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is challenged to continue to unveil and push forward the historical narratives and Indigenous voices from Indigenous sources and archives. Tracing the intellectual production by Guaman Poma and Garcilasco invites us to consider the various ways Indigenous people rhetorically counteract coloniality, but also how the Indigenous archive can serve as a method for resisting colonial perceptions. It is the Indigenous intellectuals—such as the contemporary Gerald Vizenor and Vine Deloria Jr.—who will shape future Indigenous histories of our own times, just as Guaman Poma and Garcilasco shaped their present and aspirations of a postindian imaginary.

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Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women. By Elspeth Kaiser-Derrick. Winnipeg: University of Manitoba Press, 2019. 408 pages. $70.00 cloth and electronic; $34.95 paper.

Elspeth Kaiser-Derrick's *Implicating the System* reviews 175 cases involving the sentencing of 177 Indigenous women in Canadian courts from 1999 to 2015 (3). This meticulous study was undertaken to assess whether and how judges consider histories of victimization and the impact of colonialism as systemic factors informing sentencing determinations. Specifically, Kaiser-Derrick examines the extent to which section 718.2 (e) of the Criminal Code is upheld on sentencing. Enacted through a 1996 legislative amendment, section 718.2 outlines that relevant aggravating or mitigating factors should be considered in sentencing criminalized persons, and 718.2 (e) directs judges to pay particular attention to the unique circumstances of Indigenous offenders while weighing all reasonable sanctions other than imprisonment. This legislative amendment is considered in conjunction with judicial directives issued through the 1999 Supreme Court decision in *R. v. Gladue*, which clarified that the intention of s.718.2 (e) is to reduce overreliance on incarceration for Indigenous peoples, expand the usage of restorative justice principles, and promote sentencing that is more appropriate and meaningful to Indigenous persons (22). In 2012, *R. v. Ipeelee* reiterated that courts must consider how a history of colonialism, displacement, and residential schools often translates into lower educational attainment, lower incomes, higher unemployment and rates of substance abuse, and higher incarceration rates for Indigenous peoples (25).

Kaiser-Derrick finds that many judges maintain a rigid and dichotomous understanding of what constitutes a victim and offender, despite s.718.2 (e) and the directives of *Gladue* and *Ipellee*, and sometimes overlook or lack access to "Gladue reports," which consider Indigenous circumstances and offer alternatives to incarceration. Judges also pathologize Indigenous women, their families, and communities, who may "individually and collectively internalize the violence of colonialism" or see themselves "only as victim" (93, 279). Even when a more "sensitive" exploration of victimization and Gladue factors takes place, this sometimes results in the view that Indigenous women are in need of therapeutic intervention (287), with some judges viewing

treatment as the reason for incarceration (279). The author finds that Indigenous women may face longer sentences in order to promote "healing" (261), which increases the possibility that conditional sentences are breached and results in a "revolving door to prison" (270). This situation has been made worse since the 2007 and 2012 conditional sentence amendments, enacted through Bills C-9 and C-10 respectively, which encroach on judicial discretion by precluding judges from considering alternative to imprisonment, in line with s.718.2 (e), for some offences (33). Of the forty-four conditional sentences given to Indigenous women in her study, the author estimates that thirty-six are no longer available due to these amendments, which threatens to worsen the overrepresentation of Indigenous women in prison (305). Indeed, the rate of incarceration of Indigenous women continues to be disproportionate, even compared to that of Indigenous men (30). Despite this, some judges depart from "rigid approaches" by imposing "creative sentences" that seek to deter criminality and "rehabilitate offenders" (294, 295).

Kaiser-Derrick takes an intersectional feminist approach and engages the work of Kim Pate, Gillian Balfour, Patricia Monture and others to flush out a meaningful gendered analysis of how colonialism informs the victimization and criminalization of Indigenous women. The author is careful to avoid denying agency to Indigenous women and calls for Indigenous voices to be heard by agents of the criminal justice system and those working to dismantle/reconstruct it. Despite the obvious problem in having "an agent of the colonizer prepare a report on the effects of colonialism," the narratives written for sentencing purposes at the center of this book allow the reader to see clearly how the violence of colonialism shapes and constrains the lives of Indigenous women (130). However, the heavy emphasis on individual experiences of victimization at times risks overshadowing the broader causes of this violence and the continuing strengths of Indigenous women, their peoples, and forms of life. It could have added to this study to discuss how Indigenous peoples are also too-often criminalized for defending these forms of life and the lands on which they depend. These narratives also clearly identify Indigenous women (and sometimes their children) by name, community, and personal histories of abuse, which left this reader wondering how those identified feel about being re-exposed in this way.

The author concludes that prison is incompatible with any kind of healing or rehabilitative process, often aggravating past trauma and mostly resulting in women being thrust back into conditions of marginalization post sentencing (283). Though concepts of healing and rehabilitation are not directly problematized, the active role of the criminal justice system as a colonizing force is acknowledged throughout, as is the limited power of judges to remediate injustices against Indigenous peoples (289). In asking how the system might be pushed to see itself more clearly and minimize harm while diverting more Indigenous peoples out of the system (307), the author hopes that as increased consciousness of systemic complicity accumulates in jurisprudence, judges will be able to better respond to the circumstances that maintain the subjugation of Indigenous peoples (298).

Kaiser-Derrick may well be more hopeful than this reader. Regardless, this study would have benefited from a more direct engagement with what is a central tension

in this work—whether reform of the criminal justice system is possible, worthwhile, or consistent with the goals of decolonization (80–81). It is not fully clear what the author means in her use of this term (257, 259) or how suggested reforms push decolonization beyond a metaphor to include issues of land and Indigenous sovereignty, or the structural changes necessary to abolish institutions that maintain oppressive social relations. This analysis could have been foregrounded through a deeper engagement with the work of scholars cited within who engage more directly with these issues. Consequently, many of the suggestions offered, of better-resourced communities, drug or alcohol treatment services, and culturally and gender-appropriate programming, fall somewhat short (309–310). Her principled call for Canada and its institutions to be held accountable to various international human rights conventions also results in a proposal that the safety of Indigenous women be ensured at sentencing, including through the crafting of innovative sanctions (296). Without wanting to be dismissive, the book's focus remains on improving the experiences of Indigenous women and their communities within a colonial system, or on dealing with its effects, rather than solutions aimed at their cause—the historical and material relations of settler colonialism, which the criminal justice system and the state are centrally implicated in reinforcing.

Overall, this is an important work of primary use to those engaged in the field of law and criminal justice, and those seeking to understand the intricacies of how Indigenous women are victimized and criminalized within these systems. It is a dense study, which is a strength, but also what makes it somewhat inaccessible to a non-specialized audience. Though highly critical, it may have missed an opportunity to put forward a more urgent call for the deincarceration of all Indigenous peoples, by highlighting the transformative change necessary to support Indigenous struggles against genocide.

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Many Nations under Many Gods: Public Land Management and American Indian Sacred Sites. By Todd Allin Morman. Norman: University of Oklahoma Press, 2018. $39.95 cloth.

Todd A. Morman's *Many Nations under Many Gods* provides a valuable comparative anthology that illuminates key issues in Native American tribes' battles for self-determination and that protection of sacred sites is an integral part of that fight. Morman, who has a JD and a PhD in history and has worked as a staff attorney for Anishinabe Legal Services and the Nevada Legal Services Indian Law Project, uses case studies from recent decades to critically review the actions of federal courts, federal legislation, and federal agencies regarding protection of Native American sacred sites.

The author is frank and forthcoming with his perspectives. Regarding the history of federal government actions, for example, he states that the United States has been "a racial dictatorship for centuries" (205). His language throughout shows he