of the twentieth century.²² Consequently, many indigenous land-based groups remain dependent on government assistance for survival.

The economic legacies of colonialism have significant implications for indigenous organizations, their staff, and the communities they serve. The economic marginalization of indigenous peoples is compounded by the fact that on the majority of indigenous lands there tends to be few employment opportunities and high rates of unemployment, and therefore, the indigenous peoples at the

greatest risk of needing the assistance of indigenous justice service organizations are among those least able to pay even a nominal fee for services. These conditions combine to leave indigenous organizations financially dependent on predominantly governmental sources of funding, whether federal/national, state/provincial/territorial, or tribal/local. In table 2, the extent of this dependency on such external stakeholders is readily apparent.

Organizational Responses to Resource Dependency

The availability of financial resources directly influences the birth, continuance, or death of an organization. Many indigenous organizations must not only apply to nonindigenous funders and follow nonindigenous protocols, but also must compete against other mainstream justice service organizations, which often receive priority.

Indigenous organizations' lack of financial self-sufficiency has implications for organizational autonomy. Resource dependency is all about control: in order to obtain resources—monetary and nonmonetary—the organization must cooperate with others, but according to Jeffery Pfeffer and Gerald Salancik, “control over resources provides others with power over the organization.”²³ Outside stakeholders—the government and criminal justice system, general community, and indigenous community—can exert influence over the structure and operations of indigenous organizations. In negotiating relationships with stakeholders, the leaders of indigenous organizations must consider a number of contingencies and the impact these may have for the autonomy of the organization.

There are eight interactional conditions that facilitate control over an organization by its resource providers: (1) possession of some resource needed by the organization, (2) the importance of the resource for the organization's operations and survival, (3) the organization's inability to get the resource elsewhere, (4) the “invisibility of the behavior or activity being controlled,” (5) the resource providers' discretion to allocate and give access to a resource, (6) the organization's ability to do what the resource providers want, (7) the organization's control or lack of control over a resource needed by the resource providers, and (8) the resource providers' ability to let the organization know what they want.²⁴

As each indigenous organization manages its interdependence with resource providers, it tries to minimize the adaptations it must make to its operations and structures in order to meet the demands of the resource provider. This becomes a balancing act between the organization and the resource-providing stakeholders as to how much control each may exert over the organization.²⁵ The organizations studied adopted a range of strategies to manage resource

dependency and the amount of control nonindigenous stakeholders are able to exert over them.

Diversification in resource acquisition is one of the most effective ways of lessening the impact of resource dependency; the more providers of resources that an organization has, the less power each resource provider has over the organization.²⁶ Four of the case-study organizations—ALRM, NCSA, HAIP, and NACA—had a variety of funders that allowed them to negotiate this balance and expand into unexpected service areas.

Another common strategy is for an organization to have some resource that is important to the stakeholder; this means that stakeholders will demand more from the organization, but it will also have more power—the relationship becomes a two-way street.²⁷ Judith Soidal notes that, in such circumstances, resources flow back and forth between nonprofits and the government.²⁸ That is, from state agencies come revenues, information, political support, legitimacy, and access to the "non-legislative policy process," as one interviewee termed it; from nonprofits come service delivery, information, political support, and legitimacy to state agencies. To this list, James Douglas adds that nonprofits are a source of innovation that can be adopted by the state, and a means of facilitating "nonviolent resolutions of conflict within society" by providing a voice for conflicting interests.²⁹ Soidal found that when all resources were taken into account, both sides of the relationship were about equally dependent on the other.³⁰ This may mean that the state and nonprofits lose autonomy. However, if resources are a high priority or scarce, one side may exercise more power.

Whereas the ALRM, NCSA, SDHC, NACA, and PMP were dependent on federal state, or provincial governments for funding, the HAIP was dependent on local governments, and the YJC was minimally dependent on its communities and the province. The SDHC and ALRM were dependent on their federal governments for their mandates to operate, and the PMP was somewhat dependent on the Navajo Nation—but in each case, their environmental stakeholders were also dependent on them to provide a large number of personalized, low-cost services to the community. This prevented government service providers from having to provide these services, which was especially vital because they did a poor job of serving indigenous peoples. As well, their stakeholders had recognized the YJC, NCSA, SDHC, and HAIP as sources of innovation.

A final strategy was for an organization to differentiate internally, that is, to establish "loosely coupled and not interdependent" programs to interact with each service provider so that "the impact of the organization's not responding to given demands is reduced."³¹ In an indigenous service organization, each of these units might be a separate program with a separate funder. For instance, the two NCSA court-worker programs receive funding from different federal

and provincial departments; therefore, if funding from one source disappeared, some court-worker services would still be available.

An overriding concern for indigenous organizations was having the resources needed to differentiate; few nonprofits have the kind of “slack resources” or extra profits that Pfeffer and Salancik suggest be used to accomplish internal differentiation.³² Nonetheless, NACA and NCSA, for example, had diverted small amounts of money from one program to another in an effort to help establish a new program or keep one running while new sources of funding were being identified.

Importance of Respect (legitimacy) for the Organization

The organizations were dependent on each stakeholder and had to negotiate conformity to each of their wishes.³³ Lack of legitimacy (in organizational terms) by any of its stakeholders, or lack of respect for the organization (as some of the interviewees phrased it) could therefore make or break an organization; legitimacy was essential to its survival.

For indigenous justice service organizations, legitimacy represents an acknowledgment, especially by government funders and indigenous communities, that their structure, role, and areas of service are “proper, useful, and not in conflict” with other key actors and agencies within the dominant criminal justice system.³⁴ Criminal justice policies in all of the countries (though less so in Canada) tended to ignore the historical contexts for indigenous overrepresentation, but indigenous service organizations did not. This means that the service priorities and strategies of indigenous justice service organizations did not completely match those of the mainstream; in particular, the prevention of criminal behavior and reoffending took on a broader scope in indigenous organizations. Mainstream organizations and government unfamiliar with this approach and concomitant organizational behavior resisted them, which affected the perceived legitimacy of the indigenous organizations and the resources available to them.

In their early history most of the organizations experienced resistance from criminal justice personnel (YJC, NCSA, PMP, and NACA), government decision makers (ALRM, HAIP, NCSA, and NACA), and indigenous community members (PMP). No evidence of resistance to the SDHC was found. Indigenous leaders were the least resistant, perhaps because they recognized that the organizations contributed much-needed services and were advancing indigenous self-determination. Some of this resistance may have been due to the liability caused by the newness of the organizations.³⁵ The majority of new organizations are vulnerable because they have to compete with established organizations (for example, the courts) and trust outsiders whom they

know little about (for example, judges, police, and government officials). In a competitive, conservative system of organizations such as the criminal justice system, any new organization with unusual characteristics (such as these indigenous service organizations) can expect to face resistance, but not all of it can be explained by this liability, especially as the organizations age.

Resistance was expressed as “doubts” or “concerns” (according to interviewees). These focused primarily on one of two characteristics: (1) the effectiveness of the structures, operations technology, management, or other characteristic of the organization itself, including how these might be based on the “old ways” of indigenous culture, which were perceived by some as no longer effective and appropriate; and (2) the organizational abilities of indigenous peoples, that is, whether they were capable or “sophisticated” enough to design, operate, or lead a justice organization.³⁶

Each organization developed its own strategies to decrease resistance from its stakeholders and increase its legitimacy. In general, in efforts to reassure indigenous and nonindigenous stakeholders, the organizations made structural changes that incorporated indigenous and nonindigenous elements. These adaptations—a response to pressures to conform—were strongly encouraged by government and justice system stakeholders and often required indigenous organizations to adopt bureaucratic practices.³⁷ Although all organizations were caught in an ongoing process of adopting new organizational structures, procedures, and ways of thinking, the challenge for indigenous organizations is that such adaptations may be inconsistent with the structures, procedures, and ways of thinking of indigenous cultures.³⁸

Even though the emphasis on reporting requirements found in most government funding contracts detracted from other organizational tasks—and enabled the funder to exercise control, for good or ill, over the organization—some organizations fulfilled these requirements with little resistance. For example, the ALRM legal aid contract stipulated extensive procedures for data collection and reporting on performance and efficiency. ALRM adopted all of these, partly because of its lack of alternate funding sources, but also as a means of gaining increased legitimacy by increasing its accountability. In their administrative procedures, NACA and NCSA also emphasized their accountability as defined by funders. However, NCSA and ALRM also sought to enhance their accountability to indigenous communities by establishing indigenous boards of directors.

In contrast, when NCSA was asked by its federal government funder to develop a job description for elders working at the SDHC, NCSA argued that to do so would be an insult to elders from a cultural perspective and might result in the elders refusing to work for the institution. The government ultimately acknowledged the position of NCSA, and that elders were central

to the healing approach to be used at SDHC, and therefore agreed that job descriptions would not be required.

In addition to making changes internally in their administrative structures and practices, as well as other changes that supported Western-based bureaucratic standards of accountability and professionalism, all of the organizations developed ways of thinking that justified the indigenous characteristics of the organization. Most of the case-study organizations shared the justification that they could more effectively provide services to indigenous clients than Western-based organizations. This strategy was reinforced by claims about the cultural knowledge and sensitivity of their staff. A majority of the organizations also asserted that indigenous communities needed more control over justice services, while three organizations contended that their organizations could assist the Western-based criminal justice system to become more effective. All organizations used such approaches to defend their ways of providing services, which relied to greater or lesser extents on indigenous cultural values and practices.

Organizational Support for Indigenous Self-Determination

In addition to their explicit services, the organizations also contributed a number of less overt services to their indigenous stakeholders that directly or indirectly furthered indigenous self-determination through capacity building.³⁹ An obvious and very important contribution of the organizations was assisting financial resource flows in indigenous communities; all organizations (except the YJC) employed indigenous staff.

Many of these organizations expanded their legal education role to include educational materials and presentations on matters not directly part of their mandates—such as financial management, choice making for youth, domestic violence, or indigenous culture—and so provided additional resources to indigenous communities. The organizations also acted as a resource for community and program development in their own communities and further afield. NCSA, with the Royal Canadian Mounted Police, was a major organizer and support for YJCs in indigenous communities. Many indigenous organizations developed and proved the effectiveness of programs that were later adopted in other indigenous communities inside and outside their home countries and in nonindigenous communities.

In some communities, the organizations provided a neutral meeting ground for communities and individuals in conflict. They also encouraged previously competing groups to work together for a common cause. The PMP, for example, by the very nature of its work, assisted in resolving disputes that put families and clans into conflict and restored harmony to the community.

Staff in all of the organizations indicated that one of the main reasons they worked for their organization was because it enabled them to assist people, particularly indigenous people. Staff members were also very conscious of their responsibility to act as role models to indigenous youth. One NACA staff member commented that seeing Native Americans with good jobs and helping people could be an incentive to their clients to finish their education and get good jobs.

All seven organizations served as a training ground for their staff and, for three organizations, their board members. Staff at five of the organizations remarked on the tendency of their organizations to lose good staff; other organizations valued the expertise and experience of their staff and could pay them more.

Some staff members commented that they felt they had to succeed in their job in order to counteract stereotypes about the incompetence or unworthiness of indigenous people. Several respondents reported on specific incidents in which they felt they had finally achieved acceptance. Even the PMP had to combat the stereotype that Navajo culture is not dynamic or adaptable.

Staff members of all the organizations—particularly at the senior management level—were active members of regional, national, and international organizations and served on the boards of other organizations or participated in regional interagency groups. As part of these networks, staff members disseminated information about their organization, indigenous issues, and ideas for justice and social reform.

All seven organizations incorporated aspects of indigenous culture into their programs and work environment that served to legitimate indigenous culture, values, and solutions. The organizations acted as advocates for indigenous individuals, communities, and peoples. In some cases, this purpose was explicit, as with the (former) ALRM Aboriginal Justice Advocacy Committee, or HAIP's advocacy for victims of domestic violence. The other five organizations acted as informal advocates by assisting individuals with legal and other kinds of information, helping communities present issues and concerns to government decision makers, speaking up for changes in laws and policies, supporting sympathetic politicians, and highlighting indigenous issues in presentations at meetings, conferences, and educational events.

Indigenous organizations were also resources to nonindigenous communities. As part of their responsibilities while serving on boards and as part of networks, organizational staff often provided information and expertise. For example, the former director of NCSA served, and still serves, on the Law Enforcement Review Board for the province; SDHC staff traveled to other Canadian prisons to share information about the operation and services of the center; and the CEO of ALRM, as a member of the city's chamber

of commerce, provided local business people with insight into indigenous Australian urban issues. These services to nonindigenous communities were identified as forming good colleagues in the criminal justice system and improving relations between indigenous and nonindigenous peoples.

These explicit and implicit roles not only contributed to the capacities of indigenous peoples to handle their own affairs, but also informed decision makers and the general public about the need to improve human rights for indigenous peoples and the need for self-determination.

Indigenous Organizational Governance

Self-determination was practiced on the organizational level by each of the organizations in that they were administered and overseen by indigenous peoples. Four of the organizations (NCSA (including the SDHC), ALRM, NACA, and HAIP) had policy-making boards of directors (or a trust, in the case of HAIP). The boards of ALRM and NCSA were comprised exclusively of indigenous community members, the NACA board had a minority of nonindigenous members, and equal numbers of Maori and non-Maori served as HAIP trustees. The PMP operated under the jurisdiction of the Navajo Nation Judicial Branch, an indigenous justice institution. The YJC had no administrative or policymaking bodies, as such. However, committees were comprised of indigenous members in predominantly indigenous communities but included nonindigenous members in mixed communities. The CEOs of ALRM, NCSA, SDHC, and NACA were all of indigenous descent, though three of the organizations had had nonindigenous leaders in the past. The position of PMP coordinator has only been occupied by an indigenous person, as has that of the director of HAIP. In summary, in keeping with their support of indigenous self-determination on a larger scale, all of the organizations had a strong commitment to governance of indigenous peoples by indigenous peoples.

Organizational Balancing Strategies Leading to an “In-Between” Organizational Life Path

Balancing strategies are evoked by changes in the organization’s environment and in particular, those changes originating with government funders and indigenous communities. Christine Oliver suggests six “critical contingencies” that lead to the formation of interorganizational relationships and, as used here, changes in relationships.⁴⁰ These six contingencies—necessity, asymmetry, reciprocity, efficiency, stability, and legitimacy—have affected some or all of the organizations.

Necessity motivates changes when organizations are required to meet legal or regulatory conditions set by authorities such as government, and change is more likely if the potential consequences of noncompliance are high (for example, the loss of funding). For example, NACA was threatened with loss of funds when documents required by the contract were not filed within a reasonable time. The funder required that the longtime CEO be replaced as a condition for continued funding; NACA complied. A more positive example comes from NCSA and the SDHC: when the NCSA negotiated their contract for the SDHC under section 81 of the Corrections and Conditional Release Act, they were able to include conditions requiring that all audits be jointly completed by NCSA and Correctional Services Canada. Moreover, these audits incorporated the NCSA core indigenous-based values about client outcomes.

All interorganizational relations involve some loss of discretion and decision-making power, but *asymmetry* occurs particularly when resources are scarce.⁴¹ The degree of asymmetry is determined by the magnitude of the resource exchange and how critical the resources are to the organizations.⁴² The less powerful organization will put more effort into gaining greater control than the more powerful one. For instance, because indigenous organizations are nonprofits, some degree of asymmetry already exists between them and government funders. Thus, if funders threaten to decrease funding indigenous organizations will likely increase efforts to diversify funding to nongovernment-controlled sources, and perhaps to co-opt government personnel. After the New Zealand government withdrew funding at the end of its pilot phase, HAIP restructured to employ mainly part-time staff for about seven years and diversified its funding sources to include local and charitable funders.

Reciprocity motivates organizations to cooperate, collaborate, or coordinate their activities in the pursuit of some common or mutually beneficial interest. "Balance, harmony, equity and mutual support" are the dominant characteristics of this kind of relationship, and are also among the most important indigenous cultural values.⁴³ The benefits of reciprocity for indigenous organizations may include the sharing of expertise, a stronger lobbying effort, and shared facilities to decrease overhead costs. In response to reciprocal relationships, for example, as joint programs are developed, internal organizational changes occur, and reciprocity may also be reflected in the addition of new staff duties. Examples of this strategy are ALRM hosting the Aboriginal Visitors Scheme and HAIP hosting the Family Violence Technical Assistance Unit. In both cases, the partner organizations share premises and some administrative staff even though they are funded and have contracts as separate entities.

Efficiency is a motivation to reduce waste, downtime, and costs per client. Moreover, due to the economically dependent position of indigenous organizations, many of these efficiency measures may originate with government funders trying to cut their own costs. The implications for organizations include cutbacks in client programs and services, higher caseloads, and reduced staff benefits. For example, reductions in the NCSA budget resulted in the loss of a position created to assist the development of more Youth Justice Committees and all of its minimum-security forestry camps. Similarly, ALRM eliminated the position of lawyer at one country office and “juniorized” some of its senior lawyer positions in an effort to keep within its budget.

Stability motivates interorganizational relations when there is a need to establish dependability as a result of environmental uncertainty, lack of knowledge about environmental fluctuations, and resource scarcity. It is a means of establishing “an orderly, reliable pattern of resource flows and exchanges.”⁴⁴ Stability is important for indigenous organizations because they usually depend on year-to-year contracts with government funders. NCSA, for example, created two assistant director positions to handle general program operations in the north and south of the province in order to enable the director to focus on liaising with government decision makers and develop new sources for resources; it also operated a training department that taught basic and specialized job skills to staff.

Legitimacy motivates a rebalancing of interorganizational relations when the need arises for an organization to demonstrate or improve its “reputation, image, prestige, or congruence with prevailing norms in its institutional environment.”⁴⁵ When indigenous criminal justice organizations first emerged, legitimacy was a particular concern. Given the current rapid evolution of the political conditions involving indigenous communities, it will likely remain an ongoing concern for indigenous organizations.

The relationship between the indigenous justice service organizations and their stakeholders is very complex. Any change in the relationship between the organization and a given stakeholder induces changes in the interactions with other stakeholders. Some of these interactions had a greater organizational impact than others.

The case-study organizations diverted considerable effort into strategies designed to influence their stakeholders. They had to be proactive—manage rather than merely react to their environments—in order to obtain funding, information, labor, and other resources.⁴⁶ When conflict arose from this interface, the indigenous organizations endeavored to maintain a balanced relationship with each stakeholder.

As the stakeholders controlled different aspects of the organizations’ environments, the organizations had to find a balance that took into account and

controlled as much as possible—through the strategies mentioned—the eight environmental conditions that affected them. In the case of demographic conditions for example, NCSA was pressured by indigenous communities to provide youth crime-prevention services such as recreation, social activities, and cultural learning. However, because these programs did not accord with potential funders' conceptions of crime prevention, NCSA found it difficult to obtain financial backing. Rather than abandon crime-prevention services responsive to the needs of indigenous communities, over a period of ten years NCSA rewrote and reframed the funding proposal (without altering the crime-prevention program) until it struck upon the "right" language and secured funding.

In terms of legal conditions, despite the resistance of their government funders, ALRM and HAIP worked both on their own and within organizational networks to influence the passage of legislation and the development of jurisprudence that promoted indigenous rights. Politically, many of the organizations practice what one respondent called "small p" politics—which involved maintaining contact with various political leaders of indigenous and nonindigenous political groups in an effort to keep them apprised of indigenous and organizational needs and issues. An important part of the social ecological environment was the presence of organizational personnel on the boards of directors of other organizations and their membership in professional networks.

Balancing became complicated when there was conflict between what the resource providers wanted and what the organization wanted, or if two of the resource providers wanted different things from the organization. The type of balancing strategy chosen by an indigenous service organization was related to the nature of the resources affected and whether they came from nonindigenous or indigenous stakeholders. Organizations had to make choices about which demands could be fulfilled without hurting themselves and about how to handle the other demands. If there were conflicting demands from several stakeholders and the needs of the organization, these were balanced against each other whenever possible. Some of the balancing strategies the seven case-study organizations developed were quite innovative because of the range of resources upon which they are able to draw. Not only were they able to access ideas and practices from their nonindigenous organizational stakeholders, but also they were able to access ideas and practices from indigenous community leaders and elders. An example of this was the inclusion of a ceremonial room for residents at SDHC in order to counterbalance legislatively required programs such as urinalysis.

It is important for organizations to anticipate and plan for conflicting demands from all stakeholders. If they do not, it can lead to an unexpected

issue “coming from left field.” As Pfeffer and Salancik write, “to overlook satisfied interest groups is easy for an organization because demands that are currently being well met are not likely to be strongly voiced. It is, therefore, imperative for the organization to consider the implications of any given action or decision on *all* groups and organizations with which it is interdependent” [emphasis in original].⁴⁷

The organizations chose to allay stakeholder fears by incorporating essential indigenous values and procedures into their structures and programs, as well as selected elements of nonindigenous organizational values and procedures. In some cases, this meant asserting their indigenous structures to some stakeholders and emphasizing their nonindigenous characteristics to others. This *in-between model*, a term first used by several key informants in Canada, allowed them to conform to at least some of the expectations of all the various important resource providers, indigenous and nonindigenous alike.⁴⁸

By developing these in-between models of organizational structures and service practices and procedures, the organizations found a means of reintroducing and restoring some indigenous traditional practices and thereby reinforcing indigenous self-determination, while still reassuring nonindigenous stakeholders of their effectiveness.

CONCLUSION

Taken together, the constellation of nine characteristics described above defines indigenous organizations, but not all indigenous organizations share all of these characteristics, and some nonindigenous organizations may share some of them. Most nonprofit service organizations, for example, are dependent on outside resources for funding, client referrals, and so on, and may incorporate values from their faith or cultural roots, but they are not as likely to share other important characteristics such as being shaped by the legal, social and ideological policies of colonialism, and support for indigenous self-determination. Based on our research, the constitutive characteristics of indigenous organizations are organizational responses based in indigenous values of holism, organizational dependency on indigenous stakeholders, indigenous organizational governance, and organizational support for indigenous self-determination. These four characteristics are framed by a fifth important influence, namely, the impacts of past and present social and environmental forces centered on colonialism. Any justice service organization defined as “indigenous” will share these five attributes and very likely some combination of the other four. It is likely that these characteristics can also be used to define other kinds of indigenous organizations such as those providing health,

social, and educational services, but more research would be needed to explore this possibility.

We therefore propose that an indigenous organization can be defined as an organization that is operated by indigenous people for indigenous people, has programs that incorporate indigenous cultural values and practices, that explicitly or implicitly supports indigenous self-determination, and that operates within the impacts of past and present social and environmental forces centered on colonialism.

These organizations are active agents in redefining themselves to counter nonindigenous prejudices against indigenous peoples, especially “concerns” about indigenous peoples’ abilities to develop and run their own social institutions. By resisting the perceptions of dominant society members (and some indigenous community members) that the organizations are illegitimate, incapable, and out of date, the organizations are working to ensure that they survive by balancing themselves. They do this by proving themselves capable of providing holistic services, managing resources, and combining organizational values from nonindigenous and indigenous cultures. At the same time, they are supporting self-determination, not only their own self-governance but also that of all indigenous peoples. In effect, indigenous organizations are a microcosm of indigenous self-determination movements.

Like indigenous peoples in these and other colonized countries, indigenous organizations have survived by means of adaptability and flexibility. Through their capacity-building efforts, they are contributing to the redefinition and advancement of indigenous rights. They are active agents in proving the ability of indigenous peoples to self-govern.

Colonialism changed the worlds of indigenous peoples forever. It imposed social institutions and imposed stereotypes and ideologies that devalued and even dehumanized indigenous peoples. Unfortunately, these stereotypes and ideologies persist under the guise of racism. Indigenous service organizations are contributing to the long-standing and increasing indigenous resistance to these racist ideals and institutions. Through their services, values, and operations, they are deeply embedded in the reconstruction of the reality of indigenous and nonindigenous relations.

Acknowledgments

Nielsen was the primary researcher on the project from its inception in 1988 until its conclusion in 2008. Brown came on board in 2010 in order to provide the fresh pair of eyes needed to develop the framework presented in this article. The authors wish to express their gratitude to the personnel of the organizations for their unstinting cooperation, enthusiasm, good humor, and patience

throughout the years, and to the three anonymous reviewers of this article, who made very thought-provoking suggestions that only served to improve it. A draft version was presented at the Western Social Sciences Association Annual Meeting in April 2011.

NOTES

1. Bradford W. Morse, *Aboriginal Peoples and the Law: Indian, Metis, and Inuit Rights in Canada* (Ottawa, ON: Carleton University Press, 1985), 1. The study began in 1988 with a case study of the Native Counseling Services of Alberta, with additional organizations being added throughout the years.

2. Jurgen Osterhammel, *Colonialism: A Theoretical Overview* (Princeton, NJ: Markus Wiener Publishers, 1997), 119. See also J. M. Blaut, *The Colonizers' Model of the World* (New York: Guilford Press, 1993), 188.

3. Osterhammel, *Colonialism*, 20.

4. Richard H. Hall, *Organizations: Structures, Processes, and Outcomes*, 7th ed. (Upper Saddle River, NJ: Prentice-Hall, 1999).

5. Jeffrey Pfeffer and Gerald R. Salancik, *The External Control of Organizations: A Resource Dependence Perspective* (New York: Harper and Row, 1978; Stanford, CA: Stanford University Press, 2003; citations refer to the 2003 edition unless otherwise noted); Richard Ritti and Jonathan H. Silver, "Early Processes of Institutionalization: The Dramaturgy of Exchange in Interorganizational Relations," *Administrative Science Quarterly* 31, no. 1 (1986): 25–42.

6. Geert Hofstede and Gert Jan Hofstede, *Cultures and Organizations: Software of the Mind*, 2nd ed. (New York: McGraw-Hill, 2005).

7. Christine Oliver, "Determinants of Interorganizational Relationships: Integration and Future Directions," *Academy of Management Review* 15, no. 2 (1990): 241–65; Paul Havemann, ed., *Indigenous Peoples Rights in Australia, Canada and New Zealand* (Oxford: Oxford University Press, 1999).

8. For histories of colonialism from an indigenous point of view see: for Australia, Mudrooroo, *Us Mob: History, Culture, Struggle* (Sydney: Angus and Robertson, 1995); for Canada, Olive P. Dickason, *Canada's First Nations*, 3rd ed. (Don Mills, ON: Oxford University Press, 2002); for New Zealand, Ranguini Walker, *Ka Whawhai Tonu Matou: Struggle without End* (Auckland, NZ: Penguin, 1990); for the United States, Vine Deloria Jr. and Clifford Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983).

9. Human Rights and Equal Opportunity Commission of Australia, "A Statistical Overview of Aboriginal and Torres Strait Islander Peoples of Australia," www.humanrights.gov.au/social_justice/statistics.index.html (accessed February 12, 2008); Statistics Canada, "2001 Census Aboriginal Population Profiles Statistics Canada Cat. No. 93F0043XIE," www12.statcan.ca/English/Profil01/AP01/index.cfm?Lang=E (accessed February 13, 2008); Statistics New Zealand, "Human Capital Statistics, Part 5: Educational Attainment," www.stats.govt.nz/analytical-reports/human-capital-statistics/part-5-educational-attainment.htm (accessed February 18, 2008); US Census Bureau, "The American Community—American Indians and Alaska Natives: 2004," www.census.gov/prod/2007pubs/acs-07.pdf (accessed February 13, 2008); Statistics Canada, "Individuals by Total Income Level, by Province and Territory," www40.statcan.ca/101/cst01/famil105a.htm (accessed February 13, 2008); Statistics New Zealand, "Labour Market Statistics 2005: Part 8: Ethnic Groups," www.stats.govt.nz/NR/rdonlyres/CB9845-13DE-48EA-A7D5-A28A75668E10/0/Part8.pdf (accessed

February 18, 2008); Statistics New Zealand, "Labour Market Overview 2003," www.stats.govt.nz/products-and-services/Articles/Labour-market-Feb04.htm (accessed February 18, 2008); Suicide Prevention Action Network USA, "Suicide among American Indians/Alaska Natives," www.sprc.org/library/ai.anfacts.pdf (accessed February 13, 2008); James S. Frideres and Rene R. Gadacz, *Aboriginal Peoples in Canada*, 8th ed. (Toronto: Pearson/Prentice-Hall, 2008); Philip Spier, *Conviction and Sentencing of Offenders in New Zealand: 1991–2000* (Wellington, NZ: Ministry of Justice, 2001), www.justice.govt.nz/pubs/reports/2001/convict-sentence-2001/convict-sentence.pdf (accessed September 20, 2002); Statistics Canada, "Labour Force, Employed and Unemployed, Numbers and Rates, by Province," www40.statcan.ca/101/cst01/labor07a.htm?sd=unemployment%20rate (accessed February 13, 2008); Chris Cunneen, *Conflict, Politics, and Crime: Aboriginal Communities and the Police* (Crow's Nest, NSW: Allen and Unwin, 2001); Royal Commission on Aboriginal Peoples, *Bridging the Cultural Divide* (Ottawa, ON: Supply and Services Canada, 1996); Walker, *Ka Whawhai Tonu Matou*; Marianne O. Nielsen and Robert A. Silverman, eds., *Native Americans, Crime, and Justice* (Boulder, CO: Westview, 1996).

10. Australian Bureau of Statistics, "Prisoners in Australia 2008: ABS Cat. No. 4517, 2008," <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0> (accessed October 12, 2011); Australian Bureau of Statistics, "Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006," www.abs.gov.au/ausstats/abs@.nsf/mf/4705.0 (accessed October 7, 2011); Correctional Service of Canada, "Strategic Plan for Aboriginal Corrections," www.csc-scc.gc.ca/text/prgrm/abinit/plan06-eng.shtml#7 (accessed May 18, 2011); Statistics Canada, "2006 Census: Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations," www12.statcan.gc.ca/census-recensement/2006/as-sa/97-558/p2-eng.cfm (accessed October 7, 2011); New Zealand Department of Corrections, "Over-representation of Maori in the Criminal Justice System: An Explanatory Report," http://www.corrections.govt.nz/data/assets/pdf_file/0004/285286/Over-representation-of-Maori-in-the-criminal-justice-system.pdf (accessed March 27, 2011); Statistics New Zealand, "Quickstats about Maori," www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/quickstats-about-a-subject/maori/maori-ethnic-population-te-momo-iwi-maori.aspx (accessed October 7, 2011); Steve W. Perry, "American Indians and Crime, A BJS Statistical Profile, 1992–2004, 2004 (NJC 203097)," Bureau of Justice Statistics, <http://bjs.ojp.usdoj.gov/content/pub/pdf/aic02> (accessed October 7, 2011); US Census Bureau, "We the People: American Indians and Alaska Natives in the United States," www.census.gov/population/www/socdemo/race/indian.html (accessed October 7, 2011).

11. Cunneen, *Conflict, Politics, and Crime*; Royal Commission on Aboriginal Peoples, *Bridging the Cultural Divide*; Walker, *Ka Whawhai Tonu Matou*; Nielsen and Silverman, *Native Americans, Crime, and Justice*.

12. Hall, *Organizations*, 207–14.

13. *Ibid.*, 208.

14. *Ibid.*, 209.

15. *Ibid.*, 212–13.

16. *Ibid.*, 208.

17. We are twisting the concept of "materials technology" a bit because clients are the "materials" being processed. Gibson Burrell and Gareth Morgan, *Sociological Paradigms and Organizational Analysis* (London: Heinemann, 1979), 173.

18. Hall, *Organizations*, 208.

19. *Ibid.*, 213.

20. See Lindsay Redpath and Marianne O. Nielsen, "A Comparison of Native Culture, Non-Native Culture and New Management Ideology," *Canadian Journal of Administrative Sciences* 14, no. 3 (1997): 327–39. Redpath and Nielsen analyze one of the seven organizations in detail, explaining these characteristics.

21. HAIP added a program for female Asian domestic violence victims but still identifies itself as “bicultural” because of its two-caucus (Maori/Pakeha) governing structure.
22. See John Cardani, “The Jurisdictional Jungle: Navigating the Path,” in *Criminal Justice in Native America*, ed. Marianne O. Nielsen and Robert A. Silverman (Tucson: University of Arizona Press, 2009), 114–33; Dickason, *Canada’s First Nations*.
23. Pfeffer and Salancik, *The External Control of Organizations*, 258.
24. *Ibid.*, 259–60; quotation is on p. 60.
25. *Ibid.*, 260.
26. *Ibid.*, 271–5.
27. Lester M. Salamon, “Partners in Public Service: The Scope and Theory of Government-Nonprofit Relations,” in *The Non-Profit Sector: A Research Handbook*, ed. Walter W. Powell (New Haven, CT: Yale University Press, 1987), 113.
28. Judith R. Soidal, “Resource Interdependence: The Relationship between State Agencies and Nonprofit Organizations,” *Public Administration Review* 51, no. 6 (1991): 543–53.
29. James Douglas, “Political Theories of Nonprofit Organization,” in *The Non-Profit Sector: A Research Handbook*, ed. Walter W. Powell (New Haven, CT: Yale University Press, 1987), 52.
30. Soidal, “Resource Interdependence,” 544–45.
31. Pfeffer and Salancik, *The External Control of Organizations*, 273.
32. *Ibid.*, 274.
33. John P. Kotter, “Managing External Dependence,” *Academy of Management Review* 41, no. 1 (1979): 87–92.
34. Ritti and Silver, “Early Processes of Institutionalization,” 28.
35. Arthur L. Stinchcombe, “Social Structure and Organization,” in *Handbook of Organizations*, ed. James G. March (Chicago: Rand McNally, 1965), 142–93; Jitendra V. Singh, David J. Tucker, and Robert J. House, “Organizational Legitimacy and the Liability of Newness,” *Administrative Sciences Quarterly* 31, no. 2 (1986): 171–93.
36. It should be noted that at no point in the research was a comment made or a document found that stated “this organization should not exist because it is indigenous.”
37. Lynne G. Zucker, “The Role of Institutionalization in Cultural Persistence,” *American Sociological Review* 42, no. 5 (1977): 726–43.
38. John W. Meyer and Brian Rowan, “Institutional Organizations: Formal Structure as Myth and Ceremony,” *American Journal of Sociology* 83, no. 2 (1977): 340–63.
39. For an analysis of these services that uses the nonprofit-related framework by Robert J. Chaskin, Prudence Brown, Sudhir Venkatesh, and Avis Vidal in *Building Community Capacity* (New York: Aldine De Gruyter, 2001), see Marianne O. Nielsen, “A Comparison of the Community Roles of Indigenous-Operated Criminal Justice Organizations in Canada, the United States, and Australia,” *American Indian Culture and Research Journal* 28, no. 3 (2004): 57–75.
40. Oliver, “Determinants of Interorganizational Relationships.”
41. *Ibid.*
42. Pfeffer and Salancik, *The External Control of Organizations*, 46. Citation refers to the 1978 edition.
43. Oliver, “Determinants of Interorganizational Relationships,” 244.
44. *Ibid.*, 246.
45. *Ibid.*
46. Pfeffer and Salancik, *The External Control of Organizations*, 111.
47. *Ibid.*, 83; emphasis in the original.
48. The term *in-between* was used by respondents, with the comment that it was less clichéd than the overused term *walking in two worlds*.

