

WARRIOR WOMEN:
INDIGENOUS WOMEN'S ANTI-VIOLENCE ENGAGEMENT
WITH THE CANADIAN STATE

by

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A thesis submitted in conformity with the requirements
for the degree of Doctor of Philosophy
Department of Social Justice Education
University of Toronto

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2014

Abstract

This study examines indigenous women's involvement in state-sponsored anti-violence responses since the 1980s. It focuses on three fields of political engagement: (1) the Canadian state politics of family violence; (2) the Native Women's Association of Canada's (NWAC) "Sisters in Spirit" (SIS) initiative and the politics of missing and murdered Aboriginal women and girls; and (3) the politics of prostitution and the Missing Women Commission of Inquiry. Overall, I argue that despite navigating a complex and colonizing political terrain largely out of their control, indigenous women have been "warrior women," advancing strong anti-colonial anti-violence responses that support the end goal of ending violence against indigenous women and girls in Canada. I also explore how indigenous women have sometimes employed political discourses and strategies that while appearing to offer a valid pathway of resistance, replicate dominant discourses and strategies and, thus, serve to undermine these efforts by securing the colonial Canadian state's authority over indigenous peoples and territories and, therefore, the persistence of violence against indigenous women and girls in Canada. To reinforce both of these claims, this study

addresses reception: that is, I argue that the Canadian state's responses to violence against indigenous women and girls have been driven by self-interest and state political agendas which, because of the adversarial nature of colonial domination, rarely coincide with the interests or needs of indigenous women and their communities. Furthermore, I show that the state's response to indigenous women's anti-violence resistance can be favorable when it can be reconciled with its self-interest and political agendas, but quickly moves to appropriation and suppression if these anti-violence politics threaten Canadian state dominance.

Acknowledgements

This thesis is the outcome of a remarkable personal journey, but one that would not have been possible without the tireless and unwavering support of many. To each of them I wish to offer my most heartfelt gratitude and respect.

It has truly been an honour to be mentored by my supervisor, Dr. Sherene Razack. She gave selflessly of her expertise and experience; and like a patient midwife, she nurtured me and this thesis through a long and sometimes difficult and painful birth. Thank you Sherene for always believing in me, and always believing in this thesis. Dr. Jean-Paul Restoule went above and beyond as a member of my doctoral committee, and his support literally changed the course of my life. Thank you Jean-Paul for being the first to hear my truth and showing me it was ok to speak it. Chi-Miigwetch! Thank you to Dr. Martin Cannon for serving as my third committee and providing feedback on the development of this thesis. It was an honour to have Dr. Joyce Green serve as an external examiner, and Dr. Abigail Bakan serve as internal-external examiner for this thesis and its defense. Thank you for your careful reviews of my thesis, your insightful suggestions for future development of this work, and your support and encouragement.

None of this would've been possible without the generous support of my family. Thank you to my children, Raylena and Marvel, for sharing me with this thesis. I love you both with all my heart. Thank you to my partner, Aaron M. Henry, for bringing laughter permanently into my life. The joy you bring me nurtured my soul through the darkest days of writing this thesis. Thank you to the Henry clan – Mike, Janace, Ciss, Matt, Sloan, Bobby, Alicia, and Reggy – for adopting me as family and providing me with a home away from home. A special thank you to Janace and Alicia for providing essential childcare and house cleaning services while I worked on this thesis. Thank you to my thesis buddy Adrienne Lickers for loving me and supporting me unconditionally. Thank you to Momma Kitty Lickers for taking me under your wing and loving me like one of your own. Thank you to my dad, Lawrence Bourgeois, for always believing I was something special and pushing me to be the best Einy I could be. Thank you to my brother, Brad Bourgeois, for always being so proud of me! I hope you know how proud I am of the man you are becoming. Much love to Avalon Bayliss for being an ardent supporter! Thank you to my nieces – Emily, Brooklyn, Madi, Elexciss, and Myiah – for all their love and support. Finally, I want to offer the deepest gratitude to my mom, Jane Bourgeois, for being my biggest cheerleader and as invested in this thesis as I was. I couldn't have done this without you Mom, and it is to you that I dedicate this thesis. Thank you for sharing this experience with me.

Thank you to Sumaya Ahmed, Josephine Chan, Laura Holland, Kate Rexe O'Connor, and Thomas Saczkowski for reading and providing feedback on draft chapters of this thesis. Much gratitude to Christine Andrews for providing transcription services, and thanks to the Women Gender Studies Institute (WGSi) of the University of Toronto for the research assistantship funding that made this possible. Thank you to Wayne Ashton, Shalla Baran, Sherri Battagin, Black Coffee Poet, Angelo Cerase, Christina Coolidge, June Garcia, Tim Gauthier, Katharine Irgaut, Fred Kimber, Dr. Rauna Kuokkanen, Brynne McCleod,

Michaela McMahon, Alisha Mills, Dr. Lena Palacios, Naomi Peters, Tanya Todd (a.k.a.: Mackerel Wife), Celina Westoby, Jaime Wood, and Allison Zumbo for your friendship and support! Thank you to Dr. Nancy Netting for being an important mentor and supporter throughout my academic career. Many thanks to my colleagues at OISE/UT, especially Dr. Lynn Caldwell, Carol Lynne D’Arcangelis, Tammy George, Dr. Carrienne Leung, Dr. Sheryl Nestel, and Shaista Patel. Thank you to my students for bringing so much joy into my life!

This thesis benefitted from the generous financial support of several institutions. Thank you to the *Social Science and Humanities Research Council of Canada* for providing a three-year Canadian graduate scholarship. Thank you to the Ontario Institute for Studies in Education and the University of Toronto for funding through the Academic Excellence Award. Thank you to the School of Graduate Studies of the University of Toronto for providing a travel grant that made my fieldwork in Vancouver possible.

Finally, I want to express my deepest gratitude to those “warrior women” who participated in this study: Fay Blaney, Jessica Yee Danforth, Marlene George, Laura Holland, Carrie Humchitt, Beverly Jacobs, Kate Rexe O’Connor, Gladys Radek, Skundaal (Bernie Williams), Waabnong Kwe (Amber O’Hara), and those who participated anonymously. It has been the highest honour to learn from such warriors.

This thesis is an honour song to all indigenous women and girls. It is an honour song for the missing and murdered, and those who have and continue to be brutalized by all forms of violence. It is an honour song for all survivors of violence, including families, friends, and communities. It is an honour song for the indigenous “warrior women” who fight at the frontlines of the battle against violence against indigenous women and girls.

It is also a prayer for our daughters and grand daughters: may we keep up the fight so that they might know a future without violence.

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Chapter One

Warrior Women

An introduction

“We must and will have women leaders among us. Native women are going to raise the roof and decry the dirty house which patriarchy and racism have built on our backs.”

– Lee Maracle (1996, p. 22)

“We want a collective definition of freedom. We want you to know that your freedom is tied to ours and ours to yours. As indigenous women, we want to live in a world where women can walk down the street, day or night, without the fear of rape. A world where women can be safe in their homes. A world where women have safe and adequate homes to house themselves and their children. A world where women have no fear that their children will be stolen from them. We want a world where women and girls have all the food and clothing they need. A world where men take responsibility for their children and treat women with the respect we deserve. We want a world where Aboriginal women are listened to and recognized and respected. A world where Aboriginal women have the opportunity and means to grow old. A world where we can learn and speak our languages. A world where our territories and homelands are recognized and respected as such. Our freedom and safety as women and as Native women indigenous to this land is possible and we won’t be told otherwise”

- The Aboriginal Women’s Action Network (AWAN), Statement on Prostitution (2011)

A women’s warrior song: Indigenous women’s contemporary anti-violence resistance

In his influential text, *Wasàse – indigenous pathways of actions and freedom*, indigenous governance scholar Taiaiake Alfred (Kahnawá:ke) calls on onkwehonwe (“original people” or indigenous people) to follow a “warrior’s path” in pursuing decolonization and the regeneration of indigenous self determination¹. These “new warriors,”

he claims, “make their own way in the world: they move forward heeding the teachings of the ancestors and carrying a creed that has been taken from the past and remade into a powerful way of being in their new world” (T. Alfred, 2005, p. 29). They are, in the first instance, committed to “self-transformation and self-defence against the insidious forms of control that the [Canadian] state and capitalism use to shape lives according to their needs,” (T. Alfred, 2005, p. 29). Truth, according to Alfred, is central to this process: “when lies rule,” he contends, “warriors reveal new truths for people to believe” (2005, p. 29) and “a warrior confronts colonialism with the truth in order to regenerate authenticity and recreate a life worth living and principles worth dying for” (p. 45). Importantly, while warriors are often associated with violence, Alfred’s new warriors are focused on peace – as he explains elsewhere, the Kanienkeha word for warrior, “rotiskenhkrakete,” literally means “carrying the burden of peace” (T. Alfred & Lowe, 2005, p. 6). Peace, as he contends in *Wasàse*,

is hopeful, visionary, and forward looking: it is not just a lack of violent conflict or rioting in the streets...Reconceptualized for our struggle, peace is being Onkwehonwe, breaking with the disfiguring and meaningless norms of our present reality and recreating ourselves in a holistic sense. This conception of peace requires a rejection of the state’s multifaceted oppression of our peoples simultaneously with and through the reassertion of Onkwehonwe identities (T. Alfred, 2005, p. 28).

“For all time and in all nations,” Alfred concludes, “being a warrior is living a life formed in the struggle for freedom and dignity” (2005, p. 282).

Over the last forty years, indigenous women have exemplified Alfred’s concept of the “new warrior” in their political efforts to end violence against indigenous women and girls in Canada. In Vancouver, British Columbia, indigenous women and their allies have marked Valentine’s Day for over twenty years (1991 to the present) by taking to the streets of the city’s Downtown Eastside (DTES) to demand justice for the extreme violence perpetrated against the marginalized residents of that community, many of whom are indigenous women

and girls. This annual event grew in force around the Missing Women cases (the disappearances and deaths of at least sixty-eight women from the DTES between the late 1970s and 2002) and is now marked by solidarity events organized by indigenous women in cities across Canada. In northern British Columbia, the disappearances and deaths of a number of young women and girls (the majority of whom were of indigenous ancestry) along Yellowhead Highway 16 –now commonly referred as the “Highway of Tears” – has been met with powerful resistance from indigenous women and their communities. Under the leadership of lawyer Mavis Erickson (Carrier), a major symposium was organized in 2006 to connect communities with Canadian state representatives (police, provincial government ministers) and develop an action plan for responding to the violence occurring along the highway. Between 2008 and 2011, the group “Walk4Justice,” co-founded by Gladys Radek (Gitksan/Wet’suwet’en) and Skundaal/Bernie Williams (Haida Gwaii), undertook a number of provincial (British Columbia) and national walks to raise awareness and demand a national inquiry around the Highway of Tears and other cases of missing and murdered Indigenous women and girls from across Canada. In Toronto, Waabnong Kwe/Amber O’Hara (Anishinaabe) maintained an online database (www.missingnativewomen.org) of missing and murdered indigenous women and girls from the late 1990s until her death in 2011. She also held annual memorial feasts for the family and friends of missing and murdered indigenous women and girls, and founded the traditional Indigenous hand drumming and singing group, the Manitou Kwe Singers, to raise awareness about this violence. And this is but a small sample of the many anti-violence efforts undertaken by indigenous women in Canada since the 1980s.

This movement of “warrior women” developed in response to the extreme rates of physical and other forms of violence perpetrated against indigenous women and girls in contemporary (1980s-present) Canadian society. A 1989 study undertaken by the Ontario Native Women’s Association (ONWA) exposed that indigenous women experience family violence at a rate (eight out of ten women) much higher than non-indigenous women (one out of ten women) (Ontario Native Women's Association, 1989). A 1996 study conducted by Indian and Northern Affairs Canada (INAC) revealed that young indigenous women with status under the *Indian Act* were five times more likely than other women their age to die as a result of violence (cited in Downe, 2006, p. 8). Other studies focusing on young indigenous women and girls have found that seventy-five per cent of indigenous victims of sex crimes are girls under age eighteen (Hylton, 2001, cited in Downe, 2006, p. 8) and that seventy-five percent of indigenous girls under the age of eighteen have been sexually abused (Lane, Bopp and Bopp, 2003, cited in Downe, 2006, p. 8). Indeed, it has been suggested that rates of sexual assault reported to police are seven times higher on reserves than the rest of Canada (Brzozowski, Taylor-Burns & Johnson, cited in Johnson & Dawson, 2011, p. 98). Through their Sisters in Spirit research (2005-2010), the Native Women’s Association of Canada (NWAC) – a national organization representing status Indian, non-status indigenous, Métis, and Inuit women – has documented more than 580 cases of missing and murdered indigenous women and girls in Canada since the 1970s. Between 2000 and 2008, alone, NWAC documented 153 murders of indigenous women and girls, resulting in their overrepresentation among female murder victims in Canada: while accounting for less than three percent of the female population in Canada, indigenous women and girls accounted for ten percent of female murder victims during these years (Native Women's Association of

Canada, 2010j, p. ii). Furthermore, the organization found that a large number (115) of cases of missing Indigenous women and girls remain officially unsolved by police (Native Women's Association of Canada, 2010j, p. ii).

Recently, the Royal Canadian Mounted Police (RCMP) confirmed NWAC's findings through its national operational overview on missing and murdered Aboriginal women. The final report revealed that although indigenous females make up about four per cent of the Canadian population (Royal Canadian Mounted Police, 2014, p. 7), they comprise 11.3 per cent of cases of missing females (up to November 2013) in Canada (p. 8), and sixteen percent of female homicide cases between 1980 and 2012 (p. 9). Notably, these rates are disproportionate compared to non-indigenous females: this same RCMP study revealed that, on average, indigenous females were more than five and a half times more likely than non-indigenous females to be victims of homicide between 1996 and 2011² (Royal Canadian Mounted Police, 2014, p. 10). Significantly, the RCMP noted that the "over-representation of Aboriginal female victims appears to hold for most provinces and territories" in Canada, and that this "finding of overrepresentation is consistent with other research conducted in Canada on homicides of Aboriginal peoples" (Royal Canadian Mounted Police, 2014, p. 9).

Importantly, these women warriors, as the introductory quote from the Aboriginal Women's Action Network (AWAN) demonstrates, saw this issue as encompassing more than just the harm of physical violence. They explicitly identified colonialism and its attendant systems of oppression (especially white supremacy and patriarchy) as significant contributing factors to violence against indigenous females – and not just in terms of enabling physical violence, but also, as the introductory quote from AWAN suggests, the structural violence of the colonial Canadian state that has included such things as theft of indigenous children and

the severe economic marginalization of indigenous communities. In this political anti-violence resistance, these warrior women have drawn on their indigenous values and cultural teachings as a means to demanding, as the AWAN quote states, “a world where Aboriginal women are listened to and recognized and respected”. They have also wielded indigenous cultural practices in this resistance: for example, indigenous hand drumming and singing, ceremonies, and opening prayers led by an indigenous Elder³ have become commonplace at political events addressing violence against indigenous women and girls. Notably, one of the songs that has become a “battle cry” for the movement is the “Women’s Warrior Song” – a song gifted to the annual Valentine’s Day Memorial in the DTES by an indigenous woman, who prayed and was, herself, gifted with this song during an indigenous ceremony (M. George, *interview*, 9 November 2009). Thus, these anti-violence efforts, I contend, have been the efforts of “warrior women” and they constitute a collective “women’s warrior song” of political resistance to violence against indigenous women and girls in Canada.

Indigenous women and the Canadian state: Framing the current study

While the anti-violence efforts of these “warrior women” occurred in multiple forms and at multiple sites, this study is focused on specific moments when indigenous women have politically engaged the Canadian state (federal and provincial/territorial governments and their mechanisms, agencies, and institutions) on issues relating to violence against indigenous women and girls in Canada since 1980. Or, more accurately, those political moments when, after tremendous political pressure from indigenous women and their allies, the Canadian state agreed to “come to the political table,” so to speak, with indigenous women to address violence. It is organized around two sets of research questions. The first is

focused on indigenous women: How have indigenous women engaged the Canadian state on issues of violence against indigenous women and girls since the 1980s? What discourses and strategies did they employ, and what were/are their implications, intended or not, for indigenous women and their communities, and the end goal of ending violence against indigenous women and girls? The second focuses on the Canadian state: How has the Canadian state engaged indigenous women on issues of violence, and on what terms? Furthermore, how has the Canadian state responded to indigenous women's anti-violence politics, and what have been the implications for indigenous women, their communities and the end goal of ending violence against indigenous women and girls?

The original impetus for this project came from my own involvement in this anti-violence resistance. For more than a decade now, I have been actively involved with many of the political efforts described in this study: for example, during my time in Vancouver in the early 2000s, I was involved in political organizing around the Missing Women cases. In 2005 and 2006, I was involved with Toronto-based anti-violence group No More Silence and helped organize and spoke at their first annual Valentine's Day memorial demanding justice for missing and murdered Aboriginal women and girls. Between 2006 and 2010, I worked closely with Amber O'Hara/Waabnong Kwe in her efforts to address the issue of missing and murdered Aboriginal women and girls, including having been a member of her activist indigenous hand drumming and singing group, the Manitou Kwe Singers. Throughout my involvement in this resistance, I have often struggled to make sense of why we, as indigenous women, find ourselves in the political position of having to *beg* and *convince* the Canadian state that our lives are worth protecting from violence. I have also felt intense frustration with the seemingly glacial pace of achieving social change and, particularly, the Canadian state's

general unresponsiveness to our political demands to end this violence. Consequently, I wanted to better understand what was happening when indigenous women “sat at the political table” with the Canadian state to discuss violence against indigenous women and girls. At the same time, I was also interested in better understanding the different ways that we, as indigenous women, speak about issues of violence. In other words, what stories (narratives, accounts, explanations and, recommendations) were indigenous women telling the Canadian state during these moments of political engagement, and what were there implications (intended or not) for indigenous women, their communities, and the goal of ending violence against indigenous women and girls in Canada?

Although the original impetus was personal, there were other important reasons for pursuing this line of research. First, state engagement is a contested issue amongst indigenous people, with some expressing significant concerns about the ability of the existing settler colonial Canadian state to resolve indigenous issues, including violence. For example, in her analysis of indigenous women’s political organizing against oppression, Mohawk legal scholar Patricia Monture argues that “Canadian laws are not an Aboriginal answer” because “our survival as a peoples has always depended on our own creativity and not on a political power-sharing with the federal government” (Monture-Angus, 1995, p. 185). To be “included” in the existing state structures, she contends, is “not seen as a full or final solution” by indigenous peoples: “wanting in would only amount to supporting the indigenization of existing systems,” thus, “we do not want into the existing system in greater numbers, we want *out!*” (Monture-Angus, 1995, p. 226; emphasis in original). Alfred has expressed similar concerns about engaging the state:

The political and social institutions that govern us have been shaped and organized to serve white power and they conform to the interests of the states founded on that objective. These state and Settler-serving institutions are useless to the cause of our survival, and if we are to free ourselves from the grip of colonialism, we must reconfigure our politics and replace all of the strategies, institutions, and leaders in place today (2005, p. 20)

Indeed, he contends, “fundamentally different relationships between Onkwehonwe and settlers will emerge not from negotiations in state-sponsored and government-regulated processes, but only after successful Onkwehonwe resurgences against white society’s entrenched privileges and the unreformed structure of the colonial state” (T. Alfred, 2005, p. 21). Finally, in terms of violence, Andrea Smith (Cherokee) (2005a, 2007) has been extremely critical of relying on the state to address violence against indigenous women and girls. Writing within the context of United States, she argues that given the dominant systems of oppression (racism and patriarchy) and histories of colonial violence that shape contemporary white settler states (such as Canada), “it is problematic for women of color to go to the state for the solution to the problems that the state has had a large part in creating” (A. Smith, 2005a, p. 156). These critiques express important concerns about the limits of state engagement as a pathway of political resistance for indigenous peoples and, thus, suggest the need to critically interrogate indigenous women’s anti-violence encounters with the Canadian state.

This first reason gains significance, however, when one considers the second reason: state engagement remains a focus for indigenous women’s anti-violence efforts in Canada. As I write this introduction (2014), there is a formidable political movement lead by

indigenous women demanding that the federal government of Canada hold a national inquiry into missing and murdered Aboriginal women and girls. In their statement of support for this, NWAC argues that “a National Public Inquiry is a crucial step in implementing a comprehensive and coordinated National Action Plan to address the scale and severity of violence faced by Aboriginal women and girls” (Native Women's Association of Canada, 2013b, p. 1). Further, “it is hoped that this would provide an independent, unbiased and public review that addresses the crisis of confidence felt in the Aboriginal communities in relation to government responses to violence against Aboriginal women and girls” (Native Women's Association of Canada, 2013b, p. 1). It is also a process, the organization contends, “that will encourage and ‘give voice’ to all interested families” of missing and murdered Aboriginal women and girls who “for far too long...have been silenced” (Native Women's Association of Canada, 2013b, p. 2). While I in no way want to dismiss or diminish the needs of families of missing and murdered women, I do believe that the previous critiques of state engagement as a pathway of political resistance for indigenous people requires us to carefully interrogate the role of the contemporary Canadian state in ending violence against indigenous women and girls.

Finally, scholarly analyses of indigenous women’s political anti-violence resistance in Canada since the 1980s are few (Culhane, 2003, 2009; D’Arcangelis & Huntley, 2012; Harper, 2006, 2009; Monture-Angus, 1995), with specific consideration of state engagement even rarer (Harper, 2006, 2009; Monture-Angus, 1995). Consequently, this study represents a much-needed contribution to both of these small, but growing bodies of scholarly literature.

Statement of theses and outline of chapters

This study pursues examination of these research questions through three fields of political engagement: (1) the state politics of family violence; (2) the Native Women's Association of Canada's (NWAC) "Sisters in Spirit" initiative and the politics of missing and murdered Aboriginal women and girls; and (3) the Missing Women Commission of Inquiry (MWCI) and the politics of prostitution. I argue that despite navigating a complex and colonial political terrain largely out of their control, indigenous women have been "warrior women," advancing strong anti-colonial anti-violence responses that support the goal of ending violence against indigenous women and girls in Canada. This being said, these analyses also show that because of the complexities and colonizing effects involved in the Canadian state political terrain, indigenous women have sometimes employed political discourses and strategies that while appearing to offer a valid pathway of resistance, *actually* serve to undermine these efforts by securing the colonial Canadian state's authority over indigenous peoples and territories and, therefore, the persistence of violence against indigenous women and girls in Canada. To reinforce both of these claims, this study addresses reception: that is, I argue that the Canadian state's response to indigenous women's anti-violence resistance have been driven by self-interest and state political agendas which, because of the adversarial nature of settler colonial domination, rarely coincides with the interests or needs of indigenous women and their communities. Furthermore, I show how the state's response to indigenous women's anti-violence resistance is favorable when it can be reconciled with its self-interest and political agendas, but quickly moves to appropriation and suppression if these anti-violence politics threaten Canadian state dominance.

In chapter two, I outline the theoretical framework and methodology employed in this study. Grounded in Foucault's theoretical work on governmentality, this framework begins by establishing the contemporary Canadian state as an expression of settler colonial power requiring the ongoing domination of indigenous peoples and lands. Consequently, this also establishes the Canadian state as deeply implicated in the violence experienced by indigenous women and girls in contemporary Canadian society, and thus simultaneously encompassing perpetrator and protector in state-sponsored anti-violence responses. As a result, the existing scholarly literature suggests that state sponsored anti-violence responses are highly constrained and colonizing encounters/experiences for indigenous women. Finally, I draw on the existing scholarly literature – primarily that authored by indigenous women – to theorize what an ideal violence response might look like. A discussion of the research methodology and analytic approaches employed in this study concludes this chapter.

Chapter three examines indigenous women's involvement in the Canadian state's politics of family violence during its formational decades of the 1980s and 1990s. I examine four major state-sponsored family violence reports authored by indigenous women in order to trace common discursive strategies across the field of family violence and explore the reports' potential operations as governmentalities. I argue that despite navigating a political terrain largely determined by the state, indigenous women deployed brilliant political maneuvers that secured some remarkable political victories for indigenous women, including inscribing a codified account of the role of settler colonial domination and the Canadian state in the high rates of violence in indigenous families on the official state record, and introducing a new feminist paradigm within the field of family violence that simultaneously demanded an end to colonialism and patriarchal domination. However, I also show how the

pressures and complexities of this dominant political terrain resulted in indigenous women using dominant political discourses and strategies – in this case, discourses of trauma and healing, culture, and neoliberalism – that elide the operation of dominant systems of oppression and, thus, secure their replication.

In chapter four, I examine the efforts of the Native Women’s Association of Canada (NWAC) to address the issue of missing and murdered Aboriginal women and girls in Canada. I argue that in 2005, funding NWAC’s “Sisters in Spirit” (SIS) initiative became the best political option for the federal government of Canada beleaguered by political pressure to address the contemporary phenomenon of missing and murdered Aboriginal women and girls. However, through this funding agreement, I contend, NWAC was able to develop and advance a particularly strong anti-colonial anti-violence response (with some minor issues) – so strong, in fact, that at the end of its funding agreement in 2010, the Canadian state moved to appropriate and suppress NWAC’s SIS initiative.

Chapter five examines indigenous women’s involvement in the politics of prostitution, primarily through reference to the cases of Vancouver’s “Missing Women” and the Missing Women Commission of Inquiry (MWCII). I argue that the most prominent and heavily circulated accounts of prostitution advanced by indigenous women have replicated the predominant feminist political divide between prostitution as profession – represented by the pro-sex work politics of Jessica Yee Danforth, the founder and executive director of the Native Youth Sexual Health Network (NYSHN) – and prostitution as violence – represented here by the Aboriginal Women’s Action Network (AWAN) and NWAC – albeit, with the addition of addressing colonialism. Through an analysis of the politics, I show how Danforth’s politics of profession relies on dominant political discourses and strategies –

predominantly neoliberalism – that reinforce dominant systems of oppression and, thus, undermine the theorized goals for an anti-colonial anti-violence response. Comparatively, the prostitution as oppression politics of AWAN and NWAC, this analysis demonstrates, strongly reflect the goals for an anti-colonial anti-violence response and, therefore, serve the end goal of ending violence against indigenous women and girls. This chapter then examines the most prominent example of a state-sponsored anti-violence addressing prostitution and violence against indigenous women and girls in Canada: the Missing Women Commission of Inquiry. I argue that despite repeated efforts on the part of the Canadian state to formally exclude indigenous women and their perspectives from this Inquiry, these “women warrior” fought back every time, demanding to be heard. However, a review of the final report for the MWCI suggests that although the Commission heard and attempted to incorporate the perspectives of indigenous women by naming settler colonial domination and other systems of oppression (including prostitution) as producing the multiple forms of violence (i.e.: the murders, societal indifference, and state unresponsiveness) involved in the Missing Women cases, its recommendations ultimately retreat to improvement – or consideration of how to improve state responses to marginalized and vulnerable populations – instead of dismantling the dominant systems of oppression, including prostitution, that made this violence possible in the first place.

In the final chapter, I offer a summary of this study’s findings and undertake a brief consideration indigenous women’s future engagement in state-sponsored anti-violence responses based on these findings.

My intent in conducting this research has never been about blaming indigenous women for political “missteps” but, instead, to demonstrate the complexities and challenges

involved in state engagement so that, as indigenous women, we can more effectively pursue the goal of ending violence against indigenous women and girls. Furthermore, these analyses are intended to raise important questions and considerations in regards to engaging the Canadian state on violence against indigenous women and girls, once again with the goal of improving the effectiveness and efficiency of our anti-violence efforts. I approach these analyses as someone deeply implicated in their course, and as someone trying to understand where we may have gone wrong in order to strengthen and reinforce our political efforts in pursuing our common goal of ending violence against indigenous women and girls.

Notes on terminology and usage

There is a particular politics of language surrounding indigenous peoples that guides terminology and usage in this study. Throughout, I privilege the terminology “indigenous” – intentionally not capitalized to reflect its operation as an adjective describing the original inhabitants of the lands now known as North America. In other words, I reject capitalization and, thus, its use as a proper noun because we, as indigenous peoples, have our own proper names we call ourselves: Nehiyawak (Cree), Anishinaabe (Ojibway), Syilx (Okanagan), and so on. I also use indigenous because it is likely the least controversial term amongst indigenous communities in Canada. “Indian,” for example, is largely considered colonial fiction – an identity imposed on indigenous peoples by the colonial Canadian state and its *Indian Act* – and is, therefore, used strategically throughout this study as a means of drawing attention to the operation(s) and implications of the *Indian Act*. “Aboriginal” is considered similarly problematic: as Taiaiake Alfred argues, it “is a legal and social construction of the state, and it is disciplined by racialized violence and economic oppression to serve an agenda

of silent surrender” (2005, p. 23). Thus, I use Aboriginal only to preserve the integrity of original quoted material or where it is integral to the analysis (as in the case of NWAC’s SIS initiative and its focus on missing and murdered Aboriginal women and girls).

Importantly, such collective terms have been indicted, and rightfully so, for homogenizing distinct indigenous nations into a monolithic category that subsumes important distinctions amongst indigenous peoples, societies, and cultures (T. Alfred, 2005; L. T. Smith, 1999) . Consequently, whenever possible, I make reference to specific indigenous nations or communities (i.e.: nehiyawak/ Cree (nation) or Lubicon (a Cree community)). I have also made an effort to document, whenever possible, the specific community/national affiliation of indigenous scholars, writers, and activists discussed in this study, and this information is provided in brackets immediately following their name (i.e.: Robyn Bourgeois (Lubicon)). This practice is intended to honor the high value that many indigenous communities place on locating individuals within the context of their communities (Brooks, 2008) . I have also privileged the use of indigenous names for people (i.e.: Waabnong Kwe, followed by her English name Amber O’Hara) and communities (i.e.: Syilx instead of the Okanagan Nation) as much as possible.

1 I borrow this language, “the regeneration of indigenous sovereignty and self-determination” from Bonita Lawrence and Enakshi Dua (2005)

2 This average was calculated using the RCMP’s data on female homicide victimization rates (Figure 5), which calculated the rate of homicide per 100,000 for both indigenous and non-indigenous females for four years: 1996, 2001, 2006, 2011. In 1996, that rate for indigenous females was 7.6 compared to 1.14 for non-

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- indigenous females; in 2001, 4.6 for indigenous females compared with 0.94 for non-indigenous females; in 2006, 5.33 indigenous females compared with 0.81 for non-indigenous females; and finally, in 2011, 4.45 for indigenous females compared with 0.90 for non-indigenous females. The mathematical average of these rates for each group, then, totaled 5.50 for indigenous females compared with 0.95, making indigenous females (on average) 5.8 times more likely to be a victim of homicide than non-indigenous women.
- 3 In indigenous societies, an Elder is a respected community member who provides guidance and leadership. For an in-depth discussion of this concept/role, see Stiegelbauer (1996) and Anderson (2011), chapter six.

Chapter Two

Indigenous women and state-sponsored anti-violence responses

Theoretical foundations, methodological approaches

In this chapter, I outline the theoretical framework and methodology that guide this study. This theoretical framework is designed to provide a comprehensive way to think about indigenous women's political anti-violence engagement of the Canadian state through consideration of its integral parts: the Canadian state, state-sponsored anti-violence responses, and indigenous women's anti-violence resistance. In terms of the state, I have relied on Michel Foucault's concept of governmentality and the scholarly literature on settler colonialism to theorize the contemporary Canadian state as an expression of white settler colonial power. As part of this discussion, but also as framing for consideration of state-sponsored anti-violence responses, I outline the Canadian state's role in perpetrating and enabling violence against indigenous women and girls. As such, state-sponsored anti-violence, this discussion suggests, constitute tightly constrained and colonizing options for indigenous women. Finally, drawing primarily on indigenous women's scholarly analyses of violence and anti-violence resistance, I theorize what an ideal or appropriate anti-violence response might look like. A discussion of the specific methodology involved in this study concludes this chapter.

Governmentality – Theorizing the state as an expression of power

Michel Foucault's conceptual and analytic work on "governmentality" provides an invaluable theoretical foundation from which to theorize not only the Canadian state, but also state engagement and political resistance. Governmentality draws our attention to the complex interconnections and tensions between governance, power, knowledge, populations, and resistance, producing a richer and fuller understanding of state politics and what happens during state engagement. It also offers a way to think about action/inaction, intention, and consent within the interlocking political, social, and economic spheres of contemporary Canadian society. Furthermore, because governmentality draws attention to the limits of state power, it provides a means for thinking about how those who are "governed" can challenge, influence, and affect state governance and power. And although Foucault has been critiqued (and rightfully so) for failing to attend to the colonial context in his work (Stoler, 1995, p. 2; R. J. C. Young, 1995), there is also growing adaptation and use of governmentality to theorize and examine colonial and settler governments and governance (Blackburn, 2005; Crosby & Monaghan, 2012; Monaghan, 2013; Neu & Therrien, 2003). Consequently, in the discussion that follows, I have drawn not only on Foucault's original work, but also scholarly interpretations and adaptations of his work.

In his lectures at the College de France in 1977 and 1978, Foucault offered three definitions of "governmentality": first, he used it to refer to "the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential

technical instrument” (2007, p. 108). Second, he used it to refer to “the tendency in the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power – sovereignty, discipline, and so on – of the type of power that we can call “government” and which has led to the development of a series of specific governmental apparatuses (*appareils*) on the one hand, and on the other, to the development of a series of knowledges (*savoir*)” (Foucault, 2007, p. 108). Finally, Foucault intended the term to refer to “the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually “governmentalized”” (2007, pp. 108-109).

Foucault, as scholars of his work have argued, was interested in understanding government and governance as expressions of power (Gordon, 1991; Lemke, 2002; Li, 2007). In order to understand this position, it is necessary to have some understanding of Foucault’s conceptualization of power, which is derived here from his discussions in The History of Sexuality, Vol. 1: An Introduction (1978). Foucault understands power “as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their organization” (1978, p. 93), emphasizing power as a process that is both productive and relational. Power, he writes, “is not something that is acquired, seized, or shared, something that one holds on to or allows to slip away”; instead, it “is exercised from innumerable points, in the interplay of nonegalitarian and mobile relations” in society (Foucault, 1978, p. 94). As a result, power is omnipresent: “power is everywhere; not because it embraces everything, but because it come from everywhere” (Foucault, 1978, p. 94). This claim carries two important corollaries for Foucault. First, it means that “there is no binary and all-encompassing opposition between rulers and ruled at the root of power

relations, and serving as its general matrix” (Foucault, 1978, p. 94). That is, the dynamics of power mean that dominance and/or the ability to rule others is neither fixed nor permanent. This leads into the second corollary: “where there is power, there is resistance” because the existence of power relationships depend “on a multiplicity of points of resistance: these play the role of adversary, target, support, or handle in power relations” (Foucault, 1978, p. 95). This means that not only are “these points of resistance...present everywhere in the power network” (Foucault, 1978, p. 95), but also that “there is a plurality of resistances, each of them a special case” (p. 96). In other words, power is never absolute. Foucault also stressed power as a productive force – “relations of power,” he writes, “are not in a position of exteriority with respect to other types of relationships (economic processes, knowledge relationships, sexual relations), but are immanent in the latter: they are the immediate effects of the divisions, inequalities, and disequilibriums which occur in the later, and conversely they are internal conditions of these differentiations” (Foucault, 1978, p. 94). Finally, Foucault claimed that “power relations are both intentional and non-subjective” (1978, p. 94). They are intentional in that “they are imbued, through and through, with calculation: there is no power that is exercised without a series of aims and objectives” (Foucault, 1978, p. 95). However, Foucault warns, “this does not mean that it results from the choice or decision of an individual” (1978, p. 95). The rationality of power, he writes,

is characterized by tactics that are often quite explicit at the restricted level where they are inscribed (the local cynicism of power), tactics which, becoming connected to one another, attracting and propagating one another, but finding their base of support and their condition elsewhere, end by forming comprehensive systems: the logic is perfectly clear, the aims decipherable, and yet it is often the

case that no one is there to have invented them, and few who can be said to have formulated them (Foucault, 1978, p. 95).

Understanding the Canadian state, or government and governance, as expressions of power, then, entails consideration of the activities or practices of governance: how do governments govern and why? What are the “institutions, procedures, analyses and reflections, calculations, and tactics” (Foucault, 2007, p. 108) that enable governments to exercise power and govern the conduct of those it governs? As Foucault explains it, “this kind of method entails going behind the institution and trying to discover in a wider and more overall perspective what we can broadly call a technology of power,” and reconstructing the “whole network of alliances, communications, and points of support” involved in governance (2007, p. 117). It also means moving away from considering the function of government institutions and interventions and towards a focus on strategies and tactics of governance (Foucault, 2007, p. 118). Finally, it requires a refusal to fix governmental power within an object or thing and, instead, resituating this power “within the perspective of the constitutions of fields, domains, and objects of knowledge” (Foucault, 2007, p. 118). In other words, Foucault is centrally concerned with the role of knowledge, knowledge-production and the dissemination of knowledge in governmentality and, thus, the state’s ability to govern.

The governmental power(s) and, thus, governments that Foucault writes about in his work on governmentality are of a specific form and composition. As noted in his third definition of governmentality, Foucault pinpoints the origin of modern governments and governmental power to the fifteenth and sixteenth century with the transformation of the “state of justice” of the Middle Ages to the “administrative state,” which was “gradually “governmentalized”” (2007, pp. 108-109). Whereas the power of sovereigns (kings and

hereditary rulers) of the Middle Ages was expressed as the “power of life and death” (the right to take life or let live) (Foucault, 1978, p. 136), expressions of modern governmental power are exercised on bodies and populations – what Foucault termed “biopower”.

According to Foucault scholar Colin Gordon, biopower recognizes the real basis of the modern state’s wealth and power lies in its population and the strength and productivity of each individual, and, thus, governance is concerned with governing individuals for the benefit of the state (1991, p. 10). Although this seems to suggest that the target of governmental power is the population in its entirety, Tania Murray Li argues in her reading and interpretation of Foucault, that governmentality “may operate on population in the aggregate, or on subgroups divided by gender, location, age, income or race, each with characteristic deficiencies that serve as points of entry for corrective interventions” (2007, p. 276). Significantly, Li also claims that when power operates at a distance (as in the case of governmental power), “people are not necessarily aware of how their conduct is being conducted or why, so the question of consent does not arise” (2007, p. 275). In other words, individuals are not always aware and, therefore, intentionally complicit with governmental power.

Modern governmental power, Foucault suggests, involves a triangular relationship between sovereignty, discipline, and governmental management (2007, p. 107). “The idea of government as government of population,” he contends, “makes the problem of the foundation of [governmental] sovereignty even more acute” (Foucault, 2007, p. 107) because “it is no longer a question, as in the sixteenth and seventeenth centuries, of how to deduce an art of government from theories of sovereignty, but rather, given the existence and deployment of an art of government, what juridical form, what institutional form, and what

legal basis could be given to the sovereignty typical of the state” (p. 106). This statement carries an important implication: it suggests that governmental sovereignty is not innate but, instead, derived from governmental expressions of power, and, as Foucault’s understanding of power suggests, the compliance (whether intentional/known or not) of those who are governed. Governmental sovereignty (or the right to govern), as such, is inherently unstable and constantly open to critique, resistance, and, ultimately, defeat. As Li claims, there is an “ever-present possibility of a switch in the opposite direction: the opening up of governmental rationality to a critical challenge” (2007, p. 277). Thus, according to Gordon, “nothing is evil in itself, but everything is dangerous, with the consequences that things are always liable to go wrong” (1991, p. 46); however, because “disaster is never ineluctable, there is always the possibility of doing something to prevent it” (p. 47). Consequently, risk and security are central concerns of governmentality (Foucault, 2007; Gordon, 1991; Li, 2007; Monaghan, 2013). As Li notes, reflexivity and calculation of risks are intrinsic to government” (2007, p. 277), and governments “aim to foster beneficial processes and mitigate destructive ones” (2007, p. 276).

Thus, due to the persistent threat or risk to governmental power, discipline (or the regulation of bodies) is a central component of governmentality. Discipline, Foucault writes, was never more important or more valued than when the attempt was made to manage population: managing the population does not mean just managing the collective mass of phenomena or managing them simply at the level of the over results; managing the population means managing it in depth, in all its fine points and details (2007, p. 107).

However, while “discipline is of course...exercised on the bodies of individuals,” he argues, one should not consider the “individual as the primary datum on which discipline is exercised”: because of the focus on population in governmental power, “discipline only exists insofar as there is a multiplicity and an end, or an objective or result to be obtained on the basis of this multiplicity” (Foucault, 2007, p. 3). As such, Foucault contends, “discipline is a mode of individualization of multiplicities” (2007, p. 12) – or ruling *all* by controlling individual behavior or action . Discipline, he argues, is achieved through “technologies of security” that are “either specifically mechanisms of social control (e.g.: penal systems), or mechanisms with the function of modifying something in the biological destiny of the species” (Foucault, 2007, p. 10). Li’s reading of Foucaultian governmentality further contextualizes this second set of mechanisms (technologies of power): because governmental power targets populations, and because “it is not possible to coerce every individual and regulate their actions in minute detail,” she argues, governmental power “operates by educating desires and configuring habits, aspirations, and beliefs” (2007, p. 275).

As suggested, Foucault understood power as calculated and intentional, and within the context of governmentality, he referred to this process as the ‘rationality of government’ or ‘governmental rationality’ (Gordon, 1991, p. 3). According to Foucault,

The governmentalization of the state has...been what has allowed the state to survive. And it is likely that if the state is what it is today, it is precisely thanks to this governmentality that is at the same time both external and internal to the state, since it’s tactics of government that allow the continual definition of what should or should not fall within the state’s domain, what is public and what private, what is and not within the state’s competence, and so on. So, if you like,

the survival and limits of the state should be understood on the basis of the general tactics of governmentality (2007, p. 109).

The state, as this passage suggests, is centrally concerned with its survival and perpetuation of its ability to govern the “conduct of conduct” (Gordon, 1991, p. 2; Li, 2007, p. 275) within its target population and society. Thus, as Li contends, calculation is critical to governmentality to ensure tactics that are finely tuned to achieve optimal results (2007, p. 276). The state, as such, is concerned with the boundaries surrounding their expression of governmental power: who and what they govern (or do not) and, therefore, who and what they are responsible for or not. Knowledge, as such, is central to governmental rationality. As Gordon explains, a rationality of government includes “a way or system of thinking about the nature of the practice of government (who can govern; what governing is; what or who is governed), capable of making some form of...activity thinkable and practicable both to its practitioners and to those upon whom it is practised” (1991, p. 3). Knowledge is also critical to governmentality, he argues, because “the creation of an exhaustively detailed knowledge of the governed reality of the state itself” is a means to mitigating the “state’s problem of calculating detailed actions appropriate to an infinity of unforeseeable and contingent circumstances” (Gordon, 1991, p. 10). Furthermore, Gordon claims that states/governments are concerned with controlling “truth” – or, what knowledges/discourses count as true or false, legitimate or illegitimate, valid and invalid, as well as the methods for determining this – as a means to legitimating and securing its power and ability to govern (1991, p. 8). The state’s interests and, particularly, its survival, however, drive all of this. Thus, “to know how to govern,” Gordon contends, “one must know the state and the secret springs of its

interests”; however, this is “a knowledge which in part may not and cannot be accessible to the ruled” (1991, p. 9; emphasis in original).

As his first definition of governmentality highlights, Foucault understood “political economy” as the state’s major form of knowledge. By taking population as its target, governmental power, Foucault contends, moved away from an economic focus on wealth (i.e.: quantifying wealth, measuring its circulation, and determining the role of currency) and “establishing or supporting the flows of external commerce” (2007, p. 70) towards political economy and a focus on the connections between population and wealth. At this point, he claims, “it became possible to introduce in the analysis of wealth this new subject, this new subject-object, with its demographic aspects, but also with the aspect of the specific role of producers and consumers, owners and non-owners, those who create profit and who take it” (Foucault, 2007, pp. 76-77). That is, “when the entry of the subject-object, of population, became possible within the analysis of wealth, with all its disruptive effects in the field of economic reflection and practice,” the field of political economy was born (Foucault, 2007, p. 77). Governmental power, as such, “isolates the economy as a specific domain of reality,” and political economy is the “science” or “technique” of intervention in this field of reality” (Foucault, 2007, p. 108). Here Foucault proposes a third triad within governmentality: “from the eighteenth century, these three movements – government, population, and political economy – form a solid series that has certainly not been dismantled even today” (2007, p. 108).

Foucault’s understanding of power leaves room for consideration of not only the limits of governmentality (and, therefore, of state power), but also the possibilities for political resistance to this power. In her reading of Foucault’s work on governmentality, Li

(2007) identifies four axes of inquiry for examining the limits of governmental power. First, she draws attention to “total power” as an oxymoron: that is, Foucault stressed power as “actions on action,” meaning that power only exists “so long as the target of that power retains the capacity to act” (Li, 2007, p. 1). As expressions of power, then, governments/states necessarily exist within “a relation of “reciprocal incitation and struggle” and of “permanent provocation”” with those governed (Li, 2007, p. 276), thus highlighting the agency that the governed have to resist and potentially alter and/or disrupt governmental power. Second, Li suggests that there are limits to the state’s ability to target population: “the sets of relations and process which the government is concerned with,” she writes, “present intrinsic limits to the capacity of government to rearrange things” because “there are processes and interactions, histories, solidarities and attachments, that cannot be reconfigured according to plan” (2007, p. 277). In other words, there are spaces and relations that governmental power cannot effect and, therefore, potential spaces and opportunities for resistance. A third limitation is posed by “the available forms of knowledge and technique” (Li, 2007, p. 277). As no state or government can be entirely “omniscient,” “any governmental intervention risks producing effects that are contradictory, even perverse” (Li, 2007, p. 277). The fourth limitation identified by Li was the previously mentioned risk for critique and, therefore, destruction of governmental power.

Settler colonialism and governmentality: Dominating indigenous peoples and lands

To extend governmentality to the context of the contemporary Canadian state (federal and provincial/territorial governments) and its political engagement with indigenous women necessarily requires addressing the issue of colonialism. That is, it is imperative to

understand Canada as a “white settler state” and, thus, an expression of colonial power. A useful starting point for this discussion is defining its central terms: colonialism and “white settler”. Through comparison to imperialism, Edward Said offers a succinct description of colonialism: ““imperialism” means the practice, theory, and the attitudes of a dominating metropolitan center ruling a distant territory,” whereas ““colonialism,” which is almost always a consequence of imperialism, is the implanting of settlements on distant territory” (1993, p. 9). Philosopher Albert Memmi offers another interpretation of colonialism: “a foreigner, having coming to a land by the accidents of history” succeeds “in creating a place for himself” by “taking away that of the [original] inhabitants” and “granting himself astounding privileges to the detriment of those rightfully entitled to them” (1965, p. 9).

In recent decades, many indigenous and non-indigenous scholars have begun referring to colonialism in the Americas (both North and South), as well as Australia and New Zealand, as “white settler” or “settler” colonialism (Lawrence and Dua 2005; Wolfe 2006; Alfred 2011; Veracini 2010). This specificity was needed, according to Lorenzo Veracini (2011a), to acknowledge important distinctions between settler and other forms/expressions of colonialism. First, he contends, whereas other forms of colonialism have focused on colonizing bodies as exploitable labour, with occupancy of colonized land ultimately subject to this goal (i.e.: if exploitable labour might be located elsewhere, the colonizer would leave the land), settler colonialism is focused on permanently colonizing land and displacing, disposing or assimilating colonized bodies to serve this end (Veracini, 2011a, p. 2). This distinction, Veracini argues, results in different conceptions of colonized bodies: labour-focused colonialism emphasizes colonized bodies as docile (or disciplined in the service of colonial domination), while settler colonialism emphasizes indigenous bodies

as fragile or vulnerable and, therefore, disappearing (2011a, p. 4) Second, whereas labour-focused forms/expressions of colonialism are, because of the will to exploitation, invested in “sustain[ing] the *permanent* subordination of the colonized,” Veracini argues that “this permanence is not present under settler colonialism which, on the contrary, is characterized by a persistent drive to ultimately supersede the conditions of its operation” (2011a, p. 3; emphasis in original). Consequently, he writes, “colonialism *reinforces* the distinction between colony and metropole [and] settler colonialism *erases* it” (Veracini, 2011a, p. 3; emphasis in original). Moreover, “colonialism *reproduces* itself” while settler colonialism attempts to *extinguish* itself (Veracini, 2011a, p. 3; emphasis in original). Finally, the differing foci between labour-centred colonialism and settler colonialism necessarily results in “distinct anticolonial responses”: “if the fundamental demand is for labour,” Veracini contends, “opposition must aim to withhold it (or to sustain an agency that could allow withholding it)” (2011a, p. 3). However, “if the demand, by contrast, is to go away, it is indigenous resistance and survival that become crucial” in anti-colonial opposition (Veracini, 2011a, p. 2).

In Foucaultian terms, then, settler colonialism is an expression of power that targets indigenous bodies (alongside other racialized and gendered bodies that comprise the settler colony) in order to secure unfettered access to indigenous lands, which then become settler territory and, thus, the source of wealth and security for settler societies and states. As Foucault’s work suggests, this process is achieved through discourses of settler superiority and indigenous inferiority, which, as many indigenous and non-indigenous women/feminists have made clear, are simultaneously shaped by discourses (configured as binaries of superiority and inferiority) of race and sex/gender (as well as sexual orientation, class, and

other discourses of difference) (Acoose, 1995; J. Green, 2007; Monture-Angus, 1995; S. H. Razack, 2002a; A. Smith, 2005a). In line with the violent evictions that typify this form of colonialism, these discourses operate to establish the humanity of white settlers – defined, as scholars of settler colonialism have demonstrated, as “civilization,” “progress,” “liberty,” and of a superior moral quality (among other traits considered desirable to white settler society) – in order to secure the eviction of indigenous peoples from this category: indigenous peoples are dehumanized – made subhuman – through discourses that portray them as “savage/wild,” “backwards,” and inherently morally and socially deviant and dysfunctional (S. Razack, 2014; S. H. Razack, 2002a, 2012; A. Smith, 2005a; Veracini, 2010; Wolfe, 2006). Thus, as Andrea Smith claims, “the extent to which Native peoples are not seen as “real” people in the larger colonial discourse indicates the success of...racist and colonial forces in destroying the perceived humanity of Native peoples” (2005a, p. 12).

Significantly, the discursive/ideological construction of white settler humanity and dehumanized indigeneity sets up the conditions for the material and lived violence of settler colonialism. As Patrick Wolfe (2006) has argued, settler colonialism is governed by a “logic of elimination” which seeks the erasure of indigenous peoples in order to secure indigenous lands (and, thus, territory and a source of wealth) for white settlement. Land, as Wolfe writes, “is life – or, at least...necessary for life” and consequently, “contests for land can be – and, indeed, often are – contests for life” (2006, p. 388) – and within settler colonial context, it is predominantly indigenous peoples who pay for these contests over land with their lives. Settler colonialism, Wolfe contends, “is an inclusive, land-centred project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating indigenous societies” (2006, p. 393). This elimination, as he and

other scholars of settler colonialism have demonstrated, is achieved through violent evictions, assimilation, and extermination (Morgensen, 2011; S. H. Razack, 2002a, 2002b; Thielen-Wilson, 2012; Veracini, 2011b; Wolfe, 2006). Settler discourses simultaneously rule indigenous peoples as “unqualified,” by virtue of their perceived inferiority, for possession of the land and white settlers, by virtue of the perceived superiority, the rightful owners of indigenous territories (Culhane, 1998; S. H. Razack, 2002b; A. Smith, 2005a; Wolfe, 2006). Dispossessed of their land, indigenous peoples are evicted from these territories through extermination and displacement to settler-created and controlled spaces of indigeneity (Morgensen, 2011; S. H. Razack, 2002a, 2002b; A. Smith, 2005a; Veracini, 2010; Wolfe, 2006). Elimination is also achieved through assimilation, or the forced abandonment of indigenous identity and rights claims that might extend from this identity (such as land title) in order to secure the disappearance of indigenous peoples into white settler society (S. H. Razack, 2002b; Veracini, 2010, 2011a, 2011b; Wolfe, 2006). Thus, while assimilation might not result in physical death, it certainly results in the death – the cessation of existence – of indigenous peoples.

By definition, the proximity of indigenous peoples, as scholars have noted, is required for the expression of settler colonialism; however, it also results in intense anxieties around legitimacy and security for white settler societies. To address (in part) the issue of legitimacy, an integral feature or technology of settler colonialism is the disavowal of the violence required to establish and maintain its existence. As Lorenzo Veracini contends, “the very idea of settling the land, an act that is inevitably premised on the perception of ‘empty lands’ [referencing here the use of the British legal doctrine of *terra nullius* to declare indigenous lands empty and, therefore, available to white settlers] is based on the systemic disavowal of

indigenous presences” (Veracini, 2011b, p. 4). This disavowal is manifested in white settler societies, as Sherene Razack notes, in their “national mythologies,” where “it is believed that white people came first and that it is they who principally developed the land,” and with “Aboriginal peoples...presumed to be mostly dead or assimilated,” “European settlers thus *become* the original inhabitants and the group most entitled to the fruits of citizenship” (2002b, p. 2; emphasis in original). However, absent from these mythologies, as she and other scholars have claimed, is any reference to the violence committed against indigenous peoples required to establish white settler societies (S. H. Razack, 2002b; Thielen-Wilson, 2012; Veracini, 2011a; Wolfe, 2006). As Veracini argues, settler colonialism

is characterized by a persistent drive to ultimately supersede the conditions of its operation. The settler colonies ‘tame’ a variety of wilderness, end up establishing independent nations, effectively repress, co-opt, and extinguish indigenous alterities, and productively manage ethnic diversity. By the end of the trajectory, they claim to be no longer settler colonial...they are putatively ‘settled’ and ‘postcolonial’ except that unsettling anxieties remain, and references to a postcolonial condition appear hollow as soon as indigenous disadvantages are taken into account. Settler colonialism thus covers its tracks and operates towards its self-suppression (2011a, p. 3).

This disavowal is achieved through the production and dissemination of discourses that elide settler colonial violence while simultaneously legitimating white settler occupation of the land and domination of indigenous peoples (Memmi, 1965; S. H. Razack, 2002a, 2002b; Veracini, 2010, 2011a, 2011b). Thus, a necessary consequence of settler disavowals of this

violence is that it becomes infinitely harder for indigenous peoples to address and/or seek restitution for such violence from settler societies and states.

In terms of settler governmentalities, the law is identified as a principle mechanism for securing settler colonial power (J. A. Green, 1995; Monture, 2009; Monture-Angus, 1995, 1999; Morgensen, 2011; S. H. Razack, 2002b; Veracini, 2010, 2011a, 2011b). As Scott Lauria Morgensen (2011) explains, law functions as biopower within settler societies designed to “adjudicate” the lives of indigenous peoples (2011, p. 62), up to and including indigenous identity (2011, p. 63). Settler colonialism, he contends, “establishes Western law within a white supremacist political economy premised upon the perpetual elimination of indigenous peoples” (Morgensen, 2011, p. 57) and, consequently, “European settler societies enact Western law – indeed, in ways often validated as exemplary of that law – by occupying and incorporating indigenous peoples within settler nations” (2011, p. 60). However, an important consequence of this, he contends, is that recognition of indigeneity within Western law can appear as a preservation of indigenous life while simultaneously enacting eliminations of other indigenous lives required for the project of white settler domination (Morgensen, 2011, pp. 62-63). Furthermore, inclusion within the law, Morgensen claims, amounts to an “attempt to eliminate indigenous nations by amalgamating indigenous people as potentially protected children [of the settler state] whose racialisation [as indigenous] leaves their consanguinity open to excision” (2011, p. 62). In other words, inclusion of indigenous peoples within the Western law of settler societies in no way precludes future elimination. In white settler societies, security mechanisms, such as police, armies and even sometimes the violence of individual and groups of white settler citizens, operate in support of the law to ensure indigenous compliance (Crosby & Monaghan, 2012; Monaghan, 2013;

Veracini, 2010; Wolfe, 2006). These groups sometimes also provide surveillance of indigenous peoples for settler colonial governments/states (Crosby & Monaghan, 2012; Monaghan, 2013; K. D. Smith, 2009; Veracini, 2010); and for those indigenous individuals who resist or “break” settler colonial laws, they can be evicted from settler society and contained to penal spaces such as reform schools and prisons (Veracini, 2010; Wolfe, 2006)

As this discussion makes clear, violence against indigenous peoples is productive of and, therefore, integral to settler colonialism. In addition to widespread extermination of indigenous peoples through physical violence, it also includes the ideological or discursive violence that denigrates and dehumanizes indigeneity in order to legitimate and, thus, disavow the violence enacted against indigenous peoples. It also includes structural forms of violence as exemplified by settler societies use of Western law as biopower to identify, control, and eliminate indigenous populations (Morgensen, 2011). Thus, violence against indigenous peoples is required for expressions and operations of settler colonial power.

Our [stolen] home and [on] native land – The contemporary Canadian state as a settler colonial state

With this theoretical understanding of settler colonialism and governmentality in place, it is now possible to trace the interlocking development of both within the contemporary Canadian state. As both indigenous and non-indigenous scholars have argued, the contemporary Canadian state constitutes, in the words of indigenous political scientist Joyce Green, “an evolving colonial entity created for the express purpose of extending and consolidating those interests at the expense of the indigenous peoples and their contemporary descendants” (1995, p. 1; see also Alfred 2009, Alfred & Corntassel 2005; Asch 2007; Green 2009a and 2009b; Razack 2011, 2012, 2014; Thielen-Wilson 2012). Although the

contemporary Canadian state can be said to originate in 1867 with its formal creation by the British North America Act (which created the “Dominion of Canada”), Green points out that “its preexistence as provinces and colonies, and the activities of imperially-mandated enterprises, are precisely what locate it as an imperial and colonial endeavour then and now” (1995, p. 1). That is, the creation of the Dominion of Canada and, thus, the Canadian state in 1876 was only possible because of the onslaught of imperialist expansion, colonialist exploitation and, finally, settlers and settler colonialism that had begun more than three centuries earlier¹. Over this period of time, white European colonialists and settlers, as research on this time period demonstrates, incrementally secured control over indigenous lands, as well as the indigenous peoples who occupied them (Karen Anderson, 1991; C. Harris, 2002; R. C. Harris & Warkentin, 2000; Lawrence, 2002; Trigger, 1985). Throughout the sixteenth, seventeenth and eighteenth centuries, France and Britain established settlements, extracted natural resources to serve capitalist demands in the European metropole, and battled one another for control of indigenous lands (R. C. Harris & Warkentin, 2000; Lawrence, 2002; Miller, 2000; Trigger, 1985). This colonial encroachment necessarily required dispossessing indigenous peoples/nations of the lands they had occupied for centuries prior to the arrival of white settlers, which was achieved through discourses of indigenous inferiority that established their unfitness for land ownership and, indeed, their unfitness to be self-determining. Métis historian Olive P. Dickason (1997) has shown, for example, how the “myth of the savage” – the colonial discourse of inherent indigenous wildness and violence – drove French colonial settlement in the Americas. Both Karen Anderson (1991) and Bruce J. Trigger (1985) have demonstrated how colonial discourses of

indigenous savagery and immorality were not only justification for land theft, but also the aggressive efforts of Christian missionaries to convert indigenous peoples to Christianity.

Additionally, British colonial settlement in Canada, as anthropologist Dara Culhane (1998) has argued, was aided and abetted by the doctrine of *terra nullius* (literally translated as “empty land”). According to Culhane, a 1722 memorandum of the Privy Council of Great Britain set out two legal options for establishing British sovereignty on new territories: the first, the “doctrine of discovery” (or, as Culhane notes, the doctrine of occupation or settlement) “was to be applied in the circumstances where the land discovered was *terra nullius* – uninhabited by human beings” (1998, p. 47). In this case, she contends, “Britain simply proclaimed sovereignty by virtue of discovery and British law became, automatically, the law of the land” (Culhane, 1998, p. 47). The second option was referred to as the “doctrine of conquest” and it dealt with situations where an indigenous population was encountered. According to Culhane, “when Indigenous populations were found inhabiting the desired land, the law required that British sovereignty had first to be won by military conquest, or achieved through the negotiation of treaties, before colonial law could be superimposed” (1998, p. 48). However, she argues,

Of course, Britain never had colonized and never would colonize an uninhabited land. Therefore the doctrine of discovery/occupation/settlement based in the notion of *terra nullius* was never concretely applied “on the ground”. Rather, already inhabited nations were simply legally *deemed to be uninhabited* if the people were not Christian, not agricultural, not commercial, not “sufficiently evolved” or simply in the way (Culhane, 1998, p. 48; emphasis in original).

As this description makes clear, colonial doctrines of indigenous inferiority were used to justify land theft by the British, with the effect, as Culhane notes, of not only denying indigenous peoples prior occupation of these lands, but also their status as human beings – both of which continue to plague indigenous nations to this day (1998, p. 48). Thus, “when Aboriginal peoples say today that they have had to go to court to prove they exist,” she writes, “they are speaking not just poetically, but also *literally*” (Culhane, 1998, p. 48).

Late in the eighteenth century (1763), the British succeeded in acquiring all French territorial claims in North America by defeating them in the Seven Years’ War (also known as the French and Indian Wars); and through the creation of colonial laws and the signing of treaties with indigenous nations, brought indigenous peoples and their territories firmly under British control. Through the *Royal Proclamation* of 1763, Britain laid claim to all lands east of a line drawn at 45 degrees North latitude, with lands to the west of the line deemed “Indian” territory. However, the section of the *Royal Proclamation* that had the greatest impact on indigenous peoples (now “Indians” within this law) both immediately and into the future, according to historian J.R. Miller, was the provisions concerning indigenous lands which ultimately established British control over what “Indians” could do with their land, such as dictating that indigenous peoples could only sell their lands to the British Crown (2000, pp. 87-88). Although the intention of these provisions, Miller contends, was “to avoid conflict between indigenous populations and land-hungry immigrants” (2000, p. 88), it ultimately established Britain’s colonial authority over indigenous peoples and protected the Crown’s interests in indigenous territories in Canada.

It was this relationship – British authority over indigenous peoples – that Britain transferred to the Canadian state with its creation in 1867. In the *British North America* (BNA) Act, authority of “Indians and lands reserved for Indians” to the new federal government of Canada which subsequently passed legislation regulating indigenous identity and rights with the *Gradual Enfranchisement Act* of 1869. This legislation incorporated provisions from a previous enfranchisement act established prior to the creation of the Dominion of Canada in 1857, including defining precisely who constituted an Indian and extending enfranchisement (and, thus, extinguishment of Indian status) to educated Indians, who were also promised a land grant from the land all ready reserved for indigenous nations. However, as Miller notes, “it added several novel and sinister elements,” such as the inclusion of ‘blood quantum’ limits to Indian status; the introduction of gender discrimination against indigenous females who lost their status as Indian if they married a non-Indian man; empowerment of Indian Affairs officials to interfere in indigenous governance; and the imposition of jurisdictional limits (similar to municipal governments in Canada) to indigenous leadership, including the right of the Governor in Council to veto indigenous legislation (2000, p. 198). Eight years later, the Canadian state once again codified indigenous identity through law with the passage of the *Indian Act* in 1876 – an act in force (albeit, with multiple amendments) to this day. Like its predecessor the *Gradual Enfranchisement Act*, the *Indian Act* defined Indian identity through blood quantum; but it also did so through lineage: as has been well-documented, the *Indian Act* imposed patriarchal inheritance lineages on many previously matrilineally-organized indigenous nations, and, like the *Gradual Enfranchisement Act*, targeted indigenous women who married non-Indian men for elimination (loss of Indian status) and eviction (as these indigenous women were

forced off indigenous lands) (Cannon, 2011; J. Green, 2001; Lawrence, 2004; Palmater, 2011). Thus, as Veracini (2011b) described, at the moment the some indigenous peoples were included in the Canadian state through the *Indian Act*, many other indigenous peoples ceased to exist. The consequences, as Bonita Lawrence contends, have been genocidal for indigenous nations in Canada:

The phenomenal culture implication hidden in this legislation is the sheer numbers of Native people lost to their communities. Some sources have estimated that by far the majority of the twenty-five thousand Indians who lost status and were externalized from their communities between 1876 and 1985, did so because of ongoing gender discrimination in the Indian Act. If one takes into account the fact that for every individual who lost status and had to leave her community, all of her descendants also lost status and for the most part were permanently alienated from Native culture, the numbers of individuals who ultimately were removed from Indian status and lost to their nations may be, the most conservative estimates, numbers between one and two million (2004, pp. 55-56).

Although indigenous women were successful in securing a repeal (Bill C-31) of this provision and reinstatement of women who had been previously removed from status under the *Indian Act* in 1985, the exclusions and evictions persist: until 2010, the grandchildren of reinstated women were excluded from status if their parent failed to marry a status Indian; and after 2010 and another amendment, it is now the great-grandchildren of reinstated women who are excluded from status if their parent fails to marry a status Indian (Cannon, 2014, pp. 25-26)

The *Indian Act* has and continues to govern other significant aspects of Indian life in Canada, including lands, governance, and economic development. As scholars have noted, the act infantilized Indian peoples, treating them as minors incapable of making decisions of their own, and established Canadian state paternalistic domination over indigenous self-determination (J. A. Green, 1995; Miller, 2000; Tennant, 1990; Titley, 1986). According to historian E. Brian Titley, “they were regarded as minors – special wards of the federal government who were deprived of the privileges of full citizenship” (1986, p. 11). On this basis, the settler colonial Canadian state legitimated its control on indigenous peoples and lands. As Titley notes, “special provisions were written into the act to protect that integrity of the reserve lands” including placing reserve lands in trust by the Crown for the benefit of Indians, and preventing the mortgaging of land or its seizure as repayment for debts (1986, p. 14). And although, as he contends, the act included provisions that meant to ensure “that the Indians were always consulted on the question of disposing of their lands and resources” (Titley, 1986, p. 12), these same provisions ultimately reaffirmed the Canadian state as the ultimate arbiter on these issues (C. Harris, 2002; Lawrence, 2004; Tennant, 1990). Furthermore, the spatial containment of Indian peoples to Indian reserves, as Bonita Lawrence argues, constituted the “carefully controlled segregation” of Indian peoples (2004, p. 31); which, as geographer Cole Harris has argued, provided a fix locale and, thus, a fixed indigenous population that could then be the readily surveilled by the Canadian state and other white settlers (2002, pp. 268-274). With the *Indian Act* and its many land-based provisions still in force, the contemporary Canadian state continues to hold legal title over reserve lands and, in their words, “provide land management services” into “activities related to ownership, use and

development of land for personal, community and economic purposes (Aboriginal Affairs and Northern Development Canada, 2013).

Importantly, many indigenous nations have challenged state allotments of reserve lands through legal challenges in Canadian courts, and have successfully pressed the Canadian state to reconsider existing Indian land reserves (currently referred to as specific land claims) and to establish treaties (currently referred to as comprehensive land claims) with indigenous nations who had never previously ceded their territory to the Canadian state (Culhane, 1998; Gehl, 2005; J. A. Green, 1995; Pasternak, Collis, & Dafnos, 2013; Samson & Cassell, 2013). The lands claims process, according to Joyce Green, is inherently problematic:

The current federal land claims process continues to frame the parameters of possibility in historical mythology: in the underlying, pre-existing and pre-eminent title of the Crown [the federal government] and in the common law notions flowing from that fiction; and in the generally implicit doctrine of parliamentary sovereignty, the application of which legitimizes any legislative initiative purporting to limit or eliminate Aboriginal rights or land interests. Federal concern with comprehensive land claims is instrumental: it will recognize rights so that they may be extinguished and it will negotiate only on that condition. The Crown is deemed to have a pre-eminent title by virtue of its pre-1867 existence made manifest in “the colonies” (1995, p. 10)

Notably, a recent article by sociologists Colin Samson and Elizabeth Cassell (2013) contends that the Canadian land claims process contains a number of human rights violations (as identified by the United Nations Declaration on Indigenous Peoples (UNDRIP)), which

extend from the primacy of the Crown identified by Green. As they argue, the land claims process “does not meet even rudimentary standards in regard to providing informed consent, requiring indigenous peoples to extinguish their ownership of lands, dividing indigenous peoples into configurations that are artificial and diminishing their negotiating power, and creating asymmetric responsibilities between the state and indigenous parties” (Samson & Cassell, 2013, p. 35). Moreover, Shiri Pasternak, Sue Collis, and Tia Dafnos (2013) have demonstrated in their examination of recent efforts by the Mohawks of Tyendinaga to reclaim their traditional territories how the criminalization and arrest of community members opposing settlement terms under the land claims process constitutes the use of “security forces on the ground” to ensure compliance with Canadian state land claims policy. Andrew Crosby and Jeffrey Monaghan (2012) have made similar arguments about the use of “riot police” in response to political resistance by the Algonquins of Barriere Lake to ongoing land negotiations with the Canadian state in 2008. This suggests that in the absence of compliance with its settler colonial land policies, the contemporary Canadian state will resort to the use of force to ensure compliance.

The *Indian Act* also has and continues to exert significant control over indigenous governance in Canada. It imposed Western democratic elections of “band councils” on indigenous nations in order to undermine traditional forms of governance and leadership and, therefore, the ability of indigenous nations to be self-determining (Kim Anderson, 2009; Lawrence, 2004; Titely, 1986). It extended jurisdiction of minor areas, such as public health (especially “intemperance”), property maintenance, and the granting of reserve lots to these new band governments, while maintaining Canadian state jurisdiction over all other issues, but especially land and national membership (Lawrence, 2004; Titely, 1986). From 1876

until 1951, the *Indian Act* prohibited indigenous women and Elders from running in band elections as a means of disrupting that matriarchal political power that typified many pre-colonial indigenous nations and imposing the patriarchal political order existing in the Canadian state (Kim Anderson, 2009; LaRocque, 1994). As with land, indigenous nations have also challenged the Canadian state for an expansion of the terms under which they can direct the political, social, and economic courses of their nations, and in recent decades, the Canadian state has negotiated “self-government” agreements with individual indigenous nations. However, as many indigenous and non-indigenous scholars have argued, these self-government agreements do little to disrupt Canadian state authority over indigenous nations and, thus, constitute a continuance of settler colonial dominance (G. T. Alfred, 2009; T. Alfred, 2011; J. Green, 2001; J. A. Green, 1995; MacDonald, 2011; Monture-Angus, 1995, 1999). As Taiaiake Alfred and Jeff Corntassel contend,

contemporary forms of postmodern imperialism attempt to confine the expression of Indigenous peoples’ right of self-determination to a set of domestic authorities operating within the constitutional framework of the state (as opposed to the right of having an autonomous and global standing) and actively seek to sever Indigenous links to their ancestral homelands (T. Alfred & Corntassel, 2005, p. 603).

Furthermore, as political scientist Fiona MacDonald claims, “all too often the models of autonomy being crafted by state hand off large areas of responsibility to Indigenous peoples without passing on the actual decision-making power necessary to truly transform these policy areas” (2011, p. 258). Moreover, the Canadian state, she argues, off loads contentious issues (such as Indian child welfare) to these politically impotent forms of self-government in

order to exclude them from the public sphere and “thereby limiting public debate and collective – that is, state – responsibility (2011, p. 258). Contemporary self-government agreements, as such, represent illusions of indigenous self-determination while reaffirming Canadian state authority over indigenous nations.

In addition to the legal assimilation and evictions of indigenous peoples, the Canadian state pursued institutionalized and exceptionally violent means of repression through the Indian residential school system that operated in Canada from the 1870s and 1996². Importantly, between 1920 and 1948, attendance at residential schools was made mandatory for all Indian children aged seven to fifteen under the *Indian Act*. As is well documented, the purpose of Indian residential schools was to ensure the speedy assimilation (elimination) of Indian peoples into Canadian society through the separation of Indian children from their families and communities and their forced confinement in institutions designed to “educate out” Indian cultures through inculcation of colonial Canadian morals, values, and knowledge (Chrisjohn, Young, & Maraun, 2006; Churchill, 2004; Furniss, 1992; J. S. Milloy, 1999; The Truth and Reconciliation Commission of Canada, 2012; Titely, 1986). As noted by the Truth and Reconciliation Commission of Canada (TRC) currently investigating residential schools, “government and church officials often said the role of the residential school was to civilize and Christianize Aboriginal children” and yet, “when put into practice, these noble-sounding ambitions translated into an assault on Aboriginal culture, language, spiritual beliefs, and practices” (2012, p. 10). As the TRC contends, residential schools furthered the settler Canadian state’s “long-term aim of ending the country’s treaty obligations by assimilating its Aboriginal population” (The Truth and Reconciliation Commission of Canada, 2012, p. 12). Furthermore, Indian children were almost universally subjected to multiple forms of violence

including physical abuse and torture, sexual abuse, and death (Chrisjohn, et al., 2006; Churchill, 2004; J. S. Milloy, 1999; The Truth and Reconciliation Commission of Canada, 2012). Overall, claims the TRC, “the residential school system often amounted to a system of institutionalized child neglect, compounded by the behavior of specific individuals who used their authority and the isolation of the schools to physically and sexually abuse those in their care,” and “in some schools, a culture of abuse permeated the entire institution” (The Truth and Reconciliation Commission of Canada, 2012, p. 44). The impacts, they contend, “were devastating, and continue to be felt,” as “long after the abuse stops, people who were abused as children remain prey to feelings of shame and fear, increased susceptibility to a range of diseases, and emotional distress” (The Truth and Reconciliation Commission of Canada, 2012, p. 45). Furthermore, they “run a great risk for abusing, and have difficulty forming healthy emotional attachments” (The Truth and Reconciliation Commission of Canada, 2012, p. 45).

Although the residential school system has officially ended, some indigenous communities and indigenous and non-indigenous scholars contend that the contemporary child welfare system performs the same assimilative/eliminative functions by forcibly removing indigenous children from their families and communities and making them “wards” under the protection of the state and/or available for adoption (Blackstock, 2009; Cradock, 2007; Fournier & Crey, 1997; Sinclair, 2007). The period of intensive child welfare apprehensions and adoptions that occurred between the 1960s and mid-1980s, commonly referred to as the “Sixties Scoop,” saw more than seventy percent of indigenous children in care being adopted into non-indigenous homes throughout Canada, the United States, and Europe (Sinclair, 2007, p. 66). According to Suzanne Fournier and Ernie Crey, indigenous children were removed from their homes primarily for reasons of poverty and because they

were “aboriginal” (1997, pp. 85-86). Such apprehensions and adoptions persist to this day, with estimates suggesting that there are currently more indigenous children in the care of the Canadian state than at the height of the Indian residential school system (Trocmé, Knoke, & Blackstock, 2004, p. 579). Although Nico Trocmé, Della Knoke, and Cindy Blackstock (founder of the First Nations Child and Care Society of Toronto) contend that the Canadian state is beginning to recognize “the importance of children’s Aboriginal heritage” and that new policies “give much greater control over the welfare of Aboriginal children to their communities,” they also note that these changes are “limited by the relentlessly slow pace of implementation, the constraints inherent in provincially developed statutes and regulations, and the lack of resources to provide family support services” (2004, p. 579). More importantly, however, they also note that the number of Aboriginal children placed in out-of-home care continues to rise (Trocmé, et al., 2004, p. 579). The result, as such, is continued generations of indigenous children being permanently evicted from their communities through the forced removals, confinements, and adoptions authorized by the contemporary Canadian state and its child welfare mechanisms.

It has also been well documented that the Canadian state has engaged in, and continues to rely heavily on, surveillance of indigenous communities (Brownlie, 2005; Crosby & Monaghan, 2012; C. Harris, 2002; Monaghan, 2013; Pasternak, et al., 2013). As previously noted, geographer Cole Harris argues that the confinement of indigenous peoples provided the state with a fixed location and, thus, a fixed population, which could be subject to surveillance from not only the Canadian state (in the form of Indian agents and police), but also from individual white settlers whose land bordered reserve lands (2002, pp. 268-274). Jeffrey Monaghan (2013) demonstrates that Indian Agents conducted undercover

surveillance of indigenous leadership during the 1885 North-West rebellion; while Keith D. Smith (2009) traces how surveillance was conducted by Indian agents, police forces, churches/missionaries, and individual settlers in southern Alberta and the interior of British Columbia between 1877 and 1927 in order to secure the restructuring of indigenous communities in compliance with colonial capitalist and liberalist expansion. In carrying with this tradition, both Crosby and Monaghan (2012) and Pasternak, Collis and Dafnos (2013) have shown how the contemporary Canadian state has conducted surveillance and used police force to infiltrate and intimidate indigenous communities currently involved in land claims negotiations with the federal government as a means of eliminating resistance and, therefore, ensuring compliance with the state's wishes.

As this discussion makes clear, the contemporary Canadian state is not only the product of several hundred years of settler colonialism, but also continues to operate as an expression of settler colonial power directed towards the elimination of indigenous peoples in order to secure ongoing access to indigenous lands. The contemporary Canadian state also continues to control indigenous identity and most aspects of indigenous peoples' lives through the *Indian Act*; and to secure the elimination of indigenous children through the child welfare system. Notably, as scholars of settler colonialism have argued, the contemporary Canadian state strives to disavow its settler colonial past and present. As frequently cited, current Canadian Prime Minister Stephen Harper claimed in a press conference at the end of a G20 Summit meeting at Pittsburgh Pennsylvania that Canada has "no history of colonialism". As Crosby and Monaghan argue, "Mr. Harper and Canada's settler majority self-identify as post-colonial simply because of temporal location, believing that British (and French) colonialism ceased with Canada's independence in 1867"; however, "while this

independence from Britain meant a degree of political independence for the settler majority, it did not include self-determination for the colonized populations” (2012, p. 424).

Importantly, scholars have argued that the contemporary Canadian state has been aided in this endeavor to disavow its colonial present through its “politics of reconciliation,” which permits the Canadian state to acknowledge (through apology) but neatly contain colonialism to Canada’s past in order to secure this post-colonial reality (Henderson & Wakeham, 2009; Loft, 2012; Turner, 2013). Since 1988, the Canadian state has issued apologies and compensation packages relating to a number of violent incidents in its historical past, including the head taxes and exclusion laws imposed against migrants from China between the late 1880s and 1943; the internment of individuals with Ukrainian heritage during the first World War; the forced relocation and internment of Japanese Canadians during the second World War – and in 2008, Prime Minister Harper issued a formal apology for Indian residential schools in the House of Commons. Problematically, as Jennifer Henderson and Pauline Wakeham argue, “knowledge of these state-inflicted group injuries, and Canada’s proclaimed regret for them, now forms part of the hegemonic understanding of Canada” – “as part of a narrative of the nation which has bravely faced up to its historical errors and, indeed, moved beyond the heavy-handed measures of the former interventionist state” (2009, p. 3). Thus, “acknowledgement of past errors”, they contend, “when those “mistakes” are carefully circumscribed – does not threaten the global image of Canada as a progressive beacon” (Henderson & Wakeham, 2009, p. 3). The politics of reconciliation elides the Canadian state’s ongoing reliance on colonial domination and violence for its power and authority and makes it extremely difficult for indigenous people to name and resist this

colonial domination and violence. In other words, it masks the operations of colonialism in order to reinforce them.

Partners in settler colonial crime: The Canadian state politics of neoliberalism and neoconservatism

In conjunction with its politics of settler colonial domination, the contemporary Canadian has, since the 1980s, been increasingly identified by both the politics (discourses and interventions) of neoliberalism and neoconservatism (Arat-Koç, 2012; Bashevkin, 1996; Dobrowolsky, 2004; Porter, 2012) – a trend common to most Western nation states (W. Brown, 2005; Fraser, 2009; Giroux, 2004). Because of the particular discourses of race and gender advanced through these political frameworks (which have important implications for indigenous women), as well as the growing body of scholarship demonstrating the ways in which neoliberalism, in particular, has interlocked with the Canadian state's settler colonial agenda in order to maintain control over indigenous peoples and lands (Berg, 2011; Henderson & Wakeham, 2009; Lange, Skelton, & Meade, 2010; MacDonald, 2011; G. A. Slowey, 2001; K. D. Smith, 2009; Turner, 2013), it is important to briefly discuss both of these political positions here.

Neoliberalism, as political scientist Wendy Brown explains, refers to a “social analysis and mode of governmentality” that, through application of capitalist liberal market values to all institutions and social actions, “produces subject forms of citizenship and behavior and a new organization of the social” (W. Brown, 2005, p. 35). Within the context of the Canadian state, neoliberalism has meant, among other things, making political decisions based on profitability, rates of return and cost-cutting; an emphasis on individual responsibility and freedom with a resulting depoliticization of state power and social

inequality; and the appropriation and suppression of political resistance (Arat-Koç, 2012; Bashevkin, 1996; Dobrowolsky, 2004; Dobrowolsky & Jenson, 2004; Porter, 2012). As a mode of governmentality, neoconservatism, according to political scientist Sedef Arat-Koç, is defined by its emphasis on “a strong role for the state in upholding a particular moral order both through its support for religion and traditional family structures, and in a more coercive way, through its emphasis on law and order and strong arm of the state” (2012, p. 20). In Canada, state neoconservatism has been closely associated with the religious right, particularly during the federal Harper Conservative era (2005-present) (Arat-Koç, 2012; Porter, 2012). Importantly, while often conceived of as competing political agendas because of divergent perspectives on key issues (for example, neoliberalism’s retrenchment of state responsibility for individual citizens versus neoconservatism’s emphasis on reinforcement of state authority over citizens), both Arat-Koç (2012) and Porter (2012) make compelling arguments that these two political strategies operate in interlocking ways to replicate and reinforce existing relations of ruling shaped by dominant systems of oppression. As Porter writes,

neoliberalism, with its destruction of community and institutions of the welfare state and its promotion of an aggressive competitive individualism, creates a kind of social vacuum that provides fertile ground for neoconservatism. It may be the case that for neoliberalism to succeed politically, it has had to address the insecurities and precariousness faced by families, but has done so via an alliance or dialogue with neoconservatives (2012, p. 28).

Importantly, both of these political agendas have specifically gendered and racialized dimensions. The first is multiculturalism and the culturalization of race and racism (Arat-

Koç, 2012; S. H. Razack, 1998a; Srivastava, 2007; Warburton, 2007). State multiculturalism began in Canada in the 1970s in response to the demands of marginalized social groups (including indigenous peoples) for political and legal recognition and rights, and has been a major source and site for anti-racist policy since (Patel, 2007; Warburton, 2007). The problem, as Sherene Razack explains, is that messages of racial inferiority, once framed as biological, are now coded in the language of culture (1998a, p. 19). As she argues, “cultural considerations do not lead to an understanding of the current workings of white supremacy” because the discussion is focused on who racialized people are and not on the existing hierarchical relationship between whites and racialized groups (S. H. Razack, 1998a, p. 19). Critically, Razack claims that “the culturalization of racism operates differently for Aboriginal peoples than it does for people of colour,” because “when racism and genocide are denied and cultural difference replaces it, the net effect for Aboriginal peoples is a denial of their right to exist as sovereign nations and viable communities” (1998a, p. 61). In this way, the state politics of multiculturalism not only supports the neoliberal state emphasis on individualism and the depoliticization of existing relations of ruling, but also the colonial state agenda of disavowing its ongoing complicity in colonial domination over indigenous peoples.

A distinct politics of gender that interlocks with this dominant politics of race and culture has also accompanied the development of neoliberal and neoconservative political agendas in the contemporary Canadian state. This politics, according to Arat-Koç (2012), is defined by discourses of post-feminism and the culturalization of gender. As she explains,

The direction of policy debates and policy making has moved simultaneously and increasingly to *invisibilizing* and/or *individualizing* issues for white and Canadian-

born women and *culturalizing issues* facing immigrant and racialized women. It seems that policy discourse and policy making under neoliberalism treat gender inequality as a problem solved for white Canadian women and an ongoing, cultural (baggage) problem for immigrant and racialized/culturalized women. On the one hand, there is no discourse (other than claims to a post-gender, post-feminist order) or policy on gender; on the other, there is an inflation of discourses on the gender of “others” (Arat-Koç, 2012, p. 6; emphasis in original).

Neither group, then, is permitted to name patriarchy as the problem: for white women, there is no problem, and for racialized women (including indigenous women), the problem is associated with their own “cultural” group. Furthermore, both groups of women are politically delegitimized through a reduction to the status of “special interest” groups pursuing “private” interests and demands (Arat-Koç, 2012, pp. 8-9). The result, Arat-Koç argues, has been the “dismantling of gender-based policy capacity in both the federal and most provincial governments” (2012, p. 8) and the reduction, primarily through defunding, of state mechanisms and non-state groups addressing gender inequality – or, addressing most any form of social inequality, for that matter (Arat-Koç, 2012; Porter, 2012). Consequently, the Canadian state has not only foreclosed considerations of patriarchy *despite* its ongoing operations in both the state and Canadian society, generally, but has also seriously reduced the ability of women and other marginalized group to identify and name patriarchal violence in their engagement with the Canadian state.

In addition to these problematic politics of gender and race, scholars have drawn attention to the ways in which neoliberalism, in particular, has interlocked with settler colonialism to the detriment of indigenous peoples. Both Gabrielle Slowey (2008; 2001) and

Fiona MacDonald (2011) have argued that contemporary self-government agreements in Canada are representative of neoliberal forms of governance that, ultimately, reinforce Canada's settler colonial domination over indigenous peoples. In combination with land claims, Slowey (2001) contends that self-government agreements are designed to provide minimal and inadequately funded self-determination to indigenous nations while eliminating indigenous claims to sovereignty outside of the Canadian state and barriers to economic development on contested indigenous lands. Through the promotion of "economic development through self-government as the panacea to social, cultural, and economic ills," the Canadian state ensures access for itself and multinational corporations to the land and resources reserved for indigenous peoples and the creation of a business elite within indigenous nations (G. A. Slowey, 2001, p. 275). Furthermore, both Slowey (2001) and MacDonald (2011) suggest that off-loading responsibility for only certain areas of governance (such as public health, infrastructure) without ensuring appropriate funding not only results in absent or inadequate services for indigenous communities, but also makes it easier for the state and multinational corporations to access these lands and resources as desperate indigenous nations turn to them in order to resolve the fiscal issues that contemporary self-government agreements have created.

Similarly, researchers Lauren Lange, Ian Skelton, and Thelma Meade (2010) have argued that Canadian state neoliberalism is responsible for the contemporary decline in services to indigenous peoples. For example, examining inadequate housing for indigenous Elders in the city of Winnipeg, they contend "that the current neoliberal policy climate sustains uncertainty about responsibility for providing adequate housing for elderly Aboriginal migrants" into the city (Lange, et al., 2010, pp. 72-73). Neoliberalism, they claim,

militate against collective solutions by asserting faith in market mechanisms as reliable forces for fulfilling social needs; by rejecting the state as a viable producer or organizer of social goods and services; by promoting imagery of individualism; and by characterizing social issues as consequences of individual failures (Lange, et al., 2010, p. 73).

In this way, neoliberal “low-cost housing” policies, they claim, have failed to produce housing that is affordable and/or in any way adequate for not only indigenous people, who are amongst Canada’s most economically disadvantaged, but also economically disadvantaged peoples generally.

Finally, scholars have drawn attention to how neoliberalism is related to the contemporary politics of redress and reconciliation discussed previously in relation to residential schools and the disavowal of Canada’s settler colonial present (Henderson, 2013; McCready, 2009). According to Jennifer Henderson, this culture of redress and reconciliation is “part of the work of government conducted by the nation-state and its accessory institutions in the context of global capitalism, the ascendancy of neoliberalism’s hyper-individualizing and commodifying logics, and shifts in ‘progressive’ analyses of social relations, which disassociate harm from structured forms of inequality” (2013, p. 66).

Henderson writes:

In an era of ideological consensus about the properly “modest” state, an era in which legitimation takes the form of the state appearing to ‘give back’ what it once wrongly took away, the recognized wrongs of the past are often seen to be related, directly or indirectly, to the spectre of the bloated interventionist state that reached too far, constrained or coerced, and thereby violated individual integrity,

or the sanctity of family bonds, or the potential for a group to flourish (Henderson, 2013, p. 63)

Consequently, “movements for reparations, in their framing of historical wrongs, may be pressured to draw lines connecting the wrong of the past with the discredited assumptions of a bygone governing order, once and for all surpassed by the post-historical [and, thus, post-colonial] political rationality of neoliberalism” (Henderson, 2013, p. 64). However, Henderson notes, this “critique of the paternalistic welfare state is not the same as demand for acknowledgement of the way that history sediments present inequalities,” and “the frequent absorption of the later within the former tells us something about neoliberalism’s remarkable powers of co-optation, how it can enlist critique in the entrenchment of its common sense” (2013, p. 64).

An abusive state: The contemporary Canadian state and violence against indigenous women and girls

For indigenous women, opting to engage the contemporary Canadian state through state-sponsored anti-violence responses also necessarily means opting to engage a perpetrator: as a settler colonial entity invested in the domination of indigenous peoples and territories, the Canadian state is heavily implicated in violence against indigenous women and girls. To explain that high rates of physical violence directed towards indigenous females, indigenous women have repeatedly pointed at colonialism and the historical and ongoing effects of white settler domination over indigenous peoples and territories in Canada (Acoose, 1995; Andersson & Nahwegahbow, 2010; Baskin, 2003, 2006; Blaney, 1996; Bourgeois, 2006; Harper, 2006; Kuokkanen, 2009, 2012, 2014; LaRocque, 1994; Maracle, 1996; Martin-Hill, 2003; Monture-Angus, 1995; A. Smith, 2005a), as too have many non-

indigenous scholars (Bopp, Bopp, & Lane Jr., 2003; Brownridge, 2009; Dylan, Regehr, & Alaggia, 2008; McGillivray & Comaskey, 1999; S. H. Razack, 2000, 2002a). Colonization, Métis scholar Emma LaRocque contends, “has taken its toll on all Aboriginal peoples, but it has taken perhaps its greatest toll on women;” and she believes that “we can trace the diminishing status of Aboriginal women with the progression of colonialism” (1994, p. 74). Indeed, Cherokee scholar Andrea Smith (2005a) has argued that sexual violence against indigenous women and girls has and continues to be integral to securing and maintaining settler colonial dominance. “In order to colonize a people whose society was not hierarchical” she writes, “colonizers must first naturalize hierarchy through instituting patriarchy” and, thus, “patriarchal gender violence is the process by which colonizers inscribe hierarchy and domination on the bodies of the colonized” (A. Smith, 2005b, p. 23). Thus, Smith contends, “the project of colonial sexual violence establishes the ideology that Native bodies are inherently violable – and by extension, that Native lands are also inherently violable” (2005a, p. 12). This ideology, she notes, hinges on dominant colonial beliefs in the inherent sexual deviance of indigenous peoples, and “because Indian bodies are “dirty,” they are considered sexually violable and “rapable,” and the “rape of bodies that are considered inherently impure or dirty simply does not count” (A. Smith, 2005a, p. 10). In this way, colonial sexual violence not only helps to impose patriarchal and settler colonial order onto indigenous nations, but it also exonerates perpetrators (whether white settler or not) by erasing their violence. Furthermore, this violence, Smith suggests, is productive of the multiple social identities that underpin the colonial order of things – it establishes the dominance of white men (as mythic frontier heroes) over inferior others, including “dirty” and lascivious indigenous females; savage and lascivious indigenous males; and respectable

but vulnerable white settler women requiring protection. Consequently, violence against indigenous women and girls has been integral to establishing and sustaining settler colonial dominance over indigenous peoples and territories.

It is often pointed out that prior to colonialism and the arrival of white settlers in Canada, the matriarchal and matrilineal ordering of many indigenous societies/communities meant that, in the words of LaRocque, “Aboriginal women enjoyed comparative honour, equality, and even political power in a way European women did not at the same time in history” (1994, p. 74; see also Anderson 2000; Martin-Hill 2003; Mann, 2000; Monture-Angus 1995). Among the Haudenosaunee (Iroquois), for example, political leadership was shared among men and women, with the female leadership, the Clan Mothers, serving as a political counter-point (or, check on political power) for the male leadership, the Grand Council (Mann, 2000, pp. 116-121). As Cree/Métis scholar Kim Anderson contends, “Native women were not traditionally excluded from decision making”: “Native women had political authority because our nations recognized the value of having input from all members of society,” and “the inclusion of women in decisions was critical for the security of the nation” (2000, p. 65). Women also frequently held the balance of economic power in indigenous communities because of their central role in agriculture and their “authority over the community’s most precious resource: food,” which included food storage and distribution (Kim Anderson, 2000, p. 60). Furthermore, indigenous women were also frequently accorded authority over their distribution of goods (including trade) and issues of property (Kim Anderson, 2000, pp. 60-61).

Despite the power accorded to women in pre-colonial indigenous societies, Emma LaRocque cautions that “it should not be assumed that matriarchies necessarily prevented

men from exhibiting oppressive behaviour toward women” (1994, p. 75). She notes that “many European observations as well as original Indian legends point to the pre-existence of male violence against women,” and “there were individuals who acted against the best ideals of their cultures” (LaRocque, 1994, p. 75); a claim supported by other indigenous women (Kim Anderson, 2000; Million, 2013; A. Smith, 2005a). However, indigenous women also suggest that indigenous communities responded immediately and sometimes severely to such violence. Smith, for instance, notes that wife battering was neither accepted nor tolerated among the Anishinaabe (Ojibway) (2005a, pp. 19-20). In her study of Haudenosaunee women, Mann argues that Haudenosaunee men were raised to have the highest respect for women, to the extent that brothers were bound through duty “to shield [their sisters] “at the risk of his life” from any abuse, attack or danger” (2000, p. 101). She also claims that the Haudenosaunee had a well-documented policy against rape and abhorred any form of spousal assault – to the extent that Haudenosaunee men “intervened on behalf of abused white settler women whenever they dared” (Mann, 2000, p. 27). Kim Anderson cites similar anti-rape perspectives among the Plateau societies of Alberta and British Columbia, where a rapist would be turned over to a group of women who physically molested and publically humiliated him before ejecting him from their community (2000, p. 95). She also notes that indigenous communities in British Columbia used scarification to mark perpetrators, as well as punished them by abandonment at sea or death by fire (Kim Anderson, 2000, p. 96). Thus, as Anderson writes, “the traditional respect accorded to Native women made it unthinkable in Aboriginal cultures to practice violence against them (2000, p. 94); however, “when violence against women happened, there were systems [in place] to deal with it” (Kim Anderson, 2000, p. 95).

The arrival of white settlers and colonial domination on Turtle Island (the term many indigenous people use to refer to the lands that are now claimed as the Americas) has had drastic consequences for indigenous women and girls, including dramatically increased rates of violence. This violence, as suggested by Smith's analysis of sexual violence, was underpinned by colonial discourses of indigenous female sexual deviance and dysfunction and indigenous subhumanity, discourses captured in the word 'squaw' to refer to indigenous women (Acoose, 1995; LaRocque, 1994). The portrayal of indigenous females as "dehumanized sex objects," according to Emma LaRocque constitutes a "double objectification": "Aboriginal women have been objectified not only as women but also as Indian women" (1994, p. 74). Thus, she concludes, sexual violence is related to colonial racism and patriarchy because "racism sets up or strengthens a situation where Aboriginal women are viewed and treated as sex objects" and "[t]he objectification of women perpetuates sexual violence" (LaRocque, 1994, p.74). In this way, LaRocque argues, "the dehumanizing portrayal of Aboriginal women as 'squaws'...renders all Aboriginal female persons vulnerable to physical, verbal, and sexual violence" (1994, p.74).

As LaRocque's reference to "double objectification" suggests, indigenous women and other scholars have theorized settler colonial violence against indigenous females as simultaneously shaped by race/racism and sex/gender/sexism (Acoose, 1995; Blaney, 1996; Bonokoski, 2007; Harper, 2006; LaRocque, 1994; Monture-Angus, 1995; S. H. Razack, 2002a; A. Smith, 2005a). In her critique of mainstream feminist responses to violence, Patricia Monture argues that "understanding how patriarchy operates in Canada without understanding colonization is a meaningless endeavor from the perspective of Aboriginal people" (Monture-Angus, 1995, p. 175):

It is not solely my gender through which I first experience the world, it is my culture (and/or race) that precedes my gender. Actually if I am the object of some form of discrimination, it is very difficult for me to separate what happens to me because of my gender and what happens to me because of race and culture (pp. 177-178).

Indeed, she contends, “to artificially separate my gender from my race and culture forces me to deny the way I experience the world,” and “such denial has devastating effects on Aboriginal constructions of reality” (Monture-Angus, 1995, p. 178).

Although violence against indigenous women and girls has been a constant force throughout Canada’s settler colonial history, the focus of this study demands careful attention to how the Canadian state has and continues to be implicated in this violence. For example, several scholars have argued that in undermining the social, political, and economic status and power that indigenous women held prior to colonialism, the state contributes to increased rates of violence against indigenous women and girls (Kim Anderson, 2000; Harper, 2006; LaRocque, 1994; Martin-Hill, 2003; A. Smith, 2005a). As noted previously, the *Indian Act* has been a primary mechanism for establishing settler colonial dominance over indigenous communities in Canada, and it has had particularly detrimental consequences for indigenous women. Contrary to the relatively balanced political power shared by men and women in many pre-colonial indigenous communities (Kim Anderson, 2000; LaRocque, 1994; Mann, 2000; Turpel, 1993), the *Indian Act* not only undermined these traditional forms of governance by imposing Western-style elected “band councils,” but also imposed a patriarchal political order by banning indigenous women from being involved in these councils (Kim Anderson, 2000, 2009; Lawrence, 2004; Turpel, 1993). However, despite the

repeal of this exclusion in 1951, Kim Anderson argues that the effects of this exclusion continues to be felt in the under-representation of indigenous women among elected Indian band chiefs (2009, pp. 99-100). Thus, she contends, “for over a century, First Nations politics have been “men’s business,”” with the effect that “men have been charged with the official leadership, vision, voice, and direction of First Nations communities” (Anderson, 2009, p.99).

An important consequence of this patriarchal ordering has been the exclusion or marginalization of indigenous women’s perspectives and issues – including violence – from contemporary indigenous political agendas (Kim Anderson, 2009; Balfour, 2008; J. Green, 1992-1993; Krosenbrink-Gelissen, 1991; Kuokkanen, 2014; Turpel, 1993). Indigenous political scientist Rauna Kuokkanen (Sami) argues that the “internalization and adoption of colonial policies and practices designed to regulate and discriminate against indigenous women by indigenous leadership and institutions has resulted in the reluctance and refusal to deal with gendered violence” (2014, p. 2). “The agenda of indigenous peoples which focuses on self-determination,” she contends, “is led by male priorities,” with the effect that “public discourse and politicization of violence against women is commonly curbed in the name of maintaining the integrity of the community” (Kuokkanen, 2014, p. 3). According to Kuokkanen, this depoliticization of violence against women is strengthened by the tendency of some indigenous peoples to rely on “discourses of colonization that externalize responsibility for gendered violence or construct gender violence as a reflection of their own victimhood and loss of status” while ignoring the “internalization of patriarchy, which perpetuates the colonial construction of indigenous women as second-class citizens and subordinate members of their communities” (2014, p. 3). Consequently, she claims, “if in-

community norms of violence go unchallenged, indigenous women and girls internalize and naturalize violence, compounding their susceptibility to abuse” (Kuokkanen, 2014, p. 2).

The *Indian Act* has further contributed to violence against indigenous women and their children through the sex discrimination implicit in its codes for determining status. These legal exclusions have resulted in generations of indigenous people being removed from their communities and left to fend alone in a hostile settler colonial society in the absence of the invaluable support of family and community (Kim Anderson, 2000; Lawrence, 2004). This isolation and, thus, social precariousness is further exacerbated through the denial of land and treaty rights such as health care and education (Kim Anderson, 2000; Lawrence, 2004). The resulting social and economic deficit produced through these exclusions makes indigenous women and their children extremely vulnerable to violence (Lawrence, 2004; McGillivray & Comaskey, 1999).

The demand for indigenous lands and resources to secure the white settler Canadian state, the containment practices of the reservation system, and the legislative dictates of the *Indian Act* have resulted in the economic marginalization of indigenous nations and, thus, abject poverty that persists to this day. According to historian Hugh Shewell (2004), the Canadian state has intentionally engaged in the destruction of local indigenous economies and patterns of subsistence and promoted state welfarism in order to secure indigenous dependence on the state and, therefore, extend its political control over indigenous peoples and lands. Furthermore, since the 1980s, the contemporary Canadian state has drastically reduced its spending on indigenous peoples and further exacerbated the economic marginalization and poverty that plague indigenous communities (MacDonald, 2011; Malloy, 2003; Nadeau, 2010). Significantly, contemporary statistical profiles demonstrate that

indigenous women earn less, are more likely to be unemployed, and, therefore, are more likely to live below the poverty line than both indigenous men or non-indigenous women (Aboriginal Affairs and Northern Development Canada, 2012; O'Donnell & Wallace, 2011). For example, analysis of data from the 2006 census found that thirty-six percent of indigenous women lived below the low-income cutoff (i.e.: poverty line) compared to seventeen percent of non-indigenous women and nine percent of indigenous men (Aboriginal Affairs and Northern Development Canada, 2012, p. 59). They are also more likely than non-indigenous women to live in overcrowded and inadequate housing (Aboriginal Affairs and Northern Development Canada, 2012; O'Donnell & Wallace, 2011). One of the consequences of this economic marginalization, as demonstrated in the scholarly literature, is increased rates of violence against indigenous women and girls (Baskin, 2003, 2006; Brownridge, 2009; McGillivray & Comaskey, 1999). Moreover, Douglas Brownridge's analysis of the 2004 General Social Survey suggests that rates of violence against indigenous women are positively correlated with the unemployment of their male partners (Brownridge, 2009, p. 193). Finally, poverty is cited as the reason that many indigenous women are unable to seek help or leave abusive situations (McGillivray & Comaskey, 1999). Thus, once again, that contemporary Canadian state is complicit with violence against indigenous females.

Finally, the contemporary Canadian state is implicated in this violence through the response of the Canadian criminal justice system to violence against indigenous women and girls, which has repeatedly failed to protect indigenous females from violence and/or hold perpetrators accountable. Canadian police forces have been accused of "over-policing" and but "under-protecting" indigenous women and girls (Downe, 2006; Harper, 2006; Hylton, 2002), perhaps best exemplified by the refusal of police to respond to the frequent

disappearances of indigenous and non-indigenous women from Vancouver's Downtown Eastside community since the 1980s (Cameron, 2010; de Vries, 2003; Hugill, 2010; Pearce, 2013). Faulty or inadequate police responses to violence against indigenous females, often justified on the basis of racist and sexist stereotypes about indigenous women and girls, allow perpetrators to commit violence unchecked, with the effect that indigenous women and girls are likely to pay for these failings with their lives (Aboriginal Justice Inquiry of Manitoba, 1991; Downe, 2006; Goulding, 2001). Canadian courts are also noted for being extremely lenient on perpetrators of violence against indigenous women and girls, where, once again, racist and sexist perceptions of indigenous females serve to exonerate perpetrators of any wrongdoing (Bonokoski, 2007; Buydens, 2005; Erickson, 2011; S. H. Razack, 2002a).

Indigenous women have also voiced their concerns about leniency with respect to restorative justice and culturally informed alternative sentencing measures provided to indigenous peoples through the 1999 Supreme Court ruling in *R. v. Gladue*³. Indigenous women and scholars have expressed concern about the risks to the security of indigenous females when these measures are used in cases involving violence (Aboriginal Women's Action Network, 2007a; Balfour, 2008; Stubbs, 2010). According the Aboriginal Women's Action Network (AWAN) (2007a), their opposition to restorative justice in cases of violence against indigenous women and children is based on concerns surrounding structural imbalances between abuser and abused, the lack of adequate services to provide rehabilitation to both the abused and abuser, the lack of standards of guidelines for the application of restorative justice, but, perhaps most importantly, the lack of community consultation and consultations with indigenous women and indigenous women's groups on the role of restorative justice in addressing violence.

As Mary Ellen Turpel (Muskeg Lake Cree Nation) writes, To First Nations people, the expressions “culture of violence” and “domestic violence” not only have their customary connotation of violence by men against women but also mean domestic (that is, Canadian state) violence against First Nations. A “culture of violence” also conjures up for a First Nations person the image of a dominant Canadian culture that tolerates and even sanctions State violence against First Nations people (1993, p. 183)

As a settler colonial entity, the contemporary Canadian state is deeply implicated in the violence perpetrated against indigenous women and girls in Canada. Through land theft, the destruction of indigenous nations, assimilation/elimination, and the criminal justice system, the contemporary Canadian state has not only inflicted violence against indigenous women and girls, but have helped secure the social conditions where indigenous women and girls are desperately vulnerable to predation and violence. Thus, when indigenous women come to the political table to engage the Canadian state on issues of violence, they face a state that is simultaneously protector and perpetrator.

State-sponsored anti-violence responses

The ways in which indigenous women can engage the state directly on violence are relatively limited and predominantly determined and controlled by the Canadian state, which is an inherently problematic arrangement given the state’s investment in settler colonialism and, thus, violence against indigenous women and girls. Furthermore, Dian Million has suggested that the state is only interested in violence against indigenous women when an emphasis on dysfunction in indigenous communities weakens indigenous demands for self-

determination (2013, pp. 23-24). She argues that locating violence against indigenous peoples within the dominant state politics of trauma, which she links to neoliberalism and biopolitics, too easily enables state anti-violence responses to focus on healing and reconciliation instead of on dismantling the conditions of settler colonialism that make this violence possible (Million, 2013, pp. 17-25; see also Watson, 2012).

Indigenous women can seek to engage with the Canadian state on anti-violence in three ways. First, they can seek funding for anti-violence initiatives. Second, they can seek official inquiries into violence with an aim to secure policy changes. Third, they can seek to change Canadian law through court cases or influencing the direction of state policy and legislation. Each option carries with it risks. For example, the absence and inadequacy of funding for interventions and services directed at addressing violence against indigenous women and girls is regularly cited as a significant barrier to addressing and ending this violence (Benoit, Carroll, & Chaudhry, 2003; Bopp, et al., 2003; Durst, MacDonald, & Parsons, 1999; McGillivray & Comaskey, 1999) and, thus, state funding is a means to addressing this problem. On the other hand, it fosters economic dependence on the Canadian state, which, as previously noted, has been an integral mechanism for extending the state's settler colonial domination over indigenous peoples and territories (Neu & Therrien, 2003; Shewell, 2004). Moreover, this economic dependence, as feminist analyses of state-sponsored anti-violence responses have shown, also results in economic precariousness as state funding agreements are subject to disruption by changes in government and the whims of the ruling political party (Bashevkin, 1996; Morrow, Hankivsky, & Varcoe, 2004; Porter, 2012; G. Walker, 1990; G. A. Walker, 1990).

Commissions of inquiry – formal investigatory bodies established by the state for the purpose of providing it with information and recommendations with respect to important social (and, indeed, social justice) issues – pose similar quandaries for indigenous women. In Canada, Commissions of Inquiry are established by federal or provincial/territorial governments, each of which has its own specific legislation around the establishment and use of Commissions (Gomery, 2006). The establishing government sets the mandate and official terms of the Commission of Inquiry, appoints the commissioner(s), provides an operating budget, and sets timelines and deadlines for completion of the process (Gomery, 2006). Commissioners, as the Government of Canada notes, are typically “distinguished individuals, experts, or judges,” and are granted particular judicial powers including “the power to subpoena witnesses, take evidence under oath and request documents” (Privy Council Office, 2010). Depending on its mandate, a Commission may hear from witnesses, review written submissions, and/or review existing knowledge-sources (e.g.: scholarly literature, governmental and non-governmental reports) on a particular topic/issue (Gomery, 2006; Oppal, 2012b). Notably, the findings and recommendations of a Commission are not legally binding (Gomery, 2006; Privy Council Office, 2010), although, according to the federal government, “many have a significant impact on public opinion and the shape of public policy” (Privy Council Office, 2010).

As with funding, Commissions offer some positive opportunities: for example, they undoubtedly produce invaluable information on important events or issues, as well as a wealth of knowledge on how the Canadian state might respond in order to improve social conditions. Commissions also represent a relatively rare opportunity for those most affected by an issue to be heard. At the same time, Adam Ashforth (1999) has argued that

Commissions of Inquiry constitute, in Foucaultian terms, governmentalities intended to extend and reinforce state power. According to Ashforth, Commissions operate as “symbolic rituals within modern states, theatres of power which do ‘make policy’ but which do much else beside” (1990, p. 4). This “much else,” he contends, includes the “fundamental role” of “legitimation of States by helping to create a framework of knowledge which allow those who act in the name of the State to distinguish their roles and goals from those of Society” (Ashforth, 1990, p. 4). That is, Commissions “are part of the process of inventing the idea of the State as a particular form of instrumental rational practices the purpose of which is largely to solve “problems” in Society” and, thus, “Commissions of Inquiry produce a discourse celebrating a marriage of truth and power in the Modern state through rational identification of a purportedly objective Common Good” (Ashforth, 1990, p. 4).

As processes that operate simultaneously as governance and knowledge production, Ashforth claims, “Commissions of Inquiry engage in a process of reckoning schemes of legitimation, which “involve the articulation of concrete plans of action designed to achieve that ‘proper’ means and objectives of power” (Ashforth, 1990, p. 6). Schemes of legitimation, as such, “are built from understandings of the logical relations of state practices” and “can be seen in attempts to systematize the principles underlying policy, to provide explanations of the necessary, possible, and desirable ends of State power” (Ashforth, 1990, p. 6). In other words, “schemes of legitimation elaborate the way in which the collective communicative action of those who represent State in its principal, if fictive, guise as speaking subject (author of the Law) should address its subjects” (Ashforth, 1990, p. 6). Consequently, Ashforth contends, “Commissions of Inquiry must reconcile knowledge of particular group values and ideologies (in the broad sense of ‘world views’) with knowledge

of material objectives and practical possibilities: of showing how what is desirable can be made practicable” (Ashforth, 1990, p. 6). However, given “the complex nature of social reality and the differing material interests and ideological perspectives of different powerful groups, such reckonings must involve a complex calculus on the part of those making the reckoning” (Ashforth, 1990, p. 6). This process, Ashforth claims, can be discerned through their final reports, which “represent the end result of calculations of the possible conducted by the Commissioners” (1990, p. 6).

Addressing governmentality within the contemporary Canadian state necessarily requires consideration of the settler colonial context, and scholars have argued that Commissions of Inquiry constitute expressions of colonial power. Reflecting on her involvement in the Royal Commission on Aboriginal Peoples (RCAP) (the most prominent example of the use of Commissions of Inquiry in relation to indigenous peoples by the contemporary Canadian state), indigenous legal scholar Patricia Monture contends that “I do not fault the Commission or individual Commissioners (but I do note they had the power and choice to do things very differently),” however, “I now understanding that even a Royal Commission is a construct of colonial power” (Monture-Angus, 1999, p. 12). As she explains,

How can a Commission established by government order, with its mandate drafted by a former Supreme Court of Canada justice (no matter how sympathetic to Aboriginal peoples), merely in consultation with Aboriginal peoples, be seen as a solution. Their mandate was broad, but it remained one-sided. As reflected in the Commissioners’ desire to come to a solution that Canadian governments would accept, the Commissioners did not disturb existing power relationships

between the Crown and the Indians, [although] it is precisely this relationship that needs disturbing (Monture-Angus, 1999, pp. 12-13).

“For the Commission to be something different,” Monture argues, “less emphasis should’ve been placed by the Commissioners on what the Canadian government would accept” because “this severely limited the opportunities and vision of the Commission at the same time as it created a pressure toward status quo solutions and processes” (Monture-Angus, 1999, p. 12). Moreover, “the Commission took information from the people, then it returned to Ottawa to craft solutions in isolation behind closed doors,” focusing on developing a “single national model” which, Monture claims, is not an appropriate solution because it fails to address the specificities of indigenous nations, and is not based in our communities and our perspectives, values, and beliefs (1999, p.12). As she concludes, “the individual goodwill of Commissioners, their Aboriginal knowledge, or their desire to learn about Aboriginal peoples are not sufficient to topple years of accepted colonial practice or colonial relationships” (Monture-Angus, 1999, p. 12).

In her recent work examining inquests into indigenous deaths in police custody in Canada, Sherene Razack (2012) characterizes Commissions of Inquiry as governmentalities intended to “memorialize” settler colonial power through their careful rehearsal of dominant colonial discourses, rituals, and practices. “Inquest and inquiries,” she argues, “have mapped indifference and abandonment in the same ways for 150 years” (S. H. Razack, 2012, p. 910). In order to redeem the settler colonial state of violence and “wrong-doing,” Razack argues that commissions construct indigenous peoples as “vulnerable, rather than colonized,” in order to secure the settler colonial social order where Aboriginal bodies are deemed “bestial” and “human wastes” so that white bodies can be established as “the maker of the order” and

the “modern subject of the settlers’ city” (2012, p. 910). As a result, this discourse of vulnerability “restricts the extent to which anyone can be culpable: it is a condition connected to colonialism but not colonizers” (S. H. Razack, 2012, p. 913). Moreover, through a discourse of vulnerability, Razack suggests that “inquiries and inquests remind us that it is a difficult task to respond to individuals who have been so damaged” (2012, p. 913). This dissolves consideration of dominant systems of oppression, such as settler colonialism, into a discussion of how the settler colonial state and its human representatives are ill prepared to address such a damaged population. Thus, Razack suggests that commissions typically frame the social abandonment of indigenous people as involving either systemic racism (which she notes is rare) or “the complexities of policing and providing care to a difficult and culturally different population, perhaps one with a perception of perceived racism” (2012, p. 926).

Finally, indigenous women can pursue legal reform to address violence, either through court cases or influencing the direction of state policy and, thus, legislation. Changes in Canadian law (such as the *Indian Act*) are required to end violence against indigenous women and girls, and indigenous women have had some success in using the Canadian legal system to secure political gains, albeit limitedly, for indigenous women such as *Indian Act* amendments (Krosenbrink-Gelissen, 1991; Lavell-Harvard & Lavell, 2006). However, as Patricia Monture argues, “Canadian laws are not an Aboriginal answer” (Monture-Angus, 1995, p. 185). As she explains through critique of the 1985 Bill C-31 amendment to address sex discrimination in the *Indian Act*:

It is impossible for me to construct this as some form of meaningful progress.

Aboriginal women’s identity has not been re-claimed through the “Bill C-31” amendments. What was secured at the cost of a cumbersome, and illogical system

of registration was a more equal access to the system of laws which have successfully oppressed our people since the advent of the *Indian Act* in 1876. Equal access to oppressive laws (colonialism) is not progress. I do not see this as a failure of the organizing and politicking of Aboriginal women but as a demonstration of the helplessness and powerlessness of Aboriginal peoples in Canadian society and the inability of Canadian law makers to respond to the issues in the way that Aboriginal peoples experience them” (Monture-Angus, 1995, p. 183).

As Monture suggests, requesting to be included in Canadian law is, for indigenous peoples, tantamount to requesting to be included in settler colonialism and, thus, to participate in their ongoing domination. This, she claims, is related to the function of law as a mode of governmentality that effectively constrains the limits of Canadian law for indigenous peoples so as to ensure reaffirmation of the state’s authority over indigenous peoples and, thus, indigenous lands. Monture also draws attention to the large investments in time, money, and knowledge (after all, one requires formal training in Canadian law or access to someone who does (i.e. a lawyer)) required to navigate the labyrinth of settler colonial law. The problem of legal knowledge is exacerbated further by the unfamiliarity of Canadian law to indigenous peoples due to differences in perspectives surrounding justice between indigenous communities and the Canadian state (Kim Anderson, 2000; Balfour, 2008; Monture-Angus, 1995, 1999). It is also difficult to ignore how colonial Canadian law has persistently criminalized indigenous females, with the result that indigenous women currently represent a disproportionately large number of Canada’s incarcerated population (Downe, 2006; Hylton, 2002; Monture, 2009).

Renisa Mawani's (2012b) recent work on law as archive raises some important considerations for indigenous peoples about colonial Canadian law. Building on the work of Foucault and Jacques Derrida, Mawani argues that the law is the archive, "an expansive and expanding locus of juridico-political command...that is operative through...a double logic of violence: a mutual and reciprocal violence of law as symbolic and material force and law as document and documentation" (2012b, p. 337). This violence, she insists, is essential to the "constitutive relations and self-generating qualities" of law: "as a self-referential system mandating recall, reference, and repetition, while also drawing selectively from other domains of knowledge, law generates documents and renders them potentially (ir)relevant" and "in doing so, continually produces, expands, and destroys that which comprises its archive and in turn, that which constitutes law" (2012b, pp. 340-341). At the same time, "law cultivates its meaning and asserts its authority while at the same time concealing and sanctioning its material, originary, and ongoing violence" (Mawani, 2012b, p. 341). Thus, Mawani contends, "at the most basic level, law continually produces, protects, proliferates, and destroys documents and records that ground its authority and that are contained and preserved in state and non-state archives" (2012b, p. 351).

Significantly, Mawani extends her argument to indigenous peoples and the settler colonial context. "The presumed sovereignty and legality of the settler state," she contends, "was initiated through its originary violence, including the imposition of a foreign legality that was then maintained, obscured, and legitimated through law's preserving violence" (Mawani, 2012b, p. 359). In this way, citing the work of Kathleen Birrell on the settler colonial context of Australia, "indigeneity forms the origin of colonial law and the origin of the colonial archive, an origin that law and the archive both seek to forget but can never fully

accomplish” (Mawani, 2012b, p. 352). Thus, “the indigenous presence is not only effaced but also recovered in law and the archive” as is necessary to secure settler colonial authority (Mawani, 2012b, p. 352). However, because “law as archive is an ongoing state of creation and production through translation, interpretation, elaboration, dismissal, and disavowal” (Mawani, 2012b, p. 354) there is room for resistance, disruption, and upheaval: “law and its archive may be forces that repress indigeneity, but their power can also be undermined by what they seek to repress and obscure” (p. 352). Mawani demonstrates this through reference to indigenous oral histories in Canadian courts: “the disruptive potential of oral history arises from the competing histories it brings forth, histories that challenge the truth claims honored, preserved, and repeated by the state” (2012b, p. 335). Thus, “as unwritten and...unverifiable histories, situated outside and beyond law’s archive, oral histories are often not heard or received as challenges to law” (Mawani, 2012b, p. 355).

Theorizing indigenous women’s political anti-violence resistance

Given the tightness of the space in which indigenous women negotiate with the Canadian state, anti-violence strategies are necessarily multi-faceted. It is clear, however, that anti-colonialism is integral to any anti-violence response directed at indigenous women and girls. That is, as indigenous women have named colonialism as a significant root cause of the high rates of violence perpetrated against indigenous females in contemporary Canadian society, and they have logically identified the end of settler colonial domination and the regeneration of indigenous sovereignty and self-determination as a necessary part of the solution (Monture-Angus, 1995; A. Smith, 2005a, 2005b, 2008, 2011a; Turpel, 1993; Weaver, 2009). As Andrea Smith argues, pursuing political sovereignty alone without simultaneously addressing gender violence necessarily undermines both efforts. Smith notes,

“[s]ome people have argued that we must prioritize sovereignty. If we successfully decolonize, so the argument goes, we will necessarily end sexism because Native societies were not male dominated prior to colonization” (2005a, p. 137). However, the flaw with this argument, she contends, “is that regardless of its origins in Native communities, sexism operates with full force today and requires strategies that directly address it” (A. Smith, 2005a, p. 137). Furthermore, Smith notes “it is often the case that gender justice is articulated as being a separate issue from issues of survival for indigenous peoples” (2005a, p. 137). Problematically, such an understanding “presupposes that we could actually decolonize without addressing sexism, which ignores the fact that it has been precisely through gender violence that we have lost our lands in the first place” (A. Smith, 2005a, p. 137). Instead, Smith contends, “we must understand that attacks on Native women’s status are themselves attacks on Native sovereignty,” (A. Smith, 2005a, p. 138) and recognize that “if we maintain these patriarchal gender systems, we will be unable to decolonize and fully assert our sovereignty” (p. 139). Consequently, she argues, “because sexual violence has served as a tool of colonialism and white supremacy, the struggle for sovereignty and the struggle against sexual violence cannot be separated” (A. Smith, 2005a, p. 137). Significantly, Smith’s argument reinforces Patricia Monture’s (1995) argument, previously outlined, that the dominant feminist approach of addressing violence solely through attention to patriarchy utterly fails indigenous women because it fails to address the colonialism and racism.

An anti-colonial response necessarily involves challenging the legitimacy and authority of the Canadian state (Monture-Angus, 1995; A. Smith, 2011a; Turpel, 1993). According to Andrea Smith, while “progressive activists and scholars” are “prepared to make critiques of the US and Canadian governments,” they “are often not prepared to question

their legitimacy” (2011a, p. 3). However, “this allegiance to “America” or “Canada,”” she contends, “legitimizes the genocide and colonization of Native peoples upon which these nation-states are founded” (A. Smith, 2011a, p. 3). Smith insists that indigenous feminists and their allies need to challenge “how we conceptualize indigenous sovereignty” as “an add-on to the heteronormative and patriarchal nation-state,” and, instead, question the authority and legitimacy of the Canadian nation state itself (2011a, p. 5). Indigenous lawyer and legal scholar Mary Ellen Turpel (1993) has expressed similar sentiments. Framing her comments within the context of black feminist writer Audre Lorde’s argument that “the master’s tools will never dismantle the master’s house,” Turpel writes,

The Canadian state is the master’s house for us, with all the slavery connotations of that expression intact. It is not our house. First Nations women cannot look to the Canadian State to change our lives because we do not see ourselves there. The state has already perpetrated enough damage by telling First Nations peoples how we should live and who we should become. We do not see the master’s house as our only source of support nor can we see it at this point as a source of meaningful change (1993, p. 190).

Thus, she contends, “before we can look to the State as our house, there must be fundamental architectural changes, perhaps a completely new design. We do not want to be simply interior designers for someone else’s house” (Turpel, 1993, p. 190). “We have lived in our own houses, our lodges, and our longhouses,” she eloquently writes, “since time immemorial. Long before the master’s house was built we had our own house. We will live here for the rest of time as who we are. We may visit you, but we have our own house, our own tools, and processes (Turpel, 1993, p. 191). “If you respect us,” she argues, “you might work for

political change at a State level to allow us to freely flourish and interact by choice in the structures and institutions of Canadian society,” and “[y]ou will support the self-determination of indigenous peoples” (Turpel, 1993, p. 191).

Turpel’s final statement raises another important requirement, as identified by several indigenous scholars: for a response to be deemed anti-colonial, it must acknowledge and support indigenous sovereignty and the regeneration of indigenous self-determination (Kuokkanen, 2012, 2014; Monture-Angus, 1995, 1999; A. Smith, 2011a; Weaver, 2009). If we accept the position that violence against indigenous women and girls is the byproduct of colonialism, then anti-violence responses not only need to be anti-colonial (or, against colonialism) but also decolonizing – that is, grounded in an acknowledgement of the inherent right of indigenous peoples to be self-determining and, therefore, an end to settler state domination over indigenous peoples and lands. This is an important point to make because, in a case discussed in greater detail in chapter three, an indigenous woman (Sharlene Frank) resigned from the British Columbia Task Force on Family Violence (1991/1992) over this exact issue. Although the Task Force appeared to be inclusive of indigenous perspectives and acknowledged the operation of colonialism in the violence experienced in indigenous families, they were unwilling to frame the report or its recommendations within the context of existing aboriginal and treaty rights, including recognition of indigenous peoples’ inherent right to self-determination (which, Frank argued, had to be an essential starting point for any response to violence and related social issues (1992, p. 1)).

Finally, an anti-colonial anti-violence response necessarily involves a broad definition of violence. That is, if we understand violence against indigenous women as tied to settler colonial and *systems* of oppression, it is necessary to recognize physical violence as part of

the continuum or system of violence required for settler colonialism. Patricia Monture, for example, challenged mainstream feminism's isolationist approach to addressing physical violence:

Violence is not just physical...For Aboriginal women, the psychological battering in a violent relationship is twinned in our experience of the social and political reality. Racism and colonialism are psychological violence with the same effects as overt physical violence. I have not experienced either racism, colonialism or political oppression differently from the physical violence I have survived (Monture-Angus, 1995, p. 170).

Thus, she argues,

the general definition of violence against women [as physical violence] is too narrow to capture all of the experiences of violence that Aboriginal women face. This narrow definition, relied on by dominant institutions, structures and groups, constrains my expression of my experience of violence and the reality within which I live in a way that is most counter-productive. In fact, this constraint feels very much like ideological violence. The fragmentation of violence and the social legitimation of only the wrong of physical violence results in a situation where I am constrained from examining the totality of my experience (Monture-Angus, 1995, p. 171).

Furthermore, Monture claims,

violence against women must be understood as just one of the many challenges Aboriginal communities face. These community crises include substance abuse among our youth, inadequate housing, poverty and starvation, alcoholism,

suicides and attempted suicides. There are so many crises in our communities requiring the attention of Aboriginal leaders and politicians. When your life is always lived in crisis mode, it is difficult to sit down and prioritize your activities (1995, p. 172; emphasis added).

Consequently, physical violence against indigenous women and girls must be examined and addressed in conjunction with other forms of settler colonial violence and the multiple problematic issues faced by contemporary indigenous communities.

Studying indigenous women's anti-violence engagement with the Canadian state: Research design and methodology

Research questions and parameters

This study attempts to understand what happens when indigenous women politically engage the Canadian state through state-sponsored anti-violence strategies. It is organized around two sets of research questions. The first set addresses the efforts of indigenous women: over the last forty years (1980 to the present), how have indigenous women in Canada engaged the Canadian state on issues of violence? Specifically, what have been the political discourses and strategies advanced by indigenous women through this engagement, and what are their intended/unintended implications and consequences for indigenous women and their communities? The second set of questions focuses on the Canadian state: How has the Canadian state responded to indigenous women's anti-violence resistance? How has it opted to engage indigenous women and their communities on issues of violence against indigenous women and girls? What are the particular political discourses and strategies at work in these responses? Finally, what have been the implications/consequences of these responses for indigenous women and their communities? In attempting to answer these

questions, this study pays particular attention to how race and sex/gender, and their attendant systems of oppression (settler colonialism, white supremacy, and patriarchy) operate simultaneously in these anti-violence responses. Furthermore, it focuses on dimensions of power, paying particular attention to governmentality, or expressions of settler colonial state power, and the political resistance of indigenous women to the colonizing effects of these encounters.

In addition to the specific focus on state engagement, this study involved other research parameters that require a brief explanation. First, this study focuses on those political efforts advanced in the name of indigenous or aboriginal women collectively, or constructed as representing indigenous women generally (with indigenous women, here, including those who might identify as status Indian, non-status indigenous, Inuit, and/or Métis). This is, in part, an effect of Canadian state politics, which, as this study demonstrates, demand the construction of a unitary collective account of violence against indigenous women and girls. At the same time, it is a distinct position of dominance to be situated (whether by one's self or by the state) as representing *all* indigenous women within Canadian state politics and, thus, I am particularly interested in these political claims. A second research parameter is the contemporary time constraint: the 1980s forward, with some fluidity in the earlier boundary where useful to the development of the analysis. This decision was based not only on my own involvement and, thus, familiarity with the anti-violence resistance undertaken during this time period, but also because it has only been since the 1980s that the Canadian state has addressed violence against women (generally) as a formal political issue (Pierson, Cohen, Bourne, & Masters, 1993; Rebick, 2005; G. A. Walker, 1990). Prior to this time, such violence was largely perceived by the Canadian state to be

within the private domain of the family and, thus, outside of state jurisdiction (Rebick, 2005; Sheehy, 2002; G. Walker, 1990; G. A. Walker, 1990). Due to the efforts of feminist and women's groups throughout the 1970s, the Canadian state began focusing considerable political attention and resources to addressing violence against women and children (Pierson, et al., 1993; Rebick, 2005; G. A. Walker, 1990). For this reason, the time period since the 1980s represents not only the foundational years of the Canadian state's anti-violence politics, but also a political period marked by an increase in state-sponsored anti-violence. There have been relatively few scholarly analysis of indigenous women's involvement in state-sponsored anti-violence responses during this period (Balfour, 2008; Harper, 2006, 2009; Monture-Angus, 1995) and, as such, this study marks an important contribution to existing knowledge.

Empirical data

The analyses in this study focus predominantly on the "official" textual accounts of indigenous women's involvement in state-sponsored anti-violence response: their final reports. While I acknowledge that this emphasis on written documents runs contrary to the oral traditions that operate within many indigenous communities (and, which has been identified as an important component of decolonizing research (L. T. Smith, 1999)), I have focused on these reports because my interest in settler colonial governmentality demands it: as state-sponsored documents, these are not only the most enduring and circulated accounts about violence against indigenous women and girls, but also those which are most likely to influence future state responses. I am interested in understanding what these report do: how they circulate particular truths about indigenous peoples, violence, and the state, and how

they govern “the conduct of conduct” and reinforce the Canadian state’s settler colonial authority and power.

To assist in mapping these discourses and exploring the existence of codified accounts of violence against indigenous women and girls in contemporary Canadian society, I also consulted a wide array of related primary documents, such as press releases, Hansard (the official textual proceedings of meetings of government in Canada), and information briefs. I also reviewed secondary scholarly accounts as well as media accounts addressing any of the moments of political engagement highlighted in this study. Documents for this study came from three sources: first, many came from my personal collection of documents gathered through my involvement in this anti-violence resistance. A second source of documents was the individuals I interviewed as part of this study (a detailed discussion of the interview process will be undertaken momentarily). Finally, documents were sourced using a strategic and comprehensive search. This search for documents was done primarily through the Internet, both in terms of accessing documents directly and searching existing databases (i.e.: archival and library collections; Canadian Newsstand); and used a standard list of key terms I developed based on my existing knowledge of the topic included in Appendix A.

To further assist in mapping and contextualizing these discourses, I conducted interviews with a number of key informants and groups directly involved in these anti-violence efforts. Obtaining their first-hand accounts about these experiences helped me better understand the processes and expressions of power involved in the production and dissemination of these final reports. Requests for interviews were made in person or through email. A copy of the invitation to participate in this study, sent via email, is included as Appendix B. Interviews were conducted in person or via telephone. In terms of informed

consent, I requested permission through my ethical review, approved by the University of Toronto research ethics board in 2009, to use both written and verbal consent. My reason for requesting the option of verbal consent was an attempt at decolonizing research: within indigenous communities where oral cultures still hold strong (Battiste & Henderson, 2000; Kovatch, 2009; L. T. Smith, 1999), and where research documents are often viewed with suspicion given the long history of colonizing research conducted within indigenous communities (L. T. Smith, 1999), *and* where many are struggling to translate their indigenous knowledges and realities into the dominant language and discourse of non-indigenous society (Kovatch, 2009; Minh-ha, 1989; L. T. Smith, 1999), I believed the formal written consent forms would add an unnecessary element of alienation to the research process. To secure oral consent, I verbally reviewed the same information included in the formal consent forms (Appendices C and D), provided an opportunity for the interview subject to ask questions and receive clarification on any points, and then asked for their verbal consent to conduct and tape record the interview. I also provided these interview participants with copies of the written consent forms for their records and future consultation. Another atypical aspect of the consent process was the use of two types of consent forms: a standard general consent form (Appendix C) and a consent form for public figures (Appendix D). Whereas the general consent provided for anonymity (meaning the participants could opt to not be identified), the public figure consent asked the participant to waive anonymity, with the option of withdrawing comments or having certain statements used anonymously. My reason for asking public figures to waive anonymity was simple: I wanted to know about their experiences in their particular public role within this anti-violence resistance and wanted to be able to identify them as the source of this information. In total, I interviewed

thirteen individuals, ten of whom I interviewed as public figures. Biographical profiles for these ten public figures have been included in Appendix E of this study. Importantly, because the dispersion of interviews varied because of the particular foci for each chapter, I will further address who was interviewed and why in each chapter.

Although I had originally developed a formal questionnaire for these interviews, I opted, in the end, to employ a storytelling methodology. Unlike formal questionnaires that are designed to impose structure and consistency in the interviews and which privilege the researcher as director/guide of the process, indigenous storytelling is fluid and conversational, with the informant directing/guiding the process (Friesen, 1999; Kovatch, 2009; L. T. Smith, 1999). As Cree/Salteaux scholar Margaret Kovatch contends, story as a method of inquiry is “grounded within a relationship approach to research” because “for story to surface, there must be trust” (2009, p. 98). For the researcher, it means acknowledging the “deep responsibility of requesting an oral history” and assuming “a responsibility that the story shared will be treated with the respect it deserves in acknowledgement of the relationship from which it emerges” (Kovatch, 2009, p. 97). Story as methodology, Kovatch claims, is decolonizing research and “stories of resistance inspire generations about the strength of culture” (2009, p. 103). However, because this strategy is deployed within the context of ongoing colonial domination, one must be wary of exploitation and appropriation of stories (Kovatch, 2009, p. 103). Despite such risks, this approach offered many perceived advantages to this study: privileging indigenous knowers and ways of knowing; empowering participants within the research process; and honouring the preexisting relationships I had with many of those involved through activism. Interviews were recorded digitally and transcribed by a research assistant who was provided to me

through my paid academic teaching work. Transcriptions were then read as part of the documentary evidence for this study. It should be noted that following these interviews, several of the participants including Beverly Jacobs, former NWAC president and champion for missing and murdered Aboriginal women and girls; Kate Rexe, the former director of NWAC's Sisters in Spirit Initiative; and Laura Holland from the Aboriginal Women's Action Network (AWAN) made themselves available to me via email to answer any questions I had as I proceeded through my analysis, and I am indebted to them for this kindness and important contribution to this project.

Analytic Methodology

This study is primarily concerned with understanding the interconnections between power, knowledge, and indigenous women's participation in state-sponsored anti-violence responses; consequently, the logical choice for a guiding analytic methodology was a Foucaultian discourse analysis or archaeology, which is configured to attend to these interconnections. This interpretation of Foucault's methodology is derived from his lecture, "Politics and the study of discourse," (1991a) which specifically addresses how to conduct a study of discourse(s) within the context of government and governmentality.

A necessary starting point for this discussion, however, is an understanding of Foucault's concept of discourse, which was clearly articulated in his important text, History of Sexuality – Vol. 1 (1978). With this concept, Foucault extended his understanding of power and power relations (as outlined in the previous section on governmentality) to knowledge and knowledge-production. He challenged the Western empirical notion of objectivity and the dominant perspective of "a free and disinterested scientific inquiry," arguing, instead, that if a topic was "constituted as an area for investigation, this was only

because relations of power had established it as a possible object; and conversely, if power were able to take it as a target, this was because techniques of knowledge and procedures of discourse were capable of investing it” (Foucault, 1978, p. 98). Thus, “between techniques of knowledge and strategies of power,” Foucault contends, “there is no exteriority,” (1978, p. 98), and he used the term “discourse” to refer to this union between power and knowledge (p. 100).

Foucault established a number of rules relating to discourses, the first of which, the rule of immanence, articulated the previously mentioned linkage between knowledge and power (often written as power-knowledge) (1978, p. 98). The second, the rule of continual variation, states that “relations of power-knowledge are not static forms of distribution,” but instead “matrices of transformations” involving “constant modifications” and “continual shifts” (Foucault, 1978, p. 99). The third rule addresses what Foucault refers to as “double conditioning”. No “local centre” of knowledge or “pattern of transformation,” he claims, “could function if, through a series of sequences, it did not eventually enter into an over-all strategy” and “inversely, no strategy could achieve comprehensive effects if it did not gain support from precise and tenuous relations serving, not as its point of application or final outcome, but as its prop and anchor point” (Foucault, 1978, p. 99). Importantly, Foucault contends that “there is no discontinuity between” these two levels, “but neither is there homogeneity”; instead, “one must conceive of the double conditioning of the strategy by the specificity of possible tactics, and of tactics by the strategic envelope that makes them work” (1978, pp. 99-100). Finally, through the “rule of tactical polyvalence of discourses,” Foucault claims that “we must not imagine a world of discourse divided between accepted discourse and excluded discourse, or between the dominant discourse and the dominated one; but as a

multiplicity of discursive elements that can come into play in various strategies” (1978, p. 100). Discourses, he writes,

are not once and for all subservient to power or raised up against it, any more than silences are. We must make allowances for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it (Foucault, 1978, p. 101)

He extends this positions to silence and secrecy, which while operating as a “shelter for power” and “anchoring its prohibitions,” also loosens powers hold and “provide[s] for relatively obscure areas of tolerance” (Foucault, 1978, p. 101). As a final point, Foucault reminds us that “discourses are tactical elements or blocks operating in the field of force relations” and, thus, “there can exist different and even contradictory discourses within the same strategy; they can, on the contrary, circulate without changing their form from one strategy to another, opposing strategy” (1978, pp. 101-102).

To study discourses within the political sphere, Foucault proposes the methodology of archaeology, or producing a description of what he referred to as an “archive” (1991a, p. 59). Although the word archive suggests that this is an analysis of “the mass of texts gathered together at a given period,” Foucault intends it to refer “the set of rules which at any given period and for a given society define” the limits and forms of (1) the sayable (what discourses are possible); (2) conservation (which discourses are preserved and which disappear); (3) memory (which discourses are recognized as valid, debatable, or indefinitely

invalid); (4) reactivation (which discourses from previous times or different cultural groups are valued and imported for use by another groups/individual); and (5) appropriation (which groups have access to a particular discourse, the institutionalization of the relationship between discourse, speakers and its intended audience, and struggles for control over discourses)(Foucault, 1991a, pp. 59-60). To describe the archive, Foucault recommends attending to three criteria: (1) the criteria of formation of discourse, or the “rules of formation for *all* its objects, concepts, and theoretical options”; (2) the criteria of transformation or threshold, or examination of how new rules of discourse formation come into effect; and (3) the criteria of correlation, or defining and situating a discourse “among other types of discourse and in the non-discursive context in which they function (institutions, social relations, economic and political conjecture)” (1991a, p. 54)

A central component of this approach is detecting changes within discourse formation, which Foucault subdivides into three types or levels: derivations, transmutations, and redistributions. The first, derivations, focuses on “detecting the changes which affect its objects, operations, concepts, and theoretical options” *within* a given discursive formation (Foucault, 1978, p. 56). According to Foucault, this means considering changes internal to a discourse relating to such things as deduction, generalization, limitation, and inclusion/exclusion (1978, p. 56). The second, mutations, refers to the “transformations which affect the discursive areas themselves” (Foucault, 1978, p. 56). These focus on “the displacement of boundaries which define the field of possible objects (or targets)” for discourses; the new position and role occupied by the speaking subject in discourse; new modes of functioning with respect to objects; and, finally, new forms of localization and circulation of discourse within a society (Foucault, 1978, pp. 56-57). Finally, redistributions

refer to “changes that simultaneously affect several transformations,” and include such things as “the inversion of a diagram of hierarchy,” or a change in the relative social power of discourses); changes in the “nature of the directing principle,” when a discourse developed within one field is borrowed or transposed to other fields; and “functional displacement,” when a discourse developed in one field is co-opted or entirely taken another by another field (Foucault, 1978, p. 57). Within these levels, Foucault stresses the need to address “the play of dependencies” (1978, p. 58) or the specific contingencies that make discursive transformations possible. As with transformations, he argues for the need to consider these dependencies at the intradiscursive (between the objects, operations, and concepts of a single discourse formation), interdiscursive (between different discourse formations), and extradiscursive (between discursive transformations and transformations outside of discourse (i.e. economic, political, and social changes)) levels (Foucault, 1978, p. 58). The end result, Foucault contends, is a description of the “play of specific transformations, each one different from the next (with its own conditions, rules, and level of impact), linked together according to schemes of dependence” (1978, p. 59).

In terms of politics, or government and governmentality, Foucault suggests that our analytic goal, as written elsewhere, “is to see how men [sic] govern (themselves and others) by the production of truth” – with truth referring to “the establishment of domains in which the practice of true and false can be made at once ordered and pertinent” (1991b, p. 79). In other words, melding archaeology with governmentality requires attention to how discourse can be objects of power and how political practices transform the system of discourse formation (Foucault, 1991a, pp. 68-69). A Foucaultian archaeology or discourse analysis, as such, involves careful consideration of the role of power in the creation and dissemination of

knowledge. As Derek Hook notes, this approach is particularly interested in addressing the “will to truth,” or “the way in which knowledge is put to work, valorized, [and] distributed” (2001, p. 524). Thus, he suggests, “the methodological imperative stemming from these formulations is an unrelenting skepticism towards all those rationales, explanations and statements that would validate themselves on the grounds of their proximity to supposed truthfulness,” and “to replace these “true” explanations with some other form of answer that is more conditional, that can demonstrate that what counts as the “the truth” is a product of discourse and power” (Hook, 2001, p. 524). Furthermore, although appearing focused on knowledge and expressions of power, this methodology demands contextualization of both within the particular historical, social, political and material conditions surrounding their articulation and use. In terms of governmentality, this also requires considering how knowledge and power coalesce in the ability to govern others.

In extending Foucault’s analytic framework to the particular context of discourses dealing with violence, I have drawn on Kalí Tal’s (1996) work on power, codification, and literatures of trauma. According to Tal, “traumatic events are written and rewritten until they become codified and narrative form gradually replaces contents as the focus of attention,” citing the Holocaust as a prominent example (1996, p. 6). Referencing Foucault’s understanding of political power, she suggests that “once codified, the traumatic experience becomes a weapon in another battle, the struggle for political power” (Tal, 1996, p. 6).

As Tal explains,

The speech of survivors is highly politicized. If “telling it like it like it was” threatens the status quo, power political, economic, and social forces will pressure survivors either to keep their silence or to revise their stories. If the survivor

community is a marginal one, their voices will be drowned out by those with the influence and resource to silence them, and to trumpet a revised version of their trauma. Less marginal trauma survivors can sometimes band together as a community and retain a measure of control over the representation of their experiences (1996, p. 7).

Consequently, “if survivors retain control over the interpretation of their trauma, they can sometimes force a shift in the social and political structure”; however, “if the dominant culture manages to appropriate the trauma and can codify it in its own terms, the status quo will remain unchanged” (Tal, 1996, p. 7). In this way, Tal contend, “bearing witness [to violence] is an aggressive act,” “born out of a refusal to bow to outside pressure to revise or repress experience, a decision to embrace conflict rather than conformity, to endure a lifetime of anger and pain rather than to submit to the seductive pull of revision and repression,” and “its goal is change” (1996, p. 7).

Tal cites three discursive “strategies of cultural coping” for addressing trauma: mythologization, medicalization, and disappearance (Tal, 1996, p. 6). Mythologization, she claims, “works by reducing a traumatic event to a set of standardized narratives [codification](twice- and thrice-told tales that come to represent “the story” of trauma) turning it from a frightening and uncontrollable event into a contained and predictable narrative” (Tal, 1996, p. 6). Medicalization “forces our gaze upon the victims of trauma, positing that they suffer from an “illness” that can be “cured” within existing or slightly modified structures of institutionalized medicine and psychiatry” (Tal, 1996, p. 6). Finally, disappearance, Tal contends, involves the “refusal to admit to the existence of a particular kind trauma” and “is usually accomplished by undermining the credibility of

the victim” (1996, p. 6). Importantly, she notes that these strategies can “work in combination to effect the cultural codification of the trauma” (Tal, 1996, p. 6).

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- 1 As Harris and Walkertin note, there is evidence that the Norse (Vikings) visited Canadian territories in the eleventh century, and that “perhaps European fisherman [visited] four and a half centuries later”; however, the major “rediscovery” of these territories, and thus the start of formal colonial expansion, occurred in the late fifteenth century with the arrival of John Cabot in either Cape Breton Island or Newfoundland in 1497 (2000, p. 3).

 - 2 This time period refers to Canadian state sponsorship of residential schools; however, it should be noted that residential-type schools were established by the Récollets, an order of Franciscans, in New France/Québec in 1620 (Carney, 1995; The Truth and Reconciliation Commission of Canada, 2012), and individual Indian industrial schools and residential schools were established starting in the 1820s (The Truth and Reconciliation Commission of Canada, 2012).

 - 3 The case, *R. v. Gladue*, dealt with a young Cree woman who was charged with the second-degree murder of her male partner in British Columbia in 1995. In 1997, Ms. Gladue plead guilty to manslaughter, and although the presiding judge recognized a number of mitigating sentencing factors – the absence of a prior criminal record, a supportive family situation, the convicted woman’s undertaking of addictions treatment and educational upgrading while she was on bail, and an underlying

hyperthyroid condition that caused her to overreact to emotional situations – that legitimated consideration of a suspended or conditional sentence, he ultimately sentenced her to three years imprisonment. In his ruling, the judge also argued that there were no special circumstances arising from Ms. Gladue’s status as Aboriginal that had to be taken into account during sentencing, particularly since both the offender and victim had lived off an Indian reservation. Ms. Gladue appealed the ruling to the Court of Appeal for BC, arguing (in part) that the judge should have taken into account her status as an Aboriginal offender in sentencing; and although the Court ruled that the judge had erred in invalidating consideration of Aboriginal ancestry because Ms. Gladue lived off reserve, they upheld his general ruling that there was no basis for special consideration of Aboriginal ancestry in sentencing. However, in 1999, the Supreme Court of Canada ruled that both courts had erred in invalidating consideration of Aboriginal ancestry in the case, arguing the section 718.2 of the Criminal Code ensures consideration of alternate, non-imprisonment options when sentencing Aboriginal offenders.

Chapter Three

“All My Relations”

Indigenous women and the politics of family violence

“It is not possible to find a First Nations or Metis woman in Ontario whose life has not been affected in some way by family violence. Either as a child witnessing spousal assault, as a child victim herself, as an adult victim of a husband or boyfriend’s violence, or as a grandmother who witnesses the physical and emotional scars of her daughter or granddaughter’s beatings: we are all victims of violent family situations and we want it to stop now! For too long this has been an everyday reality, whether we live in isolated Aboriginal communities, on an Indian reserve, in a rural area or a large urban centre in an Ontario setting. We are tired of the beatings and high statistics: we want an end to family violence, we want respect” (Ontario Native Women's Association, 1989, p. iii).

It is common in many indigenous communities to hear, in both English and indigenous languages, the evocation “all my relations”. Elders have taught me that this statement reflects indigenous perspectives of interconnectedness and reciprocity. It is intended to acknowledge the individual’s location within their families and clans, and alongside their ancestors – both those who came before and those who will come after. It is also an acknowledgement of our “non-human” family – animals, plants, the environment, and the earth. Furthermore, it is reminder to act in ways that are considerate and respectful of this extensive indigenous family. “All my relations,” then, is a reminder of the importance of family to indigenous communities.

However, as the prefacing quote from the Ontario Native Women’s Association (ONWA)’s 1989 report Breaking Free: A Proposal for Change to Aboriginal Family Violence makes clear, the family can also be a site of tremendous violence. Indeed, the

research findings communicated in this report painted an extremely grim portrait of the scope of violence in indigenous families in Ontario:

- 80% of respondents to ONWA's family violence survey reported that they had personally experienced family violence – as compared to the national average of 10% of Canadian women having experienced family violence (Ontario Native Women's Association, 1989, p. 7)
- 84% of all respondents indicated that family violence occurs in their communities (p. 7)
- Indigenous women were most frequently identified as the victim of abuse (88% of incidents), followed by children (51%), husbands (12%), and elders/friends (10%) (p. 7)
- 78% of respondents indicated that more than one member of the family was a victim of regular abuse, and 60% suggested that there was more than one family member involved in the abuse of women and children (p. 7)
- In 82% of cases, it was the female partner who was required to leave the family home, followed by children (41% of cases) and the male partner (20% of cases) (p.8)
- Most victims of indigenous family violence only separated from their husband/partner/family following an incidence of aggravated violence, where the life of the victim was nearly taken (p. 7).

Furthermore, respondents reported that mainstream family violence services, including the Canadian criminal justice system, were largely inaccessible and inadequately prepared for dealing with the specific needs of indigenous families. They also claimed that existing indigenous-focused resources were extremely limited and lacked adequate funding to undertake the important work of assisting indigenous families in crisis.

ONWA's Breaking Free report was part of a focused engagement by indigenous women with the Canadian state on the issue of "family violence" during the 1980s and 1990s. In response to heavy lobbying by mainstream white feminist/women's and child sexual abuse movements in Canada, the Canadian state has, since the 1980s, devoted considerable political energy and resources to the issue of family violence. While there has been some analysis of the mainstream white feminist/women's influence and involvement in this Canadian state politics of family violence (Friend, Shlonsky, & Lambert, 2008; Pierson, et al., 1993; Rebick, 2005; G. Walker, 1990; G. A. Walker, 1990) and increasing literature on violence in indigenous families, there has been little critical examination of indigenous women's engagement in this state politics. This chapter is committed to better understanding indigenous women's involvement in the developmental years (1980s-1990s) of this Canadian state politics of family violence.

These analyses focus on four final reports authored by indigenous women as part of state-sponsored family violence responses: ONWA's (1989) Breaking Free report (produced with funding from the Government of Ontario); Sharlene Frank's (1992) Family Violence in Aboriginal Communities: A First Nations Report was prepared as a parallel but independent report as part of the British Columbia Task Force on Family Violence; the Aboriginal Circle's (1993) contribution to the Canadian Panel on Violence Against Women; and Emma

LaRocque's (1994) report "Violence in Aboriginal Communities" was prepared as an independent submission to the Royal Commission on Aboriginal Peoples (RCAP). As state-sponsored accounts, these reports not only represent the most enduring and circulated narratives about violence in indigenous families, but are also the most likely to be considered in future state calculations when responding to this violence (and, potentially, other indigenous issues). Furthermore, with the state involved in the production and circulation of these reports, it is important to consider how the politics of family violence might operate as a settler colonial governmentality where indigenous families are marked as dysfunctional in order to legitimate the Canadian state's ongoing domination of indigenous peoples and lands.

Several interrelated arguments are advanced through this analysis. First, I contend that indigenous women faced distinct opportunities and risks (as compared to non-indigenous women and communities) in engaging the Canadian state politics of family violence due to the historical and contemporary/ongoing colonial domination that underpins the social and political relationship existing between indigenous peoples and the Canadian state. For example, although the state's political emphasis on "family" is aligned with the centrality of family in many indigenous societies, it also continues a long tradition of the Canadian settler state's targeting of indigenous families to secure colonial domination. However, despite serious risks, indigenous women, ultimately, had many logical reasons for opting to engage this state politics of family violence, including demanding state accountability for their role in the widespread violence plaguing indigenous families. Second, I argue that despite navigating a political terrain largely controlled and determined by the state, indigenous women articulated some strong anti-colonial political strategies that not only challenged the

Canadian state and colonial domination, but also patriarchal violence (including within indigenous communities) – and in doing so, articulated a new feminist paradigm.

This being said, I offer a third “cautionary” argument: given the dominant political terrain, indigenous women also advanced counter-discourses that while appearing as logical pathways of resistance given the political context, actually risked convergence with dominant discourses by relying on the same conceptual tools (e.g.: trauma and healing, multiculturalism, and neoliberalism) and, thus, imperiled not only these efforts to end violence in indigenous families, but also the related goals of decolonization and the regeneration of indigenous sovereignty and self-determination.

Why write about indigenous women and the politics of family violence? First, given the centrality of “family” to many indigenous communities, it is prudent to consider the political discourses and strategies that operate with the family as their target – particularly those advanced by indigenous women in defense of indigenous families, and those advanced by the Canadian state. Second, given cumulative colonial efforts to undermine and suppress indigenous women’s political activity, the Canadian state politics of family violence represented a rare opportunity for indigenous women to have direct access to the Canadian state and its dominant political fora. In fact, because they constitute the voices most likely to be heard by the state, these family violence reports represent a dominant political discourse for indigenous women and, thus, should be critically interrogated. Finally, this analysis, as suggested, is a cautionary tale intended to inform the future of indigenous women’s anti-violence resistance, particularly since “family violence” remains a political focus for the Canadian state and, thus, an important point of contact for indigenous women and their communities.

Theorizing violence in indigenous families

A central reason for pursuing this analysis of indigenous women and the politics of family violence is that, up to this point, the scholarly literature has dealt predominantly with (a) detailing the scope of violence in indigenous families; (b) theorizing the root causes of this violence; and (c) describing and assessing primarily direct service responses (i.e.: shelters, educational programs, counseling) to violence in indigenous families. In other words, while this scholarship has broadened our understanding of the problem of family violence as it pertains to indigenous peoples, there has been less consideration of the politics – the specific discourses and strategies involved – of “family violence”. At the same time, this literature is indispensable to this analysis because it provides the context for understanding the politics of family violence – that is, how we understand the scope, causes, and needs relating to violence in indigenous families is related to how we respond politically to the issue(s). Furthermore, it provides some sense of what has and hasn’t worked in terms of responses to family violence in indigenous communities and, thus, a means to assessing political family violence interventions.

Within the focus on scope, the scholarship is unanimous in the claim that violence in indigenous families is prevalent and pernicious. In their 2003 study of violence in indigenous families for the Aboriginal Healing Foundation, researchers Michael Bopp, Judie Bopp, and Phil Lane Jr. contend that existing statistics suggest that “as horrific as this picture of domestic violence and abuse in [Canadian] society at large is, the situation for Aboriginal peoples is even worse” (2003, p. 25). Based on a review of existing studies of the scope of violence occurring in indigenous families (including some of those that are part of this analysis like ONWA’s Breaking Free report), they claim that the “statistics estimate that, at a

minimum, one-quarter of Aboriginal women experience violence at the hands of an intimate partner; however, in some communities, that figure can be as high as eighty or ninety percent” (2003, p. 27). In terms of indigenous children, Bopp, et al. argue that they witness over half of the violence that occurs between adults in the home; and are frequently targeted for sexual abuse, with up to three-quarters of indigenous girls under the age of 18 having been sexually assaulted (2003, p. 27). They also found that half of indigenous men reported that a family member had abused them at some point (Bopp, et al., 2003, p. 27).

Disconcertingly, Bopp, et al. also made clear that “it is generally agreed that a great number of family violence and abuse incidents goes unreported” (2003, p. 23).

Similarly, in his recent work involving the Canadian government’s General Social Surveys (GSS) of 1999 and 2004, social scientist Douglas A. Brownridge found that prevalence rates for intimate partner violence were significantly higher for Aboriginal women (8.1% having experienced violence at the hands of an intimate partner within one year of the GSS in 1999, and 4.6% in 2004) than non-Aboriginal women (1.6% in 1999, and 1.2% in 2004) (2009, pp. 177-178). Brownridge found similar patterns in the GSS of 1999 for Aboriginal and non-Aboriginal men: 6% of Aboriginal men compared to 1.7% of non-Aboriginal men in Canada had reported having experienced violence from their current partner in the year prior to the GSS interview; and 10% of Aboriginal men compared with 4% of non-Aboriginal reporting victimization by a partner within the five years prior to the study (Brownridge, 2010, p. 229). In both instances, he found that the severity of violence experienced by Aboriginal women and men at the hands of intimate partners was significantly greater than non-indigenous men and women (Brownridge, 2009, p. 178, 2010, pp. 229-230).

An important consequence of the prevalence of violence in indigenous families, as Anne McGillivray and Brenda Comaskey's important 1999 analysis of aboriginal women, intimate violence, and the Canadian criminal justice system found, is that such violence has become "normalized" in indigenous families and communities. Citing one of their study participants, "it seems to be what's normal for you – getting a licking once a week, every other day, every day" (McGillivray & Comaskey, 1999, p. 8). This normalization, McGillivray and Comaskey contend, is "a major barrier to the protection of women and children" (1999, p. 8) – "if violence by one in a position of intimate trust...is perceived as the community norm as well as the relational norm, the difficulty in responding to it increases" because "how can one be in special need of help if the same thing is happening to everyone?" (p. 9). Furthermore, they argue, "challenging the norm is frightening" (McGillivray & Comaskey, 1999, p. 10). For victims, especially those in "geographically or culturally isolated communities," the consequences of resisting violence can include "community shaming, banishment, and the abandonment of one's culture, people, kin, even one's children" (McGillivray & Comaskey, 1999, p. 10) – an effect of which is that many Aboriginal women do not seek assistance for anti-violence resources or the criminal justice systems (1999, p. 74; 99). Normalization of intimate partner/family violence, as such, not only makes things extremely difficult for victims, but also makes this violence extremely difficult to challenge and disrupt.

Importantly, Bopp, et al. suggest that the problem of normalization isn't isolated to family violence, but is, instead, part of a broader "culture of violence" prevalent in many indigenous communities (2003, p. 7). Violence, they argue, has "infused into the fabric of almost every aspect of social violence":

There is violence in schools between children; violence between youth at parties and in the street; organized “fight clubs” complete with betting rings; violence between community members and their neighbours over misdemeanors and small disagreements; violence in bars, in stores, between lovers and friends, and between religious or political factions; violence created by criminal gangs and jailhouse values taking over youth culture and significant dimensions of the social and economic life of whole communities – *until many communities are virtual war zones* (Bopp, et al., 2003, p. 7; emphasis added).

As a result, it is increasingly the case that in indigenous communities, “nowhere is safe” (Bopp, et al., 2003, p. 7). Some of the reasons behind this “culture of violence,” they suggest, include the increased criminalization and incarceration of indigenous peoples, the prevalence of drug and alcohol abuse, and the rapid incursion of gangs into indigenous communities (Bopp, et al., 2003, p. 7). Importantly, Bopp, et al. argue that “the worsening problem of Aboriginal community violence is conceived and incubated within Aboriginal families” (2003, p. 7). At the same time, family violence is a “sociological characteristic of whole communities,” “rooted in the complex web of Aboriginal community history and current dynamics” (Bopp, et al., 2003, p. 9). In other words, family violence and the broader culture of violence operate in interlocking ways so that knowledge of both is required to unravel and dismantle the lived reality of violence in indigenous communities.

Taking this analysis a step further, some of the existing scholarship links indigenous family violence to broader trends of violence in Western societies (Maracle, 1996; McGillivray & Comaskey, 1999). As Stó:lô author and professor Lee Maracle notes,

“That there is violence in North American homes is taken for granted: *“Everyone knocks the wife around once in a while”*” (1996, p. 23; emphasize added). Furthermore, she claims, “rape, ladies and gentlemen, is commonplace in the home. In the home it is not a crime” (1996, p. 23). This normalization of violence in the home, she argues, is related to patriarchy:

Nowhere in the white, male conceptions of history has love been a motive for getting things done. That is unnatural. They can’t see love as the force which could be used to move mountains, change history or judge the actions of people. Love/spirit is seen as a womanly thing and thus is scorned. Women love their sons but men influence, direct and control them. Women love their husbands; men provide for women in exchange for a stable home and conjugal rights and that ever-nurturing womanly love. Men scorn love. We are expected not only to accept this scorn in place of love, but to bear untold suffering at the hands of men (Maracle, 1996, p. 23).

Similarly, McGillivray and Comaskey contend that “on a global scale, domestic violence is the most prevalent form of interpersonal violence” (1999, p. 12) and, thus, constitutes a “universal” phenomenon (p. 11).

A second focal point for the scholarly literary has been theorizing the roots causes of violence in indigenous families. As with violence against indigenous women and girls generally, colonialism is identified as a primary root cause of violence in indigenous families (Baskin, 2003, 2006; Bopp, et al., 2003; Brownridge, 2009, 2010; Maracle, 1996; McGillivray & Comaskey, 1999; Proulx & Perrault, 2000a; Stout & Bruyere, 1997). While occurring in pre-colonial societies, violence against women and children, it is claimed, has

been exacerbated through historical and ongoing colonial domination. As McGillivray and Comaskey contend,

Intimate violence in Aboriginal communities must be seen...within the history of Euro-colonial relations with First Nations in the colonies that now make up Canada. Colonialism creates extreme dynamics of domination and subjectivity, which readily translate into the more intimate relations of abuser and abused. Colonialism has shaped the nature, severity and rate of intimate violence in indigenous communities. It has influenced internal and external evaluation of the violence and created an environment in which it thrives as a learned behaviour, transmitted across generations and silenced by culture (1999, p. 22).

Colonialism, they argue, “introduced or exacerbated variables associated with high rates of physical and sexual assault and abuse,” including addictions, acute poverty and welfarism, racism, the erosion of parenting skills, learned patterns of intimate violence, and the infantilization of adults as wards of the state (McGillivray & Comaskey, 1999, p. 23).

Importantly, McGillivray and Comaskey suggest that colonial patriarchal devaluation of indigenous women has been central to the project of colonial domination and the destruction of indigenous families. This has included the reduction of women’s roles in community politics and local economies, sex discrimination in the *Indian Act*, and the portrayals of indigenous mothers as “inadequate” and “unfit” that underpinned such violent colonial interference in indigenous communities as the residential school systems and child welfare apprehensions (McGillivray & Comaskey, 1999, pp. 22-31). Colonial patriarchy, they contend, was also responsible for the stereotype of the sexualized “squaw” which, in turn,

has contributed to the “targeting of the bodies of Aboriginal children and women for sexual exploitation and other forms of violence” (McGillivray & Comaskey, 1999, p. 23).

The implication of this analysis is important: if, as these studies suggest, colonialism is a root cause of violence in indigenous families, then, as Mi’kmaq scholar Cyndy Baskin argues, anti-violence responses need to be grounded in recognition of indigenous peoples’ right to self-determination (2006, p. 27). Indeed, for Baskin, this is what distinguishes indigenous women’s organizing for mainstream feminism and the women’s movement: “every woman’s issue is framed in the context of issues that are important to *all* Aboriginal peoples which includes self-government” (2006, p. 27). Thus, she argues, from an indigenous perspective, “family violence in our communities will not end until racial equality in the form of self-government for Aboriginal peoples is restored” (Baskin, 2006, p. 27).

The scholarly literature also identifies a number of factors that contribute to making certain individuals more vulnerable to family violence, and these, I contend, not only speak further to the roots causes of violence in indigenous families, but also stress the need for approaches to family violence that are anti-oppressive and operate with an understanding of interlocking systems of oppression. Poverty, for instance, is linked to exacerbating conditions the result in family violence such as overcrowded and inadequate housing and unemployment, as well as making it difficult for those experiencing violence to seek help and/or leave the family home (Bopp, et al., 2003, p. 60; Brownridge, 2009, p. 175; McGillivray & Comaskey, 1999, p. 23). As Bopp, et al. note, “generally speaking, when poverty and unemployment worsen, wellness levels go down and the incidence of family violence and abuse goes up” (2003, p. 60). Youth are regularly cited as being at an increased risk for family violence (Bopp, et al., 2003, pp. 27, 12-17; Brownridge, 2009, p. 175;

McGillivray & Comaskey, 1999; Thomlinson, Erickson, & Cook, 2000, p. 23), suggesting the operation of age as a system of oppression enabling this violence. There is also a spatial element to family violence, with geographic and social isolation linked to increased vulnerability (Bopp, et al., 2003, p. 60; Brownridge, 2009, p. 176; McGillivray & Comaskey, 1999, pp. 79-80). Finally, McGillivray and Comaskey link colonialism to racism and the “othering” of indigenous peoples required to establish dominant subjectivities and colonial hierarchy (1999, pp. 24-25). Thus, if violence in indigenous families, as this discussion suggests, is the product of multiple, concurrently operating systems of oppression, then only the simultaneous disruption of these systems will result in an end to this violence.

A third focal point for the scholarly literature on indigenous family violence has been discussion and assessment of existing anti-violence interventions, predominantly direct service programs (i.e.: counseling, resources, education) (Andersson, Shea, Amaratunga, McGuire, & Sioui, 2010; Baskin, 2003, 2006; Ellerby, 2000; Forde, 1995; Proulx & Perrault, 2000b). These studies provide a means to theorizing what an appropriate or ideal response to violence in indigenous families might look like. For example, several of these studies argue in favour of “culturally appropriate/relevant” responses to family violence (Baskin, 2003, pp. 217-219, 2006, pp. 15, 21-25; Ellerby, 2000; Proulx & Perrault, 2000a, p. 17, 2000b, p. 105). The effectiveness of family violence interventions, according to Proulx and Perrault, is “maximized when presented through culturally sensitive mechanisms” that are directly relevant to the lives and experiences of indigenous people (2000b, p. 105). This includes presenting information in “terms and methods that are not only respectful of, but directly incorporate the norms, traditions and ceremonies of Aboriginal culture[s]” (2000b, p. 105). Cultural relevance, they contend, may increase indigenous acceptance of and participation in

anti-violence interventions (Proulx & Perrault, 2000b, p. 105). In their systematic review of family violence intervention approaches, Shea, Nahwegahbow and Andersson made two important findings: first, they argue that “the causes of family violence are complex and deeply rooted” and “once established, the cycle is difficult to break” – thus, “interventions most likely to be effective are those designed to prevent family violence rather than, once established, to reduce its frequency and severity” (2010, p. 54). Second, they identify program instability, lack of funding, and lack of capacity to undertake needed work as significant barriers to family violence prevention in indigenous communities (Shea, et al., 2010, p. 54+).

Finally, these studies suggest serious dissatisfaction among indigenous families, communities, and organizations with the response of the Canadian justice system to violence in indigenous families (Baskin, 2006; Ellerby, 2000; Proulx & Perrault, 2000b; Thomlinson, et al., 2000). As Baskin contends, “the criminalization of family violence and Western methods of intervention and treatment have not helped ease the situation” for indigenous communities (2006, p. 15). Many indigenous people who experience family violence are afraid to turn to police due to their role in colonial violence and because of a perception that the police do not care about indigenous people (Shea, et al., 2010; Thomlinson, et al., 2000). Furthermore, there is concern about the over-incarceration of indigenous offenders who are often times, themselves, survivors of violence (Ellerby, 2000; Proulx & Perrault, 2000b, p. 103). As such, these studies advocate alternative justice responses to indigenous family violence, including prison-based healing programs for indigenous offenders (Ellerby, 2000; Proulx & Perrault, 2000b), prison diversion programs (Thomlinson, et al., 2000), and Canadian justice system reform (McGillivray & Comaskey, 1999; Thomlinson, et al., 2000).

Importantly, it is also noted that some indigenous women are concerned with the leniency of alternative measures and they express an unwillingness to accept any sort of diversion or alternative sentencing for offenders “unless it does what jail is now seen as doing, however, unsuccessfully: punish, actually and symbolically; and protect, at least long enough so that victims can get their lives back on track” (Thomlinson, et al., 2000, p. 52; see also McGillivray & Comaskey, 1999, p.132-133).

In summary, the existing scholarly literature addressing violence in indigenous families has developed along three focal points, an analysis of which provides necessary grounding for the current study. The first focal point, scope, suggests that violence in indigenous families is widespread and constitutes part of a “culture of violence” (Bopp, et al., 2003) that has not only invaded indigenous communities across Canada, but also mainstream Canadian society. Importantly, this suggests that family violence in indigenous communities is related to violence in non-indigenous communities and, as such, the efforts to end either are necessarily entwined. This is related to the key finding pertaining to the second scholarly focal point, theorizing indigenous family violence: that is, family violence is the product of dominant interlocking systems of oppression including (but not limited to) colonialism, racism, patriarchy, and economic marginalization. Consequently, efforts to address family violence (in either indigenous or non-indigenous communities) not only require an analysis of interlocking systems of oppression, but also need to pursue the goal of anti-oppression. Finally, a third focal point on existing indigenous family violence efforts raises some important issues: the importance of “culturally appropriate/relevant” responses; the need for prevention as opposed to response after the fact; the precariousness of existing options as a result of funding and capacity limitations; and concerns around Canadian criminal justice and

alternative/diversionary responses in regards to both perpetrators and those that experience violence. This study will contribute to the existing scholarship in an important way: it addresses the absence of critical analysis surrounding the politics of family violence, its discourses and strategies, and, particularly, how they relate to indigenous women.

Furthermore, since the existing scholarship has predominantly explored the context of the Canadian state through the criminal justice system and direct service provision, this study's focus on political discourses and strategies contributes a new dimension to our understanding of indigenous women's anti-violence engagement with the Canadian state.

A Canadian state politics of family violence

Although frequently employed interchangeably, the many terms used in relation to violence within the family are actually part of the discursive terrain that constitutes these politics of family violence – and it is the purpose of this section to begin unpacking exactly what the politics of family violence are. Tracing this terrain in some detail serves several goals central to this analysis of indigenous women's anti-violence engagement with the Canadian state. First, it is intended to advance my argument that beginning in the 1980s, a state politics around family violence developed at both the federal and provincial/territorial levels in Canada – a politics that indigenous women pushed to become involved in. As such, this discussion also traces the central discourses, mechanisms, and strategies that underpin this Canadian state politics of family violence. Second, it is intended to explore how and why this state politics of family violence emerged. Here I suggest that the political discourses and strategies of mainstream white feminist/women's and child abuse movements in Canada were influential in the development of this Canadian state politics of family violence and,

consequently, that the political terrain of family violence that indigenous women became involved in was largely predetermined by the interests of other groups (in this case, the mainstream feminist/women's movement and the Canadian state). This section, as such, provides much needed contextualizing information for the analysis of politics of family violence advanced by indigenous women during their engagement with the Canadian state.

Violence in families first emerged as a social and political issue in Canada during the late nineteenth-century. "Historically in Canadian society as elsewhere," McGillivray and Comaskey contend, "the exercise of power within and over the domestic sphere, and the social power to define abuse of domestic powers as criminal or martial offences, was a male prerogative" (1999, p. 84). As such, Canadian laws were permissive of violence against women and children out of a patriarchal belief that a man had the right to use violence to secure his dominion over his family (McGillivray & Comaskey, 1999, pp. 85-86; Sheehy, 2002). Both the suffragists and family reform groups took up the cause of intimate violence, and "vigorous campaigns" were undertaken in the last decades of the nineteenth-century to have wife battering criminalized under Canadian law (McGillivray & Comaskey, 1999, p. 85). This was also a period marked by concerns around child abuse, which resulted in the creation of Children's Aid Societies which, through new legislation, were granted the power to "apprehend beaten and neglected children" (McGillivray & Comaskey, 1999, p. 85). Child sexual abuse was also raised as an issue at this time, largely in relation to concerns around the "white slave trade" and child prostitution (McGillivray & Comaskey, 1999, p. 85). However, according to McGillivray and Comaskey, these political campaigns lost momentum during the early twentieth-century as a result of a number of factors including

extension of the vote to some women, the successful outcome of the Persons' case, the professionalization of social work, the Depression, and the world wars (1999, p. 85).

These issues surfaced once again in the late 1960s and early 1970s, largely as a result of the efforts of the mainstream feminist/women's movement in Canada (Friend, et al., 2008; Johnson & Dawson, 2011; Morrow, et al., 2004; Pierson, et al., 1993; Rebick, 2005; G. Walker, 1990; G. A. Walker, 1990). Prior to the 1970s, violence against women, claims feminist historian Judy Rebick, was "still hidden, a secret shame" – it was, for example, the one issue on which the 1970 final report of the Royal Commission on the Status of Women, established by the federal government of Canada in February 1967, was virtually silent on (2005, p. 69). Consequently, as feminist/women's organizing gained second-wave political momentum in Canada during the 1970s, violence against women, framed as "wife battering" and "domestic violence", emerged as a key issue – first at the grassroots level of radical feminist groups, who saw a need and developed shelters and support services for those experiencing violence, followed quickly by dominant feminist political groups (Pierson, et al., 1993; Rebick, 2005; G. Walker, 1990), including, by the mid-1980s, the feminist federal lobby organization, the National Action Committee on the Status of Women (NAC) (Bashevkin, 1996, p. 222).

According to Gillian Walker (1990) these mainstream feminist/women's anti-violence efforts developed around particular discourses and strategies. First, there was an emphasis on developing a feminist/women's language around violence – in the early years of organizing around violence against women, she contends, "women didn't have a term to define their situation" and, therefore, "the process of making the experience of oppression in our own homes visible to ourselves and then getting it accepted as a matter of public concern

involved defining it as a problem in our terms” (G. Walker, 1990, p. 65; emphasis added). A second focus was on challenging the dominant political notion that violence in the home was a private issue and, therefore, outside of the political jurisdiction of the state. As Walker argues, “in order to act in ways which would alter the oppressive conditions that women experience in differing ways in the totality of their lives, experiences designated as belonging to the private realm had to be made public” (1990, p. 80). Critically, this strategy involved not only convincing the Canadian state to take action on the issue of violence against women *because it was a public issue*, but also challenging the state to reform existing laws that protected the right of men to use violence in their homes (Rebick, 2005; Sheehy, 2002). Finally, violence against women was theorized as an extension of patriarchy and men’s violent domination of women (G. Walker, 1990, p. 74).

At the same time, however, that Canadian state was also being pressed to address violence against children, as a political movement focusing on child sexual abuse developed alongside and from within the mainstream feminist/women’s movement (Friend, et al., 2008; Morrow, et al., 2004; J. Pratt, 2005). According to criminologist John Pratt (2005), child sexual abuse emerged as a social and political issue in Canada and three “main English-speaking societies” (the US, Australia and New Zealand) beginning in the 1970s as a response to significant social changes occurring in these societies at that time. As birthrates in these nations declined, he argues, scarcity resulted in the increased social valuation of children (J. Pratt, 2005, p. 267). Furthermore, Pratt contends, “at exactly the same time as our children had become increasingly scarce human commodities, and therefore at exactly the same time as we have become more aware of an array of risks to their health and well being, so our involvement with them and guardianship is *increasingly likely to be leased*

out...to 'strangers' ” (2005, p. 267; emphasis added). This was also a time, he points out, when the traditional heteropatriarchal family was under threat due to increasing divorce rates and declining marriage rates (J. Pratt, 2005, p. 268). Consequently, “amidst the erosion of certainty and security elsewhere in the social fabric, it [was] as if children [were] invested with an even more profound emotional and moral significance, in addition to their scarcity value” (J. Pratt, 2005, p. 269). Importantly, Pratt also notes that “experts” in child sexual abuse were coming to realize that some of their existing understandings and approaches were problematic (such as the presumption that child abuse was only common among poorer classes) and, thus, child sexual abuse “had become a free floating phenomenon, a problem in search of explanations and new ways of redress,” (2005, p. 271). Thus, imbuing children with moral purity requiring vigilant policing and protection in the face of increasingly blurred social boundaries resulted in the emergence of child sexual abuse as a pressing social and political issue that many social institutions (including the state, psychiatry, feminism) fought to control the development and course of.

In response, the Canadian state, at both the federal and provincial/territorial levels, began devoting considerable political energy and resources to the issue of violence in Canadian families. At the federal level, this began with a quick succession of official studies overseen by various state departments including Status of Women, the Solicitor General, Health and Welfare, and Social Affairs to assess the scope of the problem and to gather recommendations on how the state could respond. Notably, these studies largely focused on “wife battering,” as exemplified by such reports titles as Wife Battering in Canada: The Vicious Cycle and Wife Battering is Everywoman’s Issue, both published by the Canadian Advisory Panel on the State of Women in 1980; and Report on Violence in the Family: Wife

Battering, published by the Standing Committee on Health, Welfare and Social Affairs in 1982. At this time, child abuse was being studied separately through the federal Committee on Sexual Offences Against Children and Youths (commonly referred to as the “Badgely Committee” after chairperson Robin F. Badgley), which was established in 1980 and released its final report in 1984. According to Friend, Shlonsky and Lambert, throughout the 1970s and early 1980s, domestic violence was framed as a social problem primarily impacting women, and it wasn’t until the mid-1980s that children were factored into the politics of domestic violence as victims (2008, p. 690). Indeed, Walker suggests there was resistance within the mainstream feminist/women’s movement to conjoining the issues of violence against women and violence against children under the umbrella of domestic or family violence because some “found that linking wife battering and child abuse focused the issue in such a way that women’s experience came to be subsumed by the professional emphasis on child abuse and services to men who battered wives” (1990, p. 68). Others, however, argued that the language of family violence and domestic violence made the issue of woman battering more palatable and less threatening to dominant political structures and allies (G. Walker, 1990, p. 69).

Either way, by 1983, the federal government began moving toward a politics organized around family violence. In this year, they established the National Clearinghouse on Family Violence (NCFV), a “one-stop source for information on violence and abuse within the family” (Public Health Agency of Canada, 2011, p. 1). Involving numerous departments, agencies, and Crown corporations, the NCFV “collects, develops and disseminates resources on prevention, protection and treatment” of issues relating to family violence in order to increase public awareness about these issues (Public Health Agency of

Canada, 2011, p. 1). Still in existence, the NCFV has been funded annually as a fixed government expenditure since 1997 (Jamieson & Gomes, 2010, p. 1). In 1988, family violence was entrenched as a political priority for the current (and future) federal governments through the establishment of Family Violence Initiative (FVI) – a four-year, forty million dollar commitment to addressing violence in Canadian families (National Clearinghouse on Family Violence, 1994, p. vii). According to Jamieson and Gomes, this funding was allocated to participating federal departments “to coordinate the Family Violence Initiative, collect national data, address identified gaps and operate the National Clearinghouse on Family Violence” (2010, p. 1). In turn, these departments extended funding to local communities, groups, and organizations to conduct research and develop/implement family violence interventions (Jamieson & Gomes, 2010, p. 1). Significantly, the FVI was renewed numerous times until 1997, at which time it became a fixed federal expenditure of seven million dollars annually (Jamieson & Gomes, 2010, p. 1).

Concurrently, provincial and territorial governments also focused their political energy and resources on the issues of family violence. Due to the power distribution of the *British North America Act* (1867), provincial/territorial governments hold jurisdiction over certain areas connected to family violence, such as marriage and family laws, health services, and child welfare. Some of these governments undertook commissions of inquiry to study family violence, such as the Spousal Assault Task Force of the Northwest Territories (established in 1982) and the British Columbia Task Force on Family Violence (established in 1991). Some put in place victim service legislation intended to improve and guarantee support for victims of crime, including family violence. Such acts were passed in Ontario (1971), Nova Scotia (1989), the Yukon (1993), Saskatchewan (1995), British Columbia

(1996) and Alberta (1996) (Canadian Resource Centre for Victims of Crime, 2006, pp. 1-2). Five provinces also passed specific family violence legislation, including Saskatchewan (*The Victims of Domestic Violence Act*, 1995); Prince Edward Island (*The Victims of Family Violence Act*, 1996); the Yukon (*Family Violence Protection Act*, 1999); Alberta (*Protection Against Family Violence Act*, 1999); and Manitoba (*The Domestic Violence and Stalking Prevention, Protection and Compensation Act*, 1999), which dealt with such things as emergency orders, warrant and arrest procedures, and victims assistance orders (Roberts, 2002, p. v).

Providing a direct response to feminist/women's groups was only one of the potential benefits that the creation of a politics of family violence offered the Canadian state. For example, while the Canadian state claims "family" violence is an expansion of its terms for addressing violence in Canadian home, it also constrains our ability to address other forms of violence outside of this specific focus (i.e.: non-familial/acquaintance/stranger sexual and physical abuse or murder), and particularly the violence perpetrated by the Canadian state itself. By isolating the problem of violence within the Canadian family, the ability to name the Canadian state or dominant systems of oppression as complicit in this violence is limited. This problem is compounded by the fact that the Canadian state occupies, as Gillian Walker contends, the self-appointed position of helper (or, protector) of Canadian families (1990, p. 68). In this way, the focus on family violence appears as a means to circumventing Canadian state culpability. Furthermore, focusing on multiple issues (spousal abuse, child abuse, elder abuse) under a single cost-effective expenditure is certainly in line with the neoliberal political agenda gaining prominence in the Canadian state during the 1980s and 1990s.

Defending indigenous families: Indigenous women engage the state politics of family violence

As the Canadian state politics of family violence developed, indigenous women pushed to become involved; and although there is some evidence that they participated in mainstream feminist political efforts (Blaney, 1996; Rebick, 2005), indigenous women and their organizations also increasingly organized on their own to pursue inclusion in state-sponsored family violence responses. In addition to securing funding for a number of direct service family violence interventions (i.e.: shelters, counseling, education), indigenous women sought to engage the state directly through state-funded and/or state-initiated knowledge production and policy input opportunities. This study focuses on the final reports from four such political encounters, selected due to their frequent referencing in the existing scholarly literature. These include the following:

Breaking Free A Proposal For Change to Aboriginal Family Violence – Ontario Native Women’s Association (ONWA), 1989

Mentioned in the introduction to this chapter, Breaking Free presents the findings of ONWA’s Family Violence project, a research initiative conducted with Ontario Aboriginal communities and local organizations associated with ONWA between 30 November 1987 and 1 July 1988 (Ontario Native Women's Association, 1989, p. iv). According to the final report, ONWA had “been concerned about Aboriginal Family Violence since our inception in May 1971,” and “over the past sixteen years, numerous discussions [had] arisen about the problem of family violence among Aboriginal People at our Board of Directors, Executive Committee, and Annual General Assembly meetings” (Ontario Native Women's Association, 1989, p. 1). However, “during the past few years, a special committee of the Board of Directors met regularly to consider what the organization [could] do to work towards ending

Aboriginal family violence,” and one of the strategies that emerged was to conduct original research on the topic (Ontario Native Women's Association, 1989, p. 1). Securing funding through the Native Community Branch of the Ministry of Citizenship of Ontario and the Ontario Women’s Directorate (Ontario Native Women's Association, 1989, p. iv), “the project had several research objectives in the family violence area, with the overall aim of assessing, from Aboriginal women’s perspective, the situation of abused women in Ontario, including incidence of family violence, the availability and adequacy of services, and exploring Aboriginal solutions to these problems” (Ontario Native Women's Association, 1989, p. 1). Indeed, providing “aboriginal women’s perspectives” was central to ONWA’s project, for, as the organization contended, “only an Aboriginal woman can knowledgeably speak on our own needs, our cultural perspective, and our hopes for change” (Ontario Native Women's Association, 1989, p. 2). Previous studies, they claimed, had ignored the specific needs of Aboriginal women, and as such, Breaking Free, “unravels the complexities of Aboriginal family violence exclusively from an Aboriginal woman’s perspective” and “in this regard, it is the first of it’s kind in Ontario” (Ontario Native Women's Association, 1989, p. iii). This report was released in December 1989, and was the most frequently cited report in the literature and documents consulted for this study.

Family Violence in Aboriginal Communities: A First Nations Report – Sharlene Frank/British Columbia, 1992

To mark International Women’s Day (March 8) in 1991, the Government of British Columbia established a task force to investigate family violence in that province. The British Columbia Task Force on Family Violence, as it was called, was charged with a number of investigatory and developmental tasks including assessing the effectiveness of a recent public

education campaign on family violence; developing preventative strategies (both short-term and long-term) with respect to violence against women, children, and the elderly; reviewing government programs and services to victims of violence, focusing particularly on support, counseling and advocacy services; recommending ways for the government to improve its systems, policies and services to more effectively address the problems of violence, including ways to improve the coordination of existing services; and reviewing existing community family violence response models and making recommendations in this regard (British Columbia Task Force on Family Violence, 1992, pp. 37-38).

Significantly, the Task Force was encouraged to “develop a consultative approach with interested groups to involve them in identifying needs and developing solutions” (British Columbia Task Force on Family Violence, 1992, pp. 37-38); and in this regard, the Task Force sought panelists from within marginalized communities, recruiting Sharlene Frank to represent the interests of Aboriginal women. However, due to a dispute related to the Task Force’s recognition of Aboriginal sovereignty and community control, Frank resigned from the official committee, but continued to develop her own report, *Family Violence in Aboriginal Communities: A First Nations Report*, which she submitted to the provincial government in March 1992.

The Aboriginal Circle of the Canadian Panel on Violence Against Women – Federal, 1993

The Government of Canada established the Canadian Panel on Violence Against Women in 1991 in response to a number of key factors including the mass shooting of young women at École Polytechnique in Montreal in 1989; a House of Commons subcommittee report, *The War Against Women* (1991), recommending the state address violence against

women; political pressure from thirty women's organizations who marked the 20th anniversary of the Royal Commission on Women in 1991 by collectively demanding the federal government establish a royal commission on violence against women; and 26,000 letters and petitions from individuals and groups throughout Canada supporting the establishment of a formal state investigation of violence against women (Canadian Panel on Violence Against Women, 1993b, p. B1). Importantly, in their appearance before the House of Commons subcommittee that authored The War Against Women, "representatives from the Native Women's Association of Canada (NWAC) spoke of the lack of services and appropriate responses within Native communities to meet the needs of women and their children who are physically, sexually, and emotionally abused" (Greene, 1991, p. 48); and "through the Committee, recommended that that federal government set up a task force on family violence in Aboriginal communities" (p. 49). Thus, in creating the Canadian Panel on Violence Against Women, the federal government included an "Aboriginal Circle" whose members would act as advisors to the Panel on the specificities of violence as experienced by Aboriginal and Inuit women (Canadian Panel on Violence Against Women, 1993b, p. 143). However, as noted in the final report of the Panel,

no appointments were made, and no terms of reference for the Aboriginal Circle were defined. NWAC, not satisfied with the limited mandate of the Circle, initiated a series of negotiations between the Minister [Mary Collins, Minister responsible for the Status of Women] and Aboriginal women's groups including Pauktuutit and the Aboriginal Nurses Association of Canada (Canadian Panel on Violence Against Women, 1993b, p. 143)

The outcome of those initial meetings, the report suggested, “proved both timely and positive: four Aboriginal delegates joined the Panel” which “enhanced Aboriginal representation on the Panel, which already included among its original nine members Elder Eva Mackay, appointed by the AFN (Assembly of First Nations)” (Canadian Panel on Violence Against Women, 1993b, p. 143). Additionally,

The mandate of the Aboriginal Circle was expanded to ensure that Aboriginal women’s interests were adequately represented in the Panel’s proposed process. The Circle’s specific tasks were to identify the concerns of Aboriginal women relating to violence; to organize consultations to reach Aboriginal communities; and to evaluate research and develop recommendations relating to violence against Aboriginal women (Canadian Panel on Violence Against Women, 1993b, p. 143)

Phase one of the Aboriginal Circle’s investigation involved conducting over four hundred consultations in one hundred and thirty-nine communities across Canada between January and June 1991; while phase two involved the development of a separate document to provide a historical context for the experiences of Aboriginal women and the unique issues identified during the consultation process (Canadian Panel on Violence Against Women, 1993b, p. 144). The Aboriginal Circle’s findings were reported in a separate chapter of the Panel’s final report, Changing the Landscape: Ending Violence – Achieving Equality, with recommendations incorporated into the extensive National Action Plan that concludes the report. Importantly, the final report also included an individual chapter focusing specifically on Inuit women; however this wasn’t included in this analysis because of this study’s particular focus on anti-violence responses directed at indigenous women collectively.

Violence in Aboriginal Communities – Emma LaRocque/Royal Commission on Aboriginal Peoples (Federal), 1994

In 1991, the federal government established the Royal Commission on Aboriginal Peoples (RCAP) to formally “investigate the evolution of the relationship among Aboriginal peoples (Indian, Inuit and Métis), the Canadian government, and Canadian society as a whole” (Royal Commission on Aboriginal Peoples, 1996; "Interpreting the Mandate"). The Commission was given the broad mandate to “examine all issues which it deem[ed] to be relevant to any or all of the Aboriginal peoples of Canada,” with the goal of proposing “specific solutions, rooted in domestic and international experience, to the problems which have plagued those relationships [between Aboriginal peoples, the Canadian government and Canadian society] and which confront Aboriginal people today” (Royal Commission on Aboriginal Peoples, 1996; "Interpreting the Mandate"). As part of this process, Emma LaRocque, a Métis scholar, writer, poet, and professor of Native Studies at the University of Manitoba, was asked to address Aboriginal women’s perspectives on the causes and consequences of domestic violence, and to propose strategies to reduce and eliminate such violence (LaRocque, 1994, p. 73). Consequently, LaRocque produced Violence in Aboriginal Communities, a report which focused specifically on “family violence as it affects Aboriginal women, teenagers and children” (1994, p. 72); paying particularly attention to sexual violence, since, as she contends, “much family violence involves sexual assault” (LaRocque, 1994, p. 72).

One of the four reports selected for this study (i.e.: the Canadian Panel on Violence Against Women) was produced through a commission of inquiry: a formal governmental hearing that operates as a mechanism of governmentality meant to reaffirm the authority and

jurisdiction of the Canadian state (Ashforth, 1990), including its settler colonial domination over indigenous peoples and territories (Monture-Angus, 1995; S. H. Razack, 2011, 2012). Carefully controlled by the state, commissions/task forces represent tightly constrained anti-violence responses that severely limit (although they do not eliminate) the individual agency of indigenous women involved in these processes. Even when indigenous women constitute the “commissioners” – overseers and “collector-editors” (McCall, 2011) – they are governed by state-imposed commission mandates that necessarily limit the subject and scope of their investigatory abilities, and must adhere to the limits of time and budget set in place by the state.

By comparison, two of the four reports – Emma LaRocque’s Violence in Aboriginal Communities (1994) and Sharlene Frank’s Family Violence in Aboriginal Communities: A First Nations Report (1992) were produced “at arm’s length” as independently authored submissions to commissions/task forces. Although these submissions were likely influenced by the guidelines imposed on the commission/task force, their independent distance from the actual processes permits a greater degree of individual agency to resist and/or disrupt the constraint and colonizing effects of the commission/task force. Notably, neither report was addressed in the final reports for their respective commission/task force. Finally, ONWA’s (1989) “Breaking Free” report was based on a family violence study conducted by the organization through funding from the Province of Ontario – and although such agreements usually require a certain amount of state surveillance in the form of annual reports, they are generally less constrained and controlled by the state and, therefore, permit even greater individual agency in terms of the knowledge produced and disseminated.

For indigenous women, opting to engage the Canadian state on the issue of family violence came with both opportunity and risk – factors that were heavily influenced by colonialism. From the outset, indigenous women’s (and, indeed, all indigenous peoples’) engagement with the Canadian state is adversarial: because colonial domination requires the oppression and violation of indigenous peoples and their exclusion from state citizenship (unless, of course, one is willing to give up their indigenous identity, rights, and citizenship), indigenous women don’t come to the political table, so to speak, as citizens engaging their elected leadership, but as political “enemies” who inherently threaten the coherence and supremacy of the white settler Canadian nation and state. At the same time, the Canadian state comes to this political table not as an elected polity but, instead, as an oppressor – thus, putting indigenous women in the political position of having to negotiate with an entity that is not only critically invested in the historical and ongoing domination of indigenous peoples and territories, but that also actively suppresses and denies this reliance. To make matters worse, it is the oppressor who is defining and controlling the terms of engagement – the political conditions under which indigenous women may engage the Canadian state. Thus, for indigenous women, state engagement approached something much closer to warfare than an act of democratic citizenship, on a battlefield grossly skewed in the Canadian state’s favour.

The state’s particular focus on “family” also carried specific risks for indigenous women and their families: for, despite the desperate need to address violence, inviting the Canadian state to become involved in indigenous families risked replicating well-established patterns of colonial domination. As noted previously, the anti-violence politics of the mainstream feminist/women’s movement that influenced the development of the Canadian

state politics of family violence focused on disrupting dominant notions of the family and home as “private” socio-political spheres in order to secure state intervention and protection for women and children experiencing violence in these spheres. However, the ability to advance such a discourse is contingent on one’s “family” and “home” having, at some point, occupied the realm of “private” – something which has never been true for indigenous families who, because of colonialism, have always been considered “public” and under the formal authority and jurisdiction of the Canadian state. Throughout Canadian colonial history, indigenous families have been repeatedly and brutally targeted as a site for domination. As Randi Cull contends,

motherhood represents a core aspect of women’s being and constitutes a benchmark component of an Aboriginal community’s well-being. Being an Aboriginal mother involves navigating parenthood under the pervasive, critical glare of the state. The theme that links the state’s past and present treatment of Aboriginal mothers involves the non-empirically supported, implicit notion that Aboriginal women are “unfit” parents in need of state observation, guidance and at times, intervention. The State has been instrumental in creating a negative stereotype of Aboriginal women being inherently “inferior” people and “unfit” parents. This stereotype justifies and legitimizes the state’s inappropriate and unjust scrutiny of Aboriginal mothers (2006, p. 141).

Thus, through the *Indian Act*, the Canadian state interfered in indigenous families through imposed membership codes and patriarchal patterns of inheritance – and sex discrimination inherent to the act has meant that indigenous women have been unfairly adversely impacted

by such interference (Lavell-Harvard & Lavell, 2006; Lawrence, 2004; McIvor, 2009; J. Milloy, 2008; Palmater, 2011). Through the residential school system and child welfare apprehensions, generations of indigenous families were torn apart by the Canadian state, with the perceived inadequacy and dysfunction of indigenous people as parents serving as the rationale for both (Blackstock, 2009; Cradock, 2007; Cull, 2006; Fournier & Crey, 1997; J. S. Milloy, 1999). With respect to residential schools, for example, historian John Milloy argues that the Canadian state perceived indigenous parents as inherently deviant, “irredeemable,” and a “hindrance to the civilizing process “ (1999, p. 26). As a result, “almost no one involved in Indian Affairs seemed to have any doubt that separation [of Indian children] from family and community was justified and necessary” (J. S. Milloy, 1999, p. 28). Similarly, as Fournier and Crey claim about child welfare apprehensions,

In many cases, children were taken from parents whose only crime was poverty – and being aboriginal. Finding a grandmother caring for several small children in a home without a flush toilet, refrigerator, or running water was enough to spur a worker to seize the children and take them into the care of the state. *In rural areas, often the only difference between the parents whose children were stolen away and those who took in foster children for a little extra cash was the colour of their skin*” (Fournier & Crey, 1997, pp. 85-86; emphasis added).

Consequently, exposing the extent of violence in indigenous families and asking the Canadian state to intervene not only risked reaffirming dominant colonial perceptions of deviant and dysfunctional families but also the authority of the Canadian state over indigenous peoples with a right (indeed, a responsibility as the morally and socially superior

entity) to control indigenous families and communities. In other words, it imperiled the possibilities of decolonization and the regeneration of indigenous sovereignty and self-determination.

Yet, given these considerable risks, indigenous women opted to engage the Canadian state through the politics of family violence – which begs the question: why? Aside from sheer need, there are other possible explanations for this engagement. First, the state’s emphasis on family converges with the centrality of family in many indigenous societies. As noted by the Aboriginal Circle of the Canadian Panel on Violence Against Women (“Aboriginal Circle”),

In Aboriginal society, the family is the heart of the community, an entity made powerful by human spirit. Families are linked to one another through kinship on the mother’s or father’s side, or on both. These extended families are representative of the traditional clan system of their ancestors. Many of them are matriarchal, with elderly women presiding as head. Aboriginal communities are devoid of the non-Aboriginal “class” structure, and individual family standing is not measured by material possessions or accumulated wealth. Instead, a family is often valued by the contributions of its extended family to the community, its ability to get along with others and the strength and character of its members (Canadian Panel on Violence Against Women, 1993b, p. 150).

Indeed, unlike the mainstream Canadian feminists/women who opposed their political subsumption into “family” violence, “Aboriginal women do not view themselves and their needs as separate from the needs of their children and families” and “their roles as mothers,

grandmothers and caregivers of their nation[s] are still widely recognized and honoured today” (Canadian Panel on Violence Against Women, 1993b, p. 151). In this way, the state’s emphasis on family is extremely attractive and, indeed, appropriate for many indigenous people. Second, the course of colonial patriarchal politics, as outlined in the previous chapter, means that indigenous women receive very few invitations to engage the Canadian state directly and, thus, family violence marked an important political opportunity for indigenous women to ensure their voices were included in the dominant state politics of family violence. Finally, because it is deeply implicated both historically and contemporarily in the violence occurring in indigenous families, there is a need to address the state directly in order to put an end to this violence.

History lessons: Codifying settler colonial domination

As with the scholarly literature, the family violence politics of indigenous women unanimously focused on colonialism and the Canadian state as significant factors contributing to violence in indigenous families. For example, as ONWA contended in Breaking Free,

Many problems have arisen because of the removal of control over our lives. Regulation by a faceless bureaucracy has resulted in the aggravation and escalation of violence in our communities. Compulsory residential schooling of Aboriginal children, away from their parents, directly led to the decline of parenting skills because their children were denied parental role models. Aboriginal women, ostracized from their families and communities due to marriage to men without Indian Status, and the importance of the extended

family in Aboriginal upbringing. The removal of Aboriginal children from their parents, extended families and communities through adoption to non-Aboriginal families and communities, created not only pain but also confusion as the children were not allowed to learn the central role of family in their culture. In effect, family violence is a reaction against system of domination, disrespect, and bureaucratic control (1989, p. 3).

Similarly, in her contribution to the BC Task Force on Family Violence, Sharlene Frank argued that “family violence is an undisputed reality in First Nation communities” and “the reasons are rooted in the colonization of First Nation peoples which have displaced them in the economic, social, and political structures of society” (1992, p. 2). Finally, as Emma LaRocque explained in her submission to RCAP,

Colonization refers to the process of encroachment and subsequent subjugation of Aboriginal peoples since the arrival of Europeans. From the Aboriginal perspective, it refers to loss of lands, resources, and self-direction and to the severe disturbance of cultural ways and values. Colonization has taken its toll on *all* Aboriginal peoples, but it has taken perhaps its greatest toll on women. We can trace the diminishing status of women with the progression of colonialism (1994, p. 73; emphasis in original).

In support of this political position, indigenous women employed a political strategy that I refer to as “history lessons” –extensive historical accounts of the impact of colonialism on indigenous peoples, generally, and women and families, more specifically. With the contemporary colonial state politics bent on erasing and eliding the existence of colonialism and the state’s complicity with colonial

domination, these history lessons were not only required to disrupt these silences (and the image of Canada they sustain), but also to provide evidence of the state's complicity in this violence. In examining these "history lessons," a common, codified historical account, advanced from the perspective of indigenous women, emerges. The account begins prior to colonialism, when indigenous nations were sovereign and self-determining, and indigenous females were honoured and respected in their societies. As noted, for example, by the Aboriginal Circle in their contribution to the Canadian Panel on Violence against Women,

Aboriginal women held a position of authority in the family, clan and nation. Traditional societies universally recognized the power of women to bear life. It was believed that women shared the same spirit as Mother Earth, the bearer of all life, and she was revered as such... By virtue of her unique status, the Aboriginal woman had an equal share of power in all spheres (1993b, p. 144).

Similarly, as Emma LaRocque explained, "[p]rior to colonization, Aboriginal women enjoyed comparative honour, equality and even political power in a way European women did not at the same time in history" (1994, p. 74). Notably, LaRocque was careful to point out "there are indications of violence against women in Aboriginal societies prior to European contact" and "many early European observations and original indian legends...point to the pre-existence of male violence against women" (1994, p. 75). However, she also contends, "there is little question...that European invasion exacerbated whatever the extent, nature or potential violence there was in original cultures" (LaRocque, 1994, p. 75).

Then, according to these history lessons, a turning point occurred that had particularly dire consequences for indigenous women and their communities: the arrival of white settlers and colonial domination. For example, the family violence reports claimed that the destruction of the honour, status, and power traditionally accorded to Aboriginal women in pre-colonial Aboriginal societies (Canadian Panel on Violence Against Women, 1993b, pp. 144, 145, 148; Frank, 1992, p. 15; LaRocque, 1994, p. 73; Ontario Native Women's Association, 1989, p. 3), as well as the destruction of the matriarchal social ordering of these pre-colonial societies (Canadian Panel on Violence Against Women, 1993b, pp. 145, 146; LaRocque, 1994, p. 73; Spousal Assault Task Force, 1985, p. 9) have been critical to securing colonial domination over indigenous peoples, lands and resources, and inscribing colonial patriarchy on indigenous communities. As LaRocque claimed,

Colonization has taken its toll on *all* Aboriginal peoples, but it has taken perhaps its greatest toll on women. We can trace the diminishing status of Aboriginal women with the progression of colonialism. Many, if not the majority, of Aboriginal cultures were originally matriarchal or semi-matriarchal. European patriarchy was initially imposed upon Aboriginal societies in Canada through the fur trade, missionary Christianity and government policies. Because of white intrusion, the matriarchal character of Aboriginal spiritual, economic, kinship, and political institutions was drastically altered (1994, p. 74; emphasis in original).

To further diminish Aboriginal women, she explained, colonial stereotypes were developed to paint *all* Aboriginal females as inherently deviant, with a particular emphasis on sexuality:

While all Aboriginal people are subjected to racism, women further suffer from sexism. Racism breeds hatred of Aboriginal peoples; sexism breeds hatred of women. For Aboriginal women, racism and sexism constitute a package experience. We cannot speak of sexual violence without at once addressing the effects of racism/sexism. Sexual violence is related to racism in that racism sets up and strengthens a situation where Aboriginal women are viewed and treated as sex objects. The objectification of women perpetuates sexual violence. Aboriginal women have been objectified not only as women but as Indian women. The term used to indicate this double objectification was and is “squaw” (1994, p. 74).

Critically, this dehumanizing portrayal of Aboriginal women as “squaws”, she contended, “renders all Aboriginal female persons vulnerable to physical, verbal and sexual violence” (LaRocque, 1994, p. 74).

The loss of sovereignty and self-determination that accompanied colonialism, these family violence reports argued, was also directly related to the increase of violence in Aboriginal families. As ONWA argued, for example,

Many problems have arisen because of the removal of control over our lives. Regulation by a faceless bureaucracy has resulted in the aggravation and escalation of violence in our communities...In effect, family violence is a reaction against system of domination, disrespect, and bureaucratic control (Ontario Native Women's Association, 1989, p. 3).

Indeed, the loss of traditional lands and resources (Canadian Panel on Violence Against Women, 1993b, pp. 144, 145; Frank, 1992, pp. 3, 4; LaRocque, 1994, p. 73) and the

destruction of traditional economies (Canadian Panel on Violence Against Women, 1993b, p. 145; Frank, 1992, pp. 7, 15; LaRocque, 1994, p. 82), the history lessons claimed, have and continue to contribute to Aboriginal poverty in Canada, a commonly identified risk factor for family violence (Bopp, et al., 2003; Brownridge, 2009). Thus, as the Aboriginal Circle argued,

[these] paternalistic laws and bureaucratic policies and bureaucratic policies of the federal and provincial governments towards Aboriginal peoples have undermined traditional economies and have transformed self-sufficient Aboriginal nations into little more than “welfare states.” Aboriginal people have not shared in the wealth from Canada’s vast natural resources and maintain that the trust between their nations and the Canadian government, based on treaty rights, has been grossly violated (Canadian Panel on Violence Against Women, 1993b, p. 173).

Consequently, they contend,

The impact of poverty on the Aboriginal family and the community is immeasurable. Poverty, in its severest form, is a fact of life for many Aboriginal people, depriving them of their basic human rights and dignity. The absence of a sound economic base and extremely high levels of unemployment force Aboriginal people to live in overcrowded housing, which in turn directly contributes to poor health. But it is the daily stress, financial hardship and chronic despair inflicted by poverty that contribute directly to the widespread abuse of women and children (Canadian Panel on Violence Against Women, 1993b, p. 173).

This dominant historical account also highlighted a number of key examples of violent colonial Canadian state interventions that have decimated indigenous families including the *Indian Act* (Canadian Panel on Violence Against Women, 1993b; Frank, 1992, pp. 3,7; Ontario Native Women's Association, 1989, p. 3); residential schools (Canadian Panel on Violence Against Women, 1993b; Frank, 1992, pp. 4,6; Ontario Native Women's Association, 1989, p. 3); and child welfare apprehensions (Canadian Panel on Violence Against Women, 1993b, p. 147; Frank, 1992, p. 7; Ontario Native Women's Association, 1989, p. 3). In regards to the *Indian Act*, the Aboriginal Circle wrote,

Following Confederation, the *Indian Act* was legislated in 1876 to “govern Indians in Canada”. *This act was to become the government’s most effective tool in the abolition of Aboriginal women’s rights, status and identity, and it’s left in its wake a path of cultural and social destruction.* The lines that separated Aboriginal women – Status from non-Status and Métis – were clearly drawn. The law separated Aboriginal people through classification and created a new social order that would eventually divide nations, clans and families (Canadian Panel on Violence Against Women, 1993b, p. 145; emphasis added).

Sex discrimination within the *Indian Act*, they argued, was extremely detrimental to indigenous women:

For Aboriginal women, living in post-Confederation Canada meant living in two worlds – the white world and the Aboriginal world. Many were forced to give up their Status rights upon marrying a non-Status or non-Aboriginal man. Without the support of family and community, the cities became new

homelands for these women. Here, Aboriginal women were domestic labourers, cleaners, cooks, factory workers. For Aboriginal women, higher education was not likely. Despite social and economic inequities, Aboriginal women worked diligently and survived (Canadian Panel on Violence Against Women, 1993b, p. 145)

Importantly, sex discrimination, the Aboriginal Circle claimed, also translated into increased violence against indigenous women and children:

The strain began to take its toll on Aboriginal women, partially because of their loss of power and weakened status under the *Indian Act*. Aboriginal women fell victim to multiple abuses, which were inflicted on them as children, wives, mothers and elders, often at the hands of those most trusted. The abuse was kept hidden. Untreated, it spread to epidemic proportions (Canadian Panel on Violence Against Women, 1993b, p. 147).

In terms of residential schools, the Aboriginal Circle called them “the Canadian government’s most destructive and blatant tool of cultural genocide perpetrated against Aboriginal people in Canada’s 125-year history” (Canadian Panel on Violence Against Women, 1993b, p. 176). Residential schools, they argued, were responsible for both the destruction of Aboriginal families and cultures:

The children returned from the residential schools to their homes and communities, unfamiliar with the language and culture of their people. Traditionally, elders, grandmothers and grandfathers were the first teachers of Aboriginal children; they passed on their knowledge, values and skills to the children by way of stories and legends. This oral tradition was dependent on

trust, which was nurtured over time, between children and grandparents. In many cases, the residential school experience permanently severed this tie between child and elder, altering the values and identity of the child and traditional Aboriginal society forever (Canadian Panel on Violence Against Women, 1993b, p. 146).

Furthermore, “raised in a cold, institutional atmosphere, Aboriginal children were deprived of parental contact, which left them with little knowledge of traditional child-rearing skills that had been passed from generation to generation” (Canadian Panel on Violence Against Women, 1993b, p. 176). Finally, as a result of the emotional, spiritual, physical, and sexual abuse the majority of Aboriginal children experienced at residential schools, “many victims of abuse at residential schools,” the Aboriginal Circle contended, “in turn became the abusers, inflicting on their own children what they had been forced to endure at the residential school” (Canadian Panel on Violence Against Women, 1993b, p. 176).

Significantly, as the Aboriginal Circle claimed, “the residential school system cut to the very soul of Aboriginal women by stealing their most valued and vital roles of mother and grandmother, along with their children” (Canadian Panel on Violence Against Women, 1993b, p. 146):

The residential school era marked a turning point for Aboriginal women in Canada. Their rights, status and identity were now fading into near obscurity. Once fiercely proud and independent, Aboriginal women now struggled daily for survival, amid the turmoil of violence and abused that had become a new reality (Canadian Panel on Violence Against Women, 1993b, p. 146).

Consequently, as Sharlene Frank argued in her report to the BC Task Force, “The effects of the residential school system have always been repeatedly cited as important to understanding family violence issues” (1992, p. 7).

Finally, in terms of apprehensions of indigenous children from their families and communities by state child welfare services, the Aboriginal Circle contended,

The removal of Aboriginal children from their family and community by child welfare authorities has also contributed to the breakdown of the Aboriginal family. During the last several decades, child welfare agencies indiscriminately removed Aboriginal children from their families and communities, primarily for reasons related to poverty, and placed them in foster care institutions or had them put up for adoption by non-Aboriginal families (Canadian Panel on Violence Against Women, 1993b, p. 158).

Thus,

One of the most significant consequences of the imposition of provincial laws was the enforcement of child welfare legislation and the accompanying imposition of urban-middle-class standards. Thousands of Aboriginal children were deemed to be in need of protection and were removed from their homes in “the Sixties Scoop”. Combined with the residential school system, it meant that generations of children were not raised within their families or communities, thereby never learning their traditional culture or patterns of parenting (Canadian Panel on Violence Against Women, 1993b, p. 147).

Problematically, however,

Many Aboriginal children were adopted by families living outside Canada and have never returned. Aboriginal children who were adopted into non-Aboriginal homes have been subjected to racism and other forms of violence including sexual and physical abuse while they were wards of the court. Most Aboriginal children adopted by non-Aboriginal families lose all contact with their Aboriginal family and community, and consequently, they lose their own cultural identity as an Aboriginal person (Canadian Panel on Violence Against Women, 1993b, p. 158).

Given the settler colonial context and the contemporary Canadian state's desire to disavow and erase its complicity in violence against indigenous peoples, these history lessons represent an extraordinary political effort on the part of indigenous women to construct a codified story that would not only put colonialism and Canadian state violence on record, but also resist any attempt to restrict violence to the family and indigenous communities. While the state politics of family violence certainly presented itself as an opportunity for the settler colonial state to continue its long-established pattern of pathologizing indigenous families in order to legitimate both Canadian state control over indigenous peoples (and, by extension, indigenous lands) and violent and destructive colonial interventions in indigenous communities, these history lessons disrupt this process by foregrounding the role of colonial domination and Canadian state violence in producing the high rates of violence experienced within indigenous families. The efforts of indigenous women to inscribe these history lessons within the official texts of these final reports are a remarkable achievement not only because this was the first time that such stories had appeared "officially" within Canadian state politics, but also because indigenous women were able to do this across multiple reports in one united voice.

These history lessons disrupted colonial domination in another important way: they provided the grounding for discussions of indigenous peoples' right to self-determination (argument that are discussed in greater detail in the next section). By beginning them prior to colonialism, these history lessons explicitly reinforce both the notions that indigenous nations were, indeed, the first to occupy these lands that now constitute Canada, and that these nations were also once sovereign and self-determining. In this way, these accounts not only attempted to disrupt dominant colonial claims to rightful and legitimate ownership of Canadian lands and resources (at a time when the state was attempting to resolve land and resource claims with indigenous nations through development of the comprehensive and specific land claim agreements), but they also set the stage for contemporary arguments around indigenous sovereignty and self-determination by providing clear evidence that we once ruled ourselves as sovereign nations and, therefore, can do it once again. This is a particularly important aspect of this approach given, as Million (2013) claims, that the dominant state politics of trauma operates to bring indigenous fitness for self-determination into question by emphasizing their inherent deviance and dysfunction. These accounts also present an alternate reading of history from the perspective of indigenous women.

There are, however, some risks associated with this history lesson approach. For example, presenting indigenous issues within an historical context risks reaffirming the dominant colonial perception that indigenous peoples and their issues are of the chronological "past" with little relevancy in contemporary Canadian society (Culhane, 1998; Lawrence & Dua, 2005; Mackey, 2002; Shanley, 2007; Warry, 2007). As Lawrence and Dua explain,

Settler states in the Americas are founded on, and maintained through, policies of direct extermination, displacement, or assimilation. The premise of each is to ensure that Indigenous peoples ultimately disappear *as* peoples, so that settler nations can seamlessly take their place...In settler nation-building myths, “Indians” become unreal figures, rooted in the nation’s prehistory, who died out and no longer need to be taken seriously (2005, p. 123; emphasis in original).

“Being consigned to the mythic past or “the dustbin of history,”” they contend, “means being precluded from changing and existing as real people in the present” (Lawrence & Dua, 2005, p. 123). Furthermore, “it also means being denied even the possibility of regenerating nationhood,” because “if Indigenous nationhood is seen as something of the past, the present becomes a situation in which Indigenous people are reduced to small groups of racially and culturally defined and marginalized individuals drowning in a sea of settlers – who needn’t be taken seriously” (Lawrence & Dua, 2005, pp. 123-124). Indigenous women’s emphasis on history lessons, as such, risks replicating this dominant colonial strategy.

Notably, indigenous women employed several strategies in their family violence reports that attempted to circumvent this dominant colonial trend of historically containing indigenous peoples. One such strategy involved continuously discursively linking this history to contemporary issues faced by indigenous communities, including family violence. Thus, as ONWA noted in Breaking Free,

For much of the past century we have been living under bureaucratic control, with no real self-government. The Indian Act governs much of our everyday affairs, including family life. As a result, the social problems within our families are frequently severe. Violence, alcohol, drug and solvent abuse, are uniform

tragedies of Aboriginal society. The severe impact of these social ills is immediately felt in the family. The treatment of members within the family is a reflection of the treatment of Aboriginal society and culture on a broader basis (Ontario Native Women's Association, 1989, p. 3).

A second strategy, as deployed by the Aboriginal Circle, involved telling the contemporary story of indigenous peoples in Canada; a narrative which included highlighting the existence of fifty-three distinct Indigenous nations in Canada today; a discussion of contemporary divisions based on identity (i.e.: status, non-status, Métis, Inuit); highlighting the existence of five national Indigenous organizations (the Assembly of First Nations (AFN), the Native Council of Canada/Congress of Aboriginal Peoples, Inuit Tapirisat Kanatami, Pauktuutit, and the NWAC); outlining contemporary population distributions, on and off reserve, by province; a discussion of the contemporary impact of urbanization on the Indigenous population; and noting the protection of Indigenous rights under the *Canada Act* (1982) (Canadian Panel on Violence Against Women, 1993b, pp. 149-150). A third strategy involved critiquing dominant colonial notions of history. As the Aboriginal Circle claimed, for example,

Canadian schools do not accurately represent Aboriginal peoples. Schools continue to teach children that Christopher Columbus “discovered” America. Modern history omits or distorts significant facts that have had a great impact on Aboriginal peoples and have helped shape the Canadian reality. Canadian curricula do not include such important information as treaties and residential schools, and only minimally allude to the *Indian Act*. Events of significance to the Aboriginal community are presented from a historical perspective with no link to

contemporary society, and they are usually presented from a non-Aboriginal viewpoint (Canadian Panel on Violence Against Women, 1993b, p. 174).

This exclusion, they contended, carried significant consequences:

The omission of Aboriginal peoples' authentic history and rich, diverse culture perpetuates ignorance and racism by non-Aboriginal people who must rely on equally misinformed media for information about Aboriginal people. This omission alienates Aboriginal students from the "white" educational system and contributes to a lack of self-esteem, cultural confusion and high drop-out rates (Canadian Panel on Violence Against Women, 1993b, p. 174).

Similarly, as Emma LaRocque argued,

The miseducation of Aboriginal youth must be addressed. One of the enduring legacies of colonization is the mistreatment of Aboriginal history and issues in schools. Schools must stop presenting Aboriginal history, cultures, peoples and issues in biased, ethnocentric or racist ways (1994, p. 80).

Through such strategies, then, indigenous women attempted to avoid the colonial containment of indigenous peoples and issues to the realm of history and "pastness".

A new feminist paradigm: Indigenous self-determination and colonial patriarchy

Having identified colonialism and the Canadian state as a significant source of the violence currently experienced by indigenous families, these reports quite logically, then, named sovereignty and self-determination as an integral part of the solution. For example, according to ONWA,

As indicated at the outset, what we believe is at the core of many of these problems is the absence of self-government. The lack of self-government for much of modern history in Aboriginal society has created a climate where abuses such as family violence and alcoholism have been allowed to flourish. The inability of people to determine their destiny based upon their own cultural beliefs has stifled Aboriginal culture, creating a sense of confusion and loss of many of the traditional values which were predicated on respect and dignity of the individual. As Aboriginal people in general have been confined, with no place for the release of societal pressure, they have turned on themselves (Ontario Native Women's Association, 1989, p. 8).

Thus, the organization argued, “if the long term goal of self-government, which would create a greater sense of self-worth, is not pursued, then efforts to eradicate family violence from Aboriginal society will fail” (Ontario Native Women's Association, 1989, p. 3). Similarly, Sharlene Frank argued in her contribution to the BC Task Force on Family Violence that “[a]n essential starting point [for anti-violence responses] is recognizing aboriginal people as members of First Nations with an inherent right to self-government” (1992, p. 1). As she claimed,

Despite the common problems faced due to colonization practices, aboriginal communities vary in their needs, customs, and aspirations. One constant theme is recognition of First Nations’ inherent authority and aspirations for community control – communities deciding on their own solutions and priorities. Community control emphasizes community members having greater choices over the direction and quality of their lives (Frank, 1992, p. 2).

Indeed, this position was so critical for Frank that she ended her involvement with the BC Task Force on Family Violence over it. As she explained,

While the Task Force members as a whole attempted to respect the position of aboriginal people, there was a gap in understanding. Prior to resigning as a Task Force member, I had no guarantee that principles of community control would be respected. To me, it was more than a question of where to place the recommendations; aboriginal people were included within the general recommendations developed by the Task Force. This, I regarded as speaking on behalf of First Nations people. The Task Force endorses the principle of community control, but more work needs to be done in acknowledging the authority of aboriginal people as members of First Nations. For example, recommendations are not couched in recognition of existing aboriginal and treaty rights. Further, recommendations are made on our behalf, involving for example, a structure for implementing the Task Force recommendations (Frank, 1992, p. 1).

Consequently, Frank withdrew from the task force and authored her independent report on family violence in indigenous communities.

The framing of the issue as “self-government” is significant, because while indigenous women likely intended usage of this term to reflect self-determination, the conceptualization of self-government operating in Canadian state politics at that time was a manifestation of state neoliberal and colonial agendas (T. Alfred, 1999; T. Alfred & Corntassel, 2005; MacDonald, 2011). A review of existing treaties suggests that the Canadian state discourse of self-government begins as early as 1976, when the first such agreement was made, but gained in prominence during the 1990s when a large number of

self-government agreements were signed¹. The problem is this: as political scientist Fiona McDonald (2011) argues, the Canadian state politics of “self-government” is actually a form of “neoliberal Aboriginal governance”. She writes,

This [self-government] strategy is not simply about meeting the demands of Indigenous peoples but also about meeting the requirements of the contemporary governmental shift towards “privatization” within liberal democratic states. Touted by the state as enhancing Indigenous autonomy, these policies appear to respond to Indigenous demands but serve a neoliberal welfare state agenda, and as a result, their effects often run in opposition to meaningful autonomy of Indigenous people (MacDonald, 2011, p. 257).

Indeed, too often, MacDonald contends,

the models of autonomy being crafted by the state hand off large areas of responsibility to Indigenous peoples without passing on the actual decision-making power necessary to truly transform these policy areas... These practices shift social policy away from a holistic, transformative, and capacity-building approach to one that makes it more difficult to achieve truly transformative change, as both the political and discursive terrain within which change can happen is narrowed (2011, p. 258).

Problematically, the result for Aboriginal communities, according to MacDonald, is “further domination and exclusion, albeit in newer and less obvious forms, as traceability of government policy and state accountability are altered in troublesome ways under the “progressive” auspices of accommodation and recognition” (MacDonald, 2011, p. 258). As a result, indigenous women should be cautious around using the language of self-government and/or advancing colonial neoliberal conceptions of indigenous “autonomy”.

Significantly, these arguments for self-government were made alongside very specific calls on all levels of indigenous leadership to address violence in indigenous families. As ONWA argued, for example, “holistic solutions to Aboriginal family violence will only be possible with the full consultation, discussion and collective involvement of all Aboriginal organizations in the province of Ontario” (Ontario Native Women's Association, 1989, p. 40). According to Emma LaRocque,

The Aboriginal leadership at the federal, provincial, and regional levels must take a strong stand against violence, and certainly against sexual violence. The message and modeling must be clear and firm that sexual violence against women, teenagers, and children is inexcusable, intolerable, and insupportable. In effect, the Aboriginal leadership must take the initiative in raising the consciousness of communities about the destructiveness inherent in violence. Violence must be raised as the social problem it is, a problem requiring urgent action. Forums for discussion, education, and information must be set up to facilitate awareness and social concern. Every effort must be made by the leadership to prevent abuse and to help those who have been abused (2002, p. 156).

A similar call was issued by the Aboriginal Circle of the Canadian Panel on Violence against Women:

Both Aboriginal and non-Aboriginal governments must be active participants in this healing process. Governmental support must entail more than verbal commitments. The goals of “zero violence” for Aboriginal communities and the safety of Aboriginal women and children must be reflected in the actions of

governments at all levels – local, regional, and national. These actions must include developing immediate and long-term initiatives to match the diverse needs and aspirations of Aboriginal women and the communities to helping the healing process continue (1993, p. 129).

Notably, the Aboriginal Circle's report points to some reasons for these calls targeting indigenous leadership. First, the report claimed that many indigenous women were extremely dissatisfied with existing leadership responses to violence: "Aboriginal men, and more specifically Aboriginal leaders," they argued, "have recently come under scrutiny for their complacency and lack of commitment in initiating effective programs and policies to help stop abuse in Aboriginal communities" (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 162). The Aboriginal Circle blamed this on the predominantly indigenous male control of Aboriginal governance in Canada. At present, they claimed,

all Aboriginal political structures – band councils, Métis town councils, tribal council governments, regional and national Aboriginal organizations are based on patriarchal European models. Like the non-Aboriginal governments they are based on, Aboriginal governments do not give priority to women's needs, experiences and perspectives. In these organizations, most of the power rests with a small number of usually male Aboriginal leaders with little or no accountability to their members at the grass-roots level (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 162).

Consequently,

Aboriginal political organizations focus on popular issues such as land claims and self-government and give lower priority to health and social issues. Regional and national organizations do not have direct power but have influence with the federal government who does enact policies. Because these organizations are headed primarily by men, “women’s issues” are not moved forwards (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 163).

Significantly, the Circle claimed that “this imbalance in leadership roles, although perceived by some Indigenous leaders as a “cultural” phenomenon, may be attributed to the legal, social and economic inequality between men and women set forth in the *Indian Act*” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 163).

A second reason named by the Aboriginal Circle for these calls on leadership was the involvement of some indigenous leaders in violence against women and children. Indigenous leaders, they argued,

must be held accountable for their personal acts of violence and abuse. It has been reported that there are elected Aboriginal leaders who physically and sexually abuse Aboriginal women and children. There are also reports that Aboriginal men have abused their authority as leaders and the public trust to exonerate friends and relatives of charges of wife assault, sexual assault and child sexual assault. Further, allegations have been made that attempts to seek disciplinary action against these leaders have resulted in complainants having their personal property damaged and receiving threats of physical violence (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 163).

This situation, the Aboriginal Circle claimed, was exacerbated by problems in local governance:

National and regional organizations have no power at the community level. Chiefs and councils have extraordinary power over the lives of every member of the community. They effectively control opportunities for employment, housing and education; have an influence over police, health and child welfare matters; have the power to enact by-laws; and in some communities decide their membership. Mismanagement, nepotism, favouritism or corruption within local governments cannot be redressed by community members. Provincial and/or federal authorities are reluctant to intervene in some Aboriginal communities to avoid conflict and political backlash” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 163).

Indeed,

If women’s rights are violated by Aboriginal leaders, there is no higher disciplinary organization or legal entity to which leadership is accountable. Therefore, the rights of Aboriginal women and children are left to the discretion of Aboriginal leaders who have provided little or no protection for their private and public safety (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 164).

Consequently, they concluded, “Aboriginal leaders’ failure to denounce openly violence against Aboriginal women and children and to provide adequate measures of protection are violations of their traditional roles as men and leaders” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 164).

Significantly, the Aboriginal Circle extended this concern around patriarchal indigenous leadership to their discussion of self-government. According to the Circle, Many Aboriginal women oppose self-government; they fear that their rights will once again be denied, only this time it will be at the hands of their own leaders. They also oppose self-government because today's structures do not reflect the true spirit of traditional Aboriginal government in which women participated fully (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 164).

Indigenous leaders, they claimed,

maintain the *Indian Act* has displaced traditional forms of government and that reformed self-government structures will protect the rights of Aboriginal women. *However, in the last two decades, Aboriginal leaders have not supported Aboriginal women in their struggle for equality, and it is unlikely that these same leaders would place the rights of Aboriginal women and children before their own political interests now* (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 164; emphasis added).

Self-government, the group concluded,

has become a vague term that has to date eluded any meaningful definition or open debate by Aboriginal peoples. If and when Aboriginal government is to be reformed, Aboriginal women must be guaranteed both equal and full representation in the process. *No true self-government can take place without the full participation of Aboriginal women*” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 164; emphasis added).

Like history lessons, these accounts of indigenous self-determination are remarkable political achievements for indigenous women because they called indigenous men to account for their complicity with patriarchal gender violence while never ceding the ground on colonialism. They simultaneously demanded an end to colonialism and patriarchal domination, and in doing so, linked these battles as necessary to securing indigenous sovereignty and the regeneration of indigenous self-determination (in line with the theoretical perspectives of indigenous female scholars detailed in chapter two). Significantly, in doing so, indigenous women articulated a new feminist paradigm within the politics of family violence that moved beyond the unitary focus on patriarchy pursued by the mainstream white feminist/women's movement to a political analysis that simultaneously addressed patriarchal and colonial domination. Admittedly, there is some risk involved with this strategy: identifying indigenous males as violent within a settler colonial state risks reaffirming dominant colonial stereotypes of savage indigenous masculinity that underpin the logic of settler colonialism and, thus, their denial of indigenous sovereignty and self-determination. This risk, however, is mitigated in these instances by the co-existence in these reports of the history lessons that clearly link this violence to settler colonialism and Canadian state domination.

The walking wounded – A politics of trauma, justice and healing

As Dian Million (2013) suggests, a dominant politics of trauma and healing, in which indigenous peoples are heavily ensconced, operates in contemporary Canadian society. Discourses of trauma and healing were prevalent in these family violence reports, and I trace their development and implications in the analysis that follows. Here, I advance two key

arguments: first, discourses of trauma and healing emerged within indigenous women's family violence politics as counter-discourses in response to Canadian state colonialism and, specifically, the Canadian criminal justice system as a mechanism of colonial domination. Second, I contend that while these discourses reflect indigenous approaches to justice and health/wellness, they also converge in ways with the dominant Canadian state politics of trauma and healing that not only jeopardize efforts to end violence in indigenous families, but also the goals of decolonization and the regeneration of indigenous sovereignty and self-determination.

From the outset, the Canadian state made it clear that its primary mechanism for addressing family violence was the Canadian criminal justice system. As Walker (1990) claims, the Canadian state understood family violence (in part) as a criminal offense requiring a criminal justice response. Such a focus certainly reflects an act of governmentality – it secures state existence and authority by establishing the centrality of the Canadian criminal justice system as a means of addressing violence in Canadian families. Furthermore, the state is situated as the “protector” of families, limiting the extent to which it might be considered a “perpetrator” and/or complicit in this violence. Significantly, the state is also situated as victim through the Canadian criminal justice system, with the *actual* victims displaced through definition of criminal offenses as against the crown (i.e.: *Regina* (the queen, state) v. offender) and allowing the state to determine the terms and conditions for redress (Van Ness & Strong, 2010, p. 9). It is also reflective of the neoconservative agenda gaining prominence in Canadian state politics at the time, which argued in favour of “tough on crime” strategies and increased state control over its citizens (Arat-Koç, 2012; Bashevkin, 1996; Porter, 2012).

Canadian criminal justice responses, however, also serve a colonial agenda, and it is here where indigenous women faced a significant risk in engaging the dominant Canadian state politics of family violence. The Canadian criminal justice system has been essential to securing colonial domination over indigenous peoples and territories in Canada – with the effect that, for many decades, indigenous peoples have been over-criminalized, over-policed, over-charged, over-penalized, and over-incarcerated (and, yet, under-protected) within this system (Aboriginal Justice Inquiry of Manitoba, 1991; Bopp, et al., 2003; Hylton, 2002; Monture, 2007, 2009; Royal Commission on Aboriginal Peoples, 1996). Anxieties in this regard were represented in indigenous women's family violence reports. For instance, as ONWA contended in Breaking Free:

We are mindful, of the whole problems of treatment of Aboriginal people by the Canadian criminal justice system and are aware that it is one which has provoked outrage and concern from even the non-Aboriginal population. Aboriginal people constitute 10% of the overall prison population in Canada, and in some provinces more than 32% of the prison population, while we make up only 2% of the overall population of the country. Obviously, there is something very wrong with the application of the Canadian criminal justice systems to Aboriginal peoples. Racism and paternalism result in considerably more prison sentences than the non-Aboriginal population...Aboriginal people are more apt to plead guilty on a charge because of their unfamiliarity with legal procedures and the desire to be out of court as soon as possible (1989, p. 19)

Thus, they concluded,

It is with reservation that we call upon the protection of the Canadian justice system. On one hand, there is a reluctance to court the justice system because of its treatment of Aboriginal people and the animosity which exists between us, and on the other hand, Aboriginal women and children need protection. Therefore, until an Aboriginal criminal justice system is developed, we must rely on the present system, making it more receptive to our concerns and using the knowledge gained to build that Aboriginal justice system (Ontario Native Women's Association, 1989, p. 19).

Similarly, the Aboriginal Circle argued that there was “a common belief among Aboriginal people that there are two kinds of “justice” in Canada: one for whites and one for “Indians”” (Canadian Panel on Violence Against Women, 1993b, p. 167). “Aboriginal women’s understanding of law, courts, police, and the judicial process,” they claimed, “[were] often defined by a lifetime of racism and sexism” which has “instilled a deep-rooted fear and mistrust of the Canadian justice system” (Canadian Panel on Violence Against Women, 1993a, p. 168). Consequently, they explained,

Many Aboriginal women do not perceive the Canadian justice system as a means of protecting themselves, their children or their rights; rather, they see the process as a revictimization. Aboriginal women report that the batterer is often better protected and defended in the courtroom than the victim (Canadian Panel on Violence Against Women, 1993b, p. 169).

Thus, by engaging a dominant state politics explicitly favouring Canadian criminal justice responses to family violence, indigenous women risked replicating established patterns of colonial domination.

To mitigate these risks, many of the indigenous women involved the Canadian state politics of family violence advocated for alternative justice and/or healing options to address violence in indigenous families. Alternative justice approaches called not only for community-based diversion programs instead of incarceration (Canadian Panel on Violence Against Women, 1993a, p. 169), but also for the creation of an alternate indigenous justice system (Canadian Panel on Violence Against Women, 1993a, pp. 169-170; Ontario Native Women's Association, 1989, p. 37). As ONWA argued in Breaking Free,

we cannot over emphasize the need for an Aboriginal criminal justice system to deal with, among other matters, the problem of family violence. The Canadian criminal justice system has no sense of authority in Aboriginal society, it is not fully respected, and the presence of non-Aboriginal police and judges encourages resistance and alienation. We need an Aboriginal system of justice which utilizes our vision of the community not to ‘punish’...but to direct and guide citizens in a way which is meaningful (1989, p. 37).

Concurrently, indigenous women also argued for “healing” responses, including such things as “healing lodges” to offer shelter, support and healing, in line with indigenous cultural practices, to indigenous families (Canadian Panel on Violence Against Women, 1993a, pp. 180-181; 188; Ontario Native Women's Association, 1989, p. 34); treatment programs for offenders that incorporate indigenous cultural healing practices (Canadian Panel on Violence Against Women, 1993a, pp. 180-181; Ontario Native Women's Association, 1989, p. 15); and increased efforts to address addictions in indigenous communities (Canadian Panel on Violence Against Women, 1993a, pp. 180, 188; Ontario Native Women's Association, 1989, p. 36). Healing, as the Aboriginal Circle claimed, “is a word used by Aboriginal people to

describe the recovery process of victims of violence, abuse, and addiction” and “traditional [Aboriginal] healing takes a holistic approach...[that] treats the self as part of the whole (Canadian Panel on Violence Against Women, 1993a, p. 187). Such responses, it was claimed, reflected indigenous perspectives on family, community, and holism. As noted, for example, in Breaking Free, “the idea of the extended family is vital to our Nations, and the welfare of any one member of our communities is important to everyone” (Ontario Native Women's Association, 1989, p. 18). Consequently, ONWA claimed,

The importance of the extended family means that we do not see the batterer as “responsible to find his own help” or on his own. We see family violence holistically as a community problem which requires healing of all members of the family. Of course, the needs and safety of the abused woman and children are more urgent at first. Our view is to restore and strengthen the family. This means that the man must also be cared for and be strengthened because physical violence like this is a form of weakness in our community. We abhor and regret the amount of family violence in Aboriginal society and we want it to stop. However, we also do not believe the abuser should be sacrificed; family violence is a learned behavior and we believe it can be unlearned (Ontario Native Women's Association, 1989, p. 18).

Sharlene Frank made similar arguments in her submission to the BC Task Force on Family violence:

Dealing with family violence involves more than the removal of dysfunctional behaviour. Fundamentally, it involves the building of healthy relationships within families and communities. The question is: How do we as individuals, members

of families and members of communities define our relationship with each other to achieve and maintain healthy family units? (1992, p. 2).

Thus, she argued,

A holistic approach [to family violence] integrates all aspects of health: physical, spiritual, mental and emotional. The approach also envisages: (a) the individual in the context of the family; (b) the family in the context of the community; (c) the community in context of larger society; (d) the impact of socio-economic problems such as poverty, unemployment, welfare dependence and poor housing on mental well-being (Frank, 1992, p. 8).

Why are these types of discourses present in indigenous women's engagement with the Canadian state politics of family violence? As suggested, discourses of trauma and healing represent, at one level, counter-discourses. First, they are required to disrupt the dominant colonial perception of the inherent criminality (and, thus, pathology) of indigenous peoples that operates in full force in the Canadian criminal justice system by portraying indigenous peoples, instead, as victims of trauma suffered as a result of colonial domination perpetuated through the Canadian state. Second, discourses of trauma and healing attempt to circumvent use of the problematic Canadian criminal justice system through the proposal of alternatives. Indeed, advancing the argument for a separate indigenous justice system challenges the very authority and legitimacy of the Canadian criminal justice and, thus, supports the goals of decolonization and the regeneration of indigenous self-determination. Furthermore, through the proposal of alternatives, these discourses inserted indigenous approaches to justice and health/well-being into official state documents.

It should also be noted that indigenous women's use of discourse of trauma and healing were in line with other political and discursive trends operating at this time. According to the Aboriginal Circle of the Canadian Panel on Violence against Women, indigenous communities were using the language of healing to frame the recovery process of victims of violence, abuse and addiction (Canadian Panel on Violence Against Women, 1993a, p. 165) and an indigenous healing movement, emphasizing indigenous ways of health and well-being, was growing across Canada (p. 181). Furthermore, these discourses of trauma and healing were gaining currency among indigenous peoples in Canada in relation to residential schools (Chrisjohn, et al., 2006; Henderson & Wakeham, 2009; Million, 2013), as well as among the mainstream feminist/women's and anti-violence movements (Bumiller, 2008; Hargreaves, 2010; Million, 2013).

However, the use of such discourses, as Million (2013) suggests, presents a particular set of problems for indigenous peoples that, ultimately, imperils indigenous efforts towards decolonization and the regeneration of indigenous sovereignty and self-determination and, therefore, ending violence against indigenous women and girls. That is, while trauma and healing have become important counter-discourses for indigenous peoples, they also operate as sites of biopower and colonial domination. In a neoliberal manner, these discourses, Million (2013) suggests, often undermine violence as a social issue by reducing it to "medicalized" and "psy-technological" discourses focused on health and well-being "self-practices" instead of addressing the dominant systems of oppression that make this violence possible. Again, the risk in such discourses is that colonial Canadian state complicity is elided at exactly the moment when indigenous women are trying desperately to draw attention to it. Ever more problematically, Million warns that it isn't coincidence that state

support for discourses of trauma come at exactly the same moment as indigenous peoples in Canada are attempting to assert sovereignty and self-determination, but presents an important moment for the Canadian state to once again deny indigenous self-determination on the basis of their unfitness as victims of trauma. According to this colonial logic, the state has attempted to deliver healing efforts to address trauma in indigenous communities (such as the reconciliation process around residential schools or, I would suggest, the funding supplied to address violence in indigenous families) with “uneven results,” (Million, 2013, p. 20) which must mean that indigenous peoples are, as colonial powers have always argued, inherently deviant and dysfunctional – ignoring, of course, that these “uneven results” are the outcome of efforts that fail to address the underlying social causes of violence, namely the operation of dominant systems of oppression. The consequences, as Million suggests by pointing to incidents in the similar colonial setting of Australia, may include the Canadian state rescinding existing rights and mechanisms of self-determination currently operating and/or the denial of future self-determination efforts on the basis that indigenous peoples are unfit (as evidenced by their trauma) to rule themselves. Thus, by presenting indigenous families as victims of colonial and other traumas requiring healing efforts, indigenous women risk this colonial bastardization of these discourses in order to serve Canadian state interests – including ongoing colonial domination over indigenous peoples and territories.

There are some additional problems associated with discourses of trauma and healing within the colonial context of Canadian state politics. As Million (2013) claims, discourses of healing and trauma operate in gendered and sexualized ways to colonize indigenous peoples and their territories, putting indigenous women in the position of having to address colonial patriarchy not only in mainstream Canadian society and the state, but also in indigenous

communities. Indeed, these issues were raised by several of the indigenous women involved in this Canadian state politics of family violence. For example, the Aboriginal Circle of the Canadian Panel on Violence against Women argued that “while the Canadian criminal justice system is ineffective at ending violence and achieving equality, many Aboriginal women are equally suspicious of a separate Aboriginal justice system” (Canadian Panel on Violence Against Women, 1993a, p. 169). “Neither the Canadian justice system nor current Aboriginal justice initiatives,” the Circle claimed, “entrench women’s and children’s rights to security of person and to live without violence” (Canadian Panel on Violence Against Women, 1993a, p. 170). As they explained,

Without equal participation, consultation and funding, Aboriginal women’s organizations today would reject the establishment of an Aboriginal parallel justice system. There are three driving forces for this premise. First, women are enraged with the [Department of] Justice pilot projects which allow Aboriginal male sex offenders to roam free of punishment in Aboriginal communities after conviction for violent offences against Aboriginal women and children. Second, Aboriginal women oppose lenient sentencing for Aboriginal male sex offenders whose victims are women and children. Third, Aboriginal women and their organizations have hailed as a victory the unanimous ruling by the Federal Court of Appeal on August 20, 1992, which declared that it was a violation of freedom of expression to consult mainly men on Aboriginal policies affecting all Aboriginal peoples (Canadian Panel on Violence Against Women, 1993a, p. 169).

Here, the Aboriginal Circle drew attention to the operations of patriarchy in existing strategies and, thus, the need to involve indigenous women at all stages of justice initiatives.

The group also highlighted an issue related to healing efforts: the activities of some “self-proclaimed” Elder/healers who prey on indigenous women and children and subject them to various forms of abuse under the guise of healing (Canadian Panel on Violence Against Women, 1993a, p. 181). This problem was on the increase, they claimed, as the indigenous healing movement gained momentum (Canadian Panel on Violence Against Women, 1993a, p. 181). Thus, the Circle argued, “we must have the courage to identify these people and take strong action to end their abuse” (Canadian Panel on Violence Against Women, 1993a, p. 181).

Emma LaRocque (1994) made similar arguments in her submission to RCAP. For her, the diminishment of responsibility and accountability (leniency) were central concerns. “While I support the ideals of rehabilitation,” she claimed, “I believe that it is incumbent upon any criminal justice system first to dispense justice, then to concern itself with rehabilitation. But rehabilitation must never be at the expense of justice” (LaRocque, 1994, p. 85). Explained LaRocque,

Equally troubling in the defence of offenders is popular advancement of the notion that men rape or assault because they were abused or are victims of society themselves. The implication is that as ‘victims,’ rapists and child molesters are not responsible for their actions and that therefore they should not be punished – or, if punished, ‘rehabilitation’ and their ‘victimization’ must take precedence over any consideration of the suffering and devastation they wreak on the real victims. Political oppression does not preclude the mandate to live with personal and moral responsibility within human communities. And if individuals are not capable of personal responsibility and moral choice (the things that make us

human), then they are not fit for normal societal engagement and should be treated accordingly (1994, p. 77).

In contemporary society, she argued, “we have so overcomplicated the issues surrounding violence that the laws and the exercising of these laws have become absurd and have played into the hands of child molesters, rapists and calculating murderers” (LaRocque, 1994, p. 84). This has resulted, she claimed, “in the devaluation of human dignity in the whole system,” where “property and liquor/drug offences mean more to the system than the violation of one’s person” (LaRocque, 1994, p. 84). Therefore, LaRocque recommended that correction systems, whether indigenous or not, make distinctions between violent and non-violent offences and accommodate different types of crime and criminals through a spectrum of responses ranging from community programs to stiff custody penalties with strong educational and/or therapeutic goals (LaRocque, 1994, p. 84). Thus, as these examples make clear, healing discourses, including those for alternative justice and/or an independent indigenous justice system, can operate in problematic ways for indigenous women if they do not take into account the operations of colonial patriarchy through them.

Within a contemporary global politics of trauma and healing, such discourses appear as logical pathways for resistance – as discourse that might be harnessed to serve the needs and interests of indigenous women and their families. Within the state politics of family violence, trauma and healing represented, for indigenous women, a means of counter-discourse intended not only to expose the historical and ongoing operations of colonialism and Canadian state complicity in the violence experienced within contemporary indigenous families across Canada, but also to disrupt dominant notions about the inherent pathology of indigenous families. However, within the constrained and colonial realm of Canadian state

politics, such discourses also carry significant risks, including the denial of indigenous peoples' right of self-determination. Furthermore, dominant manifestations of trauma and healing replicate neoliberal operations of biopower that reduce violence to individual pathology and solutions and, therefore, eliding the way that dominant systems of oppression rely on this violence for their very existence. This effect was highlighted in the family violence discourses of indigenous women that drew attention to the operations of colonial patriarchy in existing healing options. Thus, given both the dominant political terrain and what is at stake through these efforts (both an end to violence and decolonization/regeneration of indigenous self-determination), discourses of trauma and healing represent extremely risky political options for indigenous women and their communities. Without careful attention, they too easily serve the interests of the colonial Canadian state and dominant systems of oppression.

The appropriateness of “culturally appropriate” anti-violence responses?

Another discursive trend present in the reports on family violence was the use of “cultural” discourses. For example, many of the reports included calls for community-controlled and “culturally” relevant or appropriate resources to address violence in indigenous families. As ONWA claimed in Breaking Free, all of the indigenous organizations and most of the non-indigenous organizations they interviewed for the report “recognized the need to develop programs culturally appropriate for Aboriginal people” (Ontario Native Women's Association, 1989, p. 23), with the use of Elders and a “return to the traditional values of respect and dignity for all people” being common suggestions as to how to achieve this (Ontario Native Women's Association, 1989, p. 24). The Aboriginal

Circle of the Canadian Panel on Violence Against Women argued that “[v]iolence against Aboriginal women must be viewed from the perspective of Aboriginal women living within their culture and must be considered in terms of the reality of their situation” (1993, p. 129). Non-Aboriginal agencies, they claimed, “were not equipped or set up to respond effectively to the needs of Aboriginal women and their families in a crisis, and Aboriginal people have criticized them as being inaccessible, inadequate and insensitive to Aboriginal concerns” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 143).

Furthermore,

There is a shortage of Aboriginal service providers in Aboriginal communities, and many lack sufficient training to deal effectively with the issues of violence and abuse. Many training institutes do not acknowledge the Aboriginal service provider’s experience and authentic knowledge of the community. Service providers with a working knowledge of their traditional language and culture are invaluable, especially, when working with the elders and in more remote communities (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 144).

Such exclusions are problematic, the Circle contended, because “[f]or many Aboriginal women seeking to resolve their experiences of abuse, traditional methods of healing have gained widespread acceptance and respect” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 129). Consequently, solutions to violence, such as the Circle’s Zero Tolerance Policy on family violence, “must be implemented in a culturally relevant manner” that encompasses individual, family, and community healing; restores community standards which place equal value on women and men; and provides adequate

public and private enforcement and response to end all violence against women in the home, the community, and society as a whole (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 130).

References to “culture” also appeared in other forms throughout these family violence reports. For instance, the reports from both ONWA (1989) and Sharlene Frank (1992) called for “culturally relevant” options for male perpetrators, in line with the previously discussed politics of healing and alternative justice. As ONWA contended, “the help received from charging abusers has to be more than institutionalized racism and mistreatment of a hostile prison environment: it must be culturally relevant, developed by Aboriginal people with the aim of rehabilitation for both victims and abusers” (Ontario Native Women's Association, 1989, p. 19). Furthermore, ONWA suggested that the violence of indigenous men was connected to “cultural contact”:

The male values espoused by Euro-Canadian society are very much at odds with Aboriginal male culture which promotes silent strength, invulnerability, self-sufficiency, dignity and worth to all living things, sensitivity and respect. Added to these cultural conflicts is the high rate of unemployment, low levels of education, poverty, prejudice and a stifling of leadership potential due to a government system that removes all sense of pride with these men. Thus they look for some power relationship which validates the demands placed upon them, and the only place this can happen is within the family, which in themselves are feeling cultural conflicts as well (Ontario Native Women's Association, 1989, p. 27).

The Aboriginal Circle also claimed that while there are many types of violence in the indigenous community, some of which is shared by non-indigenous society, there are forms that “have a “cultural” dimension that is distinctive to violence in the Aboriginal community” (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 153). Both ONWA and Frank called for “cultural sensitivity” training for groups in dominant society: while ONWA argued for “greater sensitization of non-Aboriginal personnel in the medical, social, and judicial sectors to Aboriginal traditions, culture and language” (Ontario Native Women's Association, 1989, p. 16); Frank argued that British Columbia “should continue to provide, and further promote, opportunities for cross-cultural awareness training initiatives” (Frank, 1992, p. 21). Finally, Emma LaRocque challenged problematic constructions of “Aboriginal culture” in her report, arguing that “understanding and attitudes toward Aboriginal culture itself must change. Aboriginal cultures should not be presented only in terms of the past (often stereotyped at that)” (1994, p. 79).

How are we to make sense of all this “culture” talk in indigenous women’s family violence politics? We can begin by exploring the reasons *why* indigenous may have evoked cultural discourses as part of their efforts to engage the Canadian state. The incitement to discourses of culture for indigenous women, as Sherene Razack suggests, is centrally about survival in the face of colonial efforts to obliterate indigenous societies (1998a, p. 59) – indigenous women evoke indigenous cultures or risk their effacement. Thus, in the case of these family violence reports, calls for “culturally” appropriate or relevant responses can be interpreted as counter-discourses aimed not only at ensuring anti-violence responses that reflected the specific needs and interests of indigenous families, but also securing the existence of indigenous cultural practices and, by extension, indigenous communities. At the

same time, culture had emerged as a dominant political discourse, as represented, for example, by the state politics of multiculturalism that has developed in Canada since the 1970s. As a result, within the dominant political terrain, cultural discourses became important, as Razack contends, “for contextualizing oppressed groups’ claims for justice, for improving their access to services, and for requiring dominant groups to examine the invisible cultural advantages they enjoyed” (1998a, p. 58; emphasis added). This is seen within the family reports: calls for “culturally” relevant and appropriate resources demand improved justice and access to resources currently denied to indigenous families in crisis through existing family violence options. Calls for “cultural sensitivity” within existing Canadian state mechanisms addressing violence in indigenous families (such as the criminal justice system) attempt to improve indigenous peoples’ contact with these mechanisms. Consequently, for these reasons, cultural discourses present themselves as logical pathways of resistance for indigenous women.

However, “culture talk,” as Razack contends, “is clearly a double-edged sword” – because while it operates as a means of counter-discourse for marginalized social groups such as indigenous women, it also “packages difference as inferiority and obscures both gender-based and racial domination” (1998a, p. 58). She writes,

Cultural considerations do not lead to an understanding of the current workings of white supremacy. A cultural difference approach is not a discussion of contemporary white/Aboriginal relations but a discussion of who Aboriginal people are. Colonization when it is mentioned, achieved the status of cultural characteristics, pre-given and involving only Aboriginal people, not white colonizers. We may know how colonization changed Aboriginal peoples, but do

we know how it changed, and continues to change, white people? (S. H. Razack, 1998a, p. 19)

These effects can be observed in the discourses advanced by indigenous women in the Canadian state politics of family violence. For instance, calls for “culturally” relevant or appropriate responses not only confirm indigenous peoples as different (which is why they require resources distinct from the rest of Canadian society) in a society where difference operates in the service of dominant system of oppression and existing relations of ruling (da Silva, 2007; A. Smith, 2005a), but also fail to address the operation of dominant systems of oppression within existing “mainstream Canadian” options that make them inaccessible and inappropriate for indigenous peoples. Calls for “cultural sensitivity” (or an awareness of indigenous culture) are made instead of calls for “anti-oppression” efforts that address the operations of dominant systems of oppression in existing resources. Both discourses treat indigenous culture as something “knowable,” and construct existing problems as “manageable” through increased awareness of indigenous “culture(s)”. With the discussion centered on indigenous culture, it is too easy, as Razack suggests, for cultural discourses to reaffirm the inferiority of indigenous peoples. Significantly, within the these early contributions to the Canadian state politics of family violence, Emma LaRocque’s submission stands alone in raising such concerns around cultural discourse. She writes,

Erroneous cultural explanations have created enormous confusion in many people and on many issues. Beside the problem of typecasting Aboriginal cultures into a static list of ‘traits’, over 500 years of colonial history are being whitewashed into mere ‘cultural differences’. Social conditions arising from societal negligence and

policies have been explained away as ‘cultural’. Problems as having to do with racism and sexism have been blamed on Aboriginal culture (1994, p. 76).

Furthermore, LaRocque argues,

When cultural justifications are used on behalf of the sexually violent, we are seeing a gross distortion of the notion of culture and of Aboriginal peoples. *Men assault; cultures do not*. Rape and violence against women were met with quick justice in original cultures. And if there is any culture that condones the oppression of women, it should be confronted to change. *But sexual violence should never be associated with Aboriginal culture! It is an insult to healthy, functioning Aboriginal cultures to suggest so!* (1994, p. 76; emphasis in original).

Thus, with “culture talk”, indigenous women were once again faced with a discursive strategy that while appearing logical and appropriate given the dominant political terrain also carried significant risks for replicating colonial domination over indigenous peoples and territories and maintaining the status quo in terms of violence in indigenous families.

A political economy of violence in indigenous families

A final major discursive trend in indigenous women’s engagement with the Canadian state politics of family violence is what I refer to as the “political economy” of violence in indigenous families, which framed the issue of family violence in terms of money and wealth. These reports argued, for example, that both poverty and economic deprivation were responsible for exacerbating rates of violence in indigenous families. This included such factors as extreme poverty (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 156; Frank, 1992, p. 2); low educational attainment and employment rates

(Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 128; Frank, 1992, p. 7); urbanization and the absence of social supports (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 128); inadequate and substandard housing (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, pp. 149-150); and the lack of matrimonial property rights for women (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 150; Frank, 1992, p. 17). Thus, as the Aboriginal Circle argued in their report,

The impact of poverty on the Aboriginal family and the community is immeasurable. Poverty, in its severest form, is a fact of life for many Aboriginal people, depriving them of their basic human rights and dignity. The absence of a sound economic base and extremely high levels of unemployment force Aboriginal people to live in overcrowded and substandard housing, which in turn directly contributes to poor health. But it is the daily stress, financial hardship and chronic despair inflicted by poverty that contribute to the widespread abuse of Aboriginal women and children (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 151).

A second economic argument advanced in these family violence reports was that poverty and economic deprivation make it difficult for indigenous women to access existing anti-violence services. As ONWA argued in Breaking Free, for example, “the availability of shelter services, or safe homes, specifically for Aboriginal women in Ontario is scarce” (1989, p. 14) and largely inaccessible:

Women who want to utilize one of the four Aboriginally run shelters in Ontario must be prepared to, in the majority of cases, make long trips across the province,

at great expense and inconvenience. Travel for women and children fleeing violent situations is often haphazard which in turn causes more delays. The Ministry of Community and Social Services pays travel expenses for women in some cases but it depends on where she is from, where she is going, her personal finances and other information. In other circumstances it is the band council, crisis shelter or women's group who helps in the financing of her travel expenses. Yet in other cases, it is the woman herself who must use what little funds she has to pay for her travel out of the abusive situation (p. 15).

Emma LaRocque also raised the issue of inaccessibility:

Studies show that rural Aboriginal women move to urban centres to escape family or community problems. Most Aboriginal communities are small, making the situation that much more difficult for victims. Apathy and lack of leadership or family support effectively chase victims from their own communities. This should not have to happen. No one should ever have to leave home in order to feel safe! (2002, p. 156)

Finally, as Sharlene Frank claimed,

The use of mainstream services by aboriginal people in regard to dealing with family violence, or in using legal and other societal systems, has several barriers. One problem, especially for northern and isolated communities, is that members may have to leave the reserve and travel long distances to obtain many of the services they seek (1992, p. 10).

She also suggested that many indigenous women lack the resources to afford adequate treatment or support services (Frank, 1992, p. 10).

A third economic position advanced in indigenous women's family violence reports was the claim that there are not enough funded resources to address violence in indigenous families. According to Sharlene Frank, for example, the number one problem raised in her research with respect to indigenous communities developing their own approaches to family violence was a lack of resources (1992, p. 11). Additionally, she claimed that "a related issue is that the smaller communities or organization with less financial and human resources find it difficult to compete for various funding" (1992, p. 13). Furthermore, a lack of formal training for indigenous people in professional fields addressing violence in indigenous communities was blamed on a lack of funding for such development (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 143; Frank, 1992, pp. 11-13; Ontario Native Women's Association, 1989, p. 3). Similarly, the Aboriginal Circle contended that "Aboriginal women do not have the same access to services and programs as other women in Canada" (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993, p. 142), and "with very limited resources, Aboriginal women have been forced to develop underground systems and makeshift safe houses to provide sanctuary and support to battered Aboriginal women and their children" (p. 143). Consequently, these reports demand increased state funding for specific resources addressing violence in indigenous families (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993; Frank, 1992, p. 20; LaRocque, 1994, pp. 155-156; Ontario Native Women's Association, 1989, p. 3).

Why would indigenous women spend so much time developing this political economy of violence in indigenous families? On framing this issue in economic terms? Once again, such an approach likely appeared logical given the dominant political terrain. This was a time (the 1980s and 1990s) when neoliberalism was gaining prominence in Canadian state

politics and economic configurations of social issues were become part of the dominant political *lingua franca*. At the same time, the options for “winning” with the Canadian state in terms of social justice efforts are extremely limited: policy/legal reform and/or funding. And, ultimately, funding is needed within a capitalist economy to ensure the provision of responses to violence in indigenous families. Importantly, this political economy of violence in indigenous families also operated as a counter-discourse – it was a way for indigenous women to draw attention not only to the extreme economic marginalization indigenous peoples in contemporary Canadian society, but also to the colonial Canadian state’s complicity in creating and perpetuating these conditions. Furthermore, they drew attention to the fact that, despite existing treaty and *Indian Act* obligations, the Canadian state has failed to provide appropriate monetary resources to address the needs of indigenous families.

However, once again there are also considerable risks involved with economic discourses. As critiques of neoliberalism suggest, the problem with economic configurations of social problems is that they too often elide the operation of dominant systems of oppression (Braedley & Luxton, 2010; W. Brown, 2005; Connell, 2010; Giroux, 2004; Morrow, et al., 2004). In the absence of colonial history, or alongside discourses such as those of trauma, healing, and reconciliation that neatly contain colonialism to Canada’s national past, the contemporary poverty of indigenous communities can be reduced to the poor economic decisions and laziness of indigenous peoples (long a favorite trope of colonialism). Furthermore, the failure of the Canadian state to honour existing treaty obligations to provide basic services for indigenous peoples can be justified through discourses of “profitability” and “fiscal responsibility,” pitting the specific “special interest” needs of indigenous communities against Canadian taxpayers and their wallets. Thus, instead

of addressing colonialism and the other systems of oppression that make these economic equations possible, such discourses perpetuate the image that indigenous peoples taking economic advantage of the Canadian state and, critically, not the other way around.

Conclusion

The rationale for conducting this detailed examination of the politics of family violence was simple: family violence remains a political focal point for both indigenous women and the Canadian state. As previously stated, the federal government's Family Violence Initiative is fixed expenditure and includes operation of the National Clearinghouse on Family Violence. Provincial/territorial governments have also continued with this focus: for example, Ontario (Ministry of Citizenship and Immigration, 2004/2005), Manitoba (Ministry of Family Services and Labour, 2011/2012), Alberta (Ministry of Human Services, 2013), and British Columbia (Provincial Office of Domestic Violence, 2014) have implemented plans/frameworks for addressing family and/or domestic violence in those provinces. Some have also implemented specific family violence legislation, including Alberta (Government of Alberta, 2000), Newfoundland and Labrador (Government of Newfoundland and Labrador, 2005), and the Northwest Territories (Government of Northwest Territories, 2005). Notably, some of this policy has specifically focused on indigenous families and have included indigenous women among its authors. For example, Manitoba's Domestic Violence Prevention Strategy was developed in consultation with indigenous family service providers including Winnipeg's Ikwe Widdjiitiwin, Inc. and Ma Mawi Wi Chi Itata (Ministry of Family Services and Labour, 2011/2012, p. 1) and researcher Nahanni Fontaine, Special Advisor on Aboriginal Issues to the Aboriginal Issues Committee of the government of Manitoba (Ministry of Family Services and Labour, 2011/2012, p. 3).

BC's new Provincial Domestic Violence Plan foregrounds indigenous concerns, claiming to recognize "the need for an Aboriginal specific response that is developed collaboratively with Aboriginal communities and organizations" (Provincial Office of Domestic Violence, 2014, p. 2). Thus, it's not only the Canadian state politics of family violence that persists, but so too does indigenous women's involvement in this politics.

These analyses offer a number of important lessons with respect to indigenous women, the Canadian state politics of family violence, and state-sponsored family-violence responses generally. First, they demonstrate that despite navigating a political terrain largely determined by settler colonialism and the Canadian state, it is entirely possible to employ counter-discourses that are not only anti-colonial but also simultaneously anti-patriarchal. Although the politics of family violence certainly represented an opportunity for the contemporary Canadian state to continue the long-established settler colonial tradition of pathologizing indigenous families in order to justify their domination of indigenous peoples and indigenous lands, indigenous women succeeded in securing a codified account of the role of colonial domination and the Canadian state in exacerbating violence within indigenous families. This was a remarkable political achievement considering that this was the first time such stories were being told within the field of family violence (a field controlled by the settler colonial state), and that indigenous women were able to do so in a unified voice. Furthermore, by simultaneously addressing decolonization and the regeneration of indigenous self-determination and the complicity of indigenous men with colonial patriarchy, indigenous women articulated a new feminist paradigm distinct from the mainstream white feminist/women's position that family violence was primarily about patriarchy. Thus, through the extraordinary efforts of these indigenous "warrior women," these state-sponsored

family violence responses include considerable political discursive challenges to the colonial order of things.

At the same time, this analysis demonstrates the complexities indigenous women face when engaging the Canadian state. Indigenous women clearly needed (and, indeed, need) to engage the Canadian state in order to address the high rates of violence experienced within indigenous families, but also in order to hold the state accountable for its role in this violence, and to draw attention to the role of historical and ongoing colonial domination in this violence. In many ways, the dominant politics of family violence appears to converge in important ways with the cultural teachings, experiences and needs/interests of indigenous women, their families, and communities – such as the focus on family or the need for approaches to family violence that are determined and driven by indigenous communities. The converse, however, is also true: indigenous women’s discourses of family violence also converge with the dominant state politics. Such convergences, as this chapter suggest, arise not only out of the complexities of translating the indigenous women’s lived experiences and political goals into the dominant language of the state, but also (and perhaps more importantly) because these dominant politics offer illusions of freedom: “culturally appropriate responses” instead of anti-oppression; a political economy of violence that reduced the solution to money and not the systems of oppression that make economic marginalization possible. Thus, we embrace these discourses for the improved future they appear to offer, only to later learn that they have reinforced the systems we were fighting. This reinforces the need for indigenous women to not only be extremely cautious when engaging the state, but also to engage in critical self-reflection about the discourses and strategies advanced in pursuit of our political goals.

Finally, the state politics of family violence very much represents the “shape-shifting” property that Alfred and Corntassel have identified in colonial politics: that is, while the goal of colonial domination remains the same, the colonial Canadian state and its “instruments of domination” are constantly “evolving and inventing new methods to erase indigenous histories and sense of place” (and, I would add, indigenous peoples) (2005, p. 601).

Indigenous families have long been the target of violent colonial state interference, from the *Indian Act* to residential schools and child welfare apprehensions, and the politics of family violence carries the potential for the same. Indeed, as Million’s (2013) work suggests, presenting the Canadian state with evidence of the violence experienced within indigenous families imperils indigenous people’s claims to self-determination and, thus, the process of decolonization – after all, the state can dismiss these claims using the long-time colonial argument that indigenous peoples require colonial domination because we are inherently deviant and dysfunctional. At the same time, this analysis clearly demonstrates that without the participation of indigenous women in this Canadian state politics, counter-discourses that might disrupt this process would be missing. Thus, the terrain of colonial Canadian state politics requires indigenous women to carefully navigate between discourses that pathologize indigenous people and those that are complicit with settler colonial domination in order to avoid having them wielded against them in the service of the Canadian state and its ongoing domination over indigenous peoples and territories. In the next chapter, I explore how these tensions emerged in relation to the contemporary phenomenon of “missing and murdered Aboriginal women and girls” – and although indigenous women’s success in putting colonialism on the table would continue, the constraints that they faced when the issue involved the violence of non-indigenous men would test their political skills severely.

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- 1 For a complete list of existing self-government agreements in Canada and their dates of inception, see <http://www.aadnc-aandc.gc.ca/eng/1346782327802/1346782485058>.

Chapter Four

What their story tells us:

NWAC and Canadian state silencing of “Sisters in Spirit”

In 2005, the federal Government of Canada, under the leadership of Prime Minister Paul Martin and his Liberal minority government, formally initiated a new political dialogue (alongside family violence) to address violence against indigenous women and girls by funding the Native Women’s Association of Canada’s (NWAC) “Sisters in Spirit” (SIS) initiative, a political initiative organized around “missing and murdered Aboriginal women and girls”. Over the previous two decades, indigenous women and their allies had gained an awareness of the high rates of missing and murdered indigenous women and girls from across Canada, as well as what seemed to be an unwillingness of the Canadian state to do anything to address this violence. The critical need for a state response was underscored, for many, by the cases of Vancouver’s Missing Women – the disappearance of sixty-eight women, many of whom were of indigenous ancestry, from the city’s Downtown Eastside between 1978 and 2002. Consequently, for two decades, indigenous women and their allies had been fighting for state recognition and response to this violence. Crucially, what was different about the field of “missing and murdered Aboriginal women and girls” was that the violence was often associated with non-indigenous men. In 2002, NWAC focused its political attention on the issue, and in December of that year, submitted a report to a United Nations (UN) Special Rapporteur investigating human rights violations against indigenous peoples, citing the issue of missing and murdered Aboriginal women and girls as evidence of

Canada's failure to meet its UN treaty obligations. Notably, in less than two years, the Canadian state would commit to fund an NWAC initiative, "Sisters in Spirit" (SIS), addressing this violence. However, after five successful years of addressing this issue, NWAC found itself, once again, in the position of needing state funding to continue this work – only this time, things didn't work in their favour and the SIS initiative was legislated out of existence.

This chapter examines the politics surrounding NWAC's SIS initiative. In the first part of this chapter, I advance the argument that funding the SIS initiative in 2005 represented the best political option for the Canadian state given the particular political context of that time. My purpose in developing this argument is twofold: first, it attempts to explain why the Canadian state opted to fund a new political framework for understanding and addressing violence against indigenous women and girls organized around "missing and murdered Aboriginal women and girls," one that entailed considering that indigenous females were targeted by non-indigenous men. Second, establishing the state's tendency to pursue what is in its best interest given the political context is integral to the arguments that follow. In the second section, I turn my attention to the politics of SIS and conduct an anti-colonial anti-violence analysis of these discourses and strategies. Here I advance two arguments, closely related to those advanced in the previous chapter: first, given a dominant political terrain largely controlled by the Canadian state, NWAC articulated and implemented a particularly strong anti-colonial anti-violence response through the SIS initiative. However, the demands of this dominant political terrain, once again, resulted in the adoption of political discourses and strategies that while appearing entirely logical and, indeed, empowering given the particular political context, actually undermine the interrelated goals

of ending violence against indigenous women and girls, and decolonization and the regeneration of indigenous sovereignty and self-determination by replicating dominant political discourses and, thus, the systems of oppression they sustain. Yet, even with these problems, I argue that the anti-violence politics of SIS posed such a considerable threat to the Canadian state and the colonial order of things that the state *needed* to suppress SIS or risk its own existence and authority. Thus, in the final section of this chapter, I trace how the Canadian state's dismantling of SIS following the end of the original funding agreement in 2010 constitutes appropriation and suppression, in line with dominant state political agendas, of this formidable act of political resistance by the "warrior women" of NWAC. My goal in telling this story of NWAC's SIS, as the title of this chapter suggests, is to hear what it can teach us about engaging the Canadian state on issues of violence.

Unlike my exploration of family violence which was conducted exclusively through official reports, this analysis of NWAC, the SIS initiative, and the politics of "missing and murdered Aboriginal women and girls" is built around both documents and interviews. The documents consulted for this analysis were myriad, including numerous NWAC-produced documents such as major reports, educational materials, press releases, and annual general reports; mainstream and indigenous media coverage of the SIS initiative; and Canadian state documents such as Hansard (the official record of governmental proceedings in Canada) and reports to governmental committees and agencies. The inclusion of interviews was the result in a slight shift in focus from the previous chapter: whereas in family violence I was interested in understanding how the major reports addressing family violence authored by indigenous women might, themselves, potentially operate as governmentality, in these analyses, I was interested in examining not only governmentality, but also exploring how

indigenous actors come to make political choices in a terrain over-determined by colonialism. In this way, I do not treat the interviews as “truth” but, instead, use them to map the discourses indigenous women use and how they understand their negotiations with the Canadian state. Interviews were conducted with key SIS figures including former NWAC president and SIS champion Beverly Jacobs and former SIS director Kate Rexe, as well as three former members of the SIS team who asked to remain anonymous. Furthermore, throughout the duration of developing, undertaking and writing this analysis, both Beverly and Kate made themselves available via phone and email to answer any questions that developed. It should also be noted during 2009 and 2010, I was permitted to directly observe the SIS team at work at both NWAC headquarters and during SIS events (including the annual national vigil event organized for October 2009).

NWAC and the battle for SIS: Securing a state politics of “missing and murdered Aboriginal women and girls”

Securing federal funding and support for the SIS initiative proved a formidable political battle, but as the dominant national political lobby representing the interests of indigenous women – and one with a history of strong political resistance – NWAC was well-suited for the task. Since 1974, NWAC has served as a national political voice for indigenous (primarily status Indian, non-status indigenous, and Métis) women in Canada¹ (Krosenbrink-Gelissen, 1991, p. 53; Native Women's Association of Canada, 2011a). The organization was created in response to two interrelated political issues of significance to indigenous women in Canada at that time: sex discrimination in the *Indian Act*, and the failure of male dominated national Aboriginal organizations (namely the Assembly of First Nations (AFN) and the

Native Council of Canada (NCC) [which became the Congress of Aboriginal Peoples (CAP) in 1993]) to represent the specific interests and needs of indigenous women in their political efforts (J. Green, 1992-1993; Krosenbrink-Gelissen, 1991). Consequently, NWAC's first major political action was assisting in securing the 1985 Bill C-31 amendment of the *Indian Act* abolishing the infamous "marry out" rule, which unfairly targeted Indian women only for exclusion from *Indian Act* status and treaty rights if they married non-Indian men (Dick, 2006; Fiske & George, 2006; Krosenbrink-Gelissen, 1991). During this same time, NWAC also fought to secure a position at the "constitutional table" on par with the male-dominated national Aboriginal organizations (the AFN, the NCC, and the Métis National Council (MNC)) who had already been invited to the table by the federal government to represent indigenous interests in the political processes surrounding the patriation of the Canadian constitution (J. Green, 1992-1993). In 1992, the organization secured a Federal Court of Appeal ruling that this exclusion was a violation of NWAC's freedom of speech, although the court acknowledged "it had no power to order the federal government to invite NWAC to join the talks" (J. Green, 1992-1993, p. 116). Under its political mandate "to help empower [Aboriginal] women by being involved in developing and changing legislation which affects them, and by involving them in the development and delivery of programs promoting equal opportunity for Aboriginal women" (Native Women's Association of Canada, 2006, p. 2), NWAC has since pursued a number of issues important to indigenous women and their communities, including self-government (Bayefsky, 1992; Eberts, et al., 2006; Krosenbrink-Gelissen, 1991; Native Women's Association of Canada, 1991); matrimonial property rights (Native Women's Association of Canada, 1999, 2002b, 2007a, 2008d, 2008e, 2008h); health and wellness (e.g.: maternal and child health; Aboriginal women and HIV/AIDS; health care

system accessibility) (Native Women's Association of Canada, 1997, 2002a, 2004c, 2007d); and the protection of indigenous women and children's human rights (Native Women's Association of Canada, 1999, 2002b, 2007b, 2008a, 2008d).

Structurally, NWAC operates as a “non-profit umbrella association” (D. R. Young, 2001) providing both a national platform and political support to provincial and territorial member associations (PTMAs) who, in turn, help direct NWAC's national political agenda through representation on its Board of Directors (Krosenbrink-Gelissen, 1991, pp. 86-87). Both the board and its executive, including a President, are elected biennially at NWAC Annual General Meetings (AGMs), and are supported in their leadership by the guidance of respected Aboriginal Elders, as well as a permanent paid support staff located in Ottawa (Krosenbrink-Gelissen, 1991; Native Women's Association of Canada, 2006, 2007f). NWAC's leadership and the support staff undertake the political “work” of the organization, such as lobbying, information gathering and sharing, and undertaking legal cases. Significantly, while it has often involved considerable political struggle (Eberts, et al., 2006; Krosenbrink-Gelissen, 1991; Native Women's Association of Canada, 2004a, 2005b), the federal government of Canada has become a major source of funding for much of NWAC's political work (Andrews & Co., 2011; Native Women's Association of Canada, 2007f, 2008e).

When NWAC secured funding for the SIS initiative in 2005, a state politics around “missing and murdered Aboriginal women and girls” was born; however, it was birthed of political seeds sown for almost two decades. In the late 1980s, and alongside the politics of family violence outlined in the previous chapter, indigenous women, their communities and political allies began demanding both societal and state attention to the disappearances and

murders of indigenous women and girls occurring across Canada. For example, in the aftermath of the excessively delayed 1987 conviction of only one of four white men accused in the 1971 murder of eighteen-year-old Cree student Helen Betty Osborne in The Pas, Manitoba, indigenous communities succeeded in securing a formal provincial inquiry – the Aboriginal Justice of Inquiry (AJI) of Manitoba – to review the case, alongside the police shooting of indigenous activist John Joseph Harper in 1988, in regards to broader concerns about how that province’s justice system was failing indigenous peoples. The AJI set an important precedent for future state discussions dealing with murders of indigenous women: it specifically named racism and sexism as significant factors in the case. As the report concluded,

It is clear that Betty Osborne would not have been killed if she had not been Aboriginal. The four men who took her to her death from the streets of The Pas that night had gone looking for an Aboriginal girl with whom to "party." They found Betty Osborne. When she refused to party she was driven out of town and murdered. Those who abducted her showed a total lack of regard for her person or her rights as an individual. Those who stood by while the physical assault took place, while sexual advances were made and while she was being beaten to death showed their own racism, sexism and indifference. Those who knew the story and remained silent must share their guilt (Aboriginal Justice Inquiry of Manitoba, 1991, p. "Conclusions").

The report also names the role of historical colonial racism, drawing parallels between residential schools and Helen Betty’s move to The Pas for high school: “the very reason that Betty Osborne was compelled to leave her home and move to The Pas,” the report claims,

“also was rooted in racism. Like so many other Aboriginal young people, she was forced by long-standing government policy to move to a strange and hostile environment to continue her schooling” (Aboriginal Justice Inquiry of Manitoba, 1991, p. "The Legacy of Historical Racism") . Racism within the police was also identified, in their over-policing of indigenous people but failing to protect indigenous women from violence by “refus[ing] to take seriously the stories of Aboriginal women being sexually harassed by non-Aboriginal men” (Aboriginal Justice Inquiry of Manitoba, 1991, p. "Aboriginal people and the RCMP"); as well as their handling of the murder investigation (i.e.: originally only pursuing Aboriginal suspects; mistreatment and discrimination perpetrated against Aboriginal witnesses)(p. “Other incidents of racism”).

In addition to the AJI, indigenous women from across Canada were organizing politically to address the deaths and disappearances of indigenous women and girls. Beginning in 1991, indigenous women and their allies organized the annual Valentine’s Day memorial march in Vancouver’s DTES to draw attention to the extreme and myriad forms of violence experienced by women in that community, as well as the high numbers of missing and murdered women (many of whom were of indigenous ancestry). In the late 1990s, Waabnong Kwe/Amber O’Hara, an Anishinaabe grandmother and survivor of a brutal rape and attempted murder in the summer of 1990, launched her website, www.missingnativewomen.org, documenting cases of missing and murdered indigenous women and girls from across Canada. In addition to holding memorial events for family members, Waabnong Kwe relentlessly pursued the Canadian state to address this violence through political protests, formal speaking engagements, and the creation of a women’s hand drumming/singing performance group (the Manitou Kwe Singers) to spread political

awareness about the issue of missing and murdered indigenous women and girls. Finally, in 1997, indigenous women and their communities organized politically in response to the lenient sentencing of the two white men accused of murdering Pamela George in Regina in 1995 – according to Aboriginal Women’s Action Network (AWAN) co-founder Fay Blaney, it was this case that initiated the group’s political focus on violence against indigenous women and girls (F. Blaney, *interview*, 10 November 2009).

For its part, NWAC first raised the issue in a 2002 report – authored by future NWAC president and SIS champion Beverly Jacobs – submitted to a United Nation’s (UN) special rapporteur investigating violations of indigenous human rights around the world. This strategy was both a logical and brilliant political maneuver on the part of NWAC, who had previously sought recourse through the UN and its human rights politics in its successful battle to secure the Bill C-31 amendments addressing sex discrimination in the *Indian Act* (Krosenbrink-Gelissen, 1991). In this report, NWAC (2002b) argued that deaths and disappearances of Aboriginal women were disturbingly common in Canada, as too was the failure of police to adequately investigate these cases. Significantly, this submission came in the aftermath of the February 2002 arrest of Robert Pickton in the Missing Women cases and the subsequent development of Canada’s largest serial killer investigation – and, thus, during a period of increased social (including media) and political attention paid to a case involving a larger number of missing and murdered Aboriginal women (Bourgeois, 2009; Culhane, 2003, 2009; Hugill, 2010; Jiwani & Young, 2006; Pitman, 2002). Consequently, NWAC used the Missing Women cases (with specific reference to Janet Henry) alongside other cases of missing and murdered Aboriginal women and girls – including the murder of Helen Betty Osborne; the execution-style murder of thirty-year-old Mi’kmaq activist Anna Mae Pictou-

Aquash at Wounded Knee, South Dakota in 1975; the murders of Mary Jane Serloin in Lethbridge, Alta in 1981 and of Eva Taysup, Shelley Napope, and Calinda Waterhen in Saskatoon in 1992 by convicted serial killer John Martin Crawford; and the murder of Pamela George – as evidence of the dominant disregard for Aboriginal women’s safety and well-being prevalent in contemporary Canadian society. Named as a component of the wide spectrum of violence that has become “a normal way of life” for many Aboriginal women in Canada (Native Women's Association of Canada, 2002b, p. 2), these deaths and disappearances were explained in this report as the consequence of colonial oppression and the devaluation of Aboriginal women, both within Aboriginal communities and broader Canadian society (Native Women's Association of Canada, 2002b, pp. 4-5).

In March 2004, NWAC, then under the leadership of Kukdookaa Terri Brown (Tahltan), kicked off a year-long “Sisters in Spirit” campaign to raise awareness around “the alarmingly high rates of violence against Aboriginal women – violence that all too often, leads to their disappearance and death” (Native Women's Association of Canada, 2005b, p. 1). A month later, President Brown appeared before the first meeting of the Canada-Aboriginal Peoples Roundtable² to speak about the SIS campaign and she demanded immediate government action:

We are in an urgent state of affairs in regards to the safety of Aboriginal women. We request that the Federal Government commit to providing a fund of [ten] million [Canadian dollars] to implement the Sisters in Spirit Campaign. This year, the Native Women’s Association of Canada will need resources to develop a strategic plan that would be implemented when this commitment is made. This plan will include research, education and community-based programs to assist

marginalized Aboriginal women vulnerable to this extreme violence. Time is of the essence in this situation. Immediate action is required to stop the needless killing of Aboriginal women (K. T. Brown, 2004, p. 1).

In response, the federal government provided a pittance of twenty thousand dollars through Status of Women Canada in May 2004 “to develop a strategic plan for the *Sisters in Spirit* campaign” (Status of Women Canada, 2004, p. 1), and by August 2004, NWAC had submitted a formal proposal to the Privy Council Office – Aboriginal Affairs Secretariat outlining a formal plan for SIS based on a budget of ten million dollars over two years (Native Women's Association of Canada, 2004a, p. 1, 2005b, p. 1).

In October 2004, NWAC’s work on missing and murdered Aboriginal women received significant national and international political attention thanks to publication of Amnesty International’s Stolen Sisters: A Human Rights Response to Discrimination and Violence and Against Indigenous Women in Canada. The report, which was produced in partnership with NWAC (with the first draft authored by future NWAC president and SIS champion Beverly Jacobs (B. Jacobs, interview, 8 October 2009)) represented, once again, the organization’s political astuteness in seeking recourse through the international human rights community to press the Canadian state to take action to address the issue of missing and murdered Aboriginal women and girls. The report claimed that Canadian authorities should’ve done more to ensure the safety of [missing and murdered] Aboriginal women and girls – Canadian officials, Amnesty argued, “have a clear and inescapable obligation to ensure the safety of Indigenous women, to bring those responsible for attacks to justice, and to address the deeper problems of marginalization, dispossession and impoverishment that have placed so many Indigenous women in harm’s way” (Amnesty International, 2004, p.

64). They called on “all levels of government in Canada” to “work urgently and closely with Indigenous peoples’ organizations, and Indigenous women in particular, to institute plans of action to stop violence against Indigenous women” (Amnesty International, 2004, p. 64).

Notably, NWAC was recognized in the report as one of “a number of advocacy organizations” who “have drawn attention to acts of violence perpetrated against Indigenous women in predominantly non-Indigenous communities” (Amnesty International, 2004, p. 23), and their estimation that more than five hundred indigenous women may have gone missing or been murdered over the last twenty years in Canada was cited (Amnesty International, 2004, p. 24).

In a press release issued to mark publication of Amnesty’s Stolen Sisters report, NWAC announced that, after many years of lobbying, the organization “hopes soon to be in a position to implement the Sisters in Spirit Campaign,” (Native Women's Association of Canada, 2004b, p. 1) – however, it would be many months of foot-dragging by the federal government before this would happen. During this time, NWAC turned to the media as a means of pressuring the government to act. On 12 December 2004, for example, NWAC issued a press release announcing that despite a tremendous outpouring of public support for the SIS Initiative, International Human Rights Day (December 10th) had passed without the federal government committing to funding SIS. In the words of newly-elected president Beverley Jacobs:

Canada missed a real opportunity to demonstrate their seriousness about dealing with the plight of the missing and murdered Aboriginal women in this country. This is a pressing and immediate human rights issues as our women are still missing and their families need some comfort that they are taken seriously.

Canada must not delay their decision on this important Campaign (Native Women's Association of Canada, 2004a, p. 1).

Similarly, on 11 February 2005, NWAC issued a press release claiming that the Prime Minister's Office had informed the organization that a promised announcement of five million dollars in funding for SIS on 14 February had to be postponed because one of three contributing agencies (Status of Women, Indian and Northern Affairs Canada, and Public Safety and Emergency Preparedness Canada) had stalled the agreement (Native Women's Association of Canada, 2005b, p. 1). Thus, instead of making this announcement, NWAC used February 14th to "discuss the importance of the Sisters in Spirit Campaign and to denounce the Federal Government's withdrawal from the jointly planned press conference to announce the funding for the Sisters in Spirit Campaign" (Native Women's Association of Canada, 2005a, p. 1). Finally, on 17 May 2005, and nearly ten months after NWAC first applied for funding, NWAC and Status of Women Canada issued parallel press releases announcing the federal government's funding of SIS at five million dollars over five years coming from Status of Women and Indian and Northern Affairs Canada" (Native Women's Association of Canada, 2005c, p. 1; Status of Women Canada, 2005, p. 1). Quoting President Jacobs,

NWAC, through the support of many families and friends of the missing and murdered Aboriginal women, has worked hard, nationally and internationally, to ensure that the issue of violence against Aboriginal women be taken seriously. In response, the Federal government *has* taken serious action (Native Women's Association of Canada, 2005c, p. 1; emphasis in original).

What was it about this time and context that made support of SIS and the politics of missing and murdered Aboriginal women and girls the best political option (both in terms of governmentality and dominant political agendas) for the Canadian state? As the previous discussion suggests, the Canadian state was facing intense political pressure from multiple sources at this time to address the issue of “missing and murdered Aboriginal women and girls”. By 2005, the political resistance around missing and murdered indigenous women and girls had reached a national level – both in terms of national collective action and as a focus for a national aboriginal organization. In cities including Victoria, Edmonton, Toronto, and Montréal, grassroots roots organizations were undertaking preparations for solidarity events to coincide with the annual Valentine’s Day memorial in Vancouver for 2006 (D’Arcangelis & Huntley, 2012; M. George, interview, 9 November 2009). NWAC was aggressively pursuing the federal government for SIS funding which, as previously noted, included a “public shaming” media relations strategy to expose the state’s feet-dragging and false-promises around funding the SIS initiative. Furthermore, these efforts continued to include recourse to the international community represented by the UN: in addition to the original 2002 submission and the organization’s work with Amnesty International and Stolen Sisters in 2004, NWAC president Beverly Jacobs (elected in 2004) attended the ECE Regional Preparatory Meeting for the 10 year review of the implementation of the Beijing Platform for Action addressing violence against women in order “to raise the issue of the Sisters in Spirit Campaign internationally so that Canada will make a prompt decision to fund the campaign” (Native Women's Association of Canada, 2004a, p. 2).

Yet indigenous women’s activism alone wasn’t enough to push the state to act – after all, this resistance was decades old by the time the federal government opted to fund SIS.

Instead, a number of concurrent factors helped bring the issue of missing and murdered Aboriginal women and girls to a political head so that, by 2005, the state *needed* to act. For example, it is significant that the state's support came in the aftermath of two key events, both occurring in 2004: (1) the arrest of Robert Pickton in relation to the Missing Women cases³; and (2) the awarding of the 2010 Winter Olympics to Vancouver. The arrest of Pickton marked the beginning of what would become Canada's largest serial murder case to date and, thus, intensified social and political attention to the issue of missing and murdered Aboriginal women and girls in Canada. Like the events of December 6, 1989 (the murder of fourteen women at École Polytechnique in Montréal), this mass killing of women provided an important political moment to draw attention to violence against women; however, unlike the "Montréal Massacre" where the victims were white university women, the victims in the Missing Women cases were overwhelmingly poor and indigenous women – it is estimated that about one-third of the Missing Women were of indigenous ancestry (Pearce, 2013, p. 488) – and, thus, they provided a powerful demonstration of the concerns NWAC and other groups were raising about missing and murdered Aboriginal women and girls in Canada. It was also a high-profile case that garnered significant national and international attention. Scholarly analyses show a proliferation of media response to the Missing Women cases following the arrest of Pickton (Hugill, 2010; Jiwani & Young, 2006), and although it limitedly covered the political resistance surrounding these cases (Culhane, 2003, 2009; Hugill, 2010; Jiwani & Young, 2006), it did provide mainstream societal awareness of the cases that could and would (as in NWAC's case) be leveraged in support of the political resistance surrounding missing and murdered Aboriginal women and girls in Canada. Indeed, the rise of allied Valentine's Day memorials in cities across Canada previously mentioned

occurred following the arrest of Pickton, suggesting not only increasing political awareness and action directly influenced by the Missing Women cases, but the importance of this political moment for pressing that Canadian state to address the issue of missing and murdered Aboriginal women and girls.

In an ironic twist of fate, at the same time that Canada's largest serial murder case was breaking in Vancouver and the state was facing increased social and political scrutiny about its handling of these cases and the issue of missing and murdered Aboriginal women and girls, that city was awarded the 2010 Winter Olympic Games, which only increased media, social, and political attention on Vancouver and potentially the Missing Women cases. Furthermore, as has been the case throughout the history of the Olympic Games, many political groups in Canada saw this as an opportunity to advance a number of social justice issues – as Jules Boykoff contends, “the anti-Olympics movement reinvigorated activist circles” by giving longtime activists “a positive boost” and refreshing “the ranks with energetic younger protesters who were given a once-in-a-lifetime opportunity to soar over the hurdles that might have been present during ‘normal’ political times” (2011, pp. 58-59). Importantly, many indigenous communities and groups were represented within these political efforts, as too were important indigenous issues including sovereignty and self-determination, outstanding land and resource claims, and missing and murdered Aboriginal women and girls (Bourgeois, 2009; Boykoff, 2011; O'Bonsawin, 2010; Shantz, 2009). Thus, the awarding of the 2010 Olympics to Vancouver marked, as Boykoff suggests, an unusual and intense political moment where an international audience could be exposed to Canada's failings in regards to indigenous people, including the issue of missing and murdered Aboriginal women and girls.

Consequently, funding NWAC's SIS initiative in 2005 represented a logical and self-sustaining strategy for the Canadian state, and served multiple state agendas. Facing a rapidly increasing political movement demanding a response to missing and murdered Aboriginal women and girls at a time when the Canadian state's national and international reputation was under intense scrutiny, the funding of SIS represented, for the state, a direct response to its critics. Focusing on violence against Aboriginal women and girls also reconciled with the Canadian state's neoliberal/neoconservative politics of gender and race because it contained this examination and discussion of gender violence to a specific racialized (read: cultural) group. Furthermore, funding SIS brought a formidable political voice in the battle around missing and murdered Aboriginal women and girls (NWAC) under the official jurisdiction and authority of the Canadian state with the ability, thanks to mandated annual reporting on the part of NWAC as part of SIS funding agreement, to monitor NWAC's political activities. Furthermore, it offered a means of suppressing (or diffusing) the powder keg of political resistance building around the 2010 Vancouver Olympics – not only in terms of the issue of missing and murdered Aboriginal women and girls, but also the related issues of indigenous self-determination and land and resource claims. Indeed, as Million (2013) suggests, this is all part of the contemporary politics of trauma: the Canadian state incites indigenous people to name themselves as victims of violence and trauma as a means of circumventing recognition of indigenous self-determination. Thus, by funding SIS for a pittance, the state could be seen as addressing an issue of significance to indigenous people in Canada at the same time as it avoided addressing the issue of indigenous sovereignty (which was also key focus of the anti-2010 Olympic resistance). Additionally, this move potentially set up the dominant politics of reconciliation: that is, funding SIS in 2005 marked a reconciliation date,

the point from which Canada's negligence in regards to the missing and murdered Aboriginal women and girls might be contained to the past and from which Canada's new, better "not colonial" future could progress. The decision to fund SIS, then, reflected dominant state agendas – colonialism and the neoliberal appropriation and suppression of resistance – and reinforced state authority over indigenous peoples and indigenous issues.

The politics of "Sisters in Spirit": An anti-colonial anti-violence analysis

Despite whatever state agendas may have been addressed, the funding of SIS marked an important political opportunity to address violence against indigenous women and girls in Canada – and one that NWAC would use to develop a particularly strong anti-colonial anti-violence political strategy. By demanding that the state address the issue of "missing and murdered Aboriginal women and girls," indigenous women forced an expansion in focus to include not only violence that occurred outside of indigenous families and communities, but also to non-family and, therefore, more non-indigenous perpetrators. Theoretically, the inclusion of non-indigenous perpetrators would limit the Canadian state's ability to isolate this dysfunction to indigenous peoples and, thus, sustain the pathologizing of indigenous peoples so integral to settler colonial domination. It also expanded the potential for considering Canadian state complicity – that is, if indigenous women and girls are going missing and not being searched for, and are disappeared and/or murdered with relative impunity, then the Canadian state can be said to be *not* doing enough to protect indigenous women and girls from violence. Importantly, moving the political discussion beyond indigenous families and communities to address non-indigenous perpetrators, violence committed in non-indigenous spaces (i.e.: not the family or community), and Canadian state

complicity also opens the political door for discussions of colonialism and its attendant systems of oppression (a claim that will be further explored momentarily).

This broadening of political terms, as suggested, included increased opportunity to address colonialism and other dominant interlocking systems of oppression as related to violence against indigenous women and girls in Canada; and one way that SIS did this was through the discourse of “racialized, sexualized violence”. NWAC first emphasized the connection between the contemporary phenomenon of “missing and murdered Aboriginal women and girls” and colonial racism and sexism in their 2002 UN submission: although unnamed, NWAC’s references to different rates of violence experienced by indigenous and non-indigenous women in Canada (p.4) and to the Aboriginal Justice Inquiry of Manitoba’s finding that Helen Betty Osborne was “killed because she was an Aboriginal women and because four White men thought she was “easy”” (p.5) suggest the political position that both gender and race play contributing roles in the deaths and disappearances of Aboriginal women and girls. Largely undefined and under-theorized in official SIS reports, an early SIS newsletter suggests that NWAC understood “racialized, sexualized violence” as “violence perpetrated against Aboriginal women because of their gender and Aboriginal identity” (Native Women's Association of Canada, 2007c, p. 1). This absence of definition and theorization is disconcerting given the prominence this concept was given within SIS: “racialized, sexualized violence” was presented as a central conceptual framework guiding the work of SIS, to the extent that SIS research was guided by questions including “What are the circumstances and roots causes leading to racialized and sexualized violence?” and “How can...changes be implemented in order to reduce or prevent racialized, sexualized violence against Aboriginal women, particularly that which results in their disappearances and

deaths?” (Native Women's Association of Canada, 2009c, p. 4). Although no one I interviewed from NWAC could recall the specific theoretical roots of SIS’s conceptual framework of “racialized, sexualized violence”, it was certainly in line with the prevailing dominant perspective among indigenous women that violence against indigenous women and girls is intimately related to colonial racism and sexism (Frank, 1992; LaRocque, 1994; Maracle, 1996; Monture-Angus, 1995; Spousal Assault Task Force, 1985; The Canadian Panel on Violence Against Women, 1993). Furthermore, it reflected Sherene Razack’s (2000, 2002a) influential analysis of the Pamela George murder case as “gendered racial violence,” which, according to AWAN cofounder Fay Blaney, had been circulating among indigenous anti-violence activists at this time⁴ (*interview*, 9 November 2009). Admittedly, emphasizing violence against Aboriginal women and girls as the product of racism and sexism wasn’t, itself, a new political endeavor: even within the relatively narrow confines of family violence, indigenous women made sure to raise these dominant systems of oppression as contributing to violence in indigenous families (Ontario Native Women's Association of Canada, 1989; Frank, 1992; LaRocque, 1994; The Canadian Panel on Violence Against Women, 1993). However, NWAC attempted to ensure that within this new state politics developing around missing and murdered Aboriginal women and girls, these discussions would continue to be front and center.

The SIS initiative also addressed the role of colonialism in relation to missing and murdered Aboriginal women and girls, albeit not explicitly until the final SIS report, What Their Stories Tell Us (Native Women's Association of Canada, 2010j). The impact of colonialism was evident in the life stories of individual missing and murdered Aboriginal women and girls (to be discussed later in this chapter) featured in SIS reports (Native

Women's Association of Canada, 2008g, 2009c), but with limited theoretical or contextual framing of colonialism, itself. However, this was rectified in the final report: “to address the issue of violence,” NWAC contended, “one must understand the history and impact of colonization on Aboriginal peoples” with its “ongoing narration of violence, systemic racism and discrimination, purposeful denial of culture, language and traditions, and legislation designed to destroy identity that has led to the realities facing Aboriginal peoples” (Native Women's Association of Canada, 2010j, p. 1). The organization was careful to note, however, that “while this process is rooted in history, the impact of colonization continues to effect Aboriginal peoples, and perhaps more profoundly, Aboriginal women” (Native Women's Association of Canada, 2010j, p. 10). The “systemic racism and patriarchy” of colonial domination, NWAC argued, “has marginalized Aboriginal women” so that the result is a “climate where Aboriginal women are particularly vulnerable to violence, victimization, and indifference by the state and society to their experiences of violence” (Native Women's Association of Canada, 2010j, p. 7). As in the case of indigenous women engaged in family violence, NWAC’s referencing of colonialism against a Canadian state political agenda bent on erasing and eliding its complicity in colonialism required a “history lesson,” although the organization focuses specifically on the *Indian Act*, residential schools, and historical and ongoing apprehensions of indigenous children by state child welfare agencies (Native Women's Association of Canada, 2010j, pp. 7-9). NWAC linked these effects to the contemporary conditions of violence against indigenous women and girls by highlighting their role in creating social and economic marginalization of indigenous women and their communities, which they identified as contributing to the vulnerability of indigenous women and girls to violence (Native Women's Association of Canada, 2010j, pp. 9-12). However,

despite this attention to colonialism, NWAC's recommendations in this final SIS report failed to address colonialism in any meaningful way. For example, there was no demand for the regeneration of indigenous sovereignty and self-determination. The closest NWAC came to pressing decolonization was in stressing the need for "returning to traditional forms of justice" (Native Women's Association of Canada, 2010j, p. 34) – albeit with little explanation of what these traditional forms of justice might be or how they would protect the lives of indigenous women and girls. Furthermore, NWAC slipped into a variant of the dominant political discourse of cultural sensitivity: the problem of stereotypes impacting police responses to missing and murdered Aboriginal women and girls was, according to the organization, "a clear indication that measures must be taken to increase police and, arguably, Canadians' sensitivity and understanding of things like the history of colonization" (Native Women's Association of Canada, 2010j, p. 33). NWAC also made an ardent plea on behalf of indigenous men that the Canadian criminal justice system remember that they, too, are victims of the "trauma of colonization" and be treated with "culturally-appropriate healing resources" (Native Women's Association of Canada, 2010j, p. 34). Although these recommendations likely arise from concerns about racism and the colonizing effects of the Canadian criminal justice for indigenous peoples, they are deeply troubling in their elision of non-indigenous offenders. Moreover, these recommendations provide for the pathologizing of indigenous perpetrators. Indeed, NWAC's anti-colonial discourse leaned heavily on the dominant politics of "trauma and healing" identified by Million (2013) which, problematically, invites indigenous peoples to embrace an identity of trauma victim at a time when this identity might be used by the colonial Canadian state in order to deny indigenous self-determination – as victims of trauma, how can indigenous peoples be expected to govern

themselves? Thus, while NWAC certainly drew attention to both the role of historical and ongoing colonialism in the contemporary phenomenon of missing and murdered Aboriginal women and girls, and the state's complicity in colonialism and this violence, its few recommendations directed addressing colonialism left it intact as a system of domination. Indeed, more attention to the issue of colonialism would have made the SIS initiative only that much stronger.

The SIS initiative employed two political strategies that I believe were particularly important to its overall political strength and effectiveness as an anti-colonial anti-violence project: namely, research and education. Research was a central component of SIS and, according to former NWAC president Beverly Jacobs, one of its major successes (interview, 8 October 2009). SIS research was organized around four key research questions:

1. What are the circumstances, roots causes and trends leading to racialized, sexualized violence against Aboriginal women in Canada?
2. How has the justice system responded to family and community reports of missing and murdered Aboriginal women in Canada?
3. What changes need to be implemented in order to improve the safety and well-being of Aboriginal women in Canada particularly related to this issue?
4. How can these changes be implemented in order to reduce or prevent racialized, sexualized violence against Aboriginal women, particularly that which results in their disappearance or death? (Native Women's Association of Canada, 2008i, p. 2, 2009c, p. 4).

To examine these questions, NWAC developed a mixed-methods “community based research framework” (Native Women's Association of Canada, 2009c, p. 4) that incorporated both indigenous and Western epistemologies and methodologies. A primary research goal for SIS was the reclamation of “traditional Aboriginal protocols, processes and understandings around ways of knowing and what it means to conduct research,” (Native Women's Association of Canada, 2009c, p. 4) and, thus, primary data was collected through a storytelling approach in line with the oral traditions that underlie many indigenous societies in Canada (Battiste & Henderson, 2000; Friesen, 1999; L. T. Smith, 1999; Thomas (Qwul'sih'yah'maht), 2005). Described by NWAC as “a collaborative, reciprocal process between equal partners” (Native Women's Association of Canada, 2009c, p. 4), this storytelling methodology privileged family and community members not only as valid sources of knowledge, but also as owners of this knowledge who retain control over how the stories are presented by NWAC (Native Women's Association of Canada, 2009c, p. 5). This ownership was important because in addition to providing both anecdotal and quantitative data for analysis, the collected stories formed the basis of the heart-wrenching “life stories” of missing and murdered Aboriginal women and girls – intimately detailed accounts of their lives and deaths – that were featured in the major SIS reports (Native Women's Association of Canada, 2008i, 2009c, 2010j). Importantly, privileging indigenous ways of knowing and respecting indigenous ownership of knowledge are both central to decolonizing research for indigenous peoples (Battiste & Henderson, 2000; Kovatch, 2009; L. T. Smith, 1999), and in this way, SIS’s community-based research framework reflects the decolonizing component of the theorized ideal anti-violence response.

At the same time, however, NWAC also developed the SIS database – a research strategy that, despite being rooted in Western epistemologies and methodologies, also contributed to the overall success of SIS as an anti-colonial anti-violence response. At its core, the SIS database was a quantitative research tool intended to provide statistical evidence relating to missing and murdered Aboriginal women and girls based on data collected on two hundred variables from over five hundred and eighty such cases (K. Rexe, interview, 5 October 2009; see also Native Women's Association of Canada, 2010j). Analysis of the SIS database demonstrated, for example, that:

- The majority (over two-thirds) of deaths and disappearances occurred in the Western provinces: British Columbia (160 cases, Alberta (93 cases), Saskatchewan (61 cases), and Manitoba (79) (Native Women's Association of Canada, 2010j, p. 26)
- Most deaths (60%) and disappearances (70%) occurred in urban areas (Native Women's Association of Canada, 2010j, p. 26).
- In terms of murdered Aboriginal women and girls, 40% of these cases remained unsolved (Native Women's Association of Canada, 2010j, p. 27)
- Aboriginal women and girls were more likely to be killed by strangers (16.5% of cases) than non-Aboriginal women (6% of cases) in Canada (Native Women's Association of Canada, 2010j, p. 29)

- Aboriginal women experience violence at the hands of both Aboriginal (36% of cases) and non-Aboriginal (23%) of men, with non-Aboriginal men solely accounting for known serial killings/multiple murders (i.e.: Robert Pickton, John Martin Crawford) (Native Women's Association of Canada, 2010j, p. 30)

As these examples demonstrate, statistics are invaluable for demonstrating clear patterns in the deaths and disappearances of Aboriginal women, which, in turn, is invaluable information for the development of strategies and resources addressing this violence. After all, in knowing trends like the majority of deaths and disappearances occurred predominantly in urban areas and in Western Canadian provinces, we can better shape our anti-violence efforts to respond to risk factors and save lives.

Importantly, stated another way, the research role of the database was to translate the lived realities of Aboriginal women and girls into a dominant research and, indeed, state language and, therefore, increase its audibility and intelligibility within Canadian state politics and Canadian society. Indigenous women have long struggled with the difficulty of making their lived realities “understandable” to dominant social groups (Minh-ha, 1989; S. H. Razack, 1998a; Thomas (Qwul'sih'yah'maht), 2005) – and while some indigenous women have also argued that they need to be heard on their own terms (Absolon & Willett, 2005; Moreton-Robinson, 2000; L. T. Smith, 1999), it is difficult to ignore how efficient and effective statistics are in communicating information in dominant Canadian society. Quantitative statistical research is highly valued in colonial Western research and – by extension – Western societies (L. Brown & Strega, 2005; Strega, 2005; Thomas (Qwul'sih'yah'maht), 2005) and, in Canada, the federal government operates its own

quantitative research activities through Statistics Canada. Indeed, to ensure that SIS research conformed to dominant state standards for such research, NWAC had their methodology vetted by Statistics Canada (K. Rexe, interview, 5 October 2009). Thus, translating the lived realities of missing and murdered Aboriginal women and girls into the dominant State language of quantitative statistical evidence increased the likelihood that dominant subjects might *hear* and *understand* NWAC's claims (although, there are certainly no guarantees that anyone is going to listen). Furthermore, it also decreased the likelihood that this evidence could be dismissed by the Canadian state because it conformed to dominant standards of research and evidence (although this would backfire on NWAC because, as outlined later in this chapter, ruling Prime Minister Stephen Harper is very anti-statistics). Qualitative and indigenous methodologies are too often dismissed in dominant society as failing to meet the rigorous research standards or validity of quantitative evidence (L. Brown & Strega, 2005; Kimpson, 2005; Kovatch, 2009; Strega, 2005; Thomas (Qwul'sih'yah'maht), 2005).

Additionally, indigenous storytelling and oral traditions have only relatively recently been accepted as valid evidence in the Canadian legal system [*Delgamuukw v. British Columbia*, [1997]] – and even this remains problematic because, as legal scholar John Borrows makes clear, it is both provisional (accommodation of such evidence is predicated on whether or not it “strain[s] the ‘Canadian legal and constitutional structures’”) and retains Crown sovereignty as “the standard against which Aboriginal rights must be measured” (1999, p. 557). Although privileging indigenous epistemologies and methodologies is critical to decolonization, relying on storytelling alone would have been a significant political risk for SIS given the ease with which such evidence is dismissed in dominant society. By pairing the storytelling research with the statistics of the SIS database, then, NWAC was not only able to

privilege indigenous ways of knowing, but also reinforce these findings against dismissal by the state.

Education was also an important component of NWAC's SIS initiative. This political strategy was multifaceted: first, it included the development of major reports (Native Women's Association of Canada, 2008i, 2009c, 2010j) and fact sheets (2010a, 2010b, 2010c, 2010d, 2010e) to communicate SIS research findings, as well as presentation of these findings at national and international conferences and gatherings (K. Rexe, interview, 5 October 2009). It also included the development of community educational tool kits addressing such topics as safety measures for Aboriginal women (2008b), how to navigate the missing persons process (Native Women's Association of Canada, 2008c), and a primer on media relations (Native Women's Association of Canada, 2009a). Furthermore, it incorporated direct educational outreach sessions (sharing information and learning from participants) with a number of groups, including family of missing and murdered Aboriginal women and girls, indigenous communities, and allied activist and political groups (i.e.: Amnesty International) and, perhaps most importantly, the Canadian State (including multiples levels of government (federal/provincial/territorial/city), the police, and the judiciary). SIS also incorporated a comprehensive media strategy that attempted to disrupt dominant social beliefs and perceptions about missing and murdered Aboriginal women and girls – perpetuated, in part, by problematic Canadian media coverage of the Missing Women case (Hugill, 2010; Jiwani & Young, 2006) – while circulating information relating to SIS and the issue of missing and murdered Aboriginal women and girls (B. Jacobs, interview, 8 October 2009) (Native Women's Association of Canada, 2007e, p. 16). Finally, NWAC's efforts at making October 4th an annual national day of remembrance for missing and

murdered Aboriginal women also served an educative purpose: to inform people about the scope of the problem and, in doing so, foster public awareness and, therefore, political support for these anti-violence efforts.

This educational strategy contributed to SIS's strength as an anti-colonial anti-violence response. According to Beverly Jacobs, former NWAC president and SIS champion, education was one of the main successes of SIS because "we were able to bring awareness to, not where it should be, but at least we heightened the awareness of the issues related to and surrounding [missing and murdered] Aboriginal women" (interview, 8 October 2009). Indeed, given the degree to which the contemporary Canadian state is invested in masking and eliding the ongoing operations of colonial domination and violence (and its complicity in this), education represents an important political tool for disrupting this invisibility. It is also critical to fostering public awareness and securing political support for the issue – education is the means to political alliance and collective resistance. Furthermore, this strategy is decolonizing in that it privileges indigenous women as both knowers and teachers, and their knowledge on the issue of missing and murdered Aboriginal women and girls as its curriculum.

Storytelling represented a prominent discursive strategy within NWAC's SIS initiative. As noted, the SIS research team developed life stories of individual missing and murdered Aboriginal women and girls in conjunction with their family and friends, and these were featured in the major reports released by the SIS initiative (Native Women's Association of Canada, 2008i, 2009c, 2010j). This narrative strategy originated with NWAC's 2002 submission to the UN Special Rapporteur investigating violations of indigenous human rights, albeit not as life stories but as short anecdotal accounts of

individual missing and murdered Aboriginal women. The life stories strategy, itself, was first deployed in the Stolen Sisters report (2004) co-authored by NWAC and Amnesty International, and in addition to developing some of the original stories from the 2002 report (including Helen Betty Osborne, Pamela George, and Janet Henry), the report included new life stories about Shirley Lonethunder (a twenty-five year old Cree woman from White Bear First Nation in Saskatchewan (SK) missing since 1991), Sarah deVries (a mixed-race indigenous woman who was also one of Vancouver's Missing Women), Cynthia Louise Sanderson (a twenty-four year old Cree woman murdered in Prince Albert, SK in 2002), Maxine Wapass (a twenty-three year old Cree woman murdered near Saskatoon, SK in 2002), Felicia Velvet Solomon (a sixteen year old Cree woman from Norway House First Nation and cousin of Helen Betty Osborne, murdered in Winnipeg, Manitoba (MB) in 2003), and Moira Louise Erb (a woman originally from Fort Alexander First Nation who was murdered in Winnipeg in 2003).

The use of life stories in the Amnesty report was carried over into the SIS initiative, as previously noted, as an integral component of its research strategy. Once developed, these stories served as the centerpiece of NWAC's first two major public reports, the first and second editions of Voice of our Sisters in Spirit: A Research and Policy Report to Families, and Communities, released in 2008 and 2009. The first edition (2008) included major life stories for Amber Redman (a nineteen year old woman from Standing Buffalo Dakota who disappeared from Fort Qu'Appelle, SK in 2005 and whose remains were discovered in 2008); Beatrice Sinclair (a 65 year old Ojibway woman murdered in Winnipeg in 1974); Daleen Kay Bosse (a twenty-five year old Onion Lake Cree Nation woman murdered in Saskatoon, SK in 2004); Danita BigEagle (an Ocean Man First Nation woman missing from Regina

since 2007); Delores Whiteman (a Standing Buffalo Dakota First Nation women missing since the 1980s); and Nina Courtepatte (a fourteen year old Cree woman murdered near Edmonton in 2005). It also included smaller accounts (paragraph/short description and/or basic case information) for eight missing women and six murdered women. The second edition of the report released in 2009 included additional extensive life stories for Debbie Sloss (an Ojibway woman murdered in Toronto in 1997); Georgina Papin (a Cree woman who was murdered by Robert Pickton); Terrie Ann Martin-Dauphinais (a twenty-four year old murdered in Calgary in 2002); and Claudette Osborne (a Norway House Cree Nation woman and cousin of Helen Betty Osborne, missing from Winnipeg in 2008). Notably, in the SIS initiative's final public report, What Their Stories Tell Us: Research Findings from the Sisters in Spirit Initiative (2010), these life stories were reduced to sidebars within the report's primary focus on describing the overall research findings related to the SIS database.

This life story narrative strategy, according to NWAC, served multiple purposes. As outlined in the introduction to the life stories section of the 2009 edition of Voices of Our Sisters in Spirit, these stories were claimed to (a) represent an opportunity for family to tell their missing or murdered loved one's story against a background of sensationalized or non-existent media coverage of these cases; (b) speak to the trends in regards to missing and murdered Aboriginal women and girls as discovered in statistical analysis of the SIS database; (c) represent an effort to raise awareness of the issue of missing and murdered Aboriginal women; and (d) constitute a safe space for families to honour and remember their loved ones (p.9). In the preface to their limited appearance in the 2010 report What Their Stories Tell Us, it was also suggested that the stories humanize the statistics: "each number represents the story of a women or girl who is loved and missed by her family" (Native

Women's Association of Canada, 2010j, p. 2). Furthermore, “their stories reflect some of the experiences and impacts faced by these women, girls and their families” (Native Women's Association of Canada, 2010j, p. 2).

While NWAC felt that the life stories were a necessary component of their politics around missing and murdered Aboriginal women and girls, literary scholar Allison Hargreaves’ (2010) analysis of indigenous women’s anti-violence narratives – and specifically those that are a part of the NWAC and Amnesty International co-produced report Stolen Sisters (2004) – raises some important issues about this strategy. According to Hargreaves, telling the stories of individual “missing and murdered Aboriginal women and girls” appears a logical strategy given the political context: that is, within a dominant political terrain predicated on the invisibility of colonial violence, telling the stories becomes a means of “commemoration, awareness-raising, and action-driven intervention” intended to disrupt colonial silence (2010, pp. 15-16). Its perceived validity as a political strategy was further strengthened, she contends, because of its alignment with indigenous oral traditions (which privilege narrative as mode/method of knowledge), as well as its prevalence in non-indigenous feminist/women’s anti-violence resistance occurring around the same time. However, this appearance, Hargreaves argues, is an illusion: in reality, it “reifies the very structures it seeks to challenge” because instead of “radically rethink[ing] the relationship between violence and the state,” it contains and constrains indigenous women’s experiences of state violence within dominant liberal and colonial state politics (2010, pp. 54-55). “Despite the insistence that the strategy of silencing dissent is alive and well,” she writes, it has also been the case “that a more nuanced and covert means of silencing exist in the solicitation and inclusion of these voices” (Hargreaves, 2010, p. 95). Indigenous women, she

claims, are invited to speak about their violence in only two ways: first, within a dominant feminist and Canadian state liberal politics of inclusion which, as Hargreaves argues, has often been only provisionally accommodating, limiting the discussion to “cultural sensitivity” (and therefore, as outlined in the previous chapter, a problem of culture difference embodied by indigenous peoples and of mis-cultural-communication) and *not* anti-oppression or decolonizing politics. The second way, she contends, is through the colonial state politics of reconciliation, which “embeds scripts of painful disclosure and conciliatory redress as a strategy for the dissimulation of colonial power” (Hargreaves, 2010, p. 16). Neither option, then, addresses the operation of dominant systems of oppression or the state’s complicity in this violence and, therefore, they undermine the goals of ending violence against indigenous women and girls, and of decolonization and the regeneration of indigenous sovereignty and self-determination.

Hargreaves’ highlights a number of other significant issues and problems with narrative as a political strategy. For example, while the act is understood as breaking the silence around colonial violence, it also imbeds other silences: some stories are told while others remain untold. Furthermore personal narratives, Hargreaves contends, can still contribute to the homogenization of indigenous women’s experiences that not only obscure distinctions amongst indigenous women, but also tend towards replicating colonial essentialism and romanticism (2010, p. 22). She also points to the operation of silence within the story (itself) and its production: that is, these are stories of absent subjects (missing and murdered), told by her family and friends because they are unable to speak for themselves (Hargreaves, 2010, p. 32). Hargreaves also raises concerns about the treatment of narratives like the SIS life stories as “truth”. Within a liberal political framework that positions silence

in opposition of speech, “speech emerges as truth born by the vessel of authenticity and experience” (Brown, cited in Hargreaves, 2010, p. 95). As Hargreaves writes, these stories are seen as truth “belonging irrevocably to the order of freedom”, “seamlessly translat[ing] the authenticity and pathos of indigenous women’s experiences of violence into necessary resistive recommendations for change” (2010, p. 53). Furthermore, narratives attempt to establish a stable interpretation of violence against indigenous women and girls from which indigenous women can pursue political claims. Thus, we “don’t often question the gritty details of these narratives” (Hargreaves, 2010, p. 46) or what they apparently reveal about the chief causal factors contributing to indigenous women’s vulnerability to violence (p.35), or the recommendations based on them. And the risk in uninterrogated “truths” is replication of dominant political discourses and agendas, interlocking systems of oppression, and existing relations of ruling. Finally, Hargreaves expresses concerns around “hearing” these stories: one of the risks of narrative, she argues, is that it “supposes by mere virtue of hearing one’s story of oppression, we have participated in an oppositional act” (2010, p. 49). This problem is compounded, she contends, in situations where the subject positions of either the teller or the listener are left under-theorized or divorced from relations of power (Hargreaves, 2010, p. 49). There is also no guarantee that storytelling will necessarily translate into “political resistive visibility” (Hargreaves, 2010, p. 47) or that Canadian citizens and the state will see or hear these political claims.

Sherene Razack’s (1998a, 2007) work on storytelling and violence, which Hargreaves draws on for her analysis, offers a slightly different interpretation of storytelling for social change. Like Hargreaves, Razack identifies potential issues with this approach including the distance between speaker and listener (and, thus, the ability of the listener to hear what the

speaker is saying) (1998a, p. 36), and a general unwillingness to question the “truths” told through stories (p. 45). She also points out that because of the different subject positions occupied by speakers, there are different risks associated with telling stories for different people within particular contexts, and “there are penalties for choosing the wrong voice at the wrong time, for telling an inappropriate story” (S. H. Razack, 1998a, p. 53). Razack (2007) has also drawn attention to the practice of “stealing the pain of others,” where stories of violence against subordinate groups are appropriated by dominant groups and transformed into trauma narratives for the dominant group that simultaneously reaffirm the sub-humanity of the subordinate group and the heroic superiority of the dominant group (and, thus, eliding the complicity of dominant groups in the violence experienced by subordinate groups). However, Razack holds that storytelling can be a powerful oppositional strategy if we attend to “our different subject positions, borne out in how we know, tell, and hear stories” (1998a, p. 51). It also requires “realizing that storytelling serves various groups differently and that it should never be employed uncritically in mixed-race groups” (S. H. Razack, 1998a, p. 52). She also suggests the importance of considering the context of storytelling, questioning the knowledge of the speaker and listener, and finding “ways to take this knowledge and being out of the realm of abstraction and into political action” (S. H. Razack, 1998a, p. 53).

Applying Razack’s conceptual work on storytelling offers an interpretation of the SIS life stories that differs from Hargreaves. The specific context for these life stories is settler colonial Canadian society, where dehumanizing narratives about indigenous women and girls are required to sustain the ideological logic and material conditions of settler colonial domination. It is also a social context where disavowals of colonial violence are *de rigueur*. Thus, within this context, storytelling presents a number of important oppositional strategies.

First, as Hargreaves also suggests, naming colonial violence disrupts the colonial silence imposed through disavowals of this violence. In other words, there are moments in these stories where the unnamable violence of colonialism (and racism and sexism) is named and examined through the lived realities of individual indigenous women and girls. For example, many of the stories expose the indifference Canadian police forces have exhibited in responding to missing and murdered Aboriginal women and girls: how the police dismissed the death of sixty-five year old Beatrice Sinclair as an accident despite evidence she had been raped and beaten (Native Women's Association of Canada, 2009c, pp. 22-23); how the family of Daleen Bosse felt “shrugged off and brushed to the side” by officers investigating their daughter’s sudden disappearance (p. 27); and how the mother of Danita BigEagle was given a “hard time” by police when she reported her daughter missing and, subsequently, had to conduct her own search for Danita (p.32). Second, these stories attempt to portray the humanity of missing and murdered Aboriginal women and girls against the colonial discursive terrain that perpetually portrays them as dehumanized “squaws” – or in the contemporary nomenclature related to Vancouver’s Missing Women, drug-addicted homeless prostitutes (Hugill, 2010; Jiwani & Young, 2006). These life stories, as such, attempt to establish the humanity of missing and murdered Aboriginal women and girls by showing through the details of their lives – their relationships, their goals and dreams, and even their struggles – that these women and girls were, indeed, like us and, therefore, deserving of justice. They attempt to put a “human face” to the dehumanizing violence associated with colonialism, racism, and sexism and, therefore, foster societal and state “caring” and support for addressing this violence. Finally, telling the life stories of individual indigenous women and girls disrupts the homogenizing tendency within settler colonialism

that presents indigenous females as an undifferentiated collective “mass” sharing common (and mostly deficient) qualities.

Razack’s conceptual work reveals, however, a fundamental flaw with NWAC’s life story strategy: in the absence of a solid theoretical explanation of colonialism, racism, and sexism, there is the a significant risk that “listeners” will not possess the analytic framework required to “hear” what the stories tell us about violence against indigenous women and girls. For example, in the absence of any discussion linking alcoholism and addictions among indigenous peoples to the violence of settler colonialism, these stories risk reaffirming the dominant colonial narrative of pathological indigeneity. In the absence of consideration of Canadian police forces as representatives of the colonial Canadian state, acts of indifference in responding to this violence can be reduced to the failings of individual officers and *not* related to colonialism, racism, and sexism. Thus, without the proper theoretical framework, such as the history lessons that indigenous women employed in their analyses of family violence, these life stories not only risk eliding but also reaffirming colonial narratives about indigenous females and the violence they experience.

Finally, the UN and its international politics of human rights have been integral to NWAC’s strategy of pursuing social justice for missing and murdered Aboriginal women and girls, their families, and communities. As previously argued, the existence of the SIS initiative is due, in part, to NWAC’s political engagement with the UN and its politics of human rights: it amplified political pressure on the Canadian state to not only respond to the issue of missing and murdered Aboriginal women and girls, but also to support and fund NWAC’s proposed SIS initiative. This political engagement originated in 2002 with NWAC’s submission to the special rapporteur investigating, which emphasized state and

societal unresponsiveness to this violence as part of the problem. This emerging politics around missing and murdered Aboriginal women and girls was further embedded in UN human rights politics through NWAC's partnership with Amnesty International – who despite claiming independence from any government or political ideology, operates under a guiding vision of “a world in which every single person enjoys all the human rights enshrined in the [UN's] Universal Declaration of Human Rights” (Amnesty International Canada, 2013) and, therefore, under the political ideology and strategies around human rights advanced by the UN. Thus, Stolen Sisters was organized around an “international human rights framework” for understanding and addressing indigenous women rooted in existing UN conventions/treaties (including the *International Covenant on Civil and Political Rights* (ICCPR), the *Convention on the Elimination of all forms of Racial Discrimination* (CERD), and the *Convention on the Elimination of Discrimination against Women* (CEDAW)). This framework, the report suggests, served two key functions: to expose the discrimination indigenous females experience in contemporary Canadian society due to their gender and race, and to illustrate the Canadian state's violation of its international human rights obligations (as contained in the numerous UN treaties Canada has ratified) in failing to protect indigenous women and girls from violence. As argued in the report, “through ratification of binding international human rights treaties, and the adoption of declarations by multilateral bodies such as the United Nations, governments have committed themselves to ensuring that all people can enjoy certain universal rights and freedoms” (Amnesty International, 2004, p. 5). Thus, the report concluded, “Canadian officials have a clear and inescapable obligation to ensure the safety of Indigenous women, to bring those responsible for attacks against them to justice, and to address the deeper problems of marginalization,

dispossession and impoverishment that have place so many Indigenous women in harm's work" (Amnesty International, 2004, p. 64). In the aftermath of Stolen Sisters, NWAC continued to engage the UN on the issue of missing and murdered Aboriginal women and girls and, as previously outlined, publicized this engagement in order to pressure the federal government to make a final decision on funding SIS.

With the funding of SIS and, thus, direct engagement of the Canadian state on the issue of missing and murdered Aboriginal women and girls, the international human rights framework was deemphasized, but linkages to the UN and its politics of human rights remained. In the major SIS reports, discussion of human rights was limited: in both the 2008 and 2009 editions of Voices of Our Sisters in Spirit, for example, mention of human rights was limited to the sentence, "The Sisters in Spirit policy development is guided by a human rights perspective that privileges and incorporates Aboriginal cultural and ethical values" (Native Women's Association of Canada, 2008i, p. 55, 2009c, p. 58); and was completely absent from the SIS initiative's 2010 report, What Their Stories Tell Us. This being said, NWAC maintained a close political alliance with Amnesty International Canada. For example, Amnesty was a member of the National Sisters in Spirit Vigil Committee (alongside such groups as the Aboriginal Caucus of the Canadian Federation of Students, KAIROS: Canadian Ecumenical Justice Initiatives, and the National Association of Friendship Centres) responsible for establishing October 4th as a national/international day to remember missing and murdered Aboriginal women and girls (B. Jacobs, *interview*, 8 October 2009; K. Rexe, *interview*, 5 October 2009). In 2009, the organizations also collaborated to produce a follow up to Amnesty's Stolen Sisters report called No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence

against Indigenous Women in Canada, which prominently highlighted NWAC's efforts and some of the SIS initiative's initial research findings in order to press the Canadian state to do more to address violence against indigenous women in Canada. As argued in this report,

Despite acknowledgement [of the issue], measures to end discrimination and violence against Indigenous women have been piecemeal at best. UN human rights bodies have repeatedly called on the Canadian authorities to work with Indigenous women to establish a national plan of action. Unfortunately, the federal government has shown little leadership in addressing the issue. Most of the positive measures taken to date have been initiated by individual police services or by provincial and territorial governments and have not been replicated nationally (Amnesty International, 2009, p. 4).

Notably, as part of its recommendations, this report calls on the Government of Canada to “publicly commit to fully implement the standards contained in the UN Declaration on the Rights of Indigenous Peoples and to engage Indigenous Peoples in discussion about their implementation” (Amnesty International, 2009, p. 26).

There are a number of reasons that pursuing the issue of missing and murdered Aboriginal women and girls through the UN and its international human rights framework likely appeared as a logical and, indeed, valid pathway of resistance for NWAC. First, this strategy was familiar to NWAC (and, indeed, other indigenous women in Canada) because it had been successfully used to secure the 1985 Bill C-31 amendment addressing sex discrimination in the *Indian Act*. In 1981, after two legal cases involving claims of sex discrimination in the *Indian Act* (Lavell and Bedard) had been unfavorably adjudicated in the

Canadian legal system, Sandra Lovelace (a Maliseet woman from Tobique First Nation in New Brunswick who has been denied status rights for marrying a non-Indian man) successfully pursued a case of sex discrimination against Canada with the UN Human Rights Committee. The committee found the federal government in breach of the International Covenant on Civil and Political Rights and urged them to take immediate action to address the issue. Although this change was slightly delayed due to significant diversion of national political energies towards the constitutional processes in the early 1980s, the Canadian government ultimately amended the *Indian Act* to end sex discrimination relating to the “marry-out” clause (prior to 1985, any Indian woman who married a non-Indian man lost her status under the act, while an Indian man who did the same thing retained his status, which was also extended to his wife and their children). Thus, it was not only a familiar strategy, but also one that had proven successful in securing political/social change sought by indigenous women.

Secondly, this was a political period (2000s) where human rights politics – and predominantly, those of the UN – had secured a global dominance. As anthropologist Sally Engle Merry argues

Human rights have become the major global approach to social justice. Since the 1980s, human rights concepts have gained increasing international credibility and support at the same time as a growing body of treaties and resolutions have strengthened their international legal basis. The global human rights system is now deeply transnational, no longer rooted exclusively in the West...Activists from many countries enthusiastically adopt this language and translate it for

grassroots people. Vulnerable people take up human rights ideas in a variety of local contexts because they offer hope to subordinated groups (2006, p. 3).

Women from around the world have pursued social justice through the international politics of human rights (Bunch, 2004; Engle Merry, 2006; Grewal, 1999; S. H. Razack, 1998a; Reilly, 2009). The issue of violence against women has been a significant component of this global politics, addressed at the UN predominantly through CEDAW and its optional protocol, and global conferences which lead to the development of the Nairobi Forward-Looking Strategies for the Advancement of Women (1985) and the Beijing Platform for Action (1995) for addressing violence against women around the globe. Sex and gender discrimination (and, therefore, structural violence) were also focal issues within this global politics of human rights, and addressed in a number of UN treaties including CEDAW, *Convention on the Political Rights of Women* (1952), *Discrimination (Employment and Occupation) Convention* (1958), and *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (1962). In the past few decades, there has also been increased engagement – both in terms of being invited to participate and actual participation – between indigenous peoples and the UN and its international politics (Beier, 2007; Kuokkanen, 2012; Million, 2013; Newcomb, 2011; Painter, 2012; Parisi & Corntassel, 2007). Indeed, at the time that the SIS initiative was launched, the United Nations, its member nation-states, and indigenous peoples around the world were developing the *Declaration on the Rights of Indigenous Peoples* to protect the human rights of indigenous peoples globally. Thus, within the international political community and amongst those seeking social and political change, the UN and its human rights framework emerged as a prominent pathway of political resistance; and given this formidable international political clout and international reach,

made it a logical political pathway for NWAC in pursuing the issue of missing and murdered Aboriginal women and girls.

This final point raises a third factor that made the UN and its international politics of human rights a logical option for NWAC: it offered them a means of recourse to pushing a reluctant Canadian state to act on the issue of missing and murdered Aboriginal women and girls. For decades prior to NWAC's efforts, indigenous women and their allies at the grassroots level, as previously outlined in this chapter, had pressed the Canadian state to address the deaths and disappearances of indigenous women and girls to little avail. Indeed, as a colonial entity reliant on historical and ongoing oppression and violence against indigenous women and girls, there was little reason for the Canadian state to address this issue given the risk it posed for the state: undoing violence against indigenous women and girls would necessarily entail a dismantling of Canadian state colonialism and, therefore, a radical reconfiguration of the Canadian state, its territorial holdings, and its power base. Thus, with the Canadian state generally unwilling to address the issue of missing and murdered Aboriginal women and girls, indigenous women needed to find another means to increasing political pressure on the state, and the UN and its international politics offered such an option. As a member nation, Canada was not only subject to compliance with UN treaties and agreements, but also to regular review of this compliance by UN committees. Consequently, through UN human rights law, NWAC could demonstrate for the international community represented by the UN that in failing to respond to the issue of missing and murdered Aboriginal women and girls, the Canadian state was in breach of its international commitments represented by UN treaties and conventions. In turn, if the UN and its international community agreed with this assessment and found Canada in breach of its

commitments, they have the power to increase international political pressure on the Canadian state to act on the issue.

However, while appearing an entirely logical and valid pathway of resistance for NWAC and the SIS initiative, there are significant issues with the politics of human rights as manifested through the UN that make it a problematic political strategy for indigenous women and their communities (and not only in Canada, but also around the world). One such issue, as raised by both indigenous and non-indigenous scholars, is the operations of colonialism within the UN and its legal human rights frameworks (Beier, 2007; Million, 2013; Newcomb, 2011; Painter, 2012; Parisi & Corntassel, 2007; Shaw, 2002). As a Western/European derived entity, the United Nations is a product of imperialism and colonialism and, as such, has always included colonial nations – such as the contemporary white settler nation states of Canada and the United State – as members, while simultaneously excluding indigenous nations and denying their politics claims, especially around sovereignty and self-determination (Beier, 2007; Shaw, 2002). Indeed, as legal scholar Steven T. Newcomb (Shawnee/Lenape) (2011) demonstrates in his analysis around the UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP), this organization's international politics have and continue to operate around an understanding of indigenous peoples as inherently "dominated". By tracing the "working definition" of "Indigenous" employed by the UN from its preconception during the Second World War through to the contemporary day and UNDRIP, Newcomb demonstrates indigenous existence is exclusively framed in terms of domination: "the universally accepted definition of Indigenous peoples' is based on a mental (cognitive) model of an invading population having 'reduced' an

original people from a free and therefore non-dominated state of existence to an un-free dominated state of existence” (2011, p. 588). Within this framework, he contends,

Each new generation of the peoples said to have been ‘overcome’ and reduced’ is tacitly considered to have been born into a state of domination. This imposed ‘under a state of domination’ state is treated by ‘states’ as if it had been inherited. In a sense, it has been because of the way that the dominating and subordinating system is replicated from one generation to the next. Given this scenario, from the invaders’ perspective the free existence of the first, original peoples is considered to have been merely temporary. The state of domination, again from the invaders; perspective, is considered to be permanent. The invaders consider the original peoples to have forever lost their rights to a free existence...The original state of free existence is treated metaphorically by “the state” as if that existence were an original ‘home’ that has been destroyed...We as originally free peoples are deemed by the invaders to have no ‘right of return’ to the original existence of our ancestors, free from domination (Newcomb, 2011, pp. 588-589).

Thus, “from the perspective of those who provide embodiment to ‘the state,’” he writes, “‘the state’ is *always* and *permanently* regarded as being in the dominating (‘superior’ or ‘sovereign’) position relative to the ‘subordinate’ (‘inferior’) position of Indigenous peoples,” and “the people termed ‘Indigenous’ are regarded, from the perspective of ‘the state’ to *always* and *permanently* have a ‘sub’ or ‘lower’ order existence” (Newcomb, 2011, p. 581; emphasis in original). The result, Newcomb suggests, is that UN mechanisms addressing social justice for indigenous peoples, such as UNDRIP, reinforce the authority of colonial nation states like Canada over indigenous peoples. For example, Article 46 of

UNDRIP, he points out, leaves the door open for nation state rejection of indigenous self-determination because it states the nothing in the Declaration “may be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity of political entity of sovereign and independent state” (Newcomb, 2011, p. 600). Thus, nation states could argue that recognizing indigenous sovereignty within its existing borders would “dismember or impair” their inherent right to existence (as affirmed by the UN). In fact, Newcomb argues, “it is highly predictable that state actors will premise their interpretations of the UN Declaration on the position that ‘tribal’ people and ‘populations’...need to ‘know their place, and stay there’ by forever accepting without question as ‘the law’ subordinate (sub-order) state that ‘states of domination’ have worked to impose on our originally free nations and peoples” (2011, p. 601).

Political scientist J. Marshall Beier (2007) has advanced a similar argument in regards to the ideology and discourse(s) of ‘sovereignty’ that operate within the UN and its politics (and, in fact, international relations/politics generally). Within UN politics, Beier claims, political sovereignty and the rights accorded to those holding this status (such as the right to be self-determining) are conceived as belonging exclusively to UN member nation states (such as colonial Canada) – indeed, the political purpose of UNDRIP is to secure some recognition of indigenous sovereignty in order to secure access to these rights and international protection of them. However, because any political inclusion of indigenous peoples represents an opportunity for “a collapse of the normative basis for ongoing denial of their [indigenous peoples’] equal participation” in international politics (Beier, 2007, p. 129) and, therefore, the possibility for dismantling colonial domination, nation states dependent on

colonial domination for their very existence (such as Canada) resist the extension of political sovereignty to indigenous peoples. According to Beier,

As the ultimate arbiters of authentic forms of political community – and, therefore, of legitimate expressions of political agency – *status quo* constructions and performatives of sovereignty are foundational to mainstream practices of international relations and the hegemonic institutions of global governance through which they are operationalized. If hegemonic renderings of sovereignty are jealously guarded, then, that is because there is much at stake. Sovereignty is not an objective condition but an outcome of particular relationships wherein recognitive gestures see it mutually conferred. Existing in the intersubjective spaces inhabited by norms, it can be confirmed or called into being in a given instance simply through the precedent established in any kind of formal recognition, and it is for this reason that states have resolutely insisted upon the use of disaggregating terms in reference to indigeneity: hence Indigenous populations, issues or (in individualized form) people, as opposed to the inference of *bona fide* political community bound up in “peoples” (2007, p. 128).

This, Beier contends, explains the “collective resistance by [nation] states – Canada now among them – to much of the content of the UNDRIP” (2007, p. 127): it is the denial of indigenous political sovereignty in order to reinforce existing colonial domination.

Significantly, Dian Million’s (2013) analysis of the dominant international politics of trauma, healing and human rights highlights an additional problem surrounding sovereignty: that is, indigenous peoples are being encouraged to embrace a political identity organized around trauma and violence at the very same time and by the very nation states that are adjudicating

recognition of indigenous political sovereignty, who, in turn, may use this evidence of indigenous trauma and violence in order to deny indigenous claims to political sovereignty (as has been done in Australia). Consequently, because the UN and its human rights politics (as they currently exist) foreground colonial nations states and their rights – which, as this discussion makes clear, is understood to include colonial domination over indigenous peoples – even within existing frameworks such as UNDRIP designed to protect indigenous human rights, they (the UN and its politics) work against the indigenous goals of decolonizing and the regeneration of self-determination and, therefore, represent a highly problematic political pathways of resistance of indigenous women and their communities.

There are, however, other significant problems attached to the UN and its politics of human rights. According to Laura Parisi and Jeff Corntassel (Cherokee), because of “colonization and on-going imperial influences, both women’s [human] rights and Indigenous [human] rights movements have been problematic spaces for indigenous women’s participation in treaty making and standard setting in international legal fora” (2007, p. 81). Both movements, they contend, “often require Indigenous women to make trade-offs (either as women or as Indigenous peoples) rather than making space for the more fully intersectional frameworks that Indigenous women have been lobbying for” (Parisi & Corntassel, 2007, p. 81). The problem is this: dominant human rights frameworks (including those represented at the UN) operate around universal categories of gender and indigenity. As both indigenous and non-indigenous scholars have argued, dominant political frameworks organized around women’s human rights largely operate around the concept of a universal womanhood that elides the operation of other systems of oppression (such as colonialism and racism) and, therefore, the hierarchies and distinctions existing among various groups

subsumed within the unitary political category of “women” (Engle Merry, 2006; Grewal, 1999; Parisi & Corntassel, 2007; S. H. Razack, 1998a; Suzack, 2010). As feminist scholar Inderpal Grewal writes, “the women’s rights as human rights struggle attempts to universalize and stabilize the category of ‘women’”; however, this “idea of collective rights” is problematic “because it assumes that females live their lives as ‘women’ solely rather than as part of other communities or that women see themselves as autonomous individuals” believed to be in common struggle (1999, p. 341). Furthermore, as Martin Cannon’s (2011, 2014) work suggests, such an approach ignores how indigenous males are affected (albeit differently) by racial patriarchy. As a result, these frameworks foreground battles related to patriarchy at the expense of political attention to other systems of oppression such as racism and colonialism – a problematic strategy given that the interlocking nature of systems of oppression makes it impossible to dismantle any one system without simultaneously dismantling them all. For indigenous women, then, the primary focus on gender within dominant women’s human rights frameworks has required a political trade-off: attention to gender oppression at the expense of political consideration of colonialism and, therefore, the goals of decolonization and the regeneration of indigenous sovereignty and self-determination (Kuokkanen, 2012; Parisi & Corntassel, 2007; Suzack, 2010). At the same time, indigenous human rights frameworks have privileged indigeneity (or indigenous status/identity) as a primary political focus at the expense of considerations of gender and the operations of patriarchy within indigenous communities. Within the spheres of international and UN politics, Parisi and Corntassel contend, “Indigenous women have fought to keep their interests from being subsumed under Indigenous rights rhetoric that does not take seriously the important intersection of indigeneity and gender” (2007, p. 86). Dominant

indigenous human rights frameworks, they argue, “assumes that Indigenous men and women experience infringements on their rights in the same ways” – and combined with colonial patriarchy’s erosion of matrilineal social orders in indigenous societies and, thus, the “devaluation and invisibilization” of indigenous women political interests, “Indigenous women have had to mobilize to ensure that the Indigenous male experience is not read as the only indigenous experience at all levels of governance” (Parisi & Corntassel, 2007, p. 86). Therefore, the emphasis on dominant human rights frameworks on universal and discrete categories of “women” and “indigenous” not only force indigenous women to make political tradeoffs but mask and, thus, reinforce the operation of dominant systems of oppression.

Importantly, Genevieve Painter has demonstrated how these problems associated with the UN and its human rights framework have applied to indigenous women in her analysis of the *Lovelace* decision. According to Painter, “the *Lovelace* decision played a seminal role in contemporary constructions of conflicts between women’s rights and minority rights in multicultural liberal state” (2012, p. 2). It does so, she suggests, because the Human Right Committee (HRC) that ruled in the case “was bent on seeing rights problems as legal, cultural, and private sphere violations, rather than as violations of political claims and aspirations” and, thus, “Sandra Lovelace saw her claim about equality mutate into a claim about minority rights and needs for protections” (Painter, 2012, p. 30). In their decision, the HRC ruled that Canada and the *Indian Act* was in violation of the International Covenant on Civil and Political Rights (ICCPR) because it denied Lovelace’s right as a member of a cultural minority to live among her cultural community (in this case, the Tobique reservation). The HRC didn’t adjudicate a finding of sex discrimination because Lovelace married before Canada has ratified the ICCPR, and neither did it address the issue of self-

determination (Painter, 2012, pp. 25-26, 28). The effect, Painter argues, was a “deradicalizing” of indigenous women’s political claims:

The problem was originally political: women were excluded from local governance structures and then experienced discriminatory treatment from their band council. Women were not claiming self-determination, as a ‘people’ seeking sovereignty, but they were demanding recognition as political actors within their communities. But the UN could never have recognized aboriginal women as entitled political participants. By articulating this demand through human rights, it lost its political valence. The Human Rights Committee was bound to conclude Lovelace’s problem was about cultural belonging and family reunification, but about political marginalization (2012, p. 28).

As to why “the UN could never have recognized aboriginal women as entitled participants,” Painter demonstrates through careful genealogical analysis (tracing, in particular, the origins and developments of such concepts as self-determination, minority rights, and equality rights) that the UN human rights framework(s) are rooted in colonial domination and the ongoing denial of indigenous peoples’ right of self-determination. Rights, she argues, were birthed by colonialism and “required the figure of the [indigenous] savage to be understood:

The seizure of ‘savage’ territory was essential to the emergence of rights. Rights became possible when there was no longer any “uncivilized spot on earth”, any place in which Europeans believed that state of nature persisted. The definition of exile became juridical, through loss of rights, rather than geographic precisely

when physical banishment became impossible. The organization of humanity into a world of sovereign nation-states was the condition for the match between a loss of political status and expulsion from humanity. Rights, thus, were born because the territory of the earth had been fully conquered by sovereignty (Painter, 2012, p. 3).

Consequently, because colonial domination was critical to Western conceptions of rights, UN human rights discourses and legal frameworks have ruled indigenous peoples ineligible for self-determination in order to ensure colonialism is secured. The result, as Painter contends, is that indigenous people occupy “the bipolar political location of being a people [that nation states] wanted to eradicate, while at the same time standing for a comforting reminder of a ‘state of nature’ uncivilized pass” (2012, pp. 5-6). Instead, she argues, the UN has extended human rights as a “consolation prize” in lieu of consideration of self-determination and, therefore, contained political consideration of indigenous issues to discussion of “minority rights” (which operate around an innate hierarchal understanding of social relations that positions indigenous peoples in perpetual minority status to nation states, and foreign nation states in charge of protecting indigenous rights). However, as Painter claims, the *Lovelace* decision framed “equality rights” “as needing to be balanced against minority rights and, thus, [as] intrinsically opposed,” in order to circumvent political claims for indigenous self-determination (2012, p. 30), with the effect that women’s rights have been framed as conflicting and, thus, separate from minority rights claims, as manifested in the marginalization and exclusion of gender within indigenous human rights frameworks. Therefore, as this and the other analyses reviewed in this section make clear, while the UN and its human rights framework may have been integral to securing Canadian state funding

for NWAC's SIS initiative, both are rooted in colonial domination and the ongoing denial of indigenous self-determination and, thus, ultimately undermine not only indigenous efforts towards decolonization but also the interrelated goal of ending violence against indigenous women and girls. Furthermore, these frameworks provide convenient means for nation states to isolate and deny the operations of interlocking systems of oppression (such as gender and race) and, once again, threaten the related goals of decolonization and ending violence.

Acknowledging the significant problems associated with narrative and UN human rights politics as political pathways of resistance for indigenous women, NWAC still managed to articulate, as demonstrated in the previous section, a particularly strong anti-colonial anti-violence response through the SIS initiative. In addition to expanding the terms under which the Canadian state was willing to address violence against indigenous women and girls in Canada, the SIS initiative attempted to foreground consideration of the role of dominant systems of oppression (colonial racism and patriarchy) by framing these deaths and disappearances as "racialized, sexualized violence". Through its research, the SIS initiative had produced powerful statistical evidence demonstrating the scope of the problem of missing and murdered Aboriginal women and girls in contemporary Canadian society, and was circulating this information via three major reports (Native Women's Association of Canada, 2008i, 2009c, 2010j), in presentations to the United Nations, and through the media. Through its education and community outreach work, as well as its comprehensive media/public relations campaign, the SIS initiative worked to not only increase political awareness nationally and internationally, but also to provide local communities with the political tools and support to get involved in battle for justice for missing and murdered Aboriginal women and girls. The evolution of the annual October 4th SIS vigils speaks to this

political growth: in 2006 and the first vigil under the SIS funding agreement, 11 vigils were held across Canada (Native Women's Association of Canada, 2009c, p. 82). In 2007, thirty vigils were held in eight provinces across Canada, and two were held internationally (Colombia and Peru) (Native Women's Association of Canada, 2008e, p. 17). By 2009 (and the final year under SIS funding), 72 vigils were held across Canada (Native Women's Association of Canada, 2013a, p. 4). These numbers clearly demonstrate sustained political growth of this vigil movement over the course of SIS funding and, consequently, suggest the likelihood of continued growth of this resistance for the foreseeable future.

The aftermath: State silencing of “Sisters in Spirit”

The significance of this anti-colonial anti-violence analysis of SIS is best understood by considering the political “fate” (or outcome) of this initiative. That is, considered within the context of both this anti-colonial anti-violence analysis and this study’s theoretical understanding of prevailing Canadian state agendas, the federal government’s response to SIS since the end of the original funding agreement in 2010, I suggest, constitutes nothing less than appropriation and suppression of this political resistance. Even with its problematic discourses and strategies, NWAC articulated a particularly strong anti-colonial anti-violence strategy that, ultimately, posed a considerable political threat to the Canada state so that once the original funding agreement ended, appropriation and suppression of this resistance became the “best” or logical political strategy for the federal government. Thus, while millions of dollars have been regularly promised by the federal government to address the issue of missing and murdered Aboriginal women and girls, NWAC received a drastically reduced three-year funding commitment for a second phase (“Evidence to Action”) that also

eliminated many of the strongest anti-colonial anti-violence elements of the original SIS initiative. Furthermore, much of the federal funding pledged to address missing and murdered Aboriginal women and girls was directed towards improving existing state options (and primarily the criminal justice system) or undertaking state-based committee studies on the issue. Quite effectively, then, the Canadian state moved to eliminate a significant threat to its political authority.

To begin, I want to address the claim that NWAC's SIS initiative posed a political threat to the Canadian state. As a colonial entity, the Canadian state is sustained through violence against indigenous women and girls; however, it is equally invested in erasing and eliding this fact. The Harper Conservative government that has been in power since 2006 has been particularly invested in this disavowal of colonial violence, exemplified by its heavy use of the politics of reconciliation and, thus, the construction of a post-colonial present for Canadian society (Crosby & Monaghan, 2012; Henderson & Wakeham, 2009; Loft, 2012; Nadeau, 2010). Consequently, NWAC's efforts to expose not only the extreme violence experienced by indigenous women and girls in contemporary Canadian society, as evidenced by the phenomenon of missing and murdered Aboriginal women and girls, but also the Canadian state's central role in enabling this violence, constitutes a considerable political threat because it disrupts the nation's preferred image as a post-colonial humanitarian entity that has moved past the violence of colonialism. It is, after all, extremely difficult to defend either of these positions against a body count of missing and murdered Aboriginal women and girls. Furthermore, it doesn't "reconcile" with the Canadian state's preferred contemporary colonial discourse of reconciliation, because the phenomenon of missing and murdered Aboriginal women can't be neatly contained to Canada's colonial past and provide

evidence of the “new and improved” “healed” Canadian society. The growing body count of indigenous women and girls speaks to the blatant falseness of these colonial state discourses and, thus, threaten the dominance they sustain. The SIS initiative also threatened the coherence of the Canadian state’s culturalization of gender and race discourses because the violence inflicted on the missing and murdered Aboriginal women couldn’t be reduced to an “Aboriginal” issue or the product of “Aboriginal” culture because, as NWAC’s SIS research revealed, the perpetrators were as likely to be non-indigenous as indigenous, and multiple murderers of indigenous women and girls have been exclusively white males (Native Women's Association of Canada, 2010j, p. 30). The threat posed by the SIS initiative, then, was twofold: not only did it expose the state’s complicity in this violence, but it also exposed the falseness of the Canadian state’s political claims about itself and its contemporary relationship with indigenous peoples.

A brief history of recent developments around NWAC’s work on missing and murdered Aboriginal women and girls is necessary, here, to provide the proper context for the analysis that follows. Work on the Sisters in Spirit initiative officially ended on 31 March 2010 and, in February 2011, the organization received federal funding for a second phase of this work, “Evidence to Action” (ETA). As with SIS, funding for ETA was hard-won by NWAC due to ten months of foot-dragging and manipulation by the federal government. As the end of SIS funding approached, NWAC sought federal funding to continue their work on the issue of missing and murdered Aboriginal women and girls. Initially, things looked positive: in releasing the federal budget in March 2010, the Harper Conservative government announced that it would commit ten million dollars over two years to address the issue of missing and murdered Aboriginal women and girls in Canada (Flaherty, 2010; Native

Women's Association of Canada, 2010h, 2010i). According to then Minister of Finance, Jim Flaherty, “The Government is committed to ensuring that all women in Canada, including Aboriginal women, are safe and secure regardless of the community in which they live” and “concrete actions will be taken to ensure that law enforcement and the justice system meet the needs of Aboriginal women and their families” (2010, p. 131).

Flaherty also announced, however, that the Minister of Justice would announce the specific details in the coming months (2010, p. 131) – and from here, things fell apart for NWAC. While awaiting the State’s decision, their work on missing and murdered Aboriginal women and girls in Canada was sustained by a five hundred thousand dollar grant from Status of Women Canada. Despite this show of support, the federal government, shortly thereafter, defeated a proposed funding agreement for SIS (K. Rexe, interview, 1 October 2012; Native Women's Association of Canada, 2010h, p. 3). Those months of waiting, according to SIS team members, were extremely difficult and stressful for NWAC thanks to manipulation and false promises by the federal government. For example, constant staff shuffles at Status of Women Canada saw NWAC submit thirteen *different* versions of their funding proposal for ETA to thirteen *different* ministerial project officers over a six month period – an experience that made one SIS team member “feel as if the federal government was delaying things as long as possible so that they could, ultimately, shut SIS down”. After a report that a funding decision has been made proved false in June 2010, the federal government finally held a press conference in October 2010, to which NWAC was invited under false pretenses that they would be receiving funding, to announce the dispersion of the federal government’s commitment of ten million dollars to address violence against Aboriginal women and girls (K.Rexe, *interview*, 1 October 2012). Problematically, the

majority of this funding was directed towards changes in policing and the Canadian criminal justice system, with only the pre-existing five hundred thousand dollar grant from Status of Women being listed as the State's contribution to NWAC (Department of Justice, 2010b). In what was described by one SIS team member as a "gross disconnect between NWAC president Jeanette Corbiere Lavell and the Department of Justice", a joint press release was issued claiming NWAC's support of this dispersion (Native Women's Association of Canada, 2010i); however, within days, NWAC would issue a second press release condemning the federal government for not supporting the work of SIS (Native Women's Association of Canada, 2010h, p. 1). Concurrently, the organization issued another press release entitled, "NWAC is concerned that the federal governments is curbing the success of Sisters in Spirit" (2010g). According to the document, "NWAC is concerned that the difficulties surrounding ongoing funding are not only impeding the success and the much needed work of this movement, but also causing unnecessary pain to the families and communities" and the organization hoped "that the federal government will recognize this unique situation and work with us to make the right decisions" (Native Women's Association of Canada, 2010g, p. 2).

Finally, on 25 February 2011, it was announced that a funding agreement had been struck between the federal government and NWAC for \$1,890,844 over three years (Native Women's Association of Canada, 2011d; Status of Women Canada, 2011). According to press releases from both NWAC and Status of Women, the focus of ETA was to be education, including Aboriginal community outreach, and training for police officers, educators, justice officials, frontline healthcare workers, social service providers and community leaders across Canada (Native Women's Association of Canada, 2011d; Status of

Women Canada, 2011). Under this agreement, then, NWAC would be able to continue, albeit on a diminished budget, the following SIS projects: vigils; family gatherings; the life stories; community engagement workshops; the creation of community resource tools; and partnership development and collaboration (Native Women's Association of Canada, 2011b, p. 3).

Significantly, many of the SIS initiative's strongest anti-colonial anti-violence components were eliminated in the move to ETA. The language of "racialized, sexualized violence," for example, was eliminated prior to the end of SIS funding: in the final major SIS report, What Their Stories Tell Us (released in March 2010), NWAC notes, without any explanation, that the organization "has shifted away from this language" (p. 3). According to former SIS director, Kate Rexe, this shift occurred because another former SIS director had concerns around the ability of SIS research to withstand the highest levels of criticism and, consequently, she was reluctant to use the terminology of racialized, sexualized violence because SIS could not make a definitive link between the motives of violence and the violence itself (personal communication, 26 September 2012). Importantly, this concern was very much warranted: several key informants at NWAC reported that SIS research was plagued by a dominant State perception that Aboriginal women were incapable of producing high-level research. Furthermore, a SIS staff member also reported that many in the state and Canadian society, generally, perceived the SIS database as "simple" and not as a sophisticated database accounting for over two hundred variables relating to missing and murdered Aboriginal women and girls. This shift away from the language of racialized, sexualized violence also occurred during the final period of SIS funding when NWAC was desperately seeking future funding from the federal government to continue their work and

was, thus, exposed to increased scrutiny by the Canadian State. In other words, NWAC's decision to shift away from the language of racialized, sexualized violence was an entirely logical act of self-preservation in the face of pressure from the Canadian State.

Admittedly, the shift from the specific language of racialized, sexualized violence didn't entirely prevent NWAC from speaking about race and gender – as former director Rexe made clear, the SIS team continued to discuss and educate about the “intersections of race, class, identity and gender” and “how they came together to create a vulnerability and invisibility of the women and girls who had gone missing or been found murdered, as well as the violence experienced by Aboriginal women in larger society” (K. Rexe, personal communication, 26 September 2012). Nevertheless, it certainly contributed to a de-emphasis of “racialized, sexualized violence” as a focus for SIS work – this concept is entirely absent, for example, in NWAC's (2009b) proposal for ETA. The concern, then, is this: without the language of racialized, sexualized violence, we risk diminishing the role that colonial racism and sexism play in this violence. This is a particularly salient concern given that contemporary manifestations of colonial racism and sexism, such as those that sustain state dominance in colonial Canada, rely heavily on denial of dominant systems of oppression (Jiwani, 2006; S. H. Razack, 2000, 2002a; Slotkin, 1985, 1998, 2000; A. Smith, 2005a; Warry, 2007). Aboriginal women have explicitly identified colonial racism and sexism as a significant component of violence against Aboriginal women and girls (Acoose, 1995; Harper, 2006; Maracle, 1996; Monture-Angus, 1995; A. Smith, 2005a) and, consequently, Aboriginal women cannot risk diminishment of dominant systems of oppression without necessarily diminishing their ability to end violence against Aboriginal women and girls in Canada.

Another casualty of the ETA agreement was NWAC's educational efforts, which were severely hampered by a drastically reduced budget and eliminated two of its key components: media outreach, and promotion and dissemination of NWAC's activities, publications and events (Native Women's Association of Canada, 2011b, p. 3). The exclusion of media outreach carried significant negative consequences for NWAC, for not only did it severely diminish the organization's ability to reach the public and raise awareness about the issue of missing and murdered Aboriginal women and girls, it also limited NWAC's ability to use the media, as it has previously done, to pressure that Canadian state to respond to this violence (including securing funding for NWAC's work). Eliminating NWAC's ability to promote and disseminate its activities, publications, and events had the same effect: it limited the organization's ability to increase awareness around issue of missing and murdered Aboriginal women and girls and, therefore, secure support for their ongoing political work. The reduction of the organization's education budget only exacerbated these exclusions because it hampered NWAC's ability to not only reach and support families, friends, and communities struggling to deal with a missing and/or murdered Aboriginal woman or girls, but also the organization's ability to educate the general public about this violence. Given the important role that education plays in garnering awareness and, thus, political support, these cuts are tantamount to *silencing*, because they attempt to limit NWAC's ability to reach and connect with other social groups and, particularly, current and potential political allies. This silencing, however, reflects Canadian state colonial agendas, bent on erasing and eliding the state's ongoing complicity and reliance on colonial domination and violence against indigenous women and girls. In other words, silencing NWAC was *good* for the preservation of the Canadian state and its colonial dominion and authority over indigenous peoples.

Another significant exclusion under the ETA funding agreement was SIS research, including elimination of the SIS database. This move was in line Prime Minister Harper's acknowledged dislike of statistics and research, which has culminated in his decimation of Statistics Canada through withdrawal of the mandatory long-form census (and thus, hampering their ability to collect information about Canadian society), massive cuts to funding for research, and the muzzling of researchers (Nadeau, 2010). Although NWAC claimed that it would "not give up on research or the SIS database" and that it would try and find separate funding to support this work (Native Women's Association of Canada, 2010f, p. 1), the federal government moved quickly to appropriate much of the organization's previous research activities and contain these process safely within heavily state-controlled spaces. In 2009, for example, the federal government established a Standing Committee on the Status of Women to study violence against Aboriginal women (releasing its final report in 2011)(Mathysen, 2011); and on 28 February 2013, the federal government approved a special committee to investigate the issue of missing and murdered Aboriginal women and girls (Ball, 2013). Furthermore, part of the ten million dollars that was allocated in the 2010 federal budget to address missing and murdered Aboriginal women and girls was given to the federal Department of Justice for "enhancing the Canadian Police Information Centre database to capture additional missing persons data" (Department of Justice, 2010b, p. 1). The state, as such, achieved some important goals by defunding SIS research. First, it eliminated NWAC's ability to produce reliable statistical evidence of the ongoing scope of the problem of missing and murdered Aboriginal women and girls. By containing NWAC's evidence to a fixed and finite period, the state moved to create "pastness" or distance from the data while concurrently preventing the collection and dissemination of evidence showing

the contemporary Canadian state's ongoing reliance on colonial domination and violence against indigenous women and girls. In other words, it minimized the threat the SIS research posed to the contemporary colonial order of things predicated on denying and erasing the Canada's state colonial violence. Second, by appropriating these research activities, the Canadian state, in an act of governmentality, regenerated its power and existence through the creation of new state-based entities to address this issue. This is a particularly detrimental consequence for indigenous women and their communities because regeneration of the contemporary Canadian state is also regeneration of colonial domination and, thus, the subjugation of indigenous peoples and extreme violence against indigenous women and girls. The elimination of NWAC's ability to conduct research on missing and murdered Aboriginal women and girls, then, was a considerable blow to the anti-violence potential of the organization and its political efforts.

Finally, the federal funding agreement limited use of the "Sisters in Spirit" name by stipulating that NWAC could only use the name "Evidence to Action" to refer to its current work on missing and murdered Aboriginal women and girls (Native Women's Association of Canada, 2010f). In a letter to families dated 9 November 2011, the organization explained that while the SIS initiative had ended and NWAC had begun work on the new ETA project, "The Sisters in Spirit Movement will never stop," and this "movement, and the group of family members, supporters and community will remain under the *Sisters in Spirit* name" (Native Women's Association of Canada, 2010f, p. 1). Despite these assurances, limiting NWAC's ability to use the name "Sisters in Spirit" attempts to impose political and temporal distance between NWAC and SIS – to distance NWAC from not only from the work and research findings of SIS, but also the organization's international reputation, built on SIS, as

well as the international political movement that has developed under the SIS banner (Native Women's Association of Canada, 2008f, 2010f, 2010g). For as NWAC, itself, noted in a 2010 press release:

Sisters in Spirit began out of a dire concern shared by many groups, including Aboriginal communities, social service agencies, churches and international groups...Five years forward, Sisters in Spirit is no longer just a project – it has become synonymous with missing and murdered Aboriginal women in Canada, and the experiences of their families and communities. National, international, local and grassroots groups and individuals now have a connection to the name *Sisters in Spirit* as a global movement and brand. Sisters in Spirit is recognized in Europe, Latin America, Australia and North America as a symbol of commitment of communities to ensuring the safety of Aboriginal women and girls, and also as a way to honour the voices of missing and murdered Aboriginal women and girls, their families and communities (p. 1).

This move, then, attempted to curtail the growth of public support for NWAC and its anti-violence political efforts and, thus, reinforce state colonialism. Furthermore, combined with the rather generic title “Evidence to Action,” this separation depoliticizes these efforts: the explicit connection to Aboriginal women and girls achieved through SIS is severed and NWAC’s work becomes a generic anti-violence response devoid of its colonial context. In this way, it also distances NWAC’s work from “Aboriginal” issues and, thus, from issues of indigenous sovereignty and self-determination. Yet the title, “Evidence to Action,” gives the illusion of “forward motion” – by funding this project, the Canadian state is helping to put “evidence” into “action” – which, in turn, enables the state to deny the need for any further

intervention on the issues of missing and murdered Aboriginal women and girls because “Look! We are already taking action”.

To fully comprehend the impact of these exclusions, however, it is equally important to consider what political strategies NWAC has been left with by the Canada state to address the ongoing violence evidenced by missing and murdered Aboriginal women and girls. Importantly, NWAC can continue to work on the issue as defined as “missing and murdered Aboriginal women and girls,” which sustains the broad definition of violence called for by indigenous women. Education, while still an important anti-colonial component of NWAC’s Evidence to Action strategy, has been drastically reduced thanks to the smaller ETA budget and the elimination of media outreach and dissemination of SIS research activities. NWAC can continue using the life stories, but in the absence of the statistical evidence risk being dismissed as unsound qualitative evidence or simply “personal narratives” (L. Brown & Strega, 2005; Kimpson, 2005; Kovatch, 2009; Strega, 2005; Thomas (Qwul'sih'yah'maht), 2005). This is, of course, in addition to the problems with this strategy identified by Hargreaves: replication of neoliberal subjectivities; unquestioned authority for what they say about colonial racialized, gendered violence; and a largely unquestioned belief that these narratives will secure social change. Furthermore, the state has not prohibited NWAC from pursuing human rights claims through the United Nations – however, as previously noted, this approach is problematic because the UN and its human rights framework involve colonizing effects (such as reaffirming the primacy of the nation-state) (Newcomb, 2011; Painter, 2012) and is impotent in forcing Canada to do anything *it doesn’t want to do*. Consequently, thanks to the federal funding agreement for ETA, NWAC has been left with weakened and problematic political tools for pursuing the issue of missing and murdered

Aboriginal women and girls that critically undermine the organization's ability to end this violence.

It is also important to note that much of the millions of dollars that that Canadian state has pledged to addressing missing and murdered Aboriginal women was rolled into the Canadian criminal justice system: for example, of the ten million dollars pledged to addressing this issue in the 2010 federal budget, four million dollars went to establishing a National Police Support Centre for Missing Persons; just over two million dollars went to the Department of Justice's Victims Fund; one and a half million dollars went to Public Safety Canada to create "community safety plans" for Aboriginal communities; and half a million dollars was given the Department of Justice to develop a national compendium of promising practices in the area of law enforcement and the justice system to improve the safety of Aboriginal women (Department of Justice, 2010a, p. 1; McInturff, 2013, p. 12). Thus, eight million of the dollars pledged to addressing missing and murdered Aboriginal women and girls, in the budget year that NWAC was seeking federal funding to continue its work on the issue, was given to Canadian state criminal justice mechanisms, a move which is in line with the Harper Conservative government's notorious "tough on crime" neoconservative political agendas (Cook & Roesch, 2011; Loft, 2012; Mallea, 2010; Nadeau, 2010). In effect, the Canadian state transformed the issue of missing and murdered Aboriginal women and girls from a political one related to colonial domination into one of "law and order," thus, effectively depoliticizing the issue. This funding move also contributed to regeneration of the Canadian state and its authority and, thus, undermines indigenous efforts at decolonization and the regeneration of indigenous sovereignty and self-determination. This regeneration is particularly problematic for indigenous women and their communities because it has

primarily involved regeneration of the Canadian criminal justice system – a system that is deeply implicated in historical and ongoing colonial domination and violence against indigenous peoples in Canada (Dell, 2002; Hylton, 2002; Monture, 2009; Monture-Angus, 1995). Finally, it once again puts the Canadian state in the position of being able to claim that they are *indeed* doing something to address this important issue and, as such, there is no need for other interventions. This perspective was exemplified recently in Parliament by Justice minister Peter McKay, who responded to calls for a national inquiry into missing and murdered Aboriginal women by attempting to table forty reports on the issue sponsored by the federal government as evidence of the Harper regime’s responsiveness to this issue (and exhibiting hostility by throwing the forty documents on the floor of the House of Commons when they couldn’t be table because he did not have copies in both English and French, as per the rules of parliament)(Mas, 2014).

Thus, the Canadian state’s response to NWAC and its SIS initiative, as this analysis suggests, was driven by dominant political agendas, including the ongoing colonial domination of indigenous women, their communities, and territories. Through the ETA funding agreement, the federal government attempted to silence NWAC and dismantle the powerful anti-violence politics of SIS initiative and, particularly, its profound evidence of the Canadian state’s ongoing complicity in colonial domination and violence against indigenous women and girls in Canada. It attempted to sever NWAC from the SIS initiative in order to diffuse its growing political support in Canadian society and around the globe and effectively depoliticize the organization’s work. This silencing was further achieved through the state’s appropriation of much of NWAC’s critical political work, such as its research database, which, in turn, regenerated the state and its authority over Canadian society. Indeed, the issue

was readily transformed from one of “racialized, sexualized” and colonial violence, into one of “law and order” befitting the Harper Conservative’s neoconservative “touch on crime” political agenda. Thus, while the Canadian state actively dismantled a source of significant political resistance, it remained in a position of being able to say that it was, in fact, doing something to address the issues of missing and murdered Aboriginal women and girls and, furthermore, there is no need for further action on the issues. After all, in spending eight million dollars to protect indigenous women through criminal justice responses, the Canadian state is returned to the position of benevolent humanitarian “rescuing” indigenous women and girls from violence.

Conclusion

“While NWAC has made great strides in bringing to light issues of violence that have led to disappearance and death of Aboriginal women and girls, Aboriginal women continue to be the most at risk group in Canada for issues related to violence, and continue to experience complex issues linked to intergenerational impacts of colonization and residential schools. Ending violence against Aboriginal women and girls lies with both men and women, with both Aboriginal and non-Aboriginal communities, as well as with all levels of governments. It ends with recognition and responsibility and cooperation. Violence against women ends with restoring the sacred position of Aboriginal women as teachers, healers, and givers of life”

– The Native Women’s Association of Canada, What Their Stories Tell Us: Research findings from the Sisters in Spirit initiative (2010j, pp. 39-40)

NWAC’s experiences with the Canadian state in relation to the SIS initiative offer many lessons in terms of indigenous women’s political anti-violence efforts. First, this study demonstrates that, once again, it is possible to articulate strong anti-colonial anti-violence politics in our engagement with the Canadian state, even with the political terrain grossly skewed in the state’s favour. The state’s aggressive efforts at silencing and dismantling SIS

certainly speak to its political strength. At the same time, the anti-colonial anti-violence analysis of NWAC's SIS politics reveals, also once again, the need to critically interrogate the political discourses and strategies used to defeat violence against indigenous women and girls. While both the life stories and UN human rights frameworks appear as valid pathways of political resistance, given both the dominant political terrain and, in the case of the UN, a record of success at achieving political gains for indigenous women, they also involve problematic discourses and politics that fail to disrupt dominant systems of oppression. A third important lesson to be gleaned from this study is that regardless of what indigenous women need or want, the Canadian state will act in its own best interest. It operates under its own political agendas – including regeneration (governmentality) and colonialism – and will work to reconcile political issues and efforts with these. Sometimes, this works in indigenous women's favour, such as in the case of the federal government's initial agreement to fund SIS. However, other times (and for the most part given the colonial relationship to positions Canadian state interests in inherent contradiction with indigenous interests), this works against indigenous women, as in the case of the defunding of SIS and the move to ETA funding. Finally, the Canadian state's aggressive silencing of SIS reaffirms its complicity and, indeed, its investment in colonial domination and violence against indigenous women and girls.

1 It should be noted that there has been some controversy around NWAC's status as a national Aboriginal organization. In 1992, for example, NWAC undertook a legal battle with the federal government (*NWAC v. Canada*) to have its status as a national Aboriginal organization legally recognized in order to secure their right to full

representation at the Constitutional consultations underway between the federal government and the major Aboriginal organizations – the Assembly of First Nations (representing Status Indians in Canada); the Congress of Aboriginal Peoples (representing non-Status First Nations, Métis, and Southern Inuit); the Métis National Council; and the Inuit Tapiriit Kanatami. The crux of NWAC’s case was gender discrimination: they argued that the four national groups were male dominated and did not represent Aboriginal women, and because these male-dominated groups were opposed to the application of the Canadian *Charter of Rights and Freedoms* to Aboriginal self-government, the State’s funding of such organizations infringed on Aboriginal women’s freedom of expression and sexual equality rights under the *Charter* (Eberts, McIvor, & Nahanee, 2006, p. 89). After a number of rulings and appeals – and, indeed, the end of constitutional discussions, themselves, thanks to the defeat of the Charlottetown Accord in 1992 – the Supreme Court of Canada ruled against NWAC. See Eberts, McIvor and Nahanee (2006) for a thorough description and analysis of this case. Additionally, when NWAC applied for a second funding agreement for their work on missing and murdered Aboriginal women and girls in late 2009 and early 2010, they faced opposition to their national Aboriginal organization status by both Pauktuutit, representing Inuit women in Canada, and Women of the Métis Nation. Though prevented from viewing these submissions due to confidentiality, an NWAC staff member I interviewed claimed that the organization learned that both groups were challenging NWAC’s funding on the grounds that, despite NWAC’s claim to representing both Inuit and Métis, Pauktuutit and the Women of the Métis Nations were the legitimate national voices for Inuit and

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- Métis women, respectively, and, therefore, they were entitled to a portion of any federal funding examining violence against Aboriginal women and girls in Canada. Ultimately, NWAC ended up receiving a severely reduced funding agreement – with no portion of this funding diverted to either Pauktuutit or the Women of the Métis Nations – to continue their work on missing and murdered Aboriginal women and girls; however, this moment marked a significant challenge to NWAC’s status as a national Aboriginal women’s organization.
- 2 This Canada-Aboriginal Peoples Roundtable was a series of meetings between First Nation leaders and First Ministers held between April 2004 and November 2005. These meetings resulted in the signing of the 2006 Kelowna Accord, a ten-year commitment by the federal government to “close the gap” between Aboriginal and non-Aboriginal Canadians” (Patterson, 2006, p. 1).
 - 3 Although I cite the arrest of Pickton as significant to raising the political profile of the issue of missing and murdered Aboriginal women and girls, it is critical to acknowledge that this arrest was, itself, the result of the political pressure indigenous women and their communities placed on the state to investigate the disappearances of Vancouver’s Missing Women. This resistance is discussed in greater detail in the following chapter

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- 4 In commenting on a draft of this chapter, Sherene indicated that Fay had approached her for permission to circulate copies of her article on Pamela George to her political colleagues

Chapter Five

“Forsaken”

Indigenous women and the politics of prostitution

“The missing and murdered women were not “hookers” or “STWs [sex trade workers]”: they were women, they were persons, they were human beings. They were complex individuals who, like everyone, had talents and problems, hopes and disappointments, aspirations and fears. They enjoyed a web of personal relationships and were members of their community”

- Commissioner Wally Oppal, Forsaken: The Report of the Missing Women Commission of Inquiry (2012e, p. 228)

““You look easy, you know, ‘cause you’re Indian...”
Walking down most city streets guarantees a proposition, I’ve stopped counting the johns who honk their horns, then pull over and wait for me to jump in their vehicle. Some are more polite than others. One young man exposed himself as he flagged me to join him. Others lean over, anxious to open the passenger door as I pass by”

- Morningstar Mercredi, Morningstar: A Warrior’s Spirit (2006, p. 129)

For many indigenous women, the Missing Women cases were emblematic of the extreme violence experienced by indigenous women and girls in contemporary Canadian society and, as demonstrated in the last chapter, became an important focal point in the demand for Canadian state funding of NWAC’s Sisters in Spirit initiative. However, scholarly analyses of the mainstream Canadian media coverage surrounding the cases suggests that the dominant image of the Missing Women portrayed to Canadian society was not “Aboriginal” but “prostitute” (Culhane, 2003; Hugill, 2010; Jiwani & Young, 2006), as illustrated in the epigram from Commissioner Wally Oppal of the Missing Women Commission of Inquiry

(MWCI). For indigenous women, this dissolution of Aboriginal into prostitute was all too familiar – settler colonial society, after all, has long relied on the conflation of indigenous femininity with sexual availability through the myth of the squaw (Acoose, 1995; R. Green, 2007; LaRocque, 1994), and as the epigram from Morningstar Mercredi makes clear, many people in settler colonial Canadian society already think of all indigenous females as prostitutes. On the other hand, several of the missing and murdered women were working as prostitutes when they were killed. Negotiating this hard truth would take indigenous women's anti-violence politics in conflicting directions.

This chapter examines indigenous women and the politics of prostitution as part of their contemporary anti-violence political resistance efforts in Canadian society. These analyses attempt to answer two main questions: how have indigenous women addressed prostitution in their political anti-violence efforts, and what has happened when indigenous women have engaged the Canadian state on this issue? To explore the first question, I examine the political discourses of Jessica Yee Danforth, the founder and executive director of the Native Youth Sexual Health Network; the Aboriginal Women's Action Network (AWAN), an political organization based in Vancouver; and the Native Women's Association of Canada (NWAC) – all of whom have expressed explicit political positions around prostitution. Although there are many positions on prostitution that circulate among indigenous women, these political discourses were selected because they reflect the most highly circulated positions within mainstream Canadian politics and society at large. In addition to consulting written accounts of these groups, I conducted interviews with Jessica Yee Danforth and members of AWAN, including Fay Blaney, Laura Holland, and Carrie Humchitt. To explore the second question, I have focused on the sole political moment where

indigenous women have had an opportunity (albeit, extremely limited) to directly engage the Canadian state on violence against indigenous women and prostitution: the Missing Women Commission of Inquiry (MWCI). My analysis here draws heavily on the final report of the MWCI and other primary documents produced by indigenous women as part of their engagement with the MWCI in order to explore the “official” accounts, and therefore, the most enduring and influential accounts of this encounter. The goal with this analysis was to investigate both the process of the Commission and the final report as potential settler colonial governmentalities.

Several arguments are advanced through these analyses. First, through reference to existing academic literature authored by indigenous and non-indigenous women, this chapter demonstrates that, in their organizing around prostitution, the most prominent political responses have replicated the predominant feminist theoretical/political divide between understanding prostitution either as profession (sex work) or violence. Through an anti-colonial analysis of the dominant political voices in each of these camps – Jessica Yee Danforth arguing the position of sex work, and both the Aboriginal Women’s Action Network (AWAN) and the Native Women’s Association of Canada arguing the position of prostitution as violence – I demonstrate how Yee’s politics of sex work runs afoul of the interlocking goals of ending violence against indigenous women and girls, and decolonization and the regeneration of indigenous sovereignty and self-determination, by employing neoliberal discursive strategies (individualism, choice) that ultimately elide and, thus, support the dominant systems of oppression the rule contemporary Canadian society. By contrast, this analysis reveals that the politics of prostitution as violence advanced by AWAN and NWAC strongly reflect an anti-colonial anti-violence response specifically

because they remained focused on systems of domination and violence. Finally, I demonstrate how the MWCI operated as a settler colonial governmentality intended to secure state control over the production of knowledge, including repeated attempts to exclude indigenous women and their groups from participating in the Inquiry. In terms of the final report, I argue that although it is unusual as a Commission of Inquiry report for its recognition of settler colonial domination and other forms of social marginalization (gender, race, class, disability, and involvement in prostitution), its recommendations ultimately follow a common Commission of Inquiry strategy of focusing on improvement, or identifying how best to serve marginalized and vulnerable populations, instead of recommending the dismantling of the systems of oppression that, as even the Commission itself recognizes, contributed to their marginalization and vulnerability in the first place.

From the beginning, it was clear to me that this study would need to address the politics of prostitution. As suggested in the opening paragraph, settler colonialism has long depended on the discourse of the “squaw” – the sexually available and, therefore, inherently violable indigenous female – for securing domination over indigenous peoples and lands (Acoose, 1995; LaRocque, 1994; S. H. Razack, 2002a; A. Smith, 2005a). This discourse has also long enabled, exonerated, and erased violence against indigenous women and girls in Canada and established their lives as expendable (Acoose, 1995; LaRocque, 1994; S. H. Razack, 2002a). Thus, as also suggested in the opening paragraph, the perceived sexual availability provides for the easy conflation of indigenous femininity with prostitution – something that the historical literature reviewed later in this chapter reveals has happened with regularity throughout Canadian colonial history in order to exert domination and control over indigenous females and their communities. Notably, prostitutes, like indigenous

females, are dominantly perceived as sexually available and inherently violable (Baldwin, 1992; M. Farley, 2003; S. H. Razack, 1998b; A. Smith, 2005a). The Missing Women cases, as such, demonstrates this ongoing colonial conflation of two discourses within prostitution – the expendability of women and the expendability of indigenous women – and, thus, understanding the contemporary politics of prostitution as it comes to bear on indigenous women’s anti-violence resistance is critical. Furthermore, in addition to the fact that many indigenous women and girls have gone missing or been murdered while involved in prostitution, research suggests that indigenous females are numerically overrepresented within the sex trade across Canada, representing anywhere from 50-80% of the street-based survival sex trade in urban centers (Downe, 2006; M. Farley, Lynne, & Cotton, 2005; Sethi, 2007). Finally, as this chapter demonstrates, prostitution is a highly politicized and hotly contested issued in contemporary Canadian society with the potential to politically divide indigenous women, their organizations, and communities. For these reasons, a discussion of the politics of prostitution was critical to examining the anti-violence efforts of indigenous women and their involvement in state sponsored anti-violence responses.

Part One: Indigenous women and the politics of prostitution

Feminists theorize prostitution: Sex work, oppression, and violence

Among feminists, there is a spectrum of political perspectives pertaining to prostitution and the violence involved in prostitution. Some argue that prostitution is “sex work”: a legitimate form of labour requiring political intervention to ensure the rights and safety of those wanting to work (Aboriginal Affairs and Northern Development Canada, 2012; Brock, 2009; Kempadoo, 1998; van der Meulen, 2012; van der Meulen, Durisin, &

Love, 2013b). According to the editors of the recent book, Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada, this political position emerged against perspectives that frame prostitution as misogyny/sexual slavery, as a “necessary evil” requiring regulation, or confined to a forced/choice dichotomy (van der Meulen, Durisin, & Love, 2013a, p. 17). “These labour-based discourses,” they contend, “support the argument that violence and other forms of criminal exploitation are *not* inherent features of sex work,” but “[i]nstead they are produced by structural factors, including legal regimes that criminalize prostitution and illegalize migrants, the capitalist organization of the labour process, and gendered and racialized devaluations of work” (van der Meulen, et al., 2013a, pp. 17-18). The editors claim that “a significant feature of this paradigm is that it permits a shift from conceptualizing sex work exclusively in terms of a gender perspective (prostitution as a metaphor for women’s experience under patriarchy) to an understanding of how sexual labour is organized within the broader capitalist context, including its class and racial dimensions” (van der Meulen, et al., 2013a, p. 17). In terms of political action, those who hold to sex work perspective largely argues in favour of decriminalization and the legal protection of sex workers’ labour and human rights (van der Meulen, et al., 2013a, p. 18). Other feminists argue that prostitution is violence. As Sherene Razack (1998b) notes, most who hold this position understand prostitution as an extension of patriarchy and the violence that women experience at the hands of men. They focus, she contends, on “the objectified sex or “eroticized hierarchy” [that] establishes women as things for sexual use” and results in the dehumanization of women (S. H. Razack, 1998b, p. 353). They also tend to focus on the institutionalized violence surrounding prostitution, such as sex tourism and human trafficking (S. H. Razack, 1998b, p. 353). Furthermore, as Longworth points out, there is a tendency

within this position to emphasize the role of coercion and force – whether direct (e.g. threats of pimps, physical violence) or circumstantial (poverty, addictions) – involved in prostitution (2010, p. 69). As a result, those who hold this position tend to argue for the abolition of prostitution: they oppose the full-decriminalization of prostitution, arguing instead a removal of the laws targeting prostitutes and increased criminalization of johns and pimps (Longworth, 2010, p. 69).

Significantly, Razack has provided critical readings of both of these political positions. The political project involved in the prostitution as “sex work” position, she argues, is one of agency and transgression: prostitution represents an opportunity to transgress gendered boundaries that emphasize feminine moral purity and the exclusion of women from the public sphere (S. H. Razack, 1998b, pp. 346-353). However, this version of social agency, Razack contends, is organized around white middle-class women: “Women of colour and poor women”, she writes, “are less likely to conceptualize subversion on these terms” because “the processes of sexualization and racialization that regulate these women presume them to be sexually available and aggressive as well as being participants in the public sphere of work” (1998b, p. 346). In this way, “their choice to inhabit what is already presumed of them cannot be read as transgressive but as conforming to the structures of patriarchy, capitalism, and imperialism” (S. H. Razack, 1998b, p. 348) and, instead, “they struggle for the right to be seen as having moral virtue and for the right to have a private sphere” (1998b, p. 346). However, Razack contends, neither position – the rejection of hegemonic moral imperatives (choosing to be a “bad girl”) or fighting for respectability (trying to be seen as a “good girl”) – disrupts the good girl/bad girl dichotomy or the dominant subjects and relations of ruling it sustains (1998b, pp. 346-347). Furthermore, it

reduces prostitution to a contractual encounter between two individuals that denies prostitution's role in sustaining dominant systems of oppression. "[T]he liberal idea that we are autonomous individuals who contract with each other," Razack writes, "is used to annul the idea that prostitution is non-reciprocal sex and thus a violation of the personhood of the prostitute" (2002a, p. 137). The contract, as such, cancels the violence (S. H. Razack, 2002a, p. 137). She raises this same point about the "forced/choice" discourse that operates within the politics of sex work – it "relies on the notion that consent makes the violence permissible" (S. H. Razack, 1998a, p. 350). Finally, Razack claims that the sex work position naturalizes men's use of women's bodies through prostitution as an "expression of bodily need and the pursuit of sexual pleasure" (S. H. Razack, 1998a, p. 347).

In terms of the politics of prostitution as violence, Razack argues the "majority view that the violence arises solely out of patriarchy" reduces prostitution to an "encounter between genders," thus ignoring "the fact that the performance of hegemonic masculinity is crucially about securing elites" (1998a, p. 353). This "universalizing tendency," she contends, treats race and class as "making an original situation worse" and, through this "monocausal" explanation, the interlocking operation of other dominant systems of oppression through prostitution is elided, as too are the differences and relations of ruling existing among women (S. H. Razack, 1998a, p. 354). Prostitution, as Razack writes, is "always about racial, class, and male dominance, and it is always violence" (1998a, p. 360).

This leads us to two important questions: where do indigenous women stand on the spectrum of feminist analyses of prostitution, and what have been important factors for them?

Theorizing indigenous women and prostitution

Despite having devoted considerable attention to sexual violence (Acoose, 1995; LaRocque, 1994; Maracle, 1996; A. Smith, 2003, 2005a, 2005c) and sex-based stereotypes – both in the sense of being sex/gender specific *and* being based around perceived sexual behaviour – about indigenous females (Acoose, 1995; R. Green, 2007; Maracle, 1996; A. Smith, 2005a, 2005c) within the Canadian context, there is limited discussion on the issue of prostitution within indigenous women’s scholarly literature. Among those indigenous scholars who consider prostitution, while all agree on the necessity of considering colonialism, there is disagreement as to whether prostitution constitutes sex work or violence. For example, indigenous geographer Sarah Hunt (Kwakwaka’wakw) (2013) has advanced a political position that links sex work to decolonization. “Those who want to prohibit and outlaw sex work,” she argues, “are part of a movement to control the bodies of sex workers, which I see as a continuation of our colonial legacy” (Hunt, 2013, p. 96). This colonial legacy, she contends, includes the various efforts by the Canadian state to control indigenous bodies (such as residential schools and forced sterilizations),” leading to the conclusion that “as with all indigenous peoples, sex workers must be free to make decisions about their own bodies, including making money through selling sexual acts” (Hunt, 2013, p. 96). Hunt argues that indigenous sex work is frequently “conflated with sexual exploitation, domestic trafficking, intergenerational violence, or the disappearance or abduction of Indigenous women and girls,” with the effect of denying the agency of indigenous sex workers (2013, p. 90). Thus, she claims that while “we must focus on the inequalities that put Indigenous women in positions where trading sex becomes one of few options, we must simultaneously acknowledge the agency of indigenous peoples” (Hunt, 2013, p. 94), which means “the

ability to make decisions for yourself, to be considered as a person with choices rather than having choices determined for you by another individual or state actor” (p.95). In stressing choice and agency, Hunt outlines a strategy for “decolonizing sex work,” the foundation of which is “humanizing sex workers as part of the broader Indigenous movements of regeneration and reclamation of our rights” (2013, p. 93). This includes fostering respect and acceptance of indigenous sex workers within indigenous communities through traditional teachings (Hunt, 2013, p. 93); ensuring that the basic needs (safety, housing, food, health care) of indigenous sex workers are met (p.93-94); and acknowledging the agency and voice of indigenous sex workers (p.95). Although acknowledging the role of “powerful state actors” in their definition and determination, Hunt argues in favour of a human rights-based approach to indigenous sex work, which she sees as “useful in advocating for a baseline set of conditions to which each individual is entitled” (2013, p. 95). She suggests “supporting freedom of mobility” – encouraging and supporting sex workers in physically moving between and within community spaces – as integral to decolonizing sex work (Hunt, 2013, pp. 95-96). Hunt’s views are illustrative of one end of the spectrum of feminist views on prostitution, the view that prostitution must be considered as work. As she makes clear, this then deemphasizes the tremendous violence that Aboriginal women encounter in prostitution, and it specifically removes missing and murdered Aboriginal women from the centre of the analytic framework.

Other indigenous women, however, have theorized prostitution as colonial violence. According to Métis scholar Jacqueline Lynne,

street prostitution in the lives of Canadian First Nations women is a fundamental form of sexual oppression whose exploitative roots are located within earlier

colonial relations. Historical patriarchal, capitalist relations subjugated First Nations women collectively. This collective sexual oppression, based on gender, created our inferiority as a class of people to both First Nations men and non First-Nations men. The sexual domination of First Nations women has remained unabated to the present-day due to patriarchy's stronghold. Thus, it has had, and continues to have profound, and prolonged injurious consequences in First Nations women's lives (1998, p. 1).

Indigenous women who have been prostituted, she contends, "are a graphic example of how deeply patriarchy wounds" and "when sexual oppression is intersected by racism, and capitalism, the wound worsens – this compounded wounding of First Nations women has occurred for over 500 years" (Lynne, 1998, p. 1).

Sami political scientist Rauna Kuokkanen (2009) has linked prostitution with her analysis of globalization as racialized, sexualized violence against indigenous women. "For Indigenous peoples around the world," she writes, "economic globalization is not merely a question of marginalization but it represents a multifaceted attack on the very foundation of their existence" (Kuokkanen, 2009, p. 216). Indigenous women, Kuokkanen contends, bear the brunt of this violence, which has included their increased involvement in prostitution:

As the poorest and most disenfranchised segment of society, indigenous women are at the receiving end of not only physical or sexual violence, but also structural, political and economic violence all of which reinforce and reproduce one another. The 'New World Order' is marked by masculinization of political, economic and military power as well as glorification of tough, aggressive masculinity, which is acted out, for instance, in sexual violence against indigenous women. Displaced

from their traditional livelihoods or their communities, indigenous women worldwide are forced to migrate to urban areas, either making them vulnerable to various forms of violence or reproducing the violent circumstances they had fled. For many women escaping poverty, violence or both, the only option is to engage in ‘survival sex trade on the stroll’ – a space where violence can be committed without much public attention or police investigation and where the superiority of the white masculine identity can be expressed and reinforced through and *as* violence (2009, p. 220; emphasis in original).

With histories and contemporary realities shaped by colonial domination and violence, she contends, “many women are being forced into dangerous or vulnerable situations such as extreme poverty, homelessness and prostitution” (Kuokkanen, 2009, pp. 219-220). Although Kuokkanen’s analysis tends to emphasize prostitution and violence as the consequence of economics, it also suggests that prostitution operates in interlocking ways with other dominant systems of oppression (including race, gender, and colonialism) to marginalize and, thus, enable violence against indigenous women. Oppression of women, she contends, “is systemic in society and it is manifested in multiple ways at multiple individualized and institutionalized levels” and “[d]irect physical and sexual violence are the most severe manifestations of this oppression, which cannot be fully understood if not analyzed as part of the larger framework and ideologies of oppression,” including colonialism, racism, patriarchy, and economic marginalization (Kuokkanen, 2009, p. 221). Furthermore, Kuokkanen’s discussion of the sexualization of this violence draws attention to the role prostitution plays in the making of dominant masculine subjectivities: “[t]he ‘New World Order’ is marked by...[the] glorification of tough, aggressive masculinity, which is acted out,

for instance, in sexual violence against Indigenous women” and the ‘survival sex trade on the stroll’ represents a space “where the superiority of the white masculine identity can be expressed and reinforced through and *as* violence” (2009, p. 220; emphasis in original).

Significantly, a review of the scholarly historical literature addressing indigenous women establishes a clear connection between prostitution, colonialism, and violence against indigenous women and girls. For example, research on early settlement in British Columbia shows that settler governments and other settler organizations used prostitution to legitimate colonial control of indigenous peoples (Cooper, 1992; Perry, 1997, 2001; Williams, 2006). As Adele Perry argues, discourses of prostitution “were especially handy tools for defining respectable and unrespectable femininity in British Columbia”; and, consequently, “a convenient shorthand for signifying the immorality of First Nations womanhood was the suggestion that Aboriginal women were, by definition, prostitutes” (2001, p. 54). Significantly, she contends that “cultural rhetoric justified the intimate connection between Aboriginal women and prostitution” and “the sex trade was associated with First Nations gift-giving ceremonies, seasonal migration, social organization, and gender norms” (2001, p. 54). This conflation of Aboriginal femininity and prostitution was so strong, in fact, that colonial discourses, Perry notes, also equated mixed-race relationships with prostitution (2001, p. 66). Importantly, the colonial ability to paint all Aboriginal women as prostitutes, she explains, was predicated on the preexisting “squaw” stereotype, which constructed Aboriginal women “as lascivious, shameless, unmaternal, prostitutes, ugly, and incapable of high sentiment or manners” (2001, p. 51). In this way, Aboriginal femininity was positioned as “the dark, mirror image to the idealized nineteenth-century visions of white women” (Perry, 2001, p. 51).

Prostitution, according to historian Arthur J. Ray, also played a role in the abolition of the Potlatch. Potlatch, as Dickason and Newbigging explain, were ceremonial feasts held by west coast First Nations involving the redistribution of wealth through lavish gift-giving by the host (2010, p. 349). As an important act of indigenous sovereignty that sustained local cultures, economies, and political alliances, the Canadian state targeted the Potlatch for elimination, using claims of prostitution to do so. For example, potlatches were used to arrange marriages. Traditionally, Ray notes, “West Coast families arranged the marriages of their children because inheritance determined a person’s titles and privileges and those of his or her relatives”; however, these “traditional marriage customs gave the impression that young girls were being “sold” for the goods exchanged when the marriage pledges were made and the unions celebrated” (2010, p. 224). Furthermore, it was claimed that “some Native women engaged in prostitution to raise money and to pay for family-sponsored potlatches” (Ray, 2010, p. 224). Consequently, Indian Agents and missionaries raised prostitution as an example of the evils associated with Potlatch and called for its abolition (Ray, 2010, pp. 224-226). On April 19, 1884, the Canadian government, led by John A. McDonald, amended the *Indian Act* to make encouraging or participating in potlatch a misdemeanor offense punishable by imprisonment for two to six months (Ray, 2010, p. 226).

The “Pass System,” argues Sarah Carter, was also rationalized, in part, by prostitution. Implemented by the federal government in 1885 in response to the North West Rebellion, the pass system required Indian people to obtain permission from an Indian agent to leave their reserve (Dickason & Newbigging, 2010, p. 348). This pass system, Dickason and Newbigging note, was later extended to Indian peoples throughout Canada, and was enforced until the late 1940s (2010, p. 348). Importantly, though the policy may have had its

roots in suppressing indigenous political resistance, Carter argues that “a central rationale for the pass system was to keep away from towns and villages Aboriginal women ‘of abandoned character who were there for the worst purposes’: prostitution” (2006, p. 158). Though some Aboriginal women were likely involved in prostitution, colonial discourses considered *all* Aboriginal women to be “immoral” and “corrupting influences”; traits both readily coded within the dominant discourse of prostitution (Carter, 2006, p. 158). “Classified as prostitutes,” Carter writes, “Aboriginal women were seen as particular threats to morality and health” (2006, p. 158). Furthermore, she contends, “classified as prostitutes, Aboriginal women could be restricted by a new disciplinary regime” (Carter, 2006, p. 159).

Significantly, as both Carter (1997, 2006) and Erickson (2011) note, the *Indian Act* was also used to specifically target Aboriginal females through prostitution law. According to Erickson,

Just as the *Indian Act* rendered alcohol consumption a crime only if the accused was Aboriginal, it also designated prostitution-related offences involving Aboriginal men and women as a special category of crime. Amendments to the *Indian Act* in the early 1880s also prohibited white settlers from allowing Indian women or prostitutes on their property or in tents and wigwams...It became illegal in 1886 for any Indian to keep, frequent, or be found in a disorderly house, tent, or wigwam. By contrast, prosecutors had to prove that a white man caught in the same situation was a habitual frequenter. The 1892 Criminal Code reaffirmed the legislation but restricted it to women who were Status Indians, and it categorized Aboriginal prostitution as an offense against morality. By contrast, keeping a common bawdy house (the category under which non-Aboriginal

prostitutes were commonly prosecuted) was subsumed within the vagrancy provisions of the Code. *Whereas Aboriginal prostitution was an indictable offence, vagrancy was a summary offence that fell under the rubric of “common nuisances”* (2011, pp. 62-63; emphasis added).

Thus, as Carter contends, “separate legislation under the *Indian Act* and, after 1892, under the Criminal Code governed Aboriginal prostitution, making it easier to convict Aboriginal women than other women” (2006, p. 15). These laws against Aboriginal prostitution, argues Erickson, “reflected fears about miscegenation and a desire to preserve racial boundaries. The legislation also reinforced stereotypes about Aboriginal women as dangerous and dissolute and did much to link prostitution and Aboriginal women in the minds of white settlers” (2011, p. 63).

The colonial conflation of Aboriginal femininity and prostitution is further demonstrated in Erickson’s analysis of Prairie law during the late 1880s and early 1900s. As she notes, “[i]n the mid-nineteenth century in Rupert’s Land and British Columbia, for example, judges and magistrates often dismissed Aboriginal women’s complaints of sexual assault at the hands of white men because colonial discourses on sexually available women coloured their responses to individual cases” (Erickson, 2011, p. 45). Indeed, Erickson’s research suggests that in court cases involving men accused of sexually attacking Aboriginal women and girls, these men frequently attempted to manipulate stereotypes about Aboriginal females as sexually available – including accusations of prostitution – to their legal advantage (2011, pp. 52-54; 67; 73-75). “Negative representations of Aboriginal women as promiscuous and immoral,” she contends, “circulated as subtexts in these trials, and they

served as an underlying rationale for Canadian legislation that created Aboriginal prostitution as a distinct category of crime” (Erickson, 2011, p. 76). Thus, as Erickson concludes,

The diverse record consulted here suggests that the confluence of various trends – particularly the lenient treatment of Aboriginal men found guilty of committing serious acts of violence and the criminalization of Aboriginal women through prostitution, liquor, and trespassing laws – helped to create the conditions by which Aboriginal women’s complaints of physical and sexual violence fell, and continue to fall, on deaf ears (2011, p. 77).

During this same time period (1850-1900), historian Jean Barman (2006) demonstrates that colonial prostitution discourses enabled the “taming” of Aboriginal women’s sexuality in gold rush era British Columbia. Around the colonized world, Barman contends

the charge of prostitution, engaging in a sexual act for remuneration, was used by those who sought to meddle in Indigenous lives. Sexuality was not to be talked about openly, but prostitution and all that it implied could be publicly condemned. In other words, sexuality had to be wilded into prostitution or possibly concubinage, cohabitation outside of marriage, in order for it to be tameable (2006, p. 273).

Through prostitution, then, “gender, power, and race came together in a manner that made it possible for men in power to condemn Aboriginal sexuality and at the same time, if they so chose, to use for their own gratification the very women they had turned into sexual objects” (Barman, 2006, p. 272). Consequently, argues Barman, colonial missionaries, community members, and legislators in British Columbia pursued efforts to eliminate deviant sexuality

and return Aboriginal women safely to the confines of a patriarchally ordered Aboriginal home. A significant consequence of this “campaign to tame Aboriginal sexuality”, she contends, is that it “so profoundly sexualized Aboriginal women that they were rarely permitted any form of identity” outside of prostitute – to the extent that Aboriginal women’s *agency* was also sexualized (Barman, 2006, p. 289). By default, then, “Aboriginal women were prostitutes or, at best, potential concubines” (Barman, 2006, p. 289).

Similarly, Joan Sangster’s (1999) analysis of Indigenous women’s encounters with the Ontario criminal justice system between 1920 and 1960 suggests that prostitution was an important discourse and mechanism for controlling Aboriginal females. As she notes,

For Native women, crimes of public poverty and moral transgression always dominated over crimes against private property or the person. Vagrancy, an elastic offence that included everything from prostitution to drunkenness to wandering the streets, dominated as the most significant charge for Native women in the 1920s (50%) and 1930s (31%). In both these decades, prostitution and bawdy house charges came second, and by the 1930s, breach of the Liquor Control Act (BCLA), especially the clause prohibiting drunkenness in a public place, was assuming equal importance. In the next two decades, alcohol-related charges came to dominate as the reason for incarceration (32% in the 1940s, and 72% in the 1950s), with vagrancy and prostitution convictions ranking second (Sangster, 1999, p. 35)

Furthermore, Sangster argues,

That issues of sexual morality and public propriety were central to Native incarceration can be seen in the increasing use of the Female Refuges Act (FRA),

which sanctioned the incarceration of women aged sixteen to thirty-five, sentenced, or even 'liable to be sentenced' under any Criminal code or bylaw infractions for 'idle and dissolute' behaviour. While this draconian law was used most in Ontario [during] the 1930s and 1940s, for Native women it was increasingly applied in the 1940s and 1950s (1999, p. 35)

"The authorities," she claims, "were especially concerned with the links between visible sexual behaviour and alcohol consumption" and "Native women suspected of prostitution, or who engaged in sex for no money and with no obvious moral regret, were especially vulnerable to incarceration" (Sangster, 1999, p. 40). Significantly, Sangster argues that these concerns

were fuelled by the racist stereotype of the Indian woman easily debauched by alcohol, and lacking the sexual restraint of white women. By the late nineteenth century, political and media controversies had created an image of the Native women in the public mind: supposedly 'bought and sold' by their own people as 'commodities,' they were easily 'demoralized' sexually, and a threat to both public 'morality and health' (1999, p. 40).

Importantly, these analyses suggest that the dominant colonial perception of indigenous females as inherently sexually deviant powerfully enabled the conflation of indigenous femininity with prostitution; therefore, it is equally important to consider, briefly, here how the perceived sexual deviance of indigenous females has been used, throughout Canadian colonial history, to justify colonial interference in and control over Aboriginal communities. For example, Anderson's (1991) research on colonial New France suggests that Huron and Montagnais peoples were subjugated, partially, through discourses of sexual

promiscuity that justified intervention by both the colonial state and Jesuit priests.

Furthermore, alongside prostitution, the perceived promiscuity of indigenous women justified the legal regulation of Aboriginal peoples through colonial marriage laws (Karen Anderson, 1991; Brownlie, 2005; Perry, 2001). Also like prostitution, Robin Jarvis Brownlie's (2005) research suggests that the dominant colonial stereotypes around deviant indigenous female sexuality resulted in increased surveillance of Aboriginal females by Indian Agents. As she contends,

In the interwar period, women of all races and ethnicities were subject to scrutiny regarding their sexual behaviour. Two factors made the experience of First Nations women distinctive. First, they were subject to racial stereotyping that constructed them as sexually immoral and debased. Second, they were exposed to significant intensified levels of surveillance through the Indian agents. In the agents, First Nations women experienced a designated authority whose job it was to oversee their lives and promote their transformation into imitations of the ideal middle-class Euro-Canadian woman. Thanks to the multiplicity of agents' roles in the Indian Affairs system, these men had an exceptional capacity to regulate and discipline First Nations women (Brownlie, 2005, p. 144).

These colonial stereotypes were also at work in residential schools, where the many students (female and male) were subject to institutionalized predation and extreme acts of physical, psychological, and sexual violence (Churchill, 2004; Fournier & Crey, 1997; A. Smith, 2005c). Within the residential school system, Aboriginal children were perceived as sexually immoral (Churchill, 2004; Haig-Brown, 1998; J. S. Milloy, 1999; A. Smith, 2005a); which, in turn, provided a justification for their sexual abuse at the hands of many. Finally, colonial

perceptions of Aboriginal female sexual deviance have resulted in violent sexual health interventions, including forced sterilization (Cull, 2006; Smith, 2005a) and punitive and violent abortion services (Smith, 2005a).

Colonial domination, however, is not solely a part of Canada's history, but also part of its contemporary reality (and, its reality for the foreseeable future without some sort of radical change); and these histories and contemporary realities of colonialism continue to interlock with prostitution in order to denigrate, subjugate and enable violence against indigenous women and girls in Canada. Sherene Razack demonstrates this in her analysis of the Pamela George murder case, where she argues "that because Pamela George was considered to belong to a space of prostitution and Aboriginality, in which violence routinely occurs, while her killers were presumed to be far removed from this zone, the enormity of what was done to her and her family remained largely unacknowledged" (2002a, p. 128). According to Razack, the law's treatment of prostitution as a contract enabled the abstraction of both Pamela George and the two white men who murdered her from their respective histories and, therefore, "neither side could be seen in the the colonial project in which each was embedded" (2002a, p. 126). The consequence, she claims, is that "Pamela George never left the racially bounded space of prostitution and degeneracy during the trial, a space that marked her as a body to be violated" (S. H. Razack, 2002a, p. 148), because "to appreciate that a person has been murdered, details about Pamela George's life, [historically contextualized], would have to be on the record to counter the historically produced response to her as a women whose life was worth very little" (p. 156). Furthermore, it transformed the actions of her murders into "a spree" (a momentary loss of control) instead of those of dominant colonial subjects "whose sense of identity is achieved through brutalizing a

woman” (S. H. Razack, 2002a, p. 126). Thus, Razack contends, “at the end of the day, the record showed only that two white “boys” lost control and an Aboriginal woman got a little more than she bargained for” (2002a, p. 127). Social views on prostitution as a contract enabled the masking of the role of dominant systems of oppression in this violence and, in turn, erased the violence.

Similar observations have been made about the operation of prostitution in the Missing Women cases. For instance, in her analysis of the annual Valentine’s Day memorial in Vancouver’s Downtown Eastside, Dara Culhane suggests that prostitution is part of a “regime of disappearance” – “a neo-liberal mode of governance that selectively marginalizes and/or erases categories of people through strategies of representation that included silences, blind spots, and displacements that have both material and symbolic effects” – that indigenous women and those resisting violence against indigenous women must contend with (2003, p. 595). That is, while “media spectacles of sex, drugs, crime, violence, murder and disease have brought Downtown Eastside Vancouver into living rooms around the world,” this “overexposure” has been limiting. This preference for spectacle, she claims, not only minimizes “the ordinary and mundane brutality of everyday poverty,” but also enables the medicalization and/or pathologization poverty: a reduction of economic marginalization to discourses of health and illness that focuses on the individual as cause of her/his own poverty and, not, as the product of dominant systems of oppression like colonialism, race, and gender; and a corresponding reduction of solutions to health strategies instead of dismantling systems of oppression (Culhane, 2003, p. 595). Furthermore, there is a “relative lack of interest in resistance practiced and visions of change articulated by subjects of these discourses” (Culhane, 2003, p. 595). What ties these practices together, Culhane contends, is

“race-blindness”. That is, because “[r]ecognition of the burden of social suffering carried by Aboriginal people in this neighborhood – and in Canada as a whole – elicits profound discomfort within a liberal, democratic nation-state like Canada, evidencing as it does the *continuing* effects of settler colonialism, its ideological and material foundations, and its ongoing reproductions,” (Culhane, 2003, p. 595; emphasis in original), this “regime of disappearance” – enabled through an emphasis prostitution (among other things) and the inherent pathology of the space and bodies of Vancouver’s Downtown Eastside – is required to erase this violence. In turn, the invisibility of this violence, as well as the invisibility of political resistance to this violence, made it extremely difficult for indigenous women and their allies to seek and secure any sort of social justice of the Missing Women, or those continuing to experience violence in the DTES.

Scholarly analyses focusing specifically on media coverage of the Missing Women cases have made arguments similar to Culhane. For example, in her examination of coverage of the cases provided by the popular American criminal justice television program, America’s Most Wanted (AMW), Beverly Pitman claims that their interpretation was “deeply disturbing” because by favoring a “Jack-the-Ripper analogy [that] presented the missing women as little more than (drug-addicted) Downtown Eastside prostitutes,” it minimized “the fact of their racialization [marginalization] in Canadian society, what this has meant to them, and the extent to which it explained their presence and their vulnerability to sexual predators in the Downtown Eastside” (2002, p. 179). Similarly, in their analysis of five years of print-media coverage of the “Missing Women” cases, Yasmin Jiwani and Mary Lynn Young argue that “the prevailing and historically entrenched stereotypes about women, Aboriginality, and prostitution continue to demarcate the boundaries of ‘respectability’ and

degeneracy, interlocking in ways that situate these women's lives, even after death, in the margins" (2006, p. 895). In his examination of Canadian print media coverage, human geographer David Hugill suggests that "the prostitute" operated as a "distinguished social type" – a coherent conceptual framework for understanding both who these women were and the violence experienced (2010, p. 55). The understanding offered through this framework: the prostitute is "a drugged, dazed, deviant, dissolute and corrupted "other" whose affiliation with a notorious underworld places her in constant threat of danger and predation" (Hugill, 2010, p. 55). As Hugill explains, there are two key problems with this ideological framework: first, it elides the "fundamental considerations about what drives individuals" to prostitution (2010, p. 55), such as social factors like dominant systems of oppression. Indeed, Hugill (like Culhane) links prostitution to the elision of Aboriginality and the overrepresentation of Aboriginal women among the Missing Women cases in media coverage of the missing women (Hugill, 2010, p. 60) Second, this framework, he contends, too closely adheres to historical social representations of prostitutes as "criminally dangerous and morally corrupt" (Hugill, 2010, p. 55).

Finally, these same arguments around prostitution were advanced in feminist geographer Geraldine Pratt's spatial analysis of the Missing Women cases. According to Pratt, "[a] complex layering of imaginative geographies has led to the reduction of missing women to bare life" (2005, p. 1062) – the concept of "bare life," borrowed from Italian philosopher Antonio Agamben, referring to the process by which certain individuals are excluded by and from juridical law (G. Pratt, 2005, p. 1054). The "imaginative geographies" involved in the "Missing Women" case, she contends, include: (a) the assumed mobility of sex workers; (b) colonial geographies that make Aboriginal women almost naturally

disappear in an urban context; (c) the unremitting stigmatization of the Downtown Eastside, and the persistent association of the women with it; and (d) women were and continue to be represented almost exclusively as diseased, criminalized, impoverished and degenerate bodies, now – literally – as disembodied DNA or as dead contaminating meat (G. Pratt, 2005, p. 1062). The effect of this rendering of the “Missing Women” as “bare life”, Pratt concludes, was that police failed to investigate these disappearances, in some cases for over twenty years (2005, p. 1062).

The historical analyses reviewed here reveal how the discursive conflation of indigenous femininity with prostitution (which is not a terribly far discursive stretch given the prominence of the pernicious “squaw” myth in settler colonial society), as well as the actual and/or perceived involvement of indigenous women in prostitution, has served, time after time, as justification for settler state control of indigenous bodies and violent interference in and control of indigenous communities. Furthermore, these histories also reveal how conflations and perceptions of indigenous females and prostitution have been used repeatedly to excuse and erase violence perpetrated against indigenous women and girls on the basis that they somehow “got what they deserved”. Consequently, these histories clearly demonstrate how the interlocking or fusing of indigeneity and prostitution has been integral to the perpetration and disavowal of settler colonial violence in Canadian society and, thus, the critical need to understand prostitution as colonial violence. Indigenous women organizing to address the violence that occurs in prostitution find themselves on terrain that is over-determined by the historical association of indigenous women with prostitution *and* by the historical and contemporary violation of indigenous women. In this arena, it is difficult to stress the individual agency of prostitutes without confronting the

actual violence. At the same time, to acknowledge the violence is to repeat the association of indigenous women with prostitution, and to invite state control over their choices.

Political organizing and anti-violence responses to prostitution in Canada

In Canada, a contemporary political movement around prostitution, including legal challenges to Canada's prostitution laws, has developed in force since the 1950s. Sociologist and prostitution historian Deborah Brock suggests that this was the result of economic growth and sweeping social and political changes that swept Canada after the Second World War (2009:p.5). As she explains,

The realm of the 'sexual' was in a process of renegotiation, and the Canadian state was forced to take an increasingly active role to maintain its hegemony in the face of movements for social and sexual liberation. Matters concerning sexuality and gender became prominent social issues. Abortion, homosexuality, pornography, and prostitution, as well as increasing awareness of sexual violence and abuse (for example, rape, incest, and other sexual abuse of young persons), came to comprise a contested terrain through which established sexual boundaries and moral codes were challenged, negotiated, and shifted. The feminist and lesbian and gay rights movement confronted sex-power relations predicated on the privileging of heterosexual activity within the context of the nuclear family (Brock, 2009, p.5-6).

"These struggles for greater sexual freedom," she argues, "also took place during a period marked by the intensive sexualization of consumer capital (the use of sexual imagery to sell products)" (Brock, 2009, p.6). Consequently, Brock claims, "now more than ever,

sexual matters are recognized as contested political issues,” and this includes prostitution (Brock, 2009, p.6).

Political organizing and anti-violence responses addressing prostitution in Canada have developed predominantly around the political positions of prostitution as professions (or sex work) and prostitution as oppression (or violence). The “prostitution as violence” position has been taken up by such groups as EVE (formerly Exploited Voices Now Educating) – a Vancouver-based “volunteer, non-governmental, non-profit organization composed of former sex-industry women dedicated to naming prostitution violence against women and seeing its abolition through political action, advocacy, and awareness raising that focuses on ending the demand for paid sexual access to women and children’s bodies” (EVE, 2011). In response to the *Bedford v. R* challenge to the constitutional soundness of Canada’s prostitution laws launched by sex workers in the hopes of securing decriminalization of prostitution, the Women’s Coalition for the Abolition of Prostitution (WCAP) was created in 2010, and includes among its members the Canadian Association of Sexual Assault Centres, the Canadian Association of Elizabeth Fry Societies, Vancouver Rape Relief, Action ontarienne contre la violence faite aux femmes, Concertation des luttes contre l’exploitation sexuelle, Regroupement québécois des centres d’aide et de lutte contre les agressions à caractère sexuel (CALACS), and NWAC (whose involvement is discussed later in this chapter). In their “Factum of Intervener” for the Supreme Court of Canada hearing of *Bedford v. R.*, WCAP argues,

Prostitution is a practice of sex inequality. Most of those prostituted are women and girls. Almost all buyers/johns and most pimps/profiteers are men. The buying

and selling of women's bodies in prostitution is a global practice of sexual exploitation and male violence against women that normalizes the subordination of women in a sexualized form (Women's Coalition for the Abolishment of Prostitution, 2013, p. 1).

Furthermore, they contend, "it exploits and compounds systemic inequality on the basis of sex, Aboriginality, race, poverty, age and disability" and, as such, should be abolished (Women's Coalition for the Abolishment of Prostitution, 2013, p. 1). In terms of the law, WCAP argues for the "decriminalization of women in prostitution" and the "criminalization of pimps and johns" (Women's Coalition for the Abolishment of Prostitution, 2014). Notably, they also demand "respect for Aboriginal rights, treaties, and the international human rights of Aboriginal women" (Women's Coalition for the Abolishment of Prostitution, 2014).

Other groups, such as Canadian Organization for Prostitutes (CORP), founded in Toronto in 1983; Maggie's (Toronto Sex Workers Action Project), founded in Toronto in 1986; Stepping Stones, founded in Halifax in 1987; and the PACE (Prostitution Alternatives, Counseling, and Education) Society and Sex Work Alliance of Vancouver, both founded in Vancouver in 1994, have organized around the position of "prostitution as sex work," and, as the mission statement of Maggie's suggests, to "assist sex workers in our efforts to live and work with safety and dignity" and to "control our own lives and destinies" (Maggies: Toronto Sex Workers Action Project, 2014). In 2011, Maggie's partnered with the Native Youth Sexual Health Network (NYSHN), the organization founded by indigenous activist Jessica Yee Danforth (whose politics of sex work are discussed later in this chapter), on The Aboriginal Sex Work Education and

Outreach Project to assist indigenous youth involved in sex work through peer support, health information, and providing for basic needs (food, traditional medicines) (Maggies: Toronto Sex Workers Action Project, 2014). Notably, three women who identify as sex workers and the politics of sex work launched the *Bedford v. R* challenge previously discussed. In a 2012 interview with the United Kingdom branch of the popular media magazine, VICE, appellant Terri-Jean Bedford claimed that the “laws we have in Canada really are monstrous and do more harm than good to women in the sex trade industry” (Haddow, 2012). Speaking to media following the Supreme Court of Canada’s 2013 ruling that Canada’s prostitution provisions against communicating, operating brothels, and living off the avails were unconstitutional because they endangered prostitutes and thus, violated their right to security, Bedford proclaimed it a victory because no man or woman should be punished for “obeying their natural instincts”: prostitution is “not illegal and there’s nothing wrong with it whatsoever. It’s quite healthy and it produces a very productive man. A happy man makes a productive man” (cited in Loney, 2013). These positions, often taken by white women, are challenged by the extent of the violence that is directed at indigenous women working as prostitutes.

Vancouver’s Missing Women: Violence, prostitution, and indigenous women’s political interventions

For most indigenous women’s groups, the Missing Women cases served as an important catalyst for political action, although few indigenous women’s groups have organized specifically around the issue of prostitution. This being said, three prominent voices have emerged: Jessica Yee Danforth, founder of the Native Youth Sexual Health Network (NYSHN); NWAC; and the Aboriginal Women’s Action Network (AWAN).

Notably, although these groups agree that addressing colonialism is integral to addressing the issue of indigenous women and prostitution, they disagree on whether prostitution constitutes profession or violence.

On the side of profession is Jessica Yee Danforth. Based out of Toronto, Danforth, of mixed Mohawk and Chinese ancestry, is the founder and executive director of the Native Youth Sexual Health Network (NYSHN), “a North-America wide organization working on issues of healthy sexuality, cultural competency, youth empowerment, reproductive justice, and sex positivity by and for Native youth” (Native Youth Sexual Health Network, 2009). Danforth is also a sexual health educator and travels internationally to work with indigenous communities and organizations on sexual health initiatives. Additionally, Danforth is a forum facilitator for the Highway of Tears Initiative (the group responsible for implementing the recommendations of the 2006 Highway of Tears Symposium report) in British Columbia; serves on the Board of Directors for Maggie’s: Toronto Sex Workers Action Project; and is a columnist for the alternative news website, rabble.ca. She is also editor of the recent Canadian Centre for Policy Alternatives publication, Feminism FOR REAL – Deconstructing the Academic Industrial Complex of Feminism (Yee, 2011). Significantly, in 2009, Danforth was the recipient of a Toronto YWCA’s Young Woman of Distinction award, and was named by the *Toronto Star* newspaper as one of their “people to watch in the GTA” for 2010 (Monsebraaten, 2010). In addition to publishing a number of articles about sex work, herself, Danforth’s organization, NYSHN also focuses on sex work, and recently partnered with Maggie’s to create the Aboriginal Sex Work Education and Outreach Project (ASWEOP), run by and for Indigenous people in the sex trade” and which is open to “street based sex

workers of all genders and of Indigenous descent” (Maggie's: The Toronto Sex Workers Action Project & Native Youth Sexual Health Network, 2012).

Danforth’s position is simple: “sex work is real work” and society should respect the right of individuals to choose prostitution for this purpose. As she explains,

Taking the position of sex worker rights and self-determination is often called “pro-choice”, whereas the opposition is referred to as “abolitionist”. It is important to understand that the position of pro-choice does NOT solely mean pro sex work, as in only advocating for people to be involved in the trade. Pro-choice means respecting that people will and should make decisions for themselves, be able to govern their own bodies the best way they see fit, and ensuring that all their human rights are met (Yee, 2009b, p. 3).

Furthermore, Danforth contends, “the decriminalization of [the] sex trade is also an integral part of being pro-choice, as well as fighting against police and other law enforcement brutality” (2009b, p. 3). Prostitution, she argues, “is one of the oldest trades, and it’s not going away any time soon” (Yee, 2009b, p. 2) and, therefore, we should care less about how women and men got involved with the sex trade, and more about how we can support them through it (Yee, 2009a, 2009b). As Danforth explained to me during a 2009 interview, “everybody shows up at vigils, and oh this poor prostitute, but they never give a shit about them when they’re working. So we’re letting our women die, especially when we’re judging and shaming them”. As Aboriginal women, she argues, we have carried “a long history of being sexually exploited; which can be seen anywhere from the early Pocahontas and Squaw days, right up until the modern over-sexualization of “easy” Native women which still permeates much of the media”; but sweeping “sex” under the rug, which is what Danforth

claims many Indigenous people have done, is not the solution (2009b, p. 2). Instead, the answers lie, according to Danforth, in sexual health education and supporting the dignity of women and men in the sex trade. She suggests that “there needs to be a bridge between non- and current- sex workers to be involved in our culture in a safe, non-judgmental environment together” (Yee, 2009b, p. 3).

On the side of prostitution as violence are both the Aboriginal Women’s Action Network (AWAN) and the Native Women’s Association of Canada (NWAC). Based in Vancouver, AWAN began in 1995 as a collective of Aboriginal women who shared experiences of mistreatment in their workplaces and in society, generally (F. Blaney, interview, 10 November 2009). According to co-founder Fay Blaney, the early years of AWAN were spent working with the National Action Committee on the Status of Women (NAC) and pursuing independent participant action research projects around the aftermath of Bill-C31 for Aboriginal women, as well as Aboriginal women’s perspectives on restorative justice (interview, 10 November 2009). In 2002, as a result of the emergence of a number of significant cases (the failure of 911 to answer the calls for help from two First Nations women who were later murdered; the release from prison of Gilbert Paul Jordan, a serial killer who preyed on Native women in Vancouver’s Downtown Eastside in the 1980s; the murder of case of Pamela George), AWAN began focusing specifically on violence against Aboriginal women in Canada (Aboriginal Women's Action Network, 2002; Blaney, 2009).

It was in 2007, however, when a movement to legalize brothels for the 2010 Vancouver Winter Olympics began to circulate, that AWAN felt forced to address prostitution. As AWAN spokesperson, Laura Holland, explained,

In 2007, one of the articles we responded to in the newspaper was one where politicians, MPs, and maybe the former mayor of Vancouver [Sam Sullivan] that were considering either legalizing or decriminalizing prostitution and also being open to the fact or idea of having a brothel with amnesty, which at the time they were promoting it as if it were something that Aboriginal women wanted and they did it in the name of Aboriginal women and that was how we heard it and that was how it came across in the media, and we knew damn well that they didn't ask us. We knew damn well that they had talked to a handful of women, we knew they didn't talk to communities and families. We knew there was a huge part of the population's voice that was missing. And when they promoted it in the name of Aboriginal women, we said not in our name (interview, 13 November 2009).

Consequently, on December 6th (the National Day of Remembrance and Action Against Violence Against Women in Canada), AWAN released a statement opposing legalized prostitution and its total decriminalization. According to Holland,

It was actually a letter we sent to the mayor at the time, who was Sam Sullivan, and we said we oppose this idea – any state regulation of prostitution, any decriminalization, any legalization. Because we know from our family members, from our friends and from our children's friends that this is not safe and it will never be safe and we know that Aboriginal women have been fighting and organizing for many things for decades just to be recognized as people, fighting for status. So we also knew that to decriminalize and legalize something like that was going to set us back decades. All the hard work Aboriginal women had done would be wiped out because those women were fighting for, not just some sort of

legitimacy but human rights and women's rights and the rights for their children and our children and the children to come (interview, 13 November 2009).

AWAN's message was simple:

We hold that legalizing prostitution in Vancouver will not make it safer for those prostituted, but will merely increase their numbers. Contrary to current media coverage of the issue, the available evidence suggests that it would, in fact, be harmful, would expand prostitution, would promote trafficking, and would only serve to make prostitution safer and more profitable for men who exploit and harm prostituted women and children (Aboriginal Women's Action Network, 2007b, p. 2)

The statement took a particularly aggressive stand against decriminalization, arguing that “although many well-meaning people think that decriminalization simply means protecting prostituted women from arrest, it also refers, dangerously, to the decriminalization of johns and pimps” (Aboriginal Women's Action Network, 2007b, p. 2). In this way, they argued, “prostitution is normalized, johns multiply, and pimps and traffickers become legitimated entrepreneurs” (Aboriginal Women's Action Network, 2007b, p. 3). Our political efforts, according to AWAN, “should focus on finding ways to help [prostituted women] exit prostitution rather than entrench them further into prostitution by legalizing and institutionalizing it” (Aboriginal Women's Action Network, 2007b, p. 3). Significantly, while brothels were never legalized for the 2010 Olympics in Vancouver, AWAN continued to organize and speak out against prostitution, including doing speaking and awareness events; participating in conferences and summits addressing prostitution and violence against

Aboriginal women and girls; and working collaboratively with other grassroots organizations, including Walk4Justice.

Since 2010, NWAC has articulated a similar position around prostitution, largely as part of their work with the Women's Coalition for the Abolition of Prostitution – a collaborative effort between several Canadian organizations (including the Canadian Association of Sexual Assault Centres, the Canadian Association of Elizabeth Fry Societies, and Vancouver Rape Relief) to intervene in the *Bedford v. R* constitutional challenge of Canada's prostitution laws currently before Canadian courts (Intervener Women's Coalition, 2011). According to NWAC, “prostitution exploits and increases the inequality of Aboriginal women and girls on the basis of gender, race, age, disability and poverty (Native Women's Association of Canada, 2012d, p. 1). They contend,

Aboriginal women are grossly overrepresented in prostitution and among the women who have been murdered in prostitution. It is not helpful to divide women in prostitution into those who “choose” and those who are “forced” into prostitution. In most cases, Aboriginal women are recruited for prostitution as girls and/or feel they have no other options due to poverty and abuse. It is the sex industry that encourages women to view prostitution as their chosen identity (Native Women's Association of Canada, 2012d, p. 1).

Consequently, “we want to stop the buying and pimping of our women. We want to stop the sale of human bodies. We want women to be free from the poverty and abuse that targets them for prostitution, and to stop being blamed for their prostitution” (Native Women's Association of Canada, 2012d, p. 1). To this extent, NWAC supports the decriminalization of women in prostitution, because “it is wrong to criminalize Aboriginal women who are being

prostituted” as “this only further punishes women for their poverty and exploitation” (Native Women's Association of Canada, 2012d, p. 1). However, the organization calls on increased criminalization of those who use and profit from the prostitution of Aboriginal women and girls:

It will not help Aboriginal women in prostitution to also decriminalize the men who buy and sell them. Johns and pimps routinely inflict physical and sexual violence and control on Aboriginal women in prostitution in all locations, whether indoors or not. They cause real harms to Aboriginal women and girls by exploiting their poverty, addictions, and add to their histories of abuse. They maintain the system of prostitution and profit from it. NWAC supports the criminalization of the purchase of sex. We also support criminalizing those who profit from the prostitution of women and girls (Native Women's Association of Canada, 2012d, p. 1).

The state, NWAC argues, “has pushed Aboriginal women from one institution to another – residential schools, foster homes, group homes, and prisons, to name a few” and the organization “refuses to accept brothels as the new official institution for Aboriginal women and girls and we refuse to accept that prostitution is the solution to addressing women’s poverty” (Native Women's Association of Canada, 2012d, p. 1).

An anti-colonial anti-violence analysis of indigenous women’s politics of prostitution

In pursuing the issue of prostitution, Indigenous women have articulated responses organized around the dominant feminist political divide between profession and oppression – but what are the implications and consequences, whether intentional or not, for indigenous

women and girls in Canada? Furthermore, how well do these politics reflect the theorized ideals for anti-colonial, anti-violence responses? In this section, I undertake a critical analysis of the discourses central to each position in an attempt to provide answers to these questions.

Jessica Yee Danforth's politics of profession (sex work/pro-choice)

At first glance, Danforth's politics of profession appears to advance discourses and positions that resist dominant systems of oppression and, thus, offer pathways to freedom for indigenous women and girls, as well as those involved in the sex trade; however, further examination of these discourses and positions reveal components that rely on the same conceptual tools employed in dominant discourses that actually undermine and work against the theorized goals for an anti-colonial anti-violence response because they reinforce dominant systems of oppression. Take, for example, her use of the terminology "sex work". To explain this usage, Danforth has argued, "I do not use the word "prostitute" because I think it is a de-humanizing and factually inaccurate description for many loved ones I know who are involved in the trade, several of them by choice" (Yee, 2009b, p. 1). Consequently, her use of the terminology of "sex work" appears to subvert dominant perceptions about prostitution that, as Danforth claims, are rooted in dehumanization of prostitutes and denials of their agency (i.e.: sex work as a choice).

However, a spatial analysis of prostitution in this discursive strategy reveals replication of dominant systems of oppression and the boundaries of respectability and degeneracy that underpin existing relations of ruling and, therefore, undermine the theorized goals for an anti-colonial anti-violence response. Danforth's discourse depends on the construction of a space called "sex work" where "sex workers" rightfully belong; however, to

achieve this, she must fix deviant spaces of prostitution in order to distinguish the respectability of “sex work” and “sex workers” – replicating the dominant discursive pattern surrounding prostitution and the establishment of dominant subjectivities identified by Razack (1998b). This process is demonstrated in Danforth’s previously cited explanation for using the language of sex work: because prostitution is a dehumanizing term that is factually inaccurate of those who are involved in prostitution, many by choice. Here, Danforth’s sex work and sex workers are defined as not being prostitutes (and, therefore, not belonging to the space of prostitution) because:

1. Prostitution is dehumanizing
2. It is a factually inaccurate description of those who are involved in prostitution by choice

Importantly, by fixing the space of prostitution and defining her terminology in distinction to it, Danforth can establish, for dominant society, that sex work and sex workers are *not*:

1. Prostitution and prostitutes
2. Dehumanized
3. Forced into the sex trade

However, stated in terms of what sex work and sex workers *are*, efforts at establishing respectability by constructing sex work and sex workers as ideal dominant subjects – in particular, ideal neoliberal subjects who are not only (a) workers and independent entrepreneurs, but also (b) defenders of the freedom and, indeed, right to pursue (or, “choose”) what’s in their best self-interest – become clear. As previously discussed, neoliberalism refers to the dominant economic, social and political philosophy, popular in Western nations including Canada since the 1970s, based around the capitalist market

economy and the pursuit of individual profit and personal gains (Arat-Koç, 2012; W. Brown, 2005; Connell, 2010; Giroux, 2004). As a system of domination, neoliberalism masks its operation by framing social actors as individual entrepreneurs with the right and freedom to pursuing what is in their own self-interest and, consequently, who are then ultimately responsible for any failings they encounter (W. Brown, 2005; Giroux, 2004). In this way, State control and dominant systems of oppression continue to operate on social actors all the while this is denied by the State and the global elite they sustain (W. Brown, 2005; Giroux, 2004). Danforth's sex workers, therefore, embody the ideal neoliberal subject: they are (1) labour/workers and (2) independent entrepreneurs in (3) pursuit of what is in their own self-interest. At the same time, however, Danforth also distances sex work and sex workers from the violence of prostitution – it/they are *not* dehumanized and/or forced into the sex trade and, instead, “humanized” and there by choice. In other words, this assures dominant society that sex work and sex workers have little to do with the violence associated with prostitution – they are dominant respectable subjects not connected to such dysfunction.

This same distancing strategy is employed in regard to the survival sex trade. In discussing her position, Danforth has claimed the “issue of engagement in sex work has a lot to do with making informed choices, and there is a marked difference between sex work and survival sex” (Yee, 2009b, p. 2). Thus, her space of sex work and sex workers is, again, defined by what they are not: the space of the survival sex trade and, thus, those bodies belonging to this space. Critically, in the absence of any thorough explanation of what constitutes the survival sex trade, many in society are likely to rely on dominant societal perceptions about the survival sex trade in order to interpret Danforth's claim: that is, the survival sex trade as a space of extreme deviance and dysfunction – poverty, addiction,

criminality, and violence – as reflected, for example, in the dominant societal accounts of the Missing Women cases (Culhane, 2003, 2009; Hugill, 2010; Jiwani & Young, 2006; Pitman, 2002). Consequently, defining sex work and sex workers in opposition to the survival sex trade establishes, once again, the respectability of both: sex work is not the deviant and dysfunctional space of the survival sex trade and sex workers are not the deviant and dysfunctional bodies belonging to the survival sex trade.

In both cases, Danforth's deployment of prostitution replicates its operation as a dominant system of oppression: a fixed space of deviance and dysfunction necessary to establish spaces of respectability and, by extension, the respectability of bodies belonging to these spaces, in order to secure recognition, by other dominant subjects, of their belonging to dominant society and, therefore, possessing a legitimate claim to the rights and freedoms accorded to such subjects. Indeed, based on the terms that dominant society has set for belonging and deservedness, it is only from the position of respectability that Danforth can advance the claim that sex workers deserve protection of their rights and freedoms within dominant society and, thus, appears as entirely logical political strategy with emancipatory potential for engaging with dominant society, including the State.

Yet, as this spatial analysis demonstrates, these claims to respectability within dominant society necessarily require the existence of spaces of deviance and dysfunction – in this case, the spaces of prostitution and the survival sex trade – which, in turn, carry a number of negative consequences for indigenous women and girls and anti-colonial anti-violence responses. Firstly, it erases much of the violence involved in prostitution – i.e.: the violence associated with prostitution and the survival sex trade, and “forced” prostitution – by defining sex work and sex workers as separate from this violence. While this distancing is

useful in making a case for the respectability of sex workers and sex work, it does little to address undermine the violence experience by other non-sex workers through prostitution. Secondly, if Danforth claims to represent sex workers, then her politics necessarily excludes those who do not “count” as sex workers – in this case, dehumanized prostitutes, those “forced” into prostitution, and those involved in the survival sex trade, and, consequently, many of those who experience prostitution as violence. This is particularly disconcerting given that indigenous women and girls, as demonstrated in the literature, are not only dominantly perceived as belonging to such spaces (prostitution, the survival sex trade, trafficking) but also, as a lived reality, are numerically overrepresented in such spaces. In turn, this ignores the role of colonialism and other dominant systems of oppression in establishing the intimate connection between indigenous females and these dominantly conceived deviant and dysfunctional spaces of prostitution. Thirdly, Danforth’s discourse of sex work naturalizes prostitution by accepting it as something belonging permanently to human societies and, indeed, something that sex workers want to provide society. This position, however, works against the goals of decolonization and the regeneration of Indigenous sovereignty and self-determination because, as the literature makes clear, prostitution has long functioned and continues to function as an essential mechanism for securing colonial domination over indigenous women and girls and, by extension, their communities, lands and resources. Thus, by accepting and naturalizing prostitution, Danforth, whether intentionally or not, accepts and naturalizes colonial domination.

Importantly, other discursive components of Danforth’s politics of profession support this problematic strategy of respectability. Her discourse of choice, for example, reflects

dominant neoliberal conceptions of subjectivity and belonging. Choice is central to Danforth's political position – as previously cited:

Taking the position of sex worker rights and self-determination is often called “pro-choice”... It is important to understand that the position of pro-choice...does NOT solely mean pro sex work, as in only advocating for people to be involved in the trade. Pro-choice means respecting the people will and should make decision for themselves, be able to govern their own bodies the best way they see fit, and ensuring that all human rights are met (Yee, 2009b, p. 3).

Consequently, it is the absence of choice that contributes to the violence experienced by indigenous people involved in the sex trade:

Maurganne Murphy (a sex worker advocate) describes the situation many urban Aboriginal sex workers face. “We are also overrepresented in the lower paid ends of sex work. You are more likely to find First Nations working in the street than in massage parlours, dungeons or other indoor work. It has to do with the fact that they aren't given many options for work in the sex trade, they go with that they know and what they are told. There is not enough education that is out there that is pro-choice that gives them options” (Yee, 2009b, pp. 3-4).

These same discourses of choice, however, are central to neoliberalism and its establishment of dominant subjectivities – an ideal neoliberal subject, after all, is an individual entrepreneur with the right and freedom to make choices about existing options in order to pursue what is in their own best interest (personal gain) (W. Brown, 2005; Giroux, 2004). In other words, an ideal neoliberal subject is *self-determining*.

However, while the goal of being self-determining is certainly ideal, neoliberal discourses of choice – such as those advanced by Danforth – elide the operation of dominant systems of oppression and violence involved in this process. Indeed, as Razack argues, such discourses reduce our vision of prostitution to “two parties who engage in a contract” and, thus, “[inhibit] our asking about what else the contract has made possible (besides an exchange) and what has made it possible” – such as dominant systems of oppression and existing relations of ruling (1998, p.35). Furthermore, she contends, it advances the notion that consent makes the violence of prostitution permissible (S. H. Razack, 1998b, p. 350) – and, given dominant neoliberal society’s emphasis on individual accountability, sets up the political position that by “choosing” to be involved in the sex trade – whether we prefer to refer to it as “sex work” or “prostitution” or anything else – one also chooses to be personally accountable for the whatever they experience in making this choice, including violence. After all, an ideal neoliberal subject is ultimately responsible for the consequences of exercising their self-determination. However, as the existing literature makes clear, this argument also underpinned that State’s position for not responding to the Missing Women cases and, thus, violence against Indigenous women and girls (de Vries, 2003; Harper, 2006; Hugill, 2010) Consequently, neoliberal discourse of choice not only require and reinforce dominant systems of oppression and existing relations of ruling, but also pose the very real risk of erasing, excusing, and enabling violence against those involved in prostitution, including indigenous women and girls.

Danforth’s treatment of colonialism within her politics of profession demonstrates similar problems. Colonialism, she argues, has resulted in distorted notions of indigenous female sexuality – as Aboriginal women, she writes, “we have carried a long history of being

sexually exploited, which can be seen anywhere from the early Pocahontas and Squaw days, right up until the modern-oversexualization of “easy” Native women which still permeates much of the media” (2009b, p. 2). Additionally, Danforth implicates colonialism in the violence experienced by sex trade workers: “Yet like any other job that has its ups and downs,” she claims, “like any other environment where we as Aboriginal people are subject to overt racism, extreme oppression, and brutal violence, the sex trade is no different” (Yee, 2009b, pp. 3-4). Finally, Danforth has raised colonialism as an issue impacting the contemporary politics of the sex work movement, itself: “Saying that you know about the history of colonialism and oh aren’t you so skilled in knowing that it still exists – and then not understanding how a lot of what you are doing in sex work organizing is re-colonizing over and over again in itself – doesn’t work”(Yee, 2010).

The effect of these discourses, however, whether intentional or not, is a diminishment of the role of colonialism that, in turn, inhibits our ability to name and address violence against indigenous women and girls. For example, although Danforth identifies the oversexualization of indigenous females as a consequence of colonialism, her analysis fails to make the critical connection to the role of prostitution in this process. As demonstrated by the historical literature, the conflation of Aboriginal females with prostitution has been an important strategy for denigrating, criminalizing, and controlling indigenous women and girls in Canada, as well as excusing, erasing and enabling violence committed against them. Without this connection, the role of prostitution in securing colonial domination over indigenous females and their communities is diminished with the effect that it is more difficult to identify, challenge, and ultimately dismantle settler colonial domination over indigenous peoples and territories. Danforth’s position further diminishes the violence of

prostitution through its equation with everyday work place violence. Importantly, two key things are achieved through this discourse: firstly, the conflation with work place violence denies the specificities and, therefore, extreme violence involved in prostitution (after all, most workers do not have share the same risk as prostitutes of being raped and/or killed while undertaking their work) (Baldwin, 1992; A. P. Farley, 1997; M. Farley, 2003).

Second, in naming this as work place violence and diminishing the violence of prostitution, Danforth's sex workers are once again distanced through difference from prostitution in order to establish their respectability as legitimate members of the capitalist workforce.

A final problematic component of Danforth's politics of "pro-choice" is her advocacy of decriminalization. According to Danforth, decriminalization "has the potential to actually mean less violence for Indigenous communities, not only because it allows for safer working conditions for sex workers, it also means less police interference" (Native Youth Sexual Health Network, 2010, p. 1). Indeed,

If sex workers are able to live off the money they earn, they may be able to afford shelter, better provide for their families, or be able to hire someone else, such as a driver, as protection. If they are able to openly communicate about sex work, they may be able to negotiate safer working conditions (such as condom use) with a client or report violence without fear of being arrested. If keeping a bawdy-house is no longer illegal, then sex workers may have access to indoor working conditions, decreasing the chances of street-based violence. If police are given less opportunity to arrest people on the basis of these laws, it means less Indigenous people that are incarcerated because of sex work (The Native Youth Sexual Health Network, 2010, p. 1).

Admittedly, Danforth has a valid concern that prostitution laws increase the criminalization of indigenous females in a society where they are regularly over-criminalized – and particularly given that colonial history demonstrates regular use of the criminalization of prostitution to control indigenous women and girls (Hylton, 2002; S. H. Razack, 1998b). However, as Razack contends, decriminalization leaves uninterrogated “the source of the attitudes that make it acceptable to abuse and murder prostitutes” (1998b, p. 375).

Consequently, she claims,

If, as I have been arguing, this violence keeps in place a series of relations, among them not only good girls and bad girls but also white people and racialized people, spaces of racial and sexual disorder and spaces of respectability, First World and Third World, then decriminalization will not suffice to stop the violence or even to reduce (S. H. Razack, 1998b, p. 375).

Furthermore, decriminalization naturalizes prostitution by treating it as a fixed component of society; but, in doing so, it also naturalizes the violence that necessarily accompanies prostitution including, as demonstrated by the historical literature, colonial domination of indigenous peoples. Therefore, in failing to address the operation of dominant systems and violence in prostitution, decriminalization works against the goals for an anti-colonial anti-violence response.

While this analysis is not meant to suggest intent, it does reveal that Danforth’s politics of sex work contain political discourses and strategies that while sometimes appearing logical given the existing political and social context actually undermine the theorized goals for an anti-colonial anti-violence response by replicating and reinforcing dominant systems of oppression. Danforth’s politics, as this analysis has made clear, is

centered around establishing the respectability of the space of “sex work” and, thus, “sex workers” in order to secure protection of their rights and freedoms within dominant society – however, in doing so, this discourse requires the existence of deviant and dysfunctional spaces of prostitution and, therefore, the existence of bodies that belong to such spaces. Furthermore, this strategy requires distancing sex work and sex workers as fully as possible from these spaces in order to emphasize the respectability, rights and freedoms of one group/form/space. However, in doing so, this strategy excludes these others – prostitutes, those “forced,” and those involved in the survival sex trade – and the violence they experience. This arrangement, as Giroux (2004) and Brown (2005) argue, is also a reflection of neoliberalism – the rampant individualism preached through neoliberalism corresponds to dissolution of social collectivity and, therefore, elimination of collective resistance to dominant systems of oppression and existing relations of ruling. Thus, in focusing on sex workers as individual workers and entrepreneurs with the right and freedom to pursue what is in their individual best interest, Danforth’s politics fail to make connections amongst the spaces and bodies of prostitution resulting in a hegemonic political alliances with the existing elite at the expense of alliance with those who occupy, whether in perception and/or actuality, the deviant, dysfunctional and, most importantly, violent spaces of prostitution – and who, as the literature makes clear, are likely to be indigenous women and girls. It also undermines political alliance with indigenous communities by diminishing the interconnections between colonialism and prostitution and, thus, sacrificing the goals of decolonization and self-determination by naturalizing prostitution and, thus, the colonial domination it secures.

AWAN and NWAC: The politics of violence

By comparison, the prostitution as violence positions advanced by AWAN and NWAC better reflect an anti-colonial anti-violence response. First, both groups emphasize the operation of dominant systems of oppression in prostitution. For example, AWAN's use of the term "prostituted women" is explained as recognition of "the forces like colonization, patriarchy and capitalism that are funneling women into prostitution" (Aboriginal Women's Action Network, 2011). Furthermore, they claim,

In Vancouver, Aboriginal women are overrepresented in street prostitution. We know this is no accident. This is not a coincidence. This is not because Aboriginal women and girls like to be raped by strangers for money more than white women. Aboriginal women are being prostituted in such high numbers because the racist, patriarchal, capitalist colonizers have created systems like the Canadian government, the reserve system, the church, the foster care system and the education system that devalue us as Aboriginal women and work to further exploit our lands and resources. These systems create conditions where Aboriginal women and girls struggle against and in a society that has been trying for the past 518 years to exterminate us. These systems attempt to funnel our mothers and sister into the institution of prostitution so we can be raped, harmed, and murdered systematically by men (Aboriginal Women's Action Network, 2011).

Indeed, the language of "sex work," contends AWAN, "silences the experiences and knowledge of native women and attempts to hide the real truth: the inequality and hatred that funnels women and girls into a capitalist system of prostitution that puts profits first at any

cost; that puts men and their interests first at any cost” (Aboriginal Women's Action Network, 2011). Related to their political focus on the lives of indigenous women, AWAN’s description of prostitution involves a gendered dichotomy that constructs indigenous women and girls as prostitutes and those doing the violence as men which does elide the involvement of indigenous males in prostitution (which, as the literature suggests, occurs across Canada, albeit at lower rates than those of indigenous women and girls (Downe, 2006; Sethi, 2007)) and, thus, the operation of heteronormativity within settler colonial domination as identified by indigenous queer theorists (Finley, 2011; A. Smith, 2011b). This being said, AWAN’s political position simultaneously foregrounds multiple systems of oppression including settler colonialism, racism, patriarchy, and capitalism as contributing to the high rates of indigenous female involvement in prostitution. Notably, AWAN’s explanation of their opposition to prostitution, as outlined in the paragraph quoted above, evokes the basic framework of the “history lessons” employed by indigenous women in the politics of violence: it situates prostitution within the course of settler colonial history alongside the creation of the Canadian state, the theft of lands and the reservation system, residential schools, and the child welfare.

As for NWAC, they argue that “prostitution exploits and increases the inequality of Aboriginal women and girls on the basis of gender, race, age, disability and poverty (Native Women's Association of Canada, 2012d, p. 1). Furthermore, the organization claims,

Prostitution is not a traditional activity of Aboriginal women. The state has tried to disconnect Aboriginal women from our communities, our children, our families, our traditional roles, our language, and our culture. These incidents all contribute to the disconnection Aboriginal women experience from their own

bodies and sexuality that is inflicted on them through prostitution (Native Women's Association of Canada, 2012d, p. 1).

Like AWAN, NWAC's discussion is framed around indigenous females (again, related to their particular political focus on indigenous women), which once again elides the involvement of indigenous males in prostitution and, thus dimensions of heteropatriarchal power involved in prostitution. However, also like AWAN, NWAC emphasizes prostitution as intimately and simultaneously connected to dominant systems of oppression including white supremacy, patriarchy, ableism, and capitalist exploitation. Notably, NWAC doesn't explicitly name settler colonial domination, but alludes to it through reference to the Canadian state's efforts to disrupt indigenous community – a strategy reflective of the group's treatment of colonialism within the SIS initiative as outlined in the previous chapter. This is a particularly risky strategy within the settler colonial context where settler domination depends greatly on the erasure of its existence.

Unlike Danforth's politics of profession, these positions do not rely on distance from the deviant and dysfunctional space of prostitution but, instead, emphasizes that indigenous women and girls are likely to be confined, whether in perception or actuality, to such spaces. Significantly, critics of this position are likely to point out, as I have done here with Danforth's politics of sex work, that this emphasis requires distance from sex work and sex workers and, thus, silencing of those who claim to experience prostitution as work, agency, and choice. However, unlike Danforth's politics of sex work, whatever distancing and silencing might occur operates only to retain a focus on the violence of prostitution and not on establishing their respectability and belonging in dominant society. Thus, in remaining focused on violence, dominant systems of oppression, and the colonial domination of

Indigenous peoples, these politics of oppression are powerfully aligned with the theorized goals for an anti-colonial anti-violence response.

The position of the groups calling for the abolition of prostitution also strongly reflects an anti-colonial anti-violence response. As AWAN explains,

What we want is not reduction but harm elimination. Aboriginal women are smart, strong and proud and we know what we want. We want real choices. A choice between unlivable welfare, a job that pays an unlivable wage and the choice of prostitution in a culture that tells girls from birth that our bodies are for men's pleasure is no choice (Aboriginal Women's Action Network, 2011).

As for NWAC,

We want to stop the buying and pimping of our women. We want to stop the sale of human bodies. We want women to be free from the poverty and abuse that targets them for prostitution, and to stop being blamed for their prostitution (Native Women's Association of Canada, 2012d, p. 1).

Furthermore, they contend,

The state has pushed Aboriginal women from one institution to another – residential schools, foster homes, group homes, and prisons, to name a few. NWAC refuses to accept brothels as the new official institution for Aboriginal women and girls and we refuse to accept that prostitution is the solution to addressing women's poverty (Native Women's Association of Canada, 2012d, p. 1).

Critically, these discourses achieve a number of things. Firstly, they remain focused on the violence of prostitution and, therefore, the necessity of eliminating prostitution in order to

end this violence. Secondly, they denaturalize prostitution by refusing to accept it as a given part of human society. Indeed, in this process, AWAN challenges neoliberal notions of choice: “We want real choices. A choice between unlivable welfare, a job that pays an unlivable wage and the choice of prostitution in a culture that tells girls from birth that our bodies are for men’s pleasure is no choice” (Aboriginal Women's Action Network, 2011). Consequently, these discourses around abolition provide a significant challenge to prostitution, dominant systems of oppression and the existing global elite, and, consequently, strongly reflect the theorized goals for an anti-colonial anti-violence response.

Context: Dominant societal reception of Indigenous women’s politics of prostitution

To put this analysis within a proper context and illustrate its significance, I want to conclude this discussion by considering the issue of reception: how have each of these politics of prostitution advanced by indigenous women been received by indigenous communities, the Canadian state, and society at large? Importantly, while the politics of violence and abolition articulated by both AWAN and NWAC, as I have argued, better reflect the goals for an anti-colonial anti-violence response and, therefore, carry the greatest potential for ending violence against indigenous women and girls, it is Danforth’s politics of sex work and decriminalization, which relies heavily on dominant neoliberal discourses, has been best received and supported by the state, dominant Canadian society and, to some extent, by many indigenous communities. Danforth, for example, is regularly invited into indigenous communities across both Canada and the United States to help them address sexual health issues, including protecting the basic human rights of sex workers (Monsebraaten, 2010; Native Youth Sexual Health Network, 2009; Danforth, interview, 27

November 2009). She is also invited to speak to non-indigenous communities and organizations on the issue of Aboriginal women and sex work (Monsebraaten, 2010; Native Youth Sexual Health Network, 2009; Danforth, interview, 27 November 2009) and is a featured blogger on the mainstream alternative news website, rabble.ca. In addition to support (including financial) received through multiple collaborative programs with organizations including Maggie's: Toronto Sex Workers Action Project, the Canadian Aboriginal AIDS Network (Monsebraaten, 2010; Native Youth Sexual Health Network, 2009; Danforth, interview, 27 November 2009), Danforth has been honoured for her work with numerous awards and a university appointment as "Distinguished Visitor" in Women's Studies at the University of Waterloo (Monsebraaten, 2010; Native Youth Sexual Health Network, 2013).

By comparison, the reception to the prostitution as violence and abolitionist politics of AWAN and NWAC has been minimal to downright hostile. NWAC, for example, secured some dominant state and societal attention by seeking intervenor status in the *Bedford v. R* case; however, this was achieved not on their own accord but as part of the largely non-indigenous Coalition for the Abolition of Prostitution. Furthermore, my interviews with NWAC SIS team members suggest that the organization's adoption of this position was responsible, in part, for a significant political split with families of missing and murdered indigenous women and girls that resulted in the creation of the separate political group, Family of Sisters in Spirit (FSIS), in 2010 – that is, many involved in FSIS not only felt that NWAC had "sold them out" in securing state funding for their severely limited second phase of work on the issue of missing and murdered Aboriginal women and girls, "Evidence to Action," but they also did not share NWAC's position of prostitution as violence and

advocated, instead, the politics of profession (sex work, agency, and decriminalization). As for AWAN, their politics of oppression has been met with outright hostility. In an interview, AWAN members Laura Holland and Carrie Hunchitt both reported being subjected to verbal insults and harassment from both indigenous and non-indigenous sources while pursuing their anti-prostitution politics. Furthermore, Holland recently informed me that AWAN has moved away from addressing prostitution because the organization has been actively excluded from the mainstream politics of prostitution as violence by other, primarily non-Indigenous groups who wish to silence AWAN's demands that they acknowledge and address their own privilege and reliance on dominant systems of oppression (personal communication, 6 June 2013). In other words, these dominant groups have virtually silenced AWAN and, problematically, excluded indigenous women's needs, perspectives, and goals from mainstream prostitution as violence politics.

The positive public reception of Danforth's politics is understandable on a number of levels. It offers the attractive possibility of viewing indigenous women as agents and not as victims. It names colonial domination as contributing to the violence indigenous women experience in prostitution. To some, this position offers resistance to the dehumanizing squaw stereotype by demanding respect for indigenous women who choose sex work. Furthermore, it recognizes the need to actively protect indigenous women and represents a practical attempt to address the needs of women in prostitution. However, as this analysis has demonstrated, Danforth's politics of sex work relies heavily on neoliberal discourses that mask and, thus, reinforce dominant systems of oppression, making this political position highly attractive to the settler colonial state. By comparison, the politics of prostitution as violence advanced by AWAN and NWAC that aggressively challenges dominant systems of

oppression represents a significant challenge to the settler colonial order of things in contemporary Canadian society and, as such, hasn't received the same widespread support. As this discussion suggests, the political challenge posed by prostitution for indigenous women is significant, and these challenges were very much in evidence during the Missing Women Commission of Inquiry.

Part Two: Indigenous women and the Missing Women Commission of Inquiry

Even before Robert “Willie” Pickton was arrested and charged in the deaths of many of the Missing Women in 2002, families and friends of the women and a broad range of community organizations, were demanding a full public inquiry into the Canadian state's handling of these cases (Bennett, Eby, Govender, & Pacey, 2012; Native Women's Association of Canada, 2011b; Walia, 2011) – and individual indigenous women, indigenous women's organizations, and other indigenous organizations were an important part of this call for action (First Nations Summit, 2011, pp. 5-6; Native Women's Association of Canada, 2011b; Walia, 2011, p. 1). This included such groups as the Women's Memorial March Committee (the organizers of the annual Valentine's Day event), NWAC, and the First Nations Summit (a provincial organization representing First Nations and tribal councils in British Columbia that, in 1997, contacted the Attorney General of BC to demand a formal investigation into multiple murders of indigenous women in Vancouver (First Nations Summit, 2011, p. 5)). The reasons for their investment in an inquiry were myriad: it represented an opportunity for state accountability in failing to protect these extremely marginalized and vulnerable women from violence (Bennett, et al., 2012, p. 13; First Nations Summit, 2011, pp. 6, 15-17; Native Women's Association of Canada, 2011b, p. 4), with an

emphasis on understanding how dominant systems of oppression – including colonialism, racism, and sexism – contributed to these circumstances (February 14th Annual Women's Memorial March, 2011; First Nations Summit, 2011; Walia, 2011). A public inquiry was also perceived as providing families and friends of the Missing Women, as well as others directly affected by this violence (including groups representing the interests of populations targeted through this violence, such as prostitutes and indigenous women), an opportunity to speak and be heard as part of the public record accounting for the failings surrounding the Missing Women cases (Bennett, et al., 2012, p. 19; February 14th Annual Women's Memorial March, 2011; First Nations Summit, 2011, pp. 4, 8, 15-16). Furthermore, many saw an educative purpose in an inquiry – an opportunity to learn from the mistakes surrounding this case in order to direct future action – and, thus, community and political organizations saw an inquiry as an important political opportunity to help shape the direction of this future action (February 14th Annual Women's Memorial March, 2011; First Nations Summit, 2011; Native Women's Association of Canada, 2011b, p. 3, 2012a, p. 2; Walia, 2011).

Significantly, indigenous groups also saw an inquiry on the Missing Women cases as an opportunity to engage the state on related indigenous issues: in the case of NWAC, for example, an opportunity to address the issue missing and murdered Aboriginal women and girls (Native Women's Association of Canada, 2011c, 2012a). In the case of the First Nations Summit (FNS), an opportunity to address ongoing discrimination against indigenous peoples within the Canadian criminal justice system (First Nations Summit, 2011). Thus, for many of the families and friends of Missing Women, as well as the community and political groups (indigenous-focused included), an inquiry was perceived as a necessary measure for achieving social justice not only for the Missing Women and their families, but also for those

who, like the women, were marginalized in Canadian society and remained vulnerable to violence.

However, as outlined in chapter two, scholars have argued that Commissions of Inquiry operate as governmentalities intended to reinforce state power and authority (Ashforth, 1990) – and within the settler colonial context of the contemporary Canadian state, this also means reinscribing colonial domination (Monture-Angus, 1999; S. Razack, 2014; S. H. Razack, 2012). Commissions, they contend, constitute highly state-controlled and colonizing political processes that constrain the extent to which either settler colonialism or its violence can be acknowledged or addressed – which in turn, constrains the ability of indigenous peoples to name settler colonialism and the Canadian state’s complicity in violence against indigenous peoples and, thus, secure any measure of social justice through a Commission of Inquiry (Monture-Angus, 1999; S. Razack, 2014; S. H. Razack, 2012). Consequently, instead of making recommendations to dismantle settler colonial domination, Sherene Razack’s (2014; 2011, 2012) work demonstrates the Commissions frequently retreat to discourses of improvement and identifying how to best serve those who are vulnerable and marginalized. In this way, Commissions of Inquiry constitute inherently violent political encounters for indigenous peoples that simultaneously risk the sovereignty of indigenous nations and indigenous lives. At the same time, Foucault’s (1978) conceptualization of power reminds us that this is not a totalizing process, meaning that Commissions of Inquiry also constitute potentially perilous political encounters for the Canadian state in that they open the door for challenges, upheavals and reversals of power. As Renisa Mawani contends in her discussion of law as colonial archive (and she specifically includes in law Commissions of Inquiry (2012a, p. 356)), “every archive is the product of ongoing struggles over the

production, politicization, and institutionalization of knowledge” (p.342), and consequently, while “law and its archive may be forces that repress indigeneity...their power can also be undermined by what it seeks to repress”(p.352).

This section undertakes to trace the relations of power – specifically expressions of colonial power by the Canadian state and the political resistance of indigenous women – and the production of knowledge within the Missing Women Commission of Inquiry (MWCI), both in terms of its process and the analyses and recommendations contained within its final report. The MWCI, this analysis demonstrates, constituted a highly state-controlled and colonizing political process in which indigenous women’s struggles for social justice would continually come up against the colonial desires of the contemporary Canadian state – and although they would sometimes secure political victories, they more often sustained significant losses. Thus, in line with the overall thesis for this study, these struggles represent the efforts of indigenous “warrior women” to undermine and disrupt an aggressively colonial Commission that sought, at every turn, to evict indigenous women and exclude their voices and perspectives from the process. Finally, examination of the final report of the MWCI demonstrates that although efforts were made to acknowledge colonialism, racism, and patriarchy, the analyses and recommendations ultimately dissolve into colonial discourses of vulnerability and improvement that do little to challenge or change the existing relations of ruling secured through these systems of oppression. Importantly, this analysis suggests that both indigeneity and prostitution (actual and/or perceived) were integral to the colonizing processes of the MWCI.

Fighting to be heard: Indigenous women, colonial power, and the MWCI

From the beginning, the Canadian state (at all levels) struggled to maintain firm control over the process of the MWCI and mitigate its culpability in these matters – and this included repeated attempts to exclude indigenous women and indigenous groups from participating in the Missing Women Commission of Inquiry (MWCI). The First Nations Summit (FNS) claimed, for example, that despite a willingness on their part to be involved, the Province of British Columbia never consulted with them on any aspect of creating the MWCI – “not the terms of reference, or the appointments of the Commission or Commissioners” (2011, p. 7). Indeed, the FNS’s willingness to be involved was more than intention: the group has met on several occasions with then Attorney General for BC and future MWCI Commissioner Wally Oppal to discuss terms of reference, and had provided optional draft references that were, ultimately, rejected by the Province of British Columbia (First Nations Summit, 2011, p. 7). The result, however, were narrow terms of reference that severely constrained the scope of the inquiry. Under the state’s mandate, the MWCI was limited to examining the police investigation into the Missing Women cases from 23 January 1997 (when the First Nations Summit first provided a list of missing women to the Vancouver Police Department (VDP) (Oppal, 2012c, p. 142)) until Pickton’s arrest on 5 February 2002; and the 27 January 1998 decision of the Criminal Justice Branch of BC to enter a stay of proceedings on charges, including attempted murder, assault with a weapon, forcible confinement and aggravated assault, against Pickton in relation to an attack on a woman at his farm in late 1997 (which effectively allowed him to kill for five more years) (2012b, pp. 6-7). Furthermore, the MWCI was only permitted to make recommendations in regards to the initiation and conduct of investigations in British Columbia of missing women

and suspected multiple homicides, and in terms of better coordinating investigations between multiple task forces (the Missing Women cases were jointly investigated by the VPD and various branches of the RCMP) (Oppal, 2012b, pp. 6-7).

Thus, while these terms of engagement secured for families and organizations an examination of police accountability in the Missing Women cases, they also attempted to foreclose other critical examinations, such as the role of the federal government and/or the Province of British Columbia and/or the local government for the City of Vancouver in the failures surrounding these cases; or the actions of the police in the time prior to 1997 (Missing Women cases date back to 1978) or their handling of the investigation after the arrest of Pickton – and not only in terms of the investigation of Pickton following his arrest on 5 February 2002, but also the investigation of the thirty-four cases unresolved by the Pickton investigation¹. They also appeared to foreclose consideration of the Missing Women cases within the context of the contemporary phenomenon of missing and murdered women and girls in Canada, as sought by groups including NWAC. Furthermore, the containment of recommendations to the Canadian criminal justice system eliminated consideration of other state and non-state options for preventing violence and/or repeating the failures made in regards to the Missing Women cases. This emphasis on the Canadian criminal justice was particularly problematic for indigenous nations given both the role of the Canadian criminal justice systems in establishing and maintaining colonial domination (this, after all, was the concern expressed by the First Nations Summit, previously cited), and the goal of indigenous sovereignty and self-determination in handling justice issues for indigenous communities.

Despite widespread disappointment about these narrow terms of reference, the families and organizations, Bennett, Eby, Govender, and Pacey claim, “remained

committed to the Inquiry and its potential to create positive change” (2012, p. 18). However, this didn’t stop them from attempting to get Commissioner Oppal and the Province of British Columbia to broaden the MWCI’s mandate. During pre-hearing conferences held with the public in both the DTES and the northern BC city of Prince George (in an effort to contextualize the Missing Women cases within broader patterns of missing and murdered women and girls and, specifically, the deaths and disappearances of women and girls along Highway 16, the “Highway of Tears”) in January 2011, many participants stressed the need for Commissioner Oppal “to take as broad an approach as possible within these limitations” (Oppal, 2012b, p. 7). However, instead of seeking a broadening of its terms of reference, Commissioner Oppal sought and secured an expansion of the “mechanics” of the Inquiry: from solely a “hearing commission” (which can only consider information and recommendations that are presented to the commissioner through evidentiary hearings) to include a “study commission” (which can gather material from independent research, interviews and public consultation) (Oppal, 2012a, p. 7).

While this political move by Oppal certainly created new avenues for public participation in the MWCI, the Province of British Columbia subsequently undercut these efforts by refusing to provide funding for participants. In a 2 May 2011 ruling, Oppal granted official standing to eighteen groups to appear before the Commission, including the families of some of the women²; the Vancouver Police Department and Vancouver Police Board; the Royal Canadian Mounted Police; a Coalition of Sex Worker-Serving Organizations, the Assembly of First Nations (AFN); the First Nations Summit (FNS), and the Native Women’s Association of Canada (NWAC) (2012a, pp. 8-9). According to the Commissioner, thirteen of these applicants had demonstrated that, without funding, they would not be able to

participate in the hearing portion of the Commission, and, consequently, he recommended to the Attorney General of BC that they receive financial assistance from the State. However, on 19 May 2011, the Attorney General announced that only one of the applicant groups (the families of Missing Women as represented by lawyer Cameron Ward) would receive funding (Oppal, 2012a, p. 9). This was an unprecedented political decision: no previous inquiry in Canadian history had refused to fund participation of interested parties (Bennett, et al., 2012, pp. 23,24; Native Women's Association of Canada, 2011b, pp. 5, 9; Roach, 2011); and although Oppal asked the government to reconsider, the Province of British Columbia refused (Oppal, 2012a, p. 9).

The provincial government's ruling was met (not unexpectedly) by outrage and resistance from the groups granted standing, for without funding, most of these groups wouldn't be able to participate. According to Bennett, Eby, Govender, and Pacey, many of these groups required this funding for legal counsel: "without legal representation," they argued, "it was simply impossible for under-resourced nonprofit organizations to manage the enormous volume of document disclosure, the months of hearings and the complex legal issues that would arise" (2012, p. 24). Furthermore, they claim, "adequate funding for legal counsel was particularly important because the process would be highly adversarial, as police and government interests were well represented by teams of publicly funded lawyers from some of Canada's largest law firms" (Bennett, et al., 2012, p. 24). In an attempt to mitigate the situation, Commissioner Oppal appointed two "independent" counsel, one representing the interests of Downtown Eastside groups, and one representing Aboriginal interests (Bennett, et al., 2012, p. 1; Native Women's Association of Canada, 2011b, p. 7). However, as Bennett, et al. contend, this only compounded the problems because not only had Oppal

failed to consult indigenous communities in selecting a lawyer to represent their interests, but also it assumed that a single lawyer could effectively represent the diverse voices of indigenous peoples (2012, p. 7). Thus, once again, the MWCI had moved to exclude and silence the perspectives of indigenous women and other marginalized groups.

Once again, indigenous women and their communities took a stand. In June 2011, the Assembly of First Nations (AFN), the Union of British Columbia Indian Chiefs (UBCIC), First Nations Summit, Carrier Sekani Tribal Council, and the Native Courtworker and Counselling Association of British Columbia, appealed to the Attorney General to reverse its decision. They claimed that the decision not to fund was another “case of the Christy Clark government speaking on behalf of Aboriginal peoples subsequent to deliberately muzzling our voices” and that “Aboriginal peoples will have no confidence, trust, or respect in a Commission which does not include their voice” (Assembly of First Nations, Union of BC Indian Chiefs, First Nations Summit, Carrier Sekani Tribal Council, & BC, 2011, p. 1). Despite these warnings, the Attorney General refused to reconsider (Bennett, et al., 2012; Walia, 2011).

Later that year, the Native Women’s Association of Canada (NWAC) launched a challenge of the Province’s refusal of funding through the UN – a strategy familiar to them through their work on the both sex discrimination in the *Indian Act* and the Sisters in Spirit Initiative. On 9 September 2011, NWAC filed an “urgent appeal” to UN Special Rapporteurs on Violence Against Women, the Rights of Indigenous Peoples, and the Independence of Judges and Lawyers. The organization claimed that the refusal of the Province of British Columbia to fund NWAC’s participation in the MWCI constituted “discriminat[ion] against Aboriginal women on the basis of sex and Aboriginality (p. 2). Their claim was based on

several grounds: first, funding the participation of the VPD, the Royal Canadian Mounted Police (RCMP), and the Criminal Justice Branch of the Attorney General's Ministry in the MWCI while denying funding to NWAC constituted an unfair privileging of the state and its perceptions about the Missing Women cases while excluding NWAC and the perspectives of indigenous women (Native Women's Association of Canada, 2011c, pp. 8-9). Second, because the decision not to fund participation in the MWCI was unprecedented, NWAC argued that these groups were being treated differently than other groups granted standing in other inquiries, and this was discrimination (Native Women's Association of Canada, 2011c, pp. 9-10). Third, NWAC argued that the appointment of "independent" counsel "add[ed] another layer to the discrimination" because "Aboriginal women [were] now in the position of having their "interests" represented by counsel who owe them no responsibility, over whom they have no control, and whom they did not instruct" (Native Women's Association of Canada, 2011c, p. 10). Furthermore, they argued that the substitution of "Commission-appointed counsel to speak for Aboriginal women" treated NWAC and the women it represents as "children of the state, neither fully able to have a voice of their own nor meriting an equal voice with state actors whose conduct is under scrutiny" (Native Women's Association of Canada, 2011c, p. 10). Fourth, NWAC claimed that the decision not to fund constituted a denial of their "right to participate in deliberations which affect their fundamental interests and the fulfillment of their rights" protected by article 18 of the UN *Declaration on the Rights of Indigenous Peoples* (which guarantees indigenous peoples the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves) and article 7 of the *Convention on the Elimination of All Forms of Discrimination Against Women* (which guarantees women the right to

participate in the formation of government policy) (Native Women's Association of Canada, 2011c, p. 11). Finally, the organization claimed that “denial of funding for legal counsel robs NWAC of the capacity to claim and exercise the right of Aboriginal women and girls to personal safety and to equality” (Native Women's Association of Canada, 2011c, p. 12). To remedy the situation, NWAC asked the Special Rapporteurs to “urge Canada to ensure, through whatever means necessary, that NWAC receives funding for legal counsel so that NWAC may participate fully in the Inquiry” (Native Women's Association of Canada, 2011c, p. 12). However, without the legal “teeth” to force Canadian compliance with its international treaties (and also likely related to the colonial agendas operating at the UN outlined in the previous chapter), this appeal to the UN failed to secure funding of NWAC (K. Rexe, *personal communication*, 5 May 2014).

At around the same time, NWAC was also part of a joint effort between the groups denied funding, the families of some of the Missing Women, and allied political organizations (including the Aboriginal Women’s Action Network (AWAN)) to petition BC Premier Christy Clark “to intervene in this broken process, meet with our organizations, hear our concerns, and take steps to ensure that the Commission lives up to its vital mandate to determine why so many women’s lives were lost and what can be done to prevent a recurrence of this tragedy” (Missing Women Commission of Inquiry Coalition, 2011, p. 2). In a letter to Clark, the groups claimed, “despite our unflinching desire for this Commission of Inquiry to succeed, and for our communities and organizations to be able to participate, the people and communities who are intended to be benefited by this process have been made to feel that their participation is not need, or even particularly desired” (Missing Women Commission of Inquiry Community Coalition, 2011, p. 3). This outcome, they argue, “will

negatively impact the findings and credibility of the Commission,” (Missing Women Commission of Inquiry Community Coalition, 2011, p. 3) and, thus, urged Premier Clark to “appoint someone senior within government to hold an emergency meeting with every group granted standing in this Inquiry...to determine how this Commission of Inquiry may be fixed” (Missing Women Commission of Inquiry Community Coalition, 2011, pp. 3-4). The Premier, however, refused to intervene (Scott, 2011, p. 1).

Unable to secure funding, all but two³ of the original eighteen groups granted standing to appear before the MWCI – including all of the indigenous groups – were forced to withdraw from participating in the hearings. The Commission did extend invitations to these groups to participate in the study component of the MWCI, including the six public policy forums scheduled for the first ten days of May 2012 in Vancouver (Native Women's Association of Canada, 2012b). The public policy forums, as described by a MWCI media release, were “an opportunity for interested members of the public to provide ideas and suggestions for practical reform and implementation strategies related to the phenomenon of missing and murdered women,” and, they stressed, “of equal importance to the hearings in the overall mandate of the Commission” (Missing Women Commission of Inquiry, 2012, p. 1). The public policy forums (PPF) were organized around six topics: the first PPF was titled, “Ensuring the Safety of Vulnerable Women”, which was subdivided upon three foci – (i) preventing violence against sex trade workers, (ii) preventing violence against Aboriginal and rural women, and (iii) building strong police-community relationships (Missing Women Commission of Inquiry, 2012, pp. 1-2); PPF 2 focused on vulnerable and intimidated witnesses in the criminal justice process; PPF 3 addressed improving missing person practices; PPF 4 dealt with inter-jurisdictional collaboration and coordination among police;

PPF 5 addressed policy accountability; and PPF 6 was titled, “From Report to Substantive Change – Healing, Reconciliation and Implementation” (Missing Women Commission of Inquiry, 2012, pp. 1-2).

However, instead of embracing the Commission’s conciliatory gesture to participate in the study components, many of the excluded groups refused and called for a boycott of what they now saw as a “Sham Inquiry” (Beniuk, 2012; February 14th Annual Women's Memorial March, 2011; Walia, 2011). In their letter of refusal to participate, NWAC argued that “[n]either the Inquiry nor the Government of British Columbia is likely to attach the same weight to submissions that are made in the policy forums,” and “Aboriginal women, and their organizations, should not be relegated to a secondary forum” (Native Women's Association of Canada, 2012b, p. 1). In a joint statement with the Downtown Eastside Women’s Center, the Women’s Memorial March Committee cited numerous reasons for not participating, including the “adversarial structure” of the MWCI “which forces women in the Downtown Eastside to rely on lawyers to defend them from rigorous cross examination” by other Commission lawyers; the failure of the Province of British Columbia to fund the participation of community groups; the “total disregard for vulnerable witnesses”; the over-protection of the police in the Inquiry (who were provided state funding for lawyers); the lack of transparency and fairness in the Commission’s handling of the Inquiry; the inability of the two appointed “independent” counsel to represent the diverse interests of Downtown Eastside groups and indigenous peoples; and that the study commission was “not a replacement for full and meaningful participation in the Inquiry” (February 14th Annual Women's Memorial March, 2011, p. 3).

The evidentiary hearing component of the MWCI began on 11 October 2011, and on that date and every day for the next month, indigenous women and their allies protested outside of the downtown Vancouver high-rise where the hearings were being held (Bennett, et al., 2012, p. 5; Walia, 2011, p. 1). Thus, despite being excluded from the formal hearings, these women demanded to be heard. However, as the hearings progressed, indigenous women and indigenous groups would once again find themselves being excluded by the state. On 5 March 2012, Robyn Gervais, the Métis lawyer that Oppal had appointed in August 2011 as “independent” counsel representing Aboriginal interests, resigned from her position, citing the delay in calling Aboriginal witnesses, the failure to provide adequate hearing time for Aboriginal panels, the lack of ongoing Aboriginal community support and the disproportionate focus on police evidence as her reasons for withdrawing (Gervais, 2012, p. 1). Although Gervais was immediately replaced by Suzette Narbonne, a former staff lawyer for Legal Aid Manitoba, and Elizabeth Hunt (Kwakiutl), a specialist in Aboriginal law including treaty negotiations and residential school claims (Lewis, 2012), NWAC cited Gervais’ resignation “as further evidence of discrimination against aboriginal women” at the MWCI (Native Women's Association of Canada, 2012c, p. 1). In a press release addressing the resignation, the group highlighted the inequity of legal representation at the MWCI, where twenty-five publicly funded lawyers represented police and government, while only two publicly funded lawyers were provided to family, and no publicly funded lawyers were “retained and instructed by Aboriginal parties” (Native Women's Association of Canada, 2012c, p. 1). NWAC also claimed that the Commission had “placed Ms. Gervais in an untenable position”: “in her “independent counsel” position, Ms. Gervais was expected to represent “Aboriginal women” but had no Aboriginal client, and could not seek or take

instructions from an individual Aboriginal woman, or any Aboriginal women's organization" (Native Women's Association of Canada, 2012c, p. 1). Gervais's resignation and her reasons for doing, the groups contended, "confirmed NWAC's fear that this Inquiry will not provide answers to the ongoing discrimination against Aboriginal women and girls that threatens their safety and their lives" (Native Women's Association of Canada, 2012c, p. 2).

The evidentiary hearings of the MWCI ended on 6 June 2012, and like the first day, were protested by indigenous women and their allies (Hong, 2012, p. 1). Despite every effort by the state or the Commission to systematically exclude them, indigenous women fought to the very end to be heard. What remained to be seen, however, was whether or not Commissioner Oppal had heard

Forsaken: Indigenous women, prostitution, and the final report of the MWCI

Although submitted by Commissioner Oppal to the Province of British Columbia on 15 November 2012, the final report of the MWCI wasn't released for over a month (no doubt to give the government time to review and formulate an initial response to the report) until 17 December 2012. The final report is extensive, composed of four separate volumes encompassing 1232 pages. Overall, Oppal concluded "that the initiation and conduct of the missing and murdered women investigations were a blatant failure" (2012c, p. 3). He identified seven "critical police failures" "that had a detrimental impact on the outcomes of" these investigation, including (1) poor report taking and follow-up on reports of missing women; (2) faulty risk analysis and risk assessment; (3) inadequate proactive strategy to prevent further harm to women in the DTES; (4) failure to follow Major Case Management practices and polices; (5) failure to consider and properly pursue all investigative strategies;

(6) failure to address cross-jurisdictional issues and ineffective coordination between police forces and agencies; and (7) failure of internal review and external accountability mechanisms (Oppal, 2012c, p. 7). Significantly, although Oppal concluded that “there was no evidence of institutional bias in the VPD or RCMP,” he did argue that there was “systemic bias in the police response,” including an allowance of “faulty stereotyping of street-involved women in the DTES to negatively impact missing women investigations; a “failure to take the nature of the women’s lives into account” in policing strategies; and a “failure to prioritize and effectively investigate the missing women cases” (Oppal, 2012d, pp. 289-290).

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Given that scholars have identified Commissions of Inquiry as settler governmentalities that rarely address colonial domination (Monture-Angus, 1999; S. H. Razack, 2011, 2012), the final report of the MWCI is unusual in its recognition of colonialism and other dominant systems of oppression as central to the violence involved in the Missing Women cases. The Missing Women, the report suggests, “were forsaken twice: once by society at large and then again by police” – “the pattern of predatory violence was clear and should have been met with a swift and severe response by accountable and professional institutions, but was not” (Oppal, 2012b, p. 4). “Thousands of women are reported missing every year in Vancouver alone,” Commissioner Oppal contends and “one of the greatest challenges facing police is to correctly assess the risks for each missing person and to act accordingly” (2012b, p. 5). But this commission, he notes, “is dealing with a specific category of missing persons. Here the common factor is that victims are socially and economically marginalized women, which makes them highly vulnerable to all kinds of violence, including serial predation” (Oppal, 2012b, p. 5). According to Oppal,

Many social factors contribute to an individual or group being marginalized or vulnerable including a history of being subjected to abuse and violence, health issues, drug and alcohol abuse, mental illness, economic insecurity, housing

issues and homelessness, sex discrimination and racism. These factors often cluster together, causing increased vulnerability and marginalization. This dynamic has been referred to as a cycle of distress (2012b, p. 78).

Because the Missing Women simultaneously belonged to marginalized social groups, the report concludes, they were subject to “our collective complacency, of public and political indifference” which “contribut[ed] to the abandonment of this group of women” (Oppal, 2012b, p. 7).

As part of this discussion, the report foregrounds the plight of indigenous women and girls and the role of settler colonial domination. Reflecting the political demands of indigenous women and their communities, Oppal prefaces his analysis of the Missing Women investigation by locating this violence within broader international and national violence trends, including the contemporary phenomenon of “missing and murdered Aboriginal women and girls”. Notably, he draws attention in this section to the research and political efforts of several indigenous women’s groups including NWAC and Sister sin Spirit (Oppal, 2012b, pp. 24-27), Walk4Justice and their database of information on missing and murdered indigenous women and girls (p.27), and the February 14th Annual Women’s Memorial March (p,29). “Aboriginal women,” Commissioner Oppal notes, “experience higher levels of violence in terms of both incidence and severity and are disproportionately represented in the number of missing and murdered women across Canada” (2012a, p.14). He explains that “Aboriginal women as a group have a heightened vulnerability to violence simply because they live in “a society that poses a risk to their safety” (2012a, p. 14). This risk, Oppal contends, is the result of colonialism. He writes,

The over-representation of Aboriginal women within the women who disappeared from the DTES must be understood within the larger context of the legacy of colonialism in Canada – a legacy of racism, colossal neglect, violence and abuse. I use the term colonialism as a global descriptor for the relationship between Aboriginal peoples and successive governments in Canada. The history of this unjust relationship has been extensively documented by the RCAP and others and has been acknowledged to some extent, including through a formal apology from the Prime Minister on behalf of the Government of Canada. Canadians are currently in an active process of recovery and reconciliation from the damage caused through colonialist policies including, for example, through the work of the Truth and Reconciliation Commission of Canada” (Oppal, 2012b, p. 94).

Oppal contends that “[c]olonialism refers to the fact that the movement of white settlers into and across Canada was not a benign process” and “the colonial imposition of a new social and economic order was coupled with a prevailing spirit of disregard for Aboriginal peoples and resulted in a devastating set of social and political consequences: dislocation, dispossession, erasure, decimation of populations and pernicious racism” (Oppal, 2012b, p. 95). “The long term impact of these colonialist policies,” he argues, “continues to be keenly seen and felt by the overrepresentation of Aboriginal peoples in nearly every measured indicator of social and physical suffering in Canada” (Oppal, 2012b, p. 96).

The final report also draws attention to the role of prostitution as contributing to marginalization and vulnerability of the Missing Women. “The women who went missing from the Downtown Eastside,” Commissioner Oppal writes, “were caught in [a] cycle of distress and were further marginalized by their involvement in the survival sex trade,” which

he defines as “exchanging sex for money to meet basic subsistence needs” (2012b, p. 98). In his discussion of the survival sex trade, Oppal cites Canadian prostitution scholar John Lowman’s claim that those involved in the survival sex trade are “the most vulnerable to violence by clients or men posing as clients” (2012b, p. 101). Indeed, to highlight this vulnerability, Oppal provides an detailed contextual account of the high rates of violence perpetrated against prostitutes in Canada, the United States, and the United Kingdom in the introduction to his report (2012b, pp. 15-19, 21-23). In this regard, Oppal also indicts the “contradictory nature of prostitution laws in Canada” (2012b, p. 100) and problematic policing strategies that emphasized the containment of the survival sex trade to the Downtown Eastside “compounded the women’s vulnerability” (Oppal, p. 98) (further discussion of this position is undertaken later in this section). Drawing on the testimony of Lowman and other prostitution experts (health researcher Dr. Thomas Kerr and Downtown Eastside street nurse Catharine Astin), the Commission report suggests that the vulnerability of women involved in the survival sex trade is exacerbated by mental health issues, addictions, and histories of sexual trauma (Oppal, 2012b, pp. 102-103).

However, while Commissioner Oppal acknowledges that “eradicating the problem of violence against women involves addressing the root causes of marginalization, notably sexism, racism and the ongoing pervasive effects of the colonization of Aboriginal peoples,” he rules consideration of these “beyond the scope of the Inquiry” with the exception of when “these broader social dynamics intersect with crime prevention and law enforcement” (2012b, p. 5). Thus, although colonialism is identified as contributing the “vulnerability” of indigenous females to violence, there are no recommendations of decolonization or, especially, the regeneration of indigenous sovereignty and self-determination. There are no

recommendations that the Canadian state compensate or return to indigenous peoples the land and resources it has stolen, and which has contributed to the economic poverty and marginalization that the MWCI identified as contributing to the vulnerability of indigenous women . Likewise, there are no recommendations directed towards undoing the racism and sexism that the report claimed was required to end violence against indigenous women and girls.

Instead, Oppal's recommendations remain committed to improvement and identifying how best to respond to marginalized and vulnerable populations, which focus on settler colonial reconciliation, community consultation, and improvements to policing. For example, the Commission recommends that, in order to undo the harms to relationships caused by its handling of the Missing Women case, that "the Provincial Government appoint two advisors, including one Aboriginal Elder to consult with all affected parties regarding the form and content of apologies and other acknowledgement required as a first step in the healing and reconciliation process"; and that the same be done "regarding the structure and format of this facilitated reconciliation process" between all communities affected by this violence; and the creation of a "healing fund" for families of missing and murdered women (Oppal, 2012a, pp. 52-53).

It is deeply ironic that given its vicious exclusions, the Commission's recommendations stress the importance of community consultation: for example, in his recommendations surrounding the Provincial Government's responsibility to apologize to and seek reconciliation with communities affected, Oppal stresses that an "Aboriginal Elder" be involved in determining the form of each of these process (2012e, pp. 52-53, 217). In terms of "equality-promoting measures," he recommends equality audits of police forces in

BC “with a focus on police duty to protect marginalized and Aboriginal women from violence” that are “carried out by an external agency *and* with meaningful community involvement” (Oppal, 2012e). His recommendations around protecting vulnerable women in the sex trade also encourage “police-community partnerships” (Oppal, 2012e, p. 111) and calls on “all police forces in British Columbia [to] consider developing and implementing guidelines on the model of the Vancouver Police Department’s Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction” (Oppal, 2012e, p. 112; emphasis added). One interpretation of this inclusion might highlight the empowerment of the voices of marginalized women in future response and the potential for anti-oppressive responses. However, this inclusion can be equally understood as neoliberal multicultural inclusion, in which the perspectives of a small number of “marginalized” (or different) populations are taken under consideration as possible guidance for state response – and stressing on possibly. Furthermore, such recommendations amount to accommodation of difference instead of the radical revisionings and changes required to undo the workings of systems of oppression within these systems.

Finally, the Commission’s recommendations move to improve police response to violence, including changes to missing person standards (2012a, p. 177); the creation and maintenance of a provincial missing persons database and a 1-800 number for taking missing persons reports (p. 178); that the Provincial Government of British Columbia enact missing person legislation to grant speedy access to personal information of missing persons (p. 185); and commitment “to establishing a Greater Vancouver police force” (p. 198). Notably, police recommendations serve the Canadian state in two important ways: first, it is aligned with the prevailing neoconservative politics, especially at the federal level (which oversees the

RCMP) and Stephen Harper's notorious "tough on crime" political agenda (Mallea, 2010, 2011; Nadeau, 2010). Second, failing to recognize the police as a mechanism of settler colonial security (and, thus, an expression of colonial power) and, instead, upholding its authority to "police," the recommendations, by extension, reaffirm the existence and authority of the contemporary Canadian state and, thus, the settler colonial domination essential for its existence.

And what recommendations did the MWCI make in regards to prostitution? From the outset, the Commission depoliticized the issue:

The Commission acknowledges the ongoing political and philosophical debate surrounding the use of the terms "sex worker" and "sex trade" versus "prostitute" or "prostituted woman" and "prostitution" which tracks the language of the Criminal Code. The legality of various aspects of the sale of sex continues to be argued before the courts in Canada. While we recognize that those on different sides of this debate find the use of one or another term pejorative, the Commission does not take a position on this issue (Oppal, 2012b, p. 12).

Consequently, while the Commission argues that the Canadian legal regime surrounding prostitution endangered the Missing Women, Commission Oppal concedes that "the Commission's mandate does not extend to an assessment of the validity of prostitution laws in Canada...I do not take a position for or against the current legal regime and nothing contained in this report should be interpreted as commenting either directly or indirectly on this point" (2012b, p. 98). Thus, the only recommendations concerning prostitution are made through law and policing, including the creation of police-community partnerships and strategies for "enhancing the safety of women involved in the survival sex trade" (Oppal,

2012b, p. 111), and the establishment and creation of a working group by the Provincial Government's Minister of Justice "to develop options of enhance legislative protection for exploited women" (p. 112). Commissioner Oppal also appeals to the state to "provid[e] [immediate] funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours a day" (p. 216). None of these options, however, address colonialism, racism, and sexism and, thus, "the source of the attitudes that make it acceptable to abuse and murder prostitutes" (S. H. Razack, 1998b, p. 375). Consequently, although the Commission's recommendations around prostitution might theoretically improve police responses to violence against those involved in prostitution, they do little to dismantle the systems of oppression that make this violence possible in the first place.

Conclusion

Although I do not want to dismiss or diminish the importance of the MWCI for the families of the Missing Women, this analysis raises significant concerns about its ability to affect the social changes required to end a repeat of such violence. As an expression of settler colonial governmentality, the MWCI not only virtually eliminated any input and knowledge from those most affected by this violence, such as indigenous women, but also appropriated their perspectives on the role of dominant systems of oppression (colonialism, racism, sexism) in this violence, only to exonerate them through the stock colonial commission discourses of vulnerability, systemic bias, and the challenges of policing. Consequently, its recommendations do little to dismantle the dominant systems of oppression that make this violence, but also the state's abandonment of these women to this

violence, possible in the first place. In other words (or in the words of Commissioner Oppal), the MWCI has ultimately “forsaken” the Missing Women and women, generally, to the violence of colonialism, and sexism.

These findings not only raise questions about efficacy of the MWCI, itself, but also about the appropriateness of Commissions of Inquiry as state-sponsored anti-violence responses to violence against indigenous women (and, in fact, indigenous peoples generally). If Commissions of Inquiry operate, as this and Razack’s (2012, 2014) analyses suggest, as expressions of state power intend to “memorialize” – practice and reaffirm – settler colonial domination, then they largely operate against decolonization and the regeneration of indigenous sovereignty and self-determination and, thus, ending violence against indigenous women and girls. Consequently, unless indigenous women can find ways to undermine and disrupt these colonizing effects (a discussion undertaken in the conclusion of this thesis), Commissions of Inquiry represent a political option that is not only politically perilous for indigenous nations, but life-threatening for indigenous women and girls.

Prostitution and the violence that surrounds it have long over-determined indigenous women’s lives. As noted by the Commission, the Missing Women were “available” to perpetrators like Pickton because of the effects of colonialism, racism, and sexism that had brought them to the streets of Vancouver’s Downtown Eastside and prostitution (Oppal, 2012b, p. 78). It was also these systems of oppression that provided, as Razack writes, “the source of the attitudes that make it acceptable to abuse and murder prostitutes” (1998b, p. 375). Police abandonment of the women to violence was justified through indigeneity and prostitution: for example, as noted in the final report of the MWCI, the families of individuals were rebuked in their attempts to secure police assistance through racist treatment

of indigenous families and comments about the lack of interest in looking for “hookers” (2012c, pp. 85, 102, 204, 2012d, pp. 12, 19, 21, 24). Finally, a discourse of vulnerability enabled through indigeneity and prostitution facilitated the colonizing effects of the Commission process that ultimately resulted in recommendations that failed to undo the systems of oppression that made this violence possible. Within the settler colonial context of Canadian society, indigeneity and prostitution have been employed in interlocking ways to denigrate indigenous femininity and, therefore, justify violence against indigenous women and girls, and violent colonial interventions in indigenous communities and nations – and the Missing Women cases and the MWCI are no different. Thus, given the centrality of prostitution to enabling the dehumanization of indigenous women and, therefore, violence against indigenous women and girls and violent colonial control and interventions, indigenous women should seriously question our ongoing acceptance and tolerance of prostitution in our societies.

1 Of the sixty-eight women included on the official list of Missing Women cases, one (Laura Mah) was determined to have died of natural causes, and the DNA of thirty-two of these women (plus one Jane Doe) were found on the Pickton Farm (Oppal, 2012b, p. 33). Thus, the deaths and disappearances of thirty-four of the missing women remain unresolved following the investigation of Pickton.

2 The women whose families were granted standing included Dianne Rock, Georgina Papin, Marnie Frey, Cynthia Dawn Feliks, Cara Ellis, Mona Wilson, Helen Mae

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- Hallmark, Dawn Crey, Angela Williams, Jacqueline Murdock, Brenda Wolfe, Andrea Josebury, Elsie Sebastian, Heather Bottomley, Andrea Borhaven, Tiffany Drew, Angela Jardine, Stephanie Lane, Tanya Holyk, Olivia Williams, Debra Jones, Janet Henry, Marie Lorna Laliberte, Serene Abotsway, Dianne Melnick, Marcella Creison, and Patricia Johnson (Oppal, 2012a, p. 8).
- 3 The two groups were VANDU (Vancouver Area Network of Drug Users) and the CRAB – Water for Life, a society committed to protecting Vancouver public parks and spaces (Oppal, 2012a, p. 10).

Chapter Six

Conclusion

We Count the Dead

Each chapter in this thesis represents a different installment in putting colonial gendered violence on the record, each period demanding a differently crafted response that constantly comes up against the state's tactics. The first chapter focused on the Canadian state politics organized around family violence that developed in the 1980s and 1990s, examining four major state-sponsored reports authored by indigenous women on the topic in order to ascertain what emerged as the official record of indigenous women's anti-violence positions, as well as their potential operation as governmentality. While providing a critical opportunity for indigenous women to participate in state-sponsored anti-violence responses that might help address the epidemic violence plaguing indigenous families across Canada, the politics of family violence also posed a significant political risk for indigenous women and their communities, as the Canadian state has long relied on the pathologizing of indigenous families to justify violent interventions in indigenous communities (the *Indian Act*, residential schools, child welfare apprehensions) in order to secure settler colonial domination over indigenous peoples and lands (Cull 2006; Ing 2006). Within these reports, indigenous women made some brilliant political maneuvers and secured a number of remarkable political achievements. To avoid the pathologizing of indigenous families, indigenous women produced a codified account of the role of settler colonialism and Canadian state domination – what I refer to as “history lessons” – in producing the high rates of violence experienced within indigenous families. This was a momentous achievement not

only because indigenous women had been able to inscribe colonial domination on the official state record during their first major forays into the state politics of family violence, but also because they had done so in a unified voice. Even more impressive, through their discussions of indigenous self-determination, indigenous women held indigenous males to account for their participation in patriarchal domination while never ceding their political ground on colonialism. In doing so, they linked the battles against colonialism and patriarchal domination and, thus, introduced a new feminist paradigm within the state politics of family violence that moved beyond the mainstream feminist/women's movement solitary focus on patriarchy operating at the time. Indigenous women also showed remarkable awareness of the risks involved in relying on the Canadian criminal justice, which has historically over-criminalized indigenous peoples (Hylton, 2002; Monture, 2007), to address violence in indigenous families, and challenged this by demanding the creation of a separate, independent indigenous systems of justice. At the same time, these family violence reports revealed the effects of settler colonial governmentality through the replication of dominant discourses – trauma and healing, multiculturalism, and neoliberalism – that appear as logical pathways of resistance within the political context. These discourses focus on improving how the Canadian state responds to indigenous peoples: more healing responses for those experiencing family violence, more culturally-appropriate responses and cultural-sensitivity training for those responding to violence in indigenous families, and more funding. Significantly, they turn attention away from the root causes of violence and emphasize indigenous vulnerability at the expense of a focus on the effects of dispossession. Improvement remains the Canadian state's approach for addressing violence in this country.

The second chapter moved to the politics around missing and murdered Aboriginal women and girls that has developed in Canada since the 1980s through consideration of NWAC's Sisters in Spirit initiative. As this analysis demonstrated, the funding of SIS and, thus, the beginning of a formal state-sponsored political response to the issue of missing and murdered Aboriginal women and girls was achieved through the combination of indefatigable and clever politicking on the part of NWAC (such as seeking the support of the international political community in pressing the Canadian state to act), the growth of a national political movement led by indigenous women demanding justice for missing and murdered Aboriginal women and girls, and increasing mainstream societal awareness of the issue due to the attention on the Missing Women cases created through the arrest of Pickton (which, itself, was made possible through the political efforts of indigenous women) and the awarding of the 2010 Winter Olympics to the city of Vancouver. With a pittance of federal funding (five million dollars), NWAC crafted a formidable anti-colonial political response through the SIS initiative: it not only put colonial gender violence on the state record, but also provided statistical evidence of its scope in contemporary Canadian society. The initiative also challenged the settler state's preference for silencing its violence through extensive media and community outreach programs and educational initiatives. The only possible weakness in this response, this analysis suggests, were related to the life stories and the initiative's human rights frameworks: in the first case, the major weakness was the inability of others to hear or understand what NWAC hoped the life stories would achieve (i.e.: humanization of the women; an understanding of the lived dimensions of racialized, sexualized violence); and in the second case, this risk was posed by uninterrogated dimensions of settler colonial domination involved in the United Nations and its human

rights frameworks. However, the strength of the SIS initiative was met with opposition from the contemporary Canadian state – and logically so given the threat it posed to the colonial order of things. The result was a reduction in federal funding for phase two (“Evidence to Action”) of NWAC’s work on missing and murdered Aboriginal women and girls, the elimination of the SIS research components, and efforts to block the organization from using the Sisters in Spirit name (and, thus, connecting to the international reputation and political movement achieved through this work) in referring to their current work. Effectively, the Canadian state silenced Sisters in Spirit.

The final chapter was devoted to the politics of prostitution. The Missing Women cases were an important catalyst and focal point for many indigenous women’s anti-violence efforts, but it brought to the foreground the highly politicized and controversial issue of prostitution that held tremendous potential for politically dividing indigenous women and their communities. Yet it was critical for indigenous women to address prostitution: settler colonial discourses of indigenous female promiscuity (the myth of the squaw) have long enabled the conflation of indigenous femininity with prostitution in order to justify state domination and control of indigenous females, their nations, and their territories. Furthermore, indigenous females are currently numerically overrepresented in the sex trade across Canada, and many indigenous women have gone missing or been murdered while working as prostitutes. The result, as this analysis suggests, is that the most prominent and circulated political perspectives on prostitution produced by indigenous women – those of Jessica Yee Danforth of the Native Youth Sexual Health Network, the Aboriginal Women’s Action Network (AWAN) and NWAC – have replicated the predominant theoretical/political divide within the mainstream feminist/women’s movement between understanding

prostitution as profession (as advanced by Danforth) or as violence (AWAN and NWAC). Although Danforth's politics of sex work addresses the issue of colonialism and demands protection for those involved in the sex trade, it also relies heavily on the dominant discourses of neoliberalism to construct sex workers as ideal autonomous neoliberal subjects with the right to choose prostitution as profit-generating employment. However, as critics have argued, neoliberal discourses of individualism and choice elide and, thus, reinforce the ongoing role of dominant systems of oppression (colonialism, racism, sexism) in society and the hierarchal social relations they sustain (W. Brown, 2005; Connell, 2010; Giroux, 2004). Danforth's politics of sex work also requires the fixing of other forms/spaces of prostitution (forced prostitution, the survival sex trade) in order to distance sex workers from the bodies and violence involved in these forms/spaces to secure respectability (and, thus, potentially safety and security) for sex workers within mainstream society. In this way, this politics excludes these other prostitutes and elides the violence they experience in order to secure the right of sex workers to choose sex work. Furthermore, while Danforth's call for decriminalization would certainly address the over-criminalization of indigenous women in prostitution, it does little, as Sherene Razack notes, to dismantle "the source of the attitudes that make it acceptable to abuse and murder prostitutes" (1998b, p. 375). By comparison, the politics of prostitution as violence advanced by both AWAN and NWAC foreground the role of dominant systems of oppression in pushing indigenous women and girls into prostitution and the violence they experience while in the sex trade and, thus, call for its abolition as a means of dismantling these systems of oppression. Notably, because Danforth's politics reflect dominant neoliberal values and offer the attractive possibility of viewing indigenous women as agents and not as victims while still recognizing the need to actively protect those

working as prostitutes, she has received the widest acceptance in indigenous communities and mainstream Canadian society. By comparison, both NWAC and AWAN have faced political exclusion and silencing as a result of their prostitution as violence and abolitionist stances. The significance of this analysis of indigenous women's politics of prostitution is brought to light when one considers what this study revealed about the Missing Women Commissions of Inquiry. As a tightly controlled governmentality and expression of the Canadian state's settler colonial power, indigenous women had to fight against repeated attempts on the part of the state to exclude them and their perspectives from the process. And while the final report reveals that the Commission did indeed hear indigenous women – not only by locating the violence involved in the Missing Women cases within the context of the broader trend of violence against indigenous women and girls but also by naming colonialism, racism, sexism and prostitution as contributing to the marginalization and vulnerability of the Missing Women (and women like them) – it also reveals that the Commission committed in its recommendations to improvement – reconciliatory gestures with indigenous communities, community consultation, and improvements to policing – and, thus, not dismantling the dominant systems of oppression, including prostitution, that made this violence possible in the first place and that conditioned the response of the police and other state actors to missing and murdered Aboriginal women.

If these examinations of the experiences of indigenous “warrior women” have made anything abundantly clear, it is how the contemporary Canadian state's investment in settler colonialism (historical and ongoing) makes state-based anti-violence response not only politically dangerous, but potentially life-threatening for indigenous women and their nations. Settler colonial domination requires violence against indigenous peoples in order to

secure access to indigenous lands. The failure of the Canadian state to protect indigenous women and girls from violence is a crucial aspect of how settler states maintain control. During the 1980s and 1990s, in the politics of family violence, state indifference to violence against indigenous children is evident in complicity in residential schools, and in the Sixties Scoop, where indigenous children were removed from their communities and adopted into white families where they often encountered violence. By the 2000s, in the case of NWAC and Sisters and Spirit, the state monitored and controlled a growing political movement around missing and murdered Aboriginal women and girls. In the case of the Missing Women Commission of Inquiry, the state once again appears to respond to violence but limits how far it will go to confront it. As these chapters demonstrate, state-sponsored anti-violence responses are powerful sites of biopower and the perpetual recolonization of indigenous peoples and lands, involving the appropriation and use of our abused, our disappeared, and our dead women and girls to reinforce settler colonial domination.

However, the research reveals unequivocally the ability of “warrior women” to undermine and disrupt the colonizing effects of state-sponsored anti-violence. Indeed, Foucault’s theoretical work affirms that because power is not fixed, the potential for challenge and upheaval is ever-present – it is the reason that states work so hard through governmentality to ensure their ability to control and, thus, govern their populations. Within the politics of family violence, indigenous women introduced an anti-colonial analysis of violence, understanding that patriarchal violence against women could not be confronted without addressing settler colonial domination. The history lessons these warrior women insisted on recalled colonial violence and emphasized the need for indigenous self-determination. Nothing short of a new feminist anti-violence paradigm, warrior women

changed the landscape of feminist and indigenous politics through such analyses. In terms of missing and murdered Aboriginal women and girls, it was the ability of NWAC to produce such a strong anti-violence response that the settler colonial state did everything in its power to suppress and eliminate it. In terms of the Missing Women, it was demonstrated by the dogged determination of indigenous women to resist the exclusion of their issues and perspective from the MWCI and secure recognition of settler colonial domination within the official record of the Commission. While state-sponsored anti-violence response are overwhelming harnessed in the service of Canadian state settler colonial domination, there is room for these response to be wielded against the state in the battle to secure an end to settler colonial domination and, thus, violence against indigenous women and girls.

An important question remains: should indigenous women continue to pursue Canadian state-sponsored anti-violence responses in their efforts to end violence against indigenous women and girls? To some degree, ending violence against indigenous women and girls necessitates involvement with Canadian state in order to ensure the dismantling of its mechanism of settler colonial power that perpetuates and enables the domination of indigenous peoples and lands and violence against indigenous women and girls. The analyses in this chapter also demonstrate that some of our strongest anti-violence responses, such as NWAC's Sisters in Spirit initiative, wouldn't have existed without state funding. This being said, it is difficult to ignore how colonizing and violent these spaces are for indigenous women and their communities.

If indigenous women are to continue to engage in state-sponsored anti-violence response, a necessary starting point, as indigenous female academics and activists have made abundantly clear, must be decolonization: the dismantling of colonial systems of domination,

including the contemporary Canadian state, and the regeneration of indigenous sovereignty and self-determination (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993; Frank, 1992; Kuokkanen, 2012, 2014; LaRocque, 1994; Monture-Angus, 1995; A. Smith, 2005a, 2005b). Because violence against indigenous women is required to secure settler colonial domination, its destruction is necessary to ending violence against indigenous women and girls in Canada. State-sponsored anti-violence responses that fail to recognize and support indigenous self-determination will only be limitedly useful to indigenous women and their nations and more likely to reinforce the very systems that make violence against indigenous women and girls possible. At the same time, in pursuing indigenous self-determination, indigenous women (academics, activists) have demanded attention be paid to the operations of patriarchy, sexism, and gender violence our indigenous nations (Aboriginal Circle of the Canadian Panel on Violence Against Women, 1993; J. Green, 2007; LaRocque, 1994; A. Smith, 2005a; St. Denis, 2007; Sunseri, 2011). State-sponsored anti-violence responses, as such, need not only recognize, respect, and support decolonization and the regeneration of indigenous self-determination, but dismantle the systems of oppression like sexism and racism that dehumanize indigenous women and girls and, thus, make this violence possible.

Since decolonization and the regeneration of indigenous sovereignty and self-determination necessarily requires radical changes and relinquishments of power by the contemporary Canadian state, it is very unlikely that they will willingly accept the centering of indigenous self-determination in state-sponsored anti-violence response. Instead, it will likely require a great deal of political effort from indigenous women, indigenous nations, and their political allies to make this change possible – and these analyses offer a number of potential

options for doing so. One such strategy would be to withdraw completely from state-sponsored anti-violence responses, as Sharlene Frank did with the BC Task Force on Family Violence. Another option is for indigenous women to foreground analyses of dominant systems of oppression and recommendations directed at dismantling them in their political contributions to state-sponsored anti-violence response. This not only requires the persistent work of naming and challenging these dominant systems of oppression, but also an equally persistent critical self-reflection to ensure that our political discourses and strategies aren't inadvertently undermining these goals. As the analyses in this thesis demonstrate, it is too easy given the narrow constraints and complex negotiations involved in of state-sponsored anti-violence for indigenous women to employ discourses that, while appearing logical and even emancipatory given the social and political context, actually undermine the interrelated goals of ending violence against indigenous women and girls, and decolonization and the regeneration of indigenous sovereignty and self-determination. Being critically self-reflexive requires knowledge of dominant colonial discourses in order to be able to identify their manifestations in our anti-violence discourses and strategies, which can be secured through education and critical analyses and writings, such as this, on state engagement. It also requires a willingness on the part of indigenous women to take this hard look at our own anti-violence politics.

Another important strategy presented by the experiences of these warrior women has been the power of public opinion. Media and educational outreach to indigenous and non-indigenous communities has been integral to securing broader societal support and, thus state responses to violence against indigenous women and girls in Canada: NWAC, for example, employed a comprehensive media strategy in its efforts to secure funding for the

SIS initiative, and as did the indigenous women's organizations who fought to be part of the MWCI. Securing the political support of other groups "governed" by the settler colonial state (and thus amplifying the power of political resistance) can be a powerful means to social change, and by communicating the issues clearly and in properly contextualized ways (i.e.: that pay attention to dominant systems of oppression), indigenous women can begin to foster widespread support for their anti-violence efforts.

Finally, because an important component of ending violence against indigenous women and girls is regenerating indigenous self-determination, our political efforts clearly should not focus solely on state-sponsored anti-violence response but also the creation and implementation of community-based anti-violence responses and, thus, enactments of our self-determination. As indigenous female scholars have argued, there is something inherently problematic about relying on the settler colonial Canadian state to solve issues it is centrally responsible for creating and maintaining (Monture-Angus, 1995; A. Smith, 2005a, 2007; Turpel, 1993). As they suggest, indigenous peoples have "tools" of our own to address our significant issues like violence against indigenous women and girls, and as many of the anti-violence reports included in this study demanded, we need to develop these into self-determined anti-violence responses that are appropriate for the historical and cultural contexts of our individual indigenous communities.

In closing, I share a passage from white feminist scholar Andrea Dworkin:

We have been asked by many people to accept that women are making progress because one sees our presence in these places where we weren't before. And those of us who are berated for being radicals have been saying: "That is not the way we measure progress. We count the number of rapes. We count the women who are

being battered. We keep track of the children who are being raped by their fathers. *We count the dead.* And when those numbers start to change in a way that is meaningful, we will then talk to you about whether or not we can measure progress” (1997, p. 106; emphasis added).

Despite the many proclamations this discussion makes about what an ideal anti-colonial response to violence against Indigenous women and girls in Canada *should* look like, there is, ultimately, one overriding goal that should be used to assess the success or failure of our responses: the elimination of violence against indigenous women and girls. As the above quote from Andrea Dworkin suggests, the most tangible evidence that what we are doing is effective is seeing meaningful reduction (and, ultimately, elimination) in rates of violence against indigenous women and girls. Indeed, we should be unwilling to accept anything less than the elimination of violence as evidence of our success. This is particularly true if, as AWAN (2011) suggests, our ultimate goal is a collective definition of freedom and the elimination of privilege made possible through the oppression and violation of others. After all, if our anti-violence efforts only provide safety and security for *some* indigenous women and girls it is, by definition, a privilege built on the backs of others. In the end, we can *only* end violence against indigenous women and girls by ending *all* violence against indigenous women and girls. Furthermore, as indigenous peoples, we can only decolonize and regenerate sovereignty and self-determination through ending violence against indigenous women and girls. Therefore, we must always keep our eyes on oppression and violence, and we must always act in ways that promote a collective definition of freedom for everyone – no exceptions.

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Appendix A

Common search terms for data collection

This list represents the key terms used when conducting searches for existing data sources

- “missing and murdered Aboriginal/Indigenous/Native/Indian women and girls in Canada”
- “missing Aboriginal/Indigenous/Native/Indian women and girls in Canada”
- “murdered Aboriginal/Indigenous/Native/Indian women and girls in Canada”
- “violence against Aboriginal/Indigenous/Native/Indian women and girls in Canada”
- “Aboriginal/Indigenous/Native/Indian women’s anti-violence resistance”
- “Vancouver’s Missing Women”
- “Robert Pickton”
- “Missing Women Commission of Inquiry”
- “The Highway of Tears”
- “John Martin Crawford” (serial killer of Indigenous women)
- “Gilbert Paul Jordan” (serial killer of Indigenous women)
- “Aboriginal/Indigenous/Native/Indian women and family violence in Canada”
- “Native Women’s Association of Canada and Sisters in Spirit”
- “Aboriginal/Indigenous/Native/Indian women and prostitution in Canada”

Appendix B

Invitation to participate

Dear _____

Tansi! My name is Robyn Bourgeois, and I am currently working on a project documenting Native responses to violence against Native women and girls in Canada. Your name [was suggested by another participant (or name, if participant consents); came up in the course of my research;] and I am hoping you might be interested in participating in this project.

By way of introduction, I am a mixed-race Lubicon Cree woman raised in Okanagan and Splots' in territories in the interior of British Columbia. I currently reside in Toronto, where I am completing a Ph.D in Sociology and Equity Studies in Education at the University of Toronto. I am a long time activist around the issue of violence against Native women and girls, and have worked with a number of community coalitions in resisting this violence.

This project, which constitutes my doctoral research, focuses on how Native groups in Canada have responded to violence against Native women and girls over the last twenty-five years. The project is part history (documenting our resistance to violence) and part social analysis (making sense of what social factors have influenced the types of responses that have been possible; and how social factors have influenced connections between various Native groups). The final product, thus, will be a critical social history of Native responses to violence against our women and girls.

I am conducting interviews with key Native activists and organizers to access the inner workings of Native groups and their responses to such violence. Interviews will be conducted either in person or via telephone, and will take approximately one hour. Participation is completely voluntary, and participants will be remunerated for their time.

I am eager to have you participate in this important research project. If you are interested, please contact me via email (robyn.bourgeois@utoronto.ca) or via telephone (416-534-9485). At this time, I can explain more about the project, as well as answer any questions or concerns you may have.

Thank you for your time, and I hope to hear from you soon.

Best Wishes:

Robyn Bourgeois

Appendix C

General consent form

Dear Participant;

You have been invited to participate in a research project being conducted by Robyn Bourgeois of the University of Toronto. This project is investigating how Native groups have responded to violence against Native women and girls in Canada. You have been selected to participate in this study because of your involvement in one or more of these groups.

I am interested in conducting an interview with you, which will consist of questions about your involvement in Native groups that have addressed violence against Canadian Native women and girls, and your perspectives and opinions about the types of responses/activities these groups have engaged in. It is estimated that this interview should take about one to one and half hours.

Your participation in this study is completely voluntary: you may decline to participate; withdraw from participating at anytime without any negative consequences; and may decline to answer any questions. I am interested in making audio recordings of our interviews for reference, but you may decline to be recorded without negative consequence.

Because we are discussing violence, it is always possible that you may experience some emotional discomfort as a result of participating in this study. Furthermore, since many of us involved in anti-violence work have had friends or loved one's experience violence; or have experienced violence ourselves, there is the possibility that participating in this study will bring up painful thoughts and feelings. As a result, a list of support resources has been constructed and will be made available to participants at the time of the interview.

Despite the possibility of such negative risks, I hope you will see the positive benefits of participating in this project. In part, this study is intended to celebrate how Native Canadians have resisted violence. Indeed, by sharing your stories, you are contributing to our understanding of Native resistance in Canada. It is my sincere hope that the findings of this study will contribute to future Native activism through informing how to strengthen our responses and improve coalition-building and organizing between Native groups.

Participants will be compensated for their time, and this compensation will be negotiated between the researcher and the participant on an individual basis. Some examples of compensation include money (for the individual or as a donation to a particular group/agency); volunteer hours provided by the researcher; or objects (donation of an object to a fundraiser, tobacco, supplies needed for a group or agency).

Where possible, information provided will be kept anonymous and confidential. Participants have the option to be known by a pseudonym, and/or have their information used without direct reference to the individual. Details that might disclose the identity of participants will be altered or excluded to ensure anonymity. Participants may also consent to forgo anonymity and be fully represented within the research project.

Participants are able to request that particular comments be used anonymously. Additionally, participants may edit or withdraw comments at any time during or after the interview. If a participant is interested, transcription copies of the interview will be made available for review for the purposes of editing or withdrawing comments from this study.

Data will be secured in order to protect the rights to anonymity and confidentiality for participants. Only the researcher and her doctoral supervisor (Dr. Sherene Razack) will have access to the interview data. The actual interview recordings will be stored on my computer hard drive, which is protected by a password, as well as on DVD, which will be stored in a locked fire-proof safe. Transcriptions of the interviews, with the addition of paper printouts, will be stored in the same way. Information stored on my computer hard drive and any paper copies of the data will be retained for ten years, after which time it will be destroyed and disposed off. DVD copies of the data will be retained indefinitely, or until the researcher feels she has exhausted the data and that the original data is no longer needed. At this time, DVD copies will be destroyed.

The data gathered will be used to complete my doctoral dissertation, and may be used to prepare journal articles, books, and conference presentations. Participants who are interested in learning the results of the research may request to be added to an email list, or may request that copies of the findings be sent via mail.

For further information on this study, participants may contact my faculty supervisor, Dr. Sherene Razack, Department of Sociology and Equity Studies in Education, OISE/UT at (416) 978-0017 or via email at srazack@oise.utoronto.ca. For information regarding your rights as a participant, please contact the Ethics Review Office at the University of Toronto at (416) 946-3273, or via email ethics.review@utoronto.ca.

Participant Consent

I have read and understood the project information and consent to (please select one):

_____ Participate anonymously in the interview

_____ I waive my right to anonymity and agree to allow the researcher to identify me in name and in connection to comments I make.

Please initial next to each of the following statements that you agree with:

_____ I understand that my participation is voluntary, and I may withdraw at anytime without negative consequence.

_____ I understand that at anytime during or after the interview, I may request that certain comments or information be kept anonymous and/or confidential.

_____ I agree to have this interview recorded

I would like to receive a transcript of the interview to review: Yes _____ No _____

If yes, please provide an email or mailing address where you would like to have the transcript sent:

As agreed to by myself and the researcher, compensation for this interview will be:

Participant Signature: _____ Date: _____

Dissemination of Findings:

Please select one (1) of the following options

_____ I would like to be added to the email list to receive information on the findings

Email address: _____

_____ I would prefer to have information about the findings mailed to me

Address: _____

_____ I am not interested in receiving updates about the findings

Appendix D

Public figure consent form

Dear Participant:

You have been invited to participate in a research project being conducted by Robyn Bourgeois of the University of Toronto. This project is investigating how Native groups have responded to violence against Native women and girls in Canada. You have been selected to participate in this study because of your involvement in one or more of these groups, and I sincerely hope you are willing to be a part of this important study documenting Native resistance to violence.

I am interested in conducting an interview with you, specifically in relation to your official capacity in the role of _____ with _____. The interview will consist of questions about your role with this organization, and your organization's official response(s) to the issue of violence against Native women and girls in Canada. Questions will also address your organization's relationships with other Native groups across Canada. The interview should take about one to one and half hours.

Participants will be remunerated for their time, and this remuneration will be negotiated on a case by case basis. In addition, the long-term benefit of participating in this study will be recognition of your invaluable contribution to our understanding of Native resistance to violence, including the types of responses that have been possible and how collective resistance between national and grassroots/local activist groups has been enabled or hindered. It is my sincerest hope that this research will improve the kinds of responses Native groups produced to challenge violence against Native women and girls in Canada, as well as collective organizing between Native groups.

Discussing violence always poses inherent risks, particularly since many of us involved in resisting violence have, ourselves, experienced violence, or have had friends and loved wonders who have gone missing or been murdered. To address any emotional stress created as a result of participating in this interview, the researcher as produced a list of support resources.

Importantly, because I am interested in conducting the interview with you in your official capacity with your organization, it is not appropriate to guarantee anonymity or confidentiality. There are inherent risks in being directly associated with your comments, including social backlash, ostracism, and loss of position. **However, you may request that certain comments be used anonymously. Additionally, you may choose to edit or withdraw comments at any time during or after the interview. You may also request to have the transcript of the interview made available for review.**

Your participation is completely voluntary: you may decline to participate, decline to answer

specific questions, or may withdraw from the study at any point without consequence.

For further information on this study, participants may contact my faculty supervisor, Dr. Sherene Razack, Department of Sociology and Equity Studies in Education, OISE/UT at (416) 978-0017 or via email at srazack@oise.utoronto.ca. For information regarding your rights as a participant, please contact the Ethics Review Office at the University of Toronto at (416) 946-3273, or via email ethics.review@utoronto.ca.

Participant Consent:

By signing below, I agree:

That I have read and understood the information provided above

Have had the opportunity to have all my questions answered

Have agreed to the following remuneration for my participation:

To participate in this study.

Participant Signature: _____

Date: _____

Appendix E

Biographical Profiles: Public Figure Interviews

Fay Blaney

Fay Blaney (Homalco) was one of the founding members of the Aboriginal Women's Action Network (AWAN), a Vancouver-based political organization. She was also an indigenous representative to the National Action Committee (NAC) on the Status of Women.

Jessica Yee Danforth

Jessica Yee Danforth (Mohawk) is the founder and executive director of the Native Youth Sexual Health Network. She is also a sex educator and advocate for sex workers.

Marlene George

Marlene George has been an organizer and sometimes spokesperson with the February 14th Women's Memorial March Committee since 1996. She also worked for the Downtown Eastside Women's Centre and the Carnegie Community Centre.

Laura Holland

Laura Holland (Wet'suwet'en) is a member and spokesperson for the Aboriginal Women's Action Network, a Vancouver-based political organization

Carrie Humchitt

Carrie Humchitt (Heiltsuk) is the former president of the Aboriginal Women's Action Network, a Vancouver-based political organization.

Beverly Jacobs/Gowehgyuseh

Beverly Jacobs (Haudenosaunee) was president of the Native Women's Association of Canada (NWAC) from 2004 to 2009. Jacobs, a lawyer and legal scholar, helped write Amnesty International's 2004 report, Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women and Girls in Canada, and was a champion for NWAC's Sisters in Spirit Initiative.

Amber O'Hara/Waabnong Kwe

Waabnong Kwe (Anishinaabe) was a Toronto-based activist committed to raising awareness about missing and murdered Aboriginal women and girls. She was the founder of the website, www.missingnative.org, documenting cases of missing and murdered Aboriginal women and girls, as well as the activist indigenous hand drumming and singing group, the Manitou Kwe Singers. She passed away in November 2011.

Gladys Radek

Gladys Radek (Gitksan/Wet'suwet'en) became a political activist for missing and murdered Aboriginal women and girls after her niece, Tamara Chipman, disappeared along British Columbia's "Highway of Tears" in 2005. In 2006, she co-founded the activist group Walk4Justice with Bernie Williams/Skundaal to raise social awareness about missing and murdered Aboriginal women and girls. The group undertook several provincial (British Columbia) and national awareness walks, and was involved in the 2006 Highway of Tears Symposium. Notably, Walk4Justice also produced a list of more 3000 cases of missing and murdered women and girls from across Canada.

Kate Rexe

Kate served as the director of NWAC's Sisters in Spirit initiative from April 2009 to its end in March 2010, and continued to oversee NWAC's work on missing and murdered Aboriginal women and girls until April 2012.

Bernie Williams/Skundaal

Skundaal (Haida/Nuchatlaht/Stellat'en) co-founded the now defunct activist group Walk4Justice with Gladys Radek in 2006. Walk4Justice, developed in response to the Missing Women cases and the deaths and disappearances on the Highway of Tears, raised social awareness about missing and murdered Aboriginal women and girls through provincial (British Columbia) and national walks. The group was also involved in the 2006 Highway of Tears Symposium. Notably, they also produced a list of more 3000 cases of missing and murdered women and girls from across Canada.