

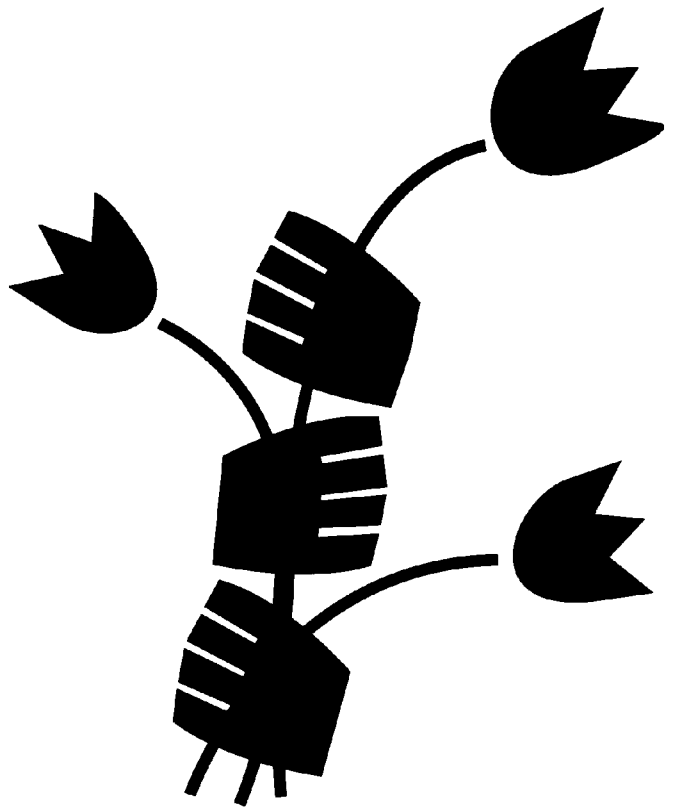
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Violence in Aboriginal Communities



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Violence in Aboriginal Communities

by

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Violence in Aboriginal Communities

*Emma D. LaRocque**

The issue of domestic violence in First Nations and Métis communities is one that demands urgent study and action. There is every indication that violence has escalated dramatically. For example, studies show that among Indians "the single most important group of health problems in terms of both mortality and morbidity is accidents and violence".¹ The goal of this paper is not to comment on family violence generally, though it does require further comment. This paper will focus on family violence as it affects Aboriginal women, teenagers and children. And since much family violence involves sexual assault, special attention is given to sexual violence within the Aboriginal community.

While domestic or family violence clearly affects all members within a family, the most obvious victims are women and children. A 1989 study by the Ontario Native Women's Association reported that 8 out of 10 Aboriginal women were abused. While this study focused on northern Ontario, it is statistically representative of other communities across the country. There is growing documentation that Aboriginal female adults, adolescents and children are experiencing abuse, battering and/or sexual assault to a staggering degree. A 1987 report by the Child Protection Centre of Winnipeg stated that there is "an apparent epidemic of child sexual abuse on reserves". And just recently, it was reported by the press that on one reserve in Manitoba, 30 adults were charged with having sexually abused 50 persons, many of them children.

Since it is considerably more difficult to get precise statistics on Métis people, it is virtually impossible to say with any exactness the extent of sexual violence in Métis families or communities. However, as more victims are beginning to report, there is every indication that violence, including sexual violence, is just as problematic, just as extensive as on reserves. In November 1992, the Women of the Métis Nation of Alberta organized an historic conference near Edmonton dealing specifically with sexual violence against Métis women. The interest shown by Métis women from across Canada was overwhelming. The stories shared by the 150 or so conference participants indicated that Métis women, no less than Indian women from reserves, have been suffering enormously — and silently - from violence, including rape and child sexual abuse.

In accordance with the request by the Royal Commission, this paper will address the following: (1)

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women's perspectives on factors that generate and perpetuate domestic violence and (2) strategies proposed to reduce and eliminate violence. Barriers to implementing these strategies are implied within this discussion.

I understand that the Royal Commission wants policy recommendations more than an extensive analysis of violence. However, I believe it is of value to take some time to think about the possible reasons for violence against women. Not only is analysis an inherently indispensable tool in working toward proposed solutions, but it is also part of the educational process we all need in order to address this horrific issue with comprehension and compassion.

Naturally, this paper cannot and does not propose to look at all possible reasons for family or sexual violence. There are a number of works that provide useful but fairly standard views on sexual violence, especially in regard to treatment and to 'offenders'.² I wish to provide additional perspectives, some of which may disagree with commonly held beliefs about the nature of sexual violence and the reaction to 'offenders'.

Colonization

Colonization refers to that 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. Prior 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. 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.

Racism, Sexism, and the Problem of Internalization

Colonization and racism go hand in hand. Racism has provided justification for the subjugation of Aboriginal peoples. 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 or 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 also as Indian women. The term used to indicate this double objectification was and is 'squaw'.

A complex of white North American cultural myths, as expressed in literature and popular culture, has perpetuated racist/sexist stereotypes about Aboriginal women. A direct relationship between racist/sexist

stereotypes and violence can be seen, for example, in the dehumanizing portrayal of Aboriginal women as 'squaws', which renders all Aboriginal female persons vulnerable to physical, verbal and sexual violence.

One of the many consequences of racism is that, over time racial stereotypes and societal rejection may be internalized by the colonized group. The internalization process is one of the most problematic legacies of long-term colonization.

It is not well understood, but it is certainly indicated by various oppressed or minority groups in North America. Many Black, Chicano and Aboriginal writers have pointed to this problem. Understanding the complex workings of the internalization process may be the key to the beginnings of understanding the behaviour of the oppressed and the oppressive in our communities.

In his book *Prison of Grass* (1975), Howard Adams referred to the problem of "internalization". By this he meant that as a result of disintegrative processes inherent in colonization, Aboriginal peoples have subconsciously judged themselves against the standards of white society, often adopting what he called the White Ideal. Part of this process entails 'internalizing' or believing — swallowing the standards, judgements, expectations and portrayals of the dominant white world. Many other Aboriginal writers have pointed to the causes and consequences of having struggled with externally imposed images about themselves and the policies that resulted from them. The result was/is often shame and rejection not only of the self but also of the similar other, i.e., other Aboriginal people.

A lot has changed within the Aboriginal community since Adams wrote *Prison of Grass*. A lot more Aboriginal people are aware of the whys and wherefores of their position in Canadian society. As more Aboriginal people grow in political awareness, they are less prone to judge themselves or act by outside standards. However, the damage has been extensive, and the problem of internalization does still exist. It is still of value to study how Aboriginal internalization of racist/sexist stereotypes may be at work in the area of violence.

One of the central questions we need to address is this: we know there has been violence by white men against Aboriginal women, but what do we make of the violence by Aboriginal men against Aboriginal women and children?

Too often the standard answer or reason given is that Aboriginal 'offenders' were themselves abused and/or victims of society. There is no question that this answer may be partly true for some of the abusers, especially the young. However, it is hardly a complete answer and certainly should not be treated as the only or final answer to this problem.

There are indications of violence against women in Aboriginal societies prior to European contact. Many early European observations as well as original Indian legends (e.g., Wehsehkehcha stories) point to the pre-existence of male violence against women. It should not be assumed that matriarchies necessarily prevented men from exhibiting oppressive behaviour toward women. There were individuals who acted against the best ideals of their cultures. Even today, all the emphasis on Mother Earth has not translated into full equality and safety of women.

There is little question, however, that European invasion exacerbated whatever the extent, nature or potential violence there was in original cultures. Neither is there much question that Aboriginal men have internalized white male devaluation of women. As one scholar observes:

Deprived of their ancestral roles...men began to move into areas that had previously been the province of women, adopting some of the white attitudes toward women and treating them as inferiors rather than equals.³

How might this internalization work with respect to violence generally and sexual violence specifically? Consider this: what happens to Aboriginal males who are exposed not only to pornography but also to the racist/sexist views of the 'Indian' male as a violent 'savage' and the Aboriginal female as a debased, sexually loose 'squaw'?

Pornography in popular culture is affecting sexual attitudes and behaviour within Aboriginal communities. And over the lengthy and unrestricted mass media projection and objectification of 'Indians' as violence-crazed savages, the problem of internalization should come as no surprise.

But it is disturbing. Aboriginal internalization of racist/macho views of Aboriginal men and women has contributed to violence generally and to sexual abuse specifically.

Defence of Offenders Perpetuates Violence

It is difficult to say whether there is more sexual violence in Aboriginal communities than in white ones, for we know that sexual assault is also prevalent in white homes and neighbourhoods. But I don't think we should defend either community in this regard. Rather, we should expend our energies in showing categorical disapproval appropriate to the crime and seeking solutions to what is an intolerable situation.

I have been troubled by a number of things relevant to the discussion on sexual violence. It is distressing to observe apathy by both Aboriginal and non-Aboriginal populations concerning sexual violence. The Aboriginal leadership, in particular, must be called on to address this issue. Nor should the general public or governments walk away. The onus for change cannot rest solely on Aboriginal shoulders. White people in positions of power must share the burdens of finding answers, as they have been part of the problems.

I have also been concerned about the popularity of offering 'cultural differences' as an explanation for sexual violence. When the horrifying story of the Lac Brochet teenager came out in the late 1980s, I was stunned by comments and attempted explanations around me. The numerous males who had attacked this 14-year-old girl (who had been repatriated against her will in the name of 'culture' to be in with) were being defended with tortured and distorted notions of Aboriginal culture.

Erroneous cultural explanations have created enormous confusion in many people and on many issues. Besides the problem of typecasting Aboriginal cultures into a static list of 'traits', 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 having to do with racism and

sexism have been blamed on Aboriginal culture. 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! Would one entertain using 'racial differences' as an explanation for sexual assaults? Is it any less racist to resort to 'cultural' ones?

As long as offenders are defended in the name of culture, they will continue to avoid taking any personal responsibility for their actions. And this will only perpetuate the problem.

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 or 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 choices (the things that make us human), then they are not fit for normal societal engagement and should be treated accordingly.

Obstacles Facing Real Victims

And what do victims of sexual assault face within Aboriginal and mainstream communities? The following is a brief but realistic scenario. Aboriginal victims face obstacles that come with all small communities. There is a lack of privacy. Fear of further humiliation through community gossip and fear of ostracism and intimidation from supporters of the perpetrator may all be at work. Often a Victim is confronted with disbelief, anger, and family denial or betrayal. Secrecy is expected and enforced. There is, in effect, censorship against those who would report sexual assault or even other forms of violence.

But if a victim does proceed with reporting, who will want to hear? And if she goes out of the community, she faces racism/sexism in the form of judgement, indifference or disbelief. Many non-Aboriginals in positions of social service or power either have little knowledge of what circumstances confront the victim, or they do not take complainants seriously. The stereotype that Aboriginal women are sexually promiscuous is still quite prevalent. Also, in many communities women cannot trust policemen since some policemen, especially in previous generations, were also doing the attacking! This is not to mention that the entire process of reporting is itself a formidable challenge.

If the victim goes as far as the courts, a whole new set of problems emerges. It is well-known that even for white middle-class women, rape trials are torturous, with no guarantee of justice at the end of it all. If only 10 per cent of white women report sexual assault, then considerably less than 10 per cent of Aboriginal victims report. And of course, the conviction rate is dismal.

The other problem, a problem I believe perpetuates sexual violence, is the fact that the courts are wantonly lenient with regard to sentencing. As a rule, thieves and minor drug dealers receive way stiffer

penalties than do child molesters, rapists or even rapist-murderers! This in itself is a chilling message regarding societal devaluation of human dignity. Many Aboriginal communities have expressed concern that courts are especially lenient with Aboriginal offenders who assault other Aboriginal people. The easy parole system, along with lenient sentencing, further sets up Aboriginal victims.

If the victim succeeds in sending her assailant to prison, she may expect quick retaliation. Sexual offenders may come out of prison within three weeks, perhaps six months. These men usually go straight back to their small settlements and proceed to wreak further violence and intimidation.

When all is said and done, what of the victim? Where is the help for her? Where is the concern for *her* rehabilitation?

The whole judicial process reflects privileged, white male definitions and experience. It also reflects tremendous naïvete — naïvete often found in white liberal social workers, criminologists and justices. These lenient sentences are consistent with the growing heroification of rapists and child molesters as 'victims'. Today there is persistent sympathy for sexual offenders with little, of any, corresponding concern for the real victims. It is a bizarre situation!

Questions About the Causes of Sexual Violence

Given the popularity of presenting rapists as victims, and given that such a notion has not in any way resolved the problem — and in fact may be perpetuating sexual violence — is it not time for new and hard questions here? While it is sociologically apparent that poverty and marginalization can play havoc in a community, it is difficult to accept without question that being a so-called victim causes one to be a victimizer. If that were true, millions of women would take to victimizing. Further, if poor social conditions necessarily breed 'offenders', this raises more questions than it answers. Why, when the chips are down, do men turn on women and children? What are we saying here about the nature of man? What are we saying of Aboriginal men — that when conditions of oppression, poverty or abuse exist, they cannot think of anything else but to turn on innocent women and children? And this should then be met with sympathy? And what about the other statistics — what about all the poor men and abused men who do not turn to violence?

Sexual violence is global and universal. Men of all backgrounds, cultures, classes and economic status assault women. Indeed, history is replete with examples of rich, powerful and privileged men who abused women and children. This suggests that the origin of sexual violence is considerably more disturbing than we might like to admit. Maybe it is not as mysterious as we make it out to be.

Most adults who violate others do so from a place of awareness and choice. As one article on child sexual abuse, written by a group of concerned Aboriginal women, states: "Offenders are aware of what they are doing and they know it is wrong."⁴ I believe sexual violence is best explained by sexism and misogyny, which are nurtured in our society. North American popular culture feeds off the objectification and degradation of women. Women are presented as sexual playthings who must conform to male needs. Stereotypes of female sexuality are concocted as a rationalization for violence. It is about male maintenance of power, but it is a conscious and deliberate form of power, not one that is necessarily

caused by 'abuse' or other traumas. Obviously power brings all sorts of advantages. It has been in the interests of men to keep women down. Society supports all this with its tolerance of violence against women. The criminal justice system reflects its bias through its laws and judgements.

Rape in any culture and by any standards is warfare against women. And the degree to which any community tolerates sexual violence is an indication of concurrence in this warfare against women.

The point is, we may never know for certain what exactly causes sexual violence. But whether we know or not, we should never use any 'explanation' — be it psychological, personal or political — as absolution for the offender. We should never justify or tolerate sexual violence. The criminal justice system must do its duty and serve 'justice' not only because justice is essential to a victim's healing, but also because a message must be given that sexual violence is insupportable. Justice and concern for rehabilitation must not be seen as mutually exclusive.

The other point, and perhaps more to the point, is why all this concern with finding reasons or explanations for what causes men to be rapists and child molesters? Given that we may never know, should we not turn our attention to the real victims?

Recommendations

Strategies to reduce and eliminate violence would, of course, include addressing the issues that contribute to violence. Perhaps we can approach the strategies under three headings: prevention, services for victims and judicial action with respect to offenders.

Toward Prevention

I believe a preventive approach is necessary. How can we ever stem the tide of all this violence? It surely will not happen overnight. Meanwhile, we have young people to attend to. If we can reach the Aboriginal youth, we may see some light on a number of fronts. The first set of recommendations concerns young people.

Obviously, a multi-faceted, comprehensive approach is required. Socio-economic revitalization is a must. Human beings need to have meaning in their lives; one of the avenues for meaning lies in economic bases/activities. This issue of economy is crucial to young people who are currently caught within a socio-cultural vacuum. They are looking for vocational opportunities in a world that has stolen their land-based ways, yet has not prepared them for urbanization/industrialization.

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. Along with correcting the social studies aspect of the curriculum, schools must make every effort to stop alienating Aboriginal youth by providing skills and knowledge relevant to both cultures. Also, 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). Young people often feel paralyzed: how can they move toward the

future if their culture is defined in terms of the past? Young people need help in clarifying what is heritage and what is culture. They also need to be reassured that it is within Aboriginal cultural definitions to change and to make bridges from the past to the future. Aboriginal young people should not have to feel that in order to be loyal to their personal identities they have to sacrifice vocational choices of the future.

Another large problem in many Aboriginal communities is that of boredom. Boredom is a problem that has not received the attention it should. Boredom is often the cause of a lot of difficulties young people get into, including drugs, alcohol, sexual experimentation, mob behaviour, violence and suicide. Community leaders must make every effort to provide qualitative recreation for young people. Funding and resources must be made available for the development of recreation facilities, sports programs and other projects. I have often wondered, what is everybody waiting for? Why haven't there been massive efforts to provide recreation facilities for youth in Aboriginal communities? There is so much untapped potential for excellence in our youth. Every time I watch any national or international sports event, I think of all the Aboriginal youths who could be participating. Is it not time to move in that direction?

With respect to sex and violence, education and sexual enlightenment may be our best hope for our future. One of the biggest problems in Aboriginal homes and communities is lack of qualitative sex education. As a rule, parents and other adults are not providing sex education to their young. Children and adolescents are left to their own devices and to the influence of popular culture, misguided peers or even abusers to learn about sex. In this sense, sexual problems are recycled. Aboriginal children and teenagers are desperately in need of solid sex education. Schools (preferably in co-operation with community initiatives and programs) should step in by providing qualitative sex education to children and teenagers.

Such education must include not only the physiological aspects of sex and sexuality but must also promote respect for persons. There must be special emphasis on respect for female persons, respect for each other's sexuality and self-respect. There must also be education about safe sex, birth control, pregnancy, reproductive choice and sexual responsibility. Schools must also provide education on drugs, alcohol, smoking, glue-sniffing, etc.

A special word needs to be said about Aboriginal teenage girls. Little has been documented thus far, but many of the stories of sexual abuse reveal that Aboriginal women were often attacked as teenagers. Teenage girls with little or no sex education in an environment conducive to alcohol abuse and violence are particularly vulnerable to adult male sexual seductions/attacks. Rape can devastate teenagers. There is growing documentation that following sexual assault, teenagers turn to substance abuse, prostitution, self-mutilation and/or suicide. This is not to mention that they can get pregnant and/or contract sexually transmitted diseases. The suicide rate is five times the national average in the 15 to 24 age group among Aboriginal youth. One book analyzing the death of an Ojibwa community in northwestern Ontario links female suicide with sexual assaults.⁵

Teenagers are perhaps among the most susceptible to sexual assault. They are sexually sensitive yet immature; they are often unmindful of what adults are capable of doing to them. This is another reason why silence must end. Often, adults who know who the offenders are keep such information away from

others. If there could be disclosure, exposure and open discussion between victims and other youth, it would help protect the unsuspecting. Adults such as parents, grandparents, teachers, ministers, counsellors and so forth must take special care to protect, educate and prepare teenagers about sex and sexual violence. And if violence takes place, there must be emotional, psychological, medical and legal support services in place. All Aboriginal youth should also have access to counselling services. They also need safe houses for those times when their homes or communities do not feel safe. Some youth may be in need of psychological or psychiatric services — these too should be made accessible to them. There should also be some attention to young people's spiritual needs. Aboriginal young men and women have dreams and hopes for their futures and their well-being. Every effort must be made by all parties concerned to protect these young people and to facilitate their aspirations. I think Aboriginal communities could organize conferences, guest speakers, and seminars that could address their needs as well as present role models.

If young people enjoy their daily existence, and if they can have dreams that are attainable, I do believe their daily activities would change substantially. I do believe they would respond to a creative environment and move away from destructive influences and destructive behaviours. If we wish to eliminate violence, we have to substitute constructive, creative and meaningful alternatives to it. Our children deserve nothing less.

Better Responses for Victims

The silent suffering of girls and women who have been subjected to rape and other assaults demands immediate attention. Silence must end. Support systems must be created. Aboriginal victims of violence need safe houses, rape crisis centres, counselling services and clinics. They need family and institutional support. They need therapists who are skilled in dealing with post-traumatic stress syndrome. They need a society that cares about them and that values their safety, their dignity and their rehabilitation. Laws must be changed and enforced. The whole judicial process of dealing with complaints of violence must be changed.⁶

It cannot be emphasized enough how very desperately long-term qualitative counselling/therapy and community programs are needed. Long-term therapy programs are required. Rape and early childhood abuse cause lifetime devastation. As concerned Aboriginal women put it, "...sexual abuse is a reality and a hell that must no longer be ignored... We have felt the pain and anger ... for damaging a child's life forever."⁷ An indication that Aboriginal women are suffering from post-traumatic stress syndrome can be seen in the level of female violence, alcoholism and extent of incarceration.

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!

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 modelling must be clear and firm that

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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 attention. 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.

All Aboriginal and non-Aboriginal agencies involved with Aboriginal family problems, i.e., hospitals, police, lawyers, judges, social workers, therapists, child care organizations, etc., should be required to attend workshops and/or conferences geared to addressing the issue of sexual violence. Again, the Aboriginal leadership must initiate such forums; the government must provide the resources.

Aboriginal women must be free to address unwieldy and unpopular issues such as violence, equality, patriarchy, political leadership, etc. They also must receive support to create forums through which they can gather to discuss issues of mutual concern. But there must be recognition of issues/concerns that pertain to Indian women and those that pertain to Métis women. To these ends, Aboriginal women need their own organizations and must be funded separately from the larger, umbrella organizations.

As discussed earlier, a large portion of the root of our problems lies with our colonization. Again, Aboriginal leaders and educators must make every effort to facilitate forums for discussion on the legacies of colonization in our lives, in our homes and communities. Perhaps Paulo Friere's ideas on the 'pedagogy of the oppressed' could be adopted. Raising the consciousness of the Aboriginal grassroots is one of the important tasks in moving toward wholeness and can be seen as 'service' to victims of violence. People need to understand the disintegrative processes of colonization; they need to know the consequences of having been defined outside of themselves, of being powerless. Aboriginal people need to understand the institutional forces of invasion in their worlds and what that has done to their lands and economies, their relationships, their cultural values and symbols, their self-determination and self-confidence. They also need to believe that restoration is possible. They need to believe that they can act to make changes and that by acting on issues they are empowering themselves. People may best be able to make changes once they can articulate the places of invasion in their lives and in their histories.

We may need years to help Aboriginal peoples understand and resolve the violence; meanwhile, we must deal with the everyday realities of it. Even if we agree about what causes sexual violence, we could not immediately, if ever, end it. Besides the social, economic and educational programs we can pursue, we are forced to look at the criminal justice system with respect to protection and justice.

Victims, the 'Offender', and the Criminal Justice System

In terms of change in the judicial process, it would be redundant to repeat the extensive and generally excellent recommendations offered in the *Manitoba Aboriginal Justice Inquiry Report* (1991). Anyone working in this area must consult this report. I also recommend the handbook *The Spirit Weeps*, published by the Nechi Institute, (1988) which offers useful information on the characteristics and dynamics of incest and child sexual abuse with an Aboriginal perspective.

The criminal justice system is, of course, a whole field of study. I wish only to emphasize certain (and to me more bothersome) aspects of it, namely, its sympathetic posture toward sexual offenders and other hard-core violent criminals. Since the mid-1960s, the criminal justice system has increasingly exhibited wanton leniency in the trying and sentencing of sexual offenders. Such leniency amounts to negligence. What feeble laws exist regarding sexual assault are routinely diluted by the judicial process and decisions. In the case of Aboriginal people against Aboriginal people, victims of aggravated sexual assault (the majority being female, a great number being teenagers) are set up to live lives of silent pain,

fear and continual victimization. For example, the leader of those gang rapes against the Lac Brochet girl received only four years — with virtual apologies from the judge! I believe such an irresponsible sentence makes a mockery of all women and certainly of the girl's trauma and what will surely be her lifelong post-traumatic stress syndrome.

Obviously, there are no easy answers. Nor am I suggesting any simplistic solutions, but I do believe that we have so over-complicated 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. This has resulted in the devaluation of human dignity in the whole system. Property and liquor/drug offences mean more to the system than violation of one's person.

I do suggest the corrections system, be it Aboriginal or mainstream, take the following direction. A dual structure should be set up to accommodate the types of crimes and criminals being addressed. Distinctions must be made between nonviolent and violent offences. There is a world of difference between, say, stealing a VCR and brutalizing a human being!

People committing certain non-violent crimes could become involved in community-oriented programs instead of jails to compensate for their offences. Here, 'meet-the-victim' models might apply. Also, we must draw on alternative-to-jail programs that are in existence in Canada, the United States and elsewhere.

There are also various degrees and forms of violence, and the system of punishment must make a distinction between a slap, a minor brawl and gross violence such as battering, stabbing and shooting, or wilful and callous violence such as sexual assault and premeditated murder.

Those involved in minor scuffles should receive help via community-based education/renewal programs. Personal, family and community counselling with an educational and/or therapeutic focus might be considered.

Those involved in gross violence should receive stiff custody penalties along with strong education/therapy programs.

Those involved in gross and wilful crimes should receive very lengthy jail sentences and, in specific cases, should also be permanently removed from their communities. In cases of brutalization, rape and ruthless murder, removal may be the only effective measure of protection for victims and their families, especially in small and/or remote settlements. Indeed, many northern communities have requested removal and stronger penalties.

All forms of sexual assault are on a continuum of violence; therefore, most forms must fall under the category of violence. Those, including boys, who commit 'minor' sexual offences must be considered potentially dangerous.

Those who commit violence and plead no-sentencing on the basis of insanity, drunkenness, youthfulness, or even poverty, must be placed in custody away from their victims. The law must also change from 'not guilty by reason of insanity' to 'guilty but insane' and proceed to sentence such parties to custody

appropriate to their crime and condition.

As well, the *Young Offenders Act* must be changed. I think it is atrocious that a 13-year-old can brutally kill two women and be sentenced to only three years.⁸ There is no question that our colonial, negligent, violence-crazed, misogynist popular culture is culpable for violent (usually male) children; still, innocent people should not be sitting ducks for such violence.

There are degrees of youth and knowledge. There are large differences even between two 12-year-olds. Surely, the law (and psychiatrists) must profile and reflect these differences. The law must also reflect the changing times — children today are much more street-wise than those of yesteryear.

On every level of sentencing, whether in the non-violent or violent category, there must, of course, be extensive efforts toward rehabilitation. A word again must be said about rehabilitation. Often, lenient sentences have been promoted on this basis. The problem here is that there has been a blanket assumption that justice and rehabilitation are mutually exclusive. Yet statistics show that sexual offenders, for example, are rarely 'rehabilitated'.

But the point that seems to be missed in this discussion is this: primary consideration as to sentencing should not be whether the offender is going to be rehabilitated. Rather, the primary consideration should be justice on behalf of the victim. Interrelated with concern for justice must be an unequivocal message to the offender and to society that sexual violence is not acceptable and that it is punishable by law.

While I support the ideals of rehabilitation, 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.

All ancient cultures have had traditions of justice, and Aboriginal cultures no less so. Aboriginal cultures used a range of penalties, depending on the nature of the offence: ridicule, shunning, payment or violence in kind (in the tradition of 'an eye for an eye'). We may disagree with some ancient measures, but we cannot deny that justice is essential to the human psyche. There is no peace or healing without justice. Simply on the basis of providing therapeutic service to victims, offenders must be made accountable.

But places of confinement/custody should have extensive and mandatory rehabilitation programs. Such programs should incorporate not only personal therapy but education with respect to decolonization, and spiritual/cultural renewal and a sociological grasp of sexism and its relationship to violence against women.

And of course, there should be long-term rehabilitation programs for victims and their families and communities. The destruction inherent in any violence ripples widely into the families and communities of victims.

I am aware that a number of community programs have been developed that promote offender-victim reconciliation. I have read with careful interest the Aboriginal Justice Inquiry's report on the Hollow

Water Resource Group of Manitoba. As the AJI describes it:

Not only does it provide rehabilitation to the offender, and support and comfort to the victim, but it provides a mechanism to heal and restore harmony to the families and the community... The Hollow Water model was created to protect people against repetition of the offence and to prevent any new incidents of abuse.⁹

I have to admit, on paper it sounds promising. And the people must be commended for their initiative, courage and vision. But since it is so new and does seem to operate on assumptions of rehabilitation, some further questions are raised. It is perhaps too early to tell whether it is as constructive as it sounds. A number of questions come to mind: are victims in small communities really free to become part of these meet-the-offender programs? How young are the victims? What is the nature of the violence? Are victims agreeing to these models as a result of social pressure and lack of other choices? How are they being affected by all this? Do they have enough political and social awareness to be able to make a choice with such programs? Are offenders really being 'rehabilitated'? And should this be the primary goal for helpers, families of victims, justices and communities? Is it possible that offenders use such programs to get out of sentencing and other responsibilities?

I have some difficulty with the attention given to sexual offenders. Alight there be other programs besides having to meet their assailants that would be perhaps more healing and less stressful for victims?

Calls for services for women often contain the phrase 'culturally appropriate'. While the principle behind this phrase is supportable, there is a need for clearer definitions about what is meant. I am afraid that there is some notion at large that it is 'cultural' for Aboriginal women to tolerate violence at all costs in the name of 'family' or 'tradition'. This is reminiscent of some churches that admonish women never to leave 'the sanctity of marriage', even if the women and children are being battered and/or sexually assaulted. Care must be taken that violence of women and children never be advanced in the name of 'culture'.

Family counselling must be encouraged but women must not be made to feel they have to tolerate violence in the name of family or culture. Family means that men must take responsibility and get involved in counselling.

Questions remain as to notions of healing, notions of rehabilitation, and the value of emphasizing family and community unity at the possible expense of victims, many of them children. Studies on abuse of children show that families can be the most dangerous places for them to be. We must take care that we do not advance notions such as the unity of families in any formulaic way because we know, unfortunately, that families are not inherently safe. Each situation must be carefully screened.

Room for Research Questions and Answers

No one has the final answers; we barely have embryonic suggestions. The subject of violence, and particularly sexual violence, is extremely difficult, and made more so because it goes to the heart of

personal, family and societal politics. It is also a subject of emotion. While we are beginning to have access to more information and beginning to gain better understanding of the causes and effects of violence, there is room for continued research at all levels.

I think, though, that the focus should move toward prevention, comprehension, support and protection on behalf of the victims. Research monies and energy should be spent there. Services, programs, counselling and long-term therapy for victims should be addressed.

Several times I have referred to post-traumatic stress syndrome. We know that sexual violence causes lifetime problems. Research on the long-term effects of sexual violence must be pursued.

On this note, I wish to caution about some standard usage of terms and notions. Words such as 'healing', 'counselling' and 'family violence' are used a lot. The cumulative effect of using such terms gives the impression that sexual violence causes no great harm and that it is easy to fix. Just go for counselling and the pain will go away. 'Healing' is used so often that it risks promoting the idea that victims of sexual violence can be easily healed. There is every indication that sexual violence is extremely traumatic and destructive and that these effects are long-term. Indeed, is it possible to 'heal' sexual violence? This is not to suggest we should not try, but it is to question the all too hasty use of such terms. We run the risk of trivializing sexual violence by using descriptions and terms that couch and soften the impact.

Words like offender, rather than rapist or child molester, serve to minimize the calculated nature of sexual attacks. Phrases like family or domestic violence also serve to twist the issue: women and children are experiencing brutality to a staggering degree, but it is being reduced and ignored as 'domestic' or 'family' violence. In relation to this, the word 'incest' is also often misused. Incest means that there is consensual sexual intercourse between two people who are too closely related to be married. Sexual attacks on children by male relatives is not incest; it is rape and child molestation. Children, teenagers and women are not consenting to have sex with their relatives; they are being attacked or in some way coerced into unwanted sexual activity.

I believe research would show that as long as softened, couched terms continue to be used, reaction to address this monstrous problem will continue to be slow.

Research specific to Métis families, concerns and data is very much needed. There is such a dearth of specific data on Métis people that no one can even agree as to the population of Métis. How are we going to strategize to eliminate violence unless we have more precise information to work from?

With respect to justice and 'offenders', research into the viability of old notions in new models is also required. We need to follow up on projects such as the Hollow Water Resource Group.

Conclusion

As most of us know, violence has long been rampant in many Aboriginal communities. I know too that we have shied away from dealing with the issue partly because we have had to fend off racism and stereotypes. But given the seriousness of the situation we must confront the problem(s). If we do not,

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there will be self-government without selves to govern, for people are leaving their places of birth to escape the violence. And it is possible to deal with these issues in an intelligent manner, without having to resort to racist stereotypes.

Finally, lest I be misunderstood, I must emphasize that I am painfully aware of the criminal justice system's dismal record with respect to Aboriginal peoples! I grew up watching police abuse my parents' generation. I saw police rough up and pick up my mother, aunts and uncles for no reason whatsoever. This generation could not defend itself in the courts because of language differences, discrimination and/or poverty. But I also saw or heard of police and courts neglecting Aboriginal victims of Aboriginal violence. This is the ultimate form of racism. It is this latter fact that must be addressed as much as the former. Is it not time for us to take a stand against violence in our midst?

In my community, we were all victims of colonization but we did not all turn to violence. Further, why should Aboriginal victims of Aboriginal violence bear the ultimate brunt of colonization/racism and negligence of the criminal justice system?

My hope, of course, is that our communities will be renewed, that people will find support and restoration.

Thank you for this opportunity; I trust it can have some influence in finding protection and justice for victims and in moving toward some understanding of the issues.

Notes

1. T.K. Young, 1988:54.
2. Hodgson, Daily, Martens, 1988; *Aboriginal Justice Inquiry (Manitoba) report*, 1991.
3. Dexter Fisher, 1980:13.
4. *In Canadian Women Studies*, Summer/Fall 1989:90.
5. A.M. Shkilnyk, 1985:46-47.
6. For recommendations on these, see the *Aboriginal Justice Inquiry (Manitoba) Report*, 1991.
7. *In Canadian Women Studies*, Summer/Fall 1989.
8. A Manitoba case several years ago.
9. *Aboriginal Justice Inquiry*, 495.