

JUSTICE THAT IS HEALING:  
RESPONDING TO DOMESTIC VIOLENCE IN ABORIGINAL COMMUNITIES

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### THESIS ABSTRACT

All Aboriginal communities are dealing with the effects of domestic violence. This thesis includes an exploration of the magnitude, outcomes and conditions that have been exacerbated by domestic violence with the goal of discovering ways to cope, challenge and prevent abuse within family life in Aboriginal communities. After reading a book called *Returning to the Teachings, Exploring Aboriginal Justice* by Rupert Ross, many questions came to mind: How would restorative justice processes work for situations of domestic violence? Was it even an appropriate response for situations of such a complex nature, particularly in Aboriginal Communities? This kind of research is extremely important to help decision makers understand the urgency of the situation. There is a need to change the way that the justice systems deal with situations of domestic violence within Aboriginal communities. The health and well-being of the ever increasing number of future generations of Aboriginal children and youth depend on these changes, as they grow and develop into contributing members of their communities. I conducted a literature review, participated in numerous workshops and interviewed four people who helped me to gain a better understanding of justice as healing processes.

Domestic violence is a significant, complex challenge within Aboriginal communities that has its roots in decisions made by western governments and churches to assimilate Aboriginal people into mainstream society. The warehousing of children in residential schools (over a hundred year period) and the ‘scooping’ of Aboriginal children into the foster care system (in the 1960s) destroyed families, communities and nations and left parents to pick up the shattered pieces of their families’ lives. So much harm has been created for Aboriginal families and communities as a result of decisions made by mainstream hierarchies that it will take an enormous amount of resources and changes in how social services and justice systems deal with situations of domestic violence within Aboriginal communities. It will require a paradigm shift that puts Aboriginal people, particularly Aboriginal women, in charge of programs and services that promote the healing and restoration of their families and communities.

## Preface

This thesis has been distilled from a longer 300 page manuscript that delved more deeply into the topic of violence in non-Aboriginal cultures as well as Aboriginal communities. The bibliography of that manuscript remains the one for this thesis, so that the reader can follow up on more general information. It is hoped that this manuscript will be utilized in the future to benefit children within Aboriginal families.

## Chapter One

### Introduction

There must be congruency and consistency regarding the values that we carry out for ourselves, and the values that relate to our interaction with others (Bopp, 1984). There will be a negative effect on oneself and others, that could ultimately affect the community as a whole, without a balance between how one takes care of themselves and how they treat other people.

The purpose of this research paper is to explore the magnitude, outcomes of domestic violence, conditions that exacerbate the violence, and discover ways to cope, challenge, and prevent abuse that may occur within family life in Aboriginal communities. All Aboriginal communities are coping with the effects of domestic violence (RCAP, 1996).

### Motivation for Becoming Involved in this Project

I have put an abundance of energy into understanding why I was motivated to take on this particular project. I personally believe that domestic violence is a symptom that a society as a whole is out of balance. I have witnessed the devastation, pain, and isolation experienced by members of several families who have struggled with disclosures and allegations of abuse.

Some members of these families struggled with their pain and chose a variety of ways to cope. However, most family members chose to deal with their pain in the isolation of silence. I have a clear sense of how abuse affects women, children, and other family members. I have heard many stories about abuse and violence experienced by people in my personal and my professional lives. I have witnessed and heard stories by Aboriginal women and other women about the unfair treatment that they experienced while pursuing justice via the western justice system. Even though, I did not know these people personally, I was deeply affected by the deaths of Connie and Ty Jacobs of the Tsuu T'ina (Sarcee) First Nation, just outside of Calgary, Alberta. Connie and Ty were shot and killed by a police officer following an incident of domestic violence (Goodson, 2000).

I am not from Aboriginal descent; in fact, my family's ancestors came from England, Scotland, and Germany. The only similarity between my family and the experiences of many Aboriginal families is that one of my grandfathers was a British Home Child. He was removed from his family, community, and country when he was nine years old, taken to a work house, and then shipped to Canada to work on a farm. This is a similar experience to those who were removed from their homes and were taken to residential schools. In 1981, I had the opportunity to live in a remote, fly-in, First Nations community in Northwestern Ontario. This particular experience had a positive effect on my life. During this time, I met many people who had survived insurmountable obstacles and had built their own community, based on the vision of a handful of families that wanted a more peaceful life for their children.

Before I started researching this paper, I came across a book called *Returning to the Teachings, Exploring Aboriginal Justice*, by Rupert Ross. This is a book about justice as healing and the utilization of community sentencing circles. This process involved all those affected by

the incident in a process that promoted restoration. I was curious to learn how this process could be utilized for situations of domestic violence and if it was an appropriate response for situations of such a complex nature. Since that time, I have gained an understanding as to why some people, mostly men, batter their partners and why it is so difficult for some people, mostly women, to separate themselves from partners who were violent.

Parameters: Male vs. Female and Survivor vs. Victim

Often throughout this paper, I refer to people who participate in violent behaviour in the masculine and survivors in the feminine. The Native Women's Association of Canada agrees that men are most often the people who commit crimes of abuse and women and children are most often on the receiving end of such violence (Razack, 1998). This does not mean that women are not capable of violent behaviour; it simply means that most often it is the male who perpetrates the offence. The person on the receiving end of the violence is often referred to positively as the survivor, rather than the victim, in an effort to prevent the perpetuation of the belief that survivors of violence are responsible for the abuse that has been inflicted on them. I also wanted to instill the belief that life gets better and that an individual does not need to remain in a state of victim hood. The person who committed the crime needs to be held accountable, but not necessarily punished.

Methodology

I conducted interviews in 1998, with four people who have experience working in the field of justice, healing, and the prevention of domestic violence with Aboriginal communities.

These people included: Shawnene Lavalee, former Executive Director of the Hope Haven Women's Shelter in Lac Le Bische, Alberta; John Harper, Elder for the Bent Arrow Traditional Healing Society of Edmonton; Joan Collins, Native Court Worker with the Youth Justice Committee of Edmonton, and Calvin Mourrisseau of the Couchiching First Nation Wee-chi-it-te-win Child and Family Services in Fort Frances, Ontario, and author of *Into the Daylight*. Interviewing these people helped me to gain a better understanding of the issues faced by Aboriginal people when dealing with violence and the justice system. A special thank-you goes to those who allowed me to interview them and those who expressed an interest in being interviewed, but could not be accommodated.

Questions for the interviews included the following: How do Aboriginal Justice Systems differ from Western Justice Systems? What is your perspective on the use of sentencing circles? Is there any evidence to suggest that victims are satisfied that justice has been served through the use of sentencing circles? Can you tell me about any success stories of Aboriginal justice as healing programs as a response for domestic violence? What are some of the problems faced by Aboriginal people who are involved in justice as healing programs? How could Aboriginal justice programs be integrated into the Western justice system for Aboriginal people? How do you see Aboriginal justice systems working in the future? What kind of preparation must take place for the victim, the community and the offender? Do you know of any other resources or people that may be of assistance to this study?

Each person interviewed provided a different piece of the puzzle to promote my understanding of this very complex issue. My comprehension of Aboriginal justice processes changed and evolved into a more holistic approach over the course of this study.

A literature review provided most of the source material for this paper. I also chose other

ways to enhance my learning around this topic: Participation in workshops and conferences on Native Justice, Traditional Community Development, Restorative Justice, Ending Violence Through Community Collaboration, and Community Holistic Circle Healing. I watched several videos, attended several pow wows, and participated in a sweat lodge. I learn best through experience and these learning opportunities were helpful in assisting me to deepen my understanding of Aboriginal culture, approaches for issues of justice, and options for healing. Other personal and professional experiences also assisted in the development of my understanding of the issues and exploration of possible solutions or strategies. I participated in a healing circle sponsored by an Aboriginal women's organization, before and after, I embarked on this project.

#### Introduction to the Paper

This paper has several chapters focusing on the seriousness of domestic violence in Aboriginal communities, both historically and in the present. Later chapters deal with the factors that contribute to and perpetuate violence in Aboriginal communities, along with Aboriginal world views and values in relationship to personal growth and development of the individual, family, and community. One of the final chapters focuses on challenges faced by Aboriginal people with issues of justice and recommendations for systemic change that respond to and prevent violence in the first place.

Family violence has become a great source of pain and frustration for many Aboriginal families and communities. According to the teachings of the Creator, taking care of children is the most important responsibility in the life of an Aboriginal family (RCAP, Highlights, 1996). An inability to perform this task to the best of one's ability is the most shameful act for an



Aboriginal person. This has created great sadness and heartbreak for Aboriginal people over the last few generations.

## Chapter Two

### Domestic Violence in Aboriginal Communities

This chapter will explore the definition of domestic violence within Aboriginal communities, the extent to which it exists, and why it is difficult for survivors to leave violent situations.

#### What Do We Know About Domestic Violence in Aboriginal Communities?

In 1991, the Government of Ontario (1993) conducted a comprehensive consultative process that included the voices of 6,000 people, representing 250 Aboriginal communities, to develop strategies that would address the challenge of domestic violence within their communities. As a result of this consultation process, a definition for domestic violence in Aboriginal communities was formulated. Domestic violence in Aboriginal communities can be defined as: violence that has affected the family life of individuals from Aboriginal descent, their families, communities, and nations as a result of colonization. During the colonization process, Aboriginal people were expected to refrain from participating in traditional cultural activities. Domestic violence involves physical, emotional, psychological, and sexual abuse (Government of Ontario, 1993; RCAP, 1996). Financial (Howard, 2000), spiritual, and community abuse (ManyFingers, 1994) also exist within Aboriginal communities.

Aboriginal people of Canada have recognized that domestic violence is a serious issue in their communities. The Canadian Advisory Council on the Status of Women, in 1980, concluded that domestic violence exists at a rate, eight times higher in Aboriginal communities, than the Canadian average (Ontario Native Women's Association, 1989). The rates of abuse within, Aboriginal families and communities have risen considerably in the last two to three

generations (Office for the Prevention of Violence, Winter, 1992).

Every person, who participated in the consultation process in Ontario, indicated that they have been a survivor of violence at some point in their lives (Government of Ontario, 1993). The Ontario Native Women's Association (1989) indicated that all Aboriginal women in Ontario have been affected by some sort of violence, with eighty percent having experienced abuse or an assault, or believing that they will experience this at some point in their lifetime. Domestic violence is also a serious challenge or possibly an "epidemic" for Inuit women (Flaherty, 1993). Aboriginal women in a Manitoba study, consider violence as a normal part of their everyday existence (McGillivray and Comaskey, 1999). In a survey completed in Alberta, eighty percent of the Aboriginal women who participated had experienced at least one episode of domestic violence (ManyFingers, 1994). A study conducted in London, Ontario, by the Canadian Panel on Violence Against Women, indicated that seventy-one percent of urban Aboriginal women surveyed had experienced an episode of abuse by their previous or current partner (Ponting, 1997). Forty-eight percent of the Oneida women surveyed, who reside on the reserve, have survived at least one assault. The Canadian Panel also found that seventy five to ninety percent of women in some Aboriginal communities in the north had experienced situations of psychological abuse. Another study conducted in the Northwest Territories, found that eighty percent of girls and fifty percent of those females under the age of eight had experienced sexual abuse.

Even though the statistics show that there are a high number of incidents of domestic violence within Aboriginal Communities, it is important not to stereotype Aboriginal people as violent (RCAP, 1996). Rogers (1990) found that, even though violence exists at a high rate, there is a danger of presenting violent behaviour as normal (Ponting, 1997). Normalizing violent

behaviour within Aboriginal communities could set a woman up to compare her situation of violence to that of someone who appears to be going through a more difficult time. If a woman perceives someone else's situation as much more violent, she may minimize the severity of her own situation of abuse, and refrain from asking the authorities for assistance (McGillivray and Comaskey, 1999).

### Other Challenges Linked to Domestic Violence in Aboriginal Communities

La Prairie and Steinke indicate there is a need to address poverty when dealing with the challenges of domestic violence (Ponting, 1997). John Reilly, an Alberta Provincial Court Judge became famous for the delay of a sentence, where a young Aboriginal man was charged with domestic assault, by calling on the Crown Attorney's office to conduct an investigation into the socio-economic conditions on the young man's home reserve (Andreef, 1997). The Honourable Mr. Reilly was concerned about the levels of poverty and the social challenges, combined with the lack of supports, and services to effectively deal with these situations of social chaos.

### Why Do Women Stay?

Aboriginal women often do not leave the situation until it is life threatening (Ontario Native Women's Association, 1989). Professionals estimate that women experience violence on average of thirty-five times before they ask for assistance of the police (Ross, 1996). Forty two percent of Aboriginal women surveyed in an Ontario study out of London, talked about a code of silence (Ontario Native Women's Association, 1989). Feelings of shame are a barrier to reporting incidents of violence to the authorities (Ontario Native Women's Association, 1989; ManyFingers, 1994).

Aboriginal women fear that speaking the truth about the violence will lead to abuse by members of their community (RCAP, 1996). In a study in Manitoba, one Aboriginal woman indicated that she was ostracized by the whole community when she disclosed a situation of sexual abuse that occurred when she was twelve years old (McGillivray and Comaskey, 1999). The man who committed the offence was thirty years old at the time. Some members of her community told her that she deserved the abuse. As a result of this abuse by the offender, and the abuse that she experienced by members of her community, she felt that her self-worth had been seriously affected. Sometimes community leaders denied women the supports necessary to free themselves from the abusive situation.

Fear of child welfare agencies is another reason that Aboriginal women do not report incidents of violence to the authorities (ManyFingers, 1994). Experiences of violence within one's childhood correlated as to whether or not an individual would seek assistance. If a woman experienced violence in her childhood, she was less likely to ask for assistance (McGillivray and Comaskey, 1999). A woman may not leave because of a lack of information regarding resources or she is unable to locate the necessary services that would assist her (Ontario Native Women's Association, 1989, McGillivray and Comaskey, 1999). She may not have any money, no one to provide support, no skills, no job, and/or nowhere to go (McGillivray and Comaskey, 1999). Attitudes by society at large create barriers for women by slowing down the response and assistance for women who are experiencing violence (Burstow, 1992). Aboriginal women may not perceive their situation as something that needs the attention of the authorities, in comparison to the needs of other families (McGillivray and Comaskey, 1999). Delays in the response system may lead to an escalation of abuse, or give the abuser enough time to manipulate the survivor to forgive, and/or ignore the violent behaviour once he becomes aware that the outside authorities

have been contacted.

Extended family members can be a hindrance when it comes to leaving abusive relationships within Aboriginal communities (Office for the Prevention of Family Violence, Winter 1992). More Aboriginal men in Alberta seek the assistance of family members during times of stress; while at the same time, Aboriginal women report that the extended family members may increase the amount of stress that is felt (ManyFingers, 1994) This is related to the fact that in Alberta, it is the woman that often moves to the home community of her husband. Sometimes women may experience abuse from older extended family members. Respect for Elders in the family is sometimes confused with that person's right to abuse younger members of the family or community (Office for the Prevention of Family Violence, Winter 1992).

Raising children alone may not be an option, if a woman believes that children need their fathers (Burstow, 1992). She may stay because she loves her partner. She may stay with him because he says that he can't live without her. She may stay due to her understanding of traditional teachings; that it is her responsibility to be a dutiful wife, and she fears that her community would not forgive her if she chose to leave the relationship. Women in general, may remain in a situation of abuse because they hold on to the hope that he will change, and that the situation will improve.

Some people within Aboriginal communities advocate that women must endure the violence to keep the family together; while at the same time, community members are told that they are not to assist women who are in violent situations (Baxter, 1995). This relates to the misinterpretation of the teaching of non-interference (Morrisseau, 1998). Violence within intimate relationships is not part of the traditional way or culture of Aboriginal communities and should never be rationalized to ensure that all people, including women and children from

abusive situations have the right to live a life that does not interfere with their ability to grow to their full potential (Morrisseau, 1998).

### Domestic Violence in Aboriginal Communities is a Complex Issue

Domestic violence is a serious challenge for Aboriginal women and children that exists at a rate eight times higher than for non-Aboriginal families and has increased over the last two to three generations. These challenges are very complex and are often tied in with other social issues, such as poverty. There are many reasons why women have a difficult time removing themselves from violent situations, many of which relate to how extended family and community members respond to the situation, along with systemic barriers such as lack of supports, and lack of financial assistance. It is important to note, that during the Public Hearings of the Royal Commission on Aboriginal Peoples (93-06-17), it was indicated that ignoring the situation of domestic violence has a detrimental ripple effect on the cost of health and social programs (Ponting, 1997).

## Chapter Three

### Historical Perspective

There is little evidence of physical, sexual, psychological, or spiritual abuse in Aboriginal communities before contact with Europeans. Some believe that violence affecting Aboriginal families began as a result of interaction with newcomers from Europe (Maracle, 1993). Family violence that existed prior to contact with the Europeans was dealt with immediately by the Elders (Ryan, 1995; Angeconeb, 1993). This chapter will focus on some of the philosophies and values brought by Europeans, treaties, the Indian Act, relocation, assimilation/cultural genocide, and the introduction of the western justice system.

#### Arrival of European Newcomers, Beliefs, Values and Disease

With the arrival of Europeans to the new world came the beliefs and value system associated with Christianity. These teachings had a huge impact on Aboriginal ways of doing things. Some Christian teachings provide guidelines for the treatment of women and children, obedience to parents, and unconditional forgiveness of people who are abusive (Miller, 1993). The verse regarding ‘sparing the rod, spoiling the child’ is an excellent example of a teaching that promoted violence toward children (or perhaps its misinterpretation promoted the violence towards children). Some of the writings suggest that if you give power to women, they will destroy those who are in positions of power and authority. Other writings promote punishment for disobedience to one’s parents, disloyalty, worshiping Gods or Goddesses other than the “Christian God”, and the demonstration of emotions. Unless you were the man of the house, expressions of anger and rage were forbidden.

Some people understand Christian teachings to promote forgiveness, even when it is not



warranted, or before the individual is ready to do so (Miller, 1993). If an individual does not have the opportunity to work through or re-frame their understanding of an abusive or violent event, emotions like anger and rage may be suppressed. Repressed anger and rage can lead to internalized anger (depression) that can cause illness of the physical aspects of an individual (King, 1993). Unexpressed rage can fuel the fire for serious physical attacks that could ultimately lead to murder. Suppressed anger has created great stress for Aboriginal families as a result of the European need to control every aspect of Aboriginal life.

The women's holocaust was a point in history that promoted violence and murder of women in European society. Women, especially women healers and property owners, were considered enemies of the Church and were stripped of any power that they may have had. From the 13<sup>th</sup> to the 17<sup>th</sup> century, 8-9 million people were burned at the stake for practicing paganism, a practice that included the ability to heal others with natural remedies. Eighty-five percent of these people were women (Burstow, 1992; Read, 1990). Six generations of European children witnessed the murder of their mothers as they were tied to a stake and set on fire (Read, 1990). Anything that constituted a threat to the church was punishable by death. These people designated by the church leaders could accuse, interrogate, torture, judge, pass sentence, and eliminate people based on something as little as an accusation by a neighbour. Many people who arrived from Europe arrived in North America at the tail end of this murderous time for women. Imagine the psychological scars that many of the travelers carried with them as they crossed the Atlantic Ocean. There was great fear amongst Europeans, for Aboriginal spiritual practices that focused on the earth, the sun, the moon, and Aboriginal governance structures that gave equal power to women and men.

The values of poisonous pedagogy from European culture were transferred to Aboriginal

children in the residential school system. Europe, including Germany, was the home of fascism, which included the ideology of poisonous pedagogy, the underlying current of unconscious thought for generations of Europeans (Miller, 1993). Following orders and the absence of chaos are more important than life itself. Violence is used to keep people and things in order. Children's creativity is dangerous to adults and must be eliminated. One must follow the orders of the father who is considered to be the one with the most power. Failing to obey or condemning the behaviour of the father resulted in physical punishment and possibly death. Children were trained from an early age to obey and follow orders to ensure a life free of creativity and exuberance. Children were not allowed to feel; therefore, if they did have feelings, these were often internalized. Women were expected to support the decisions of the father when it comes to disciplining or physically "correcting" a child. These ideas were in direct conflict with the Aboriginal way of raising children.

Before contact, Aboriginal people and European newcomers lived in two completely different worlds and were not aware of each other's existence (RCAP, *Highlights*, 1996). During the first two to three hundred years after contact, European newcomers and Aboriginal people lived side by side as neighbours with cautiousness and curiosity. Each group was responsible for themselves and their communities. In the 1500s, Europeans ventured across the ocean to North America. Inter-cultural exchanges, like trade, friendship, inter-marriage, along with governmental strategic plans in the event of war, started to take place. If it weren't for the Aboriginal people, the Europeans wouldn't have survived the harsh climate of the northern regions of North America. I remember a story told to me by a woman who worked with Aboriginal youth. She told me about a cartoon with a picture of the pilgrims lined up for a "thanksgiving" dinner that was prepared by Aboriginal people. The caption read "North

America's First Bread Line".

Europeans brought diseases that were foreign to Aboriginal people, such as influenza, smallpox, yellow fever, measles, and malaria (Maracle, 1994). It is believed that fifty to ninety percent of Aboriginal people perished due to infection by these viruses. Due to the radical decline in the number of Aboriginal people as a result of death by disease, it was easy for the European travelers to take "control" of North America.

Treaties: What is Mine is Mine and What is Yours is Mine

It was the 1700s, when the Europeans and Aboriginal people began the process of forming treaties (RCAP, *Highlights*, 1996). This created great confusion in the interpretation of the processes involved. Aboriginal people highly valued oral traditions and Europeans respected written contracts. In the Aboriginal world, treaties defined the terms for peace, trade, land, the sharing of resources, and protection of communities. Treaties in the Aboriginal way were created out of mutual respect. Traditional Aboriginal treaties came about through pipe smoking and other sacred ceremonies outlining the responsibilities and expectations of each party developed in a spirit of reciprocity and harmony, not ownership and obedience to the other power. The Europeans did not understand the importance and the sacredness of these agreements and feared the strength of Aboriginal Nations. This fear and desire for power and control led to political decisions that discriminated and almost annihilated traditional Aboriginal cultures.

Treaties designating land for Aboriginal use were one of the political decisions that contributed to the disintegration of the Aboriginal way of life. The relocation onto reservations had a tremendous impact on a nomadic lifestyle that was in harmony with nature and the

availability of resources to feed the people of each community. Aboriginal people were moved to reserve land as early as 1637 (RCAP, *Highlights*, 1996). This is something that continued over the next two to three hundred years. The original motivating force behind moving Aboriginal people to reserves was to provide the opportunity to safeguard Aboriginal people and their culture; instead, relocation led to social isolation and poverty [others would argue that it was to take over the land] contributing to European control of every aspect of Aboriginal life through mandatory education, social welfare, and control by Indian Agents. This paternalistic concept of the need for protection, combined with the teaching of some missionaries, led to diminishing practices of Aboriginal culture, freedom, and feelings of self-worth. In the 1800s, respect and cooperation between the two cultures were replaced with domination as the demographics shifted. Disease and poverty had such an impact, that by 1812, there were ten newcomers for every Aboriginal person in North America. As the population of settlers increased, so did their power. The government began designing laws to control the activities of Aboriginal people. Systemic discrimination is one way to describe what took place over the last two hundred years. Many people refer to this process as cultural genocide.

#### Forced Assimilation into European Culture

Traditional Aboriginal governments were eliminated, in 1867, under the leadership of Sir John A. MacDonald, when the government decided to assimilate Aboriginal people with non-Aboriginal people (RCAP, *Highlights*, 1996). The purpose of assimilation was to teach and instill non-Aboriginal values and job related skills to serve the dominate society (Hodgson and Daily, Spring 1989). The process of assimilation extended from 1879-1969; a time period when children were removed from their home communities and sent to residential schools to be

educated to the ways of the dominant society, for the sole purpose of integration into mainstream society (RCAP, *Vol. 1*, 1996). From 1969 to the 1980s, the child welfare system promoted assimilation for many Aboriginal children.

### The Indian Act: A Tool for Absolute Control

The Indian Act of 1876 laid out the rules for how Aboriginal people were to be treated (RCAP, *Vol. 1*, 1996). Indian Agents were hired to take on the responsibility for registration (birth, death and marriage), property, financial administration, business deals, elections, land and loan management, promotion of marriage over cohabitation, transfers for membership to other bands, building, irrigation, and estate management. They were also designated to take care of highway development, social assistance, housing, and to provide information to the magistrate regarding criminal offenses in the role of justice of the peace. In their spare time, the Indian Agents handled health and school inspections, presided over meetings of council, recruited men for the army, and managed veterans' benefits. Some of these people thrived on this all-powerful control of Aboriginal Nations that at one time were healthy and strong. These Indian Agents were responsible for ensuring that the laws developed to control Aboriginal people were respected and "obeyed".

This was the introduction of the western justice system into Aboriginal communities (RCAP, *Vol. 1*, 1996). In 1882, Indian Agents were given the same power as magistrates, although they had no training in law. Laws that dealt with controls around alcohol introduced by fur-traders and settlers were instituted when it was discovered that alcohol became a great challenge for many Aboriginal people (RCAP, *Vol. 1*, 1996; Maracle, 1994). In 1874, the government passed a law that prohibited Aboriginal people from becoming inebriated; an

Aboriginal person who was found drunk was further punished, if they did not disclose the name of the person who supplied the banned substance (RCAP, *Vol. 1*, 1996). This was the beginning of the over-incarceration of Aboriginal people. It is interesting to note, that these kinds of laws only applied to Aboriginal people.

Other laws that governed natural resources, financial management, and western concepts of marriage and parenting were introduced to Aboriginal communities (RCAP, *Highlights*, 1996). It became illegal for Aboriginal people to play pool, or to sell agricultural products, and if they wanted to retain the services of a lawyer, they needed to find one who had a license to provide services for Aboriginal people (RCAP, *Vol. 1*, 1996). If an Aboriginal person wanted to leave the reserve to interact with non-Aboriginal people, he or she had to obtain written permission from the Indian Agent. The pass system also served to prevent collaboration with other reserves and visits to their children living in residential schools. This was written public policy on the prairies. In 1884, Potlach and Sundance ceremonies were deemed illegal. Participation in spiritual and community events was a threat to some Christian missionaries. Attendance at these kinds of activities was considered to be criminal activity and was treated as such (RCAP, *Highlights*, 1996). I heard one Elder tell a story: Giving gifts, an important tradition, was considered illegal at public gatherings. The Elder would hide money in a gum wrapper and give these to her friend, under the ‘watchful’ eye of the Indian Agent. She went ‘underground’ and found a way to continue with the practice of her traditions. Elders were prevented from passing on the oral history due to the prohibition of traditional ceremonies (RCAP, *Vol. 1*, 1996). It was during the ceremonies, where Elders and other community leaders taught the teachings around governance including respectful ways of participating in planning and conflict resolution processes. Due to the laws that prevented Aboriginal people from

gathering together to carry out the traditional ceremonies, important and necessary skills were not passed on to following generations.

Amendments to the Indian Act, in 1884, included laws about civil and criminal matters relating to Aboriginal people (RCAP, *Vol. 1*, 1996). These laws gave the Indian Agent the power to conduct trials related to those items that were highlighted in the Indian Act. Another law, passed in 1884, outlined the rules regarding the power to speak out about injustice. It was illegal for more than three treaty, non-treaty, and bi-racial Aboriginal people to collaborate for the purpose of asking for or demanding systemic changes of the mainstream government. It was even a crime to sell ammunition to an Aboriginal person. In 1890, amendments to the legislation gave the Indian Agent jurisdiction over Aboriginal people who were accused of specific acts of sexual assault. One may not have a difficult time imagining the kinds of challenges this law could create for Aboriginal women.

The Canadian approach to managing justice was much more oppressive than the U.S. approach (RCAP, *Vol. 1*, 1996). In the U.S., people from the reservations were chosen as the managers of justice; in other words, judges who reported to the U.S. Indian Agent. The Manitoba Justice Inquiry found that in Canada, Indian Agents could make the complaint, give direction to the prosecution, and then act in the role of the judge. Aboriginal community members were not invited to participate in this process, unless they were the person accused of the crime. It is not surprising that many Aboriginal people have long standing resentments or mistrust toward justice personnel who are employed by mainstream justice organizations (RCAP, *Justice*, 1996). The current method of dealing with justice issues in most Aboriginal communities does not meet the needs of the people. When the court process does visit the community, these visits are few and far, between, and often conducted in a speedy fashion

enforcing Canadian criminal law. There is not enough time to incorporate Aboriginal values and traditional approaches for justice. These charges, convictions, and sentencing outcomes do not meet the needs of the individuals, or the community, and are often viewed as an intrusion instituted by the dominant culture.

The western court system does not solve the root issues for Aboriginal people but continues to assimilate Aboriginal people into the western way of doing things. The western court system continues to exacerbate the problems that are experienced by Aboriginal communities; the oppression continues. Aboriginal people have been dominated by non-Aboriginal people in their childhoods in residential schools, something that continues into adulthood via the western justice system.

Many are incarcerated by the western justice process for something as little as stealing (Burstow, 1992). Many people's situations of poverty affect their outcomes, when in conflict with the law.

Unresolved issues combined, with systemic discrimination is contributing to the robust economy of the prison system. Society at large has failed people who end up in the prison system (Miller, 1993). When someone has committed a crime, it is important that we treat them with respect, caring, and compassion for their missed childhoods; however, the abuses experienced in childhood do not give someone the right to harm others. North American governments have failed Aboriginal people who end up in jail.

Many people have recognized the injustices of the Jewish Holocaust, the Women's Holocaust, Apartheid in South Africa, Genocide in Rwanda and Iraq, to name a few of the inhumane policies that have contributed to the discrimination, and ultimately the eradication of whole nations within nations. Many people are making the connection between what took place



in other areas of the world and what happened to the Aboriginal people of North America. The process to control Aboriginal people was conducted at a much slower rate and took place over 500 years.

### The Aftermath

Decisions made by European and North American governments have contributed to the downward spiral effect that has taken place in the life and spirit of Aboriginal communities, affecting Nations, communities, families, and individuals. A culture that was based on respect has become one that sometimes perpetuates patriarchal concepts of power and control over members of communities and families. This cycle is repeated on and on, until an individual and/or community is willing to face the truth (Morrisseau, 1998). The abuse by non-Aboriginal government and administrative structures concerned with the activities of Aboriginal people has left its mark, so much so that some Aboriginal people are abusing other Aboriginal people.

The Canadian government now realizes that the decisions that have been made over the last three hundred years have almost destroyed strong and proud nations of Aboriginal people (Stewart, 1998).

## Chapter Four

### Factors Contributing to Domestic Violence in Aboriginal Communities

Numerous factors have contributed to domestic violence in Aboriginal communities. Some of these include: the removal of children from their homes and placement in residential schools, substance abuse, foster care, poor socio-economic conditions on reserves, television, inequality for Aboriginal women, and the over-representation of Aboriginal people in the corrections system.

#### Residential Schools (Kidnapping and Cultural Genocide)

Residential schools were developed in 1849; to provide a tool for the Canadian government to deal with, what was perceived as the “Indian problem”, by teaching the ways of colonialism (RCAP, *Vol. 1*, 1996). It was hoped that Aboriginal people would become casual labourers for the European people of North America. Aboriginal children were taken from their families at approximately age six, for the entire school year, for up to ten years (RCAP, *Highlights*, 1996).

Residential schools had the greatest impact on the destruction of Aboriginal family and community life (RCAP, *Highlights*, 1996; MacDonald, 1993). The residential school experience could be considered a form of cultural genocide introduced to coerce and sometimes force Aboriginal children to give up their traditional ways of participating in family and community life, and take on the culture of the dominant society (RCAP, *Vol. 1*, 1996; MacDonald, 1993). These young Aboriginal children, while students of residential schools were not allowed to speak the only language that they knew, were taught to reject their ancestry, and experienced unusual hardship and sometimes abuse (RCAP, *Highlights*, 1996).

The bond that existed between many Aboriginal children and their parents, extended relatives, and community at large was severed (RCAP, *Highlights*, 1996). For many Aboriginal people, physical, psychological, and sexual abuse replaced the traditional teachings that were normally passed down from one generation to the next (MacDonald, 1993). Many people talk about unhealed scars that affected their ability to participate in loving, healthy relationships (RCAP, *Highlights*, 1996; Teichroeb, 1997). The harsh realities of growing up in an institution, with little compassion and caring, affected most Aboriginal families (Hodgson, 1989). Parents didn't learn the parenting skills they needed to teach the next generation (RCAP, *Vol. 1*, 1996). Role models included school employees who used authoritarian styles of leadership/parenting. This in turn left Aboriginal children and youth with a lack of healthy communication skills and a sense of alienation from the people who loved them the most (Teichroeb, 1997). Many survivors of residential schools found that they possessed none of the skills required to survive in either Aboriginal or non-Aboriginal society.

Physical, psychological, and sexual abuse was experienced by many Aboriginal children in the residential school system (RCAP, *Highlights*, 1996; Haig-Brown, 1991; RCAP, *Vol. 1*, 1996; Fournier and Crey, 1997). The physical abuse included the strapping of bare behinds in front of others, shaved heads, diets of bread and water, mouths filled with castor oil, and turned upside down for a shaking (Haig-Brown, 1991). Starvation, neglect, overexposure to the elements (of which people died), locked in rooms for up to 12 days, tied to benches, tied up and barricaded in small spaces, whippings, and severe beatings with fists and sticks (RCAP, *Vol. 1*, 1996) were other kinds of physical abuse that were inflicted on Aboriginal students. The psychological abuse involved public humiliation, such as punishments carried out in front of other students (RCAP, *Highlights*, 1996; Haig-Brown, 1991). Sexual abuse carried out by some

staff and other students had a serious effect on many Aboriginal children (Fournier and Crey, 1997; RCAP, *Vol. 1*, 1996). Willie Blackwater, a former student of the Alberni Indian Residential School, and the first Aboriginal person to claim damages for posttraumatic stress as a result of his experience, launched a civil suit along with 23 other men against their abuser, the United Church, and three former principals of the school (Fournier and Crey, 1997). Willie was sexually abused for a period of three years by the dorm supervisor. When Willie finally told someone, he received beatings. The more he spoke, the more he was beaten, with each beating getting progressively worse.

### Imagine

If English is your first language, imagine that you are living with your children and your spouse in a small house with white picket fence, and some foreign people come and take your children (six years of age) away, because they don't think that you are doing a good job of making them good North American citizens. They take your children three hundred miles away and only let you see them for one month out of the whole year. Your children are taken to a community in the middle of nowhere, where the children live in a warehouse and are not allowed to leave. Your children are forced to eat food they don't like (because they have never tried it before), have their heads shaved and speak the local language (a language that you don't understand). Imagine that every time they speak English, they are beaten with a whip. They are not allowed to wear anything that resembles a symbol of your religion or faith. If they get caught playing games like London Bridge is Falling Down or Snakes and Ladders, they are punished and not given anything to eat except for bread and water. Sometimes the children are physically, psychologically, and sexually abused by the staff that the foreign people have

imported from another territory. When your children return home they are afraid to speak English, and it seems that they are very angry. They don't trust anyone, not even you. What would it be like, if this happened to your family?

### Loss and Grieving

When Aboriginal children were 'kidnapped' (as some people would refer to this process) and taken to residential schools, a grieving process precipitated over the loss of family and purpose that has lasted several generations (Ross, 1996). Students returned home as strangers, with a transformed understanding of 'family', and integrated back into their communities (Haig-Brown, 1991). When students returned some went back to their homes traumatized by the abuse and violence that they had experienced; many students carried heavy loads of anger, feelings of abandonment, and often blaming their parents for these overwhelming feelings.

### Violence

Residential schools were the training ground for violence due to the abuse that was encountered (McGillivray and Comaskey, 1999). This learned behaviour has been demonstrated in relationships. Sadly some people who grew up in residential schools have grown up to abuse their own children (Fournier and Crey, 1997; RCAP, *Vol. I*, 1996).

Many other Aboriginal people were not abused and were actually appreciative of what they learned in these schools (RCAP, *Highlights*, 1996). Some people had good memories, away from the chaos in their family due to substance abuse, violence, and poverty (Teichroeb, 1997). The very thing that caused the problems in the first place, became the saving grace for some Aboriginal people in Canada.

These losses have taken their toll on communities, particularly since the traditional methods for psychological healing, grieving, conflict resolution, spirituality, and government structures had also been taken away (sun dances, sweat lodges, shaking tents, etc.) (Ross, 1996). Alcohol became one way to anesthetize the pain experienced through the loss of Aboriginal children (Haig-Brown, 1991). Survivors of residential schools are caught in two separate worlds, not knowing in which one they truly belong. Those who were sexually abused lived in silence and in shame (RCAP, *Vol. 1*, 1996).

Violence is learned behaviour (Brinegar, 1992). Many parents who exhibit abusive behaviour towards their children survived abuse in their childhood, and children who grow up witnessing abuse in their parent's relationship have a higher chance of repeating these kinds of patterns in their adult life. Miller (1993) agrees that people who are abused as children may grow up to inflict pain and suffering on others, if the childhood abuse is left to percolate in the unconscious mind. Parents who experienced abuse at the hands of their own parents have a chance six times higher of being abusive towards their own children (Brinegar, 1992). Denying abuse that people experienced in childhood can lead to situations where the oppressed become the oppressor (Miller, 1993).

Individuals who have experienced unresolved emotions due to abuse may be seething with anger and/or rage (Miller, 1993), that may be triggered without a simple, logical explanation. If an individual does not have the opportunity to express these emotions, there is a possibility that this person could turn to substance abuse, experience a psychotic episode, and/or resort to criminal activity. Children who are abused must suppress their feelings to survive, and may not be able to deal with the overwhelming pain. If these feelings and emotions are not dealt with when the opportunities arise, repression of rage can be turned toward others or themselves.

## Addictions

Many Aboriginal communities have serious challenges with the abuse of alcohol and solvents (Ross, 1996; Maracle, 1994). Drugs are also a big problem in many Aboriginal communities; even remote communities have access to illegal substances (Ross, 1996; Maracle, 1994; Fournier and Crey, 1997). There is conflicting evidence on the role that alcohol plays in regards to domestic violence in Aboriginal families. Specialists in the area of addiction programs serving Aboriginal people firmly believe that substance abuse is not the cause of domestic violence (Hodgson and Daily, 1989); however, a study conducted in Ontario showed that seventy-eight percent of Aboriginal people believe that substance abuse was the cause of the violence (Ontario Native Women's Association, 1989). Substance abuse contributes to the chaos and violence that may exist in family life, where alcohol and drug abuse may escalate the degree of domestic violence by 50 percent or more (Brinegar, 1992).

Laws developed between the 1800s and the 1970s, that prohibited Aboriginal people from socializing with non-Aboriginal people in public places, and to become intoxicated, have contributed to the abuse of alcohol (Maracle, 1994). When alcohol was consumed, many Aboriginal people drank in private or out of the way places; for those who did drink in public places for example in Northwestern Ontario, guzzling the evidence was a common occurrence to prevent being arrested by the police. It was easy for many Aboriginal people to end up in jail for an extended period of time for merely drinking too much, due to these discriminatory laws.

The challenge is so great in some Aboriginal communities, that some people, especially the youth, who live on dry reserves, and/or without financial means to purchase alcohol, have found ways to sniff corrosive substances such as glue and gasoline (Ross, 1992). Sometimes

drinking 'Listerine' and sucking on rags soaked in 'Lysol' provide a way for young people to get 'high'. One can get 'high' for less money, and it's not illegal to buy gas, 'Lysol' or "Listerine", if one is under age. The major problem with this kind of intoxication or killing the pain is that it can have a huge detrimental impact on the physical health of the body, since a person can become extremely ill from using these substances. For one particular community of 300 people, the police believe that around 40 of the youth, who live there, are regularly sniffing gasoline and other toxins.

Hodgson (1989) indicated that substance abuse is a huge challenge; however, it is usually covering up something that is creating stress for an individual. Substance abuse soothes the overwhelming pain experienced by many (Maracle, 1993). Issues such as physical and sexual violence become apparent once the issues of addiction are addressed. Hodgson also indicates that addressing these issues will help the individual find stability in their new sober life style and begin to break the cycle of violence (Office for the Prevention of Family Violence, Winter 1992).

Many Aboriginal people have grown up in families that are caught in a cycle of addiction and violence (Hodgson and Daily, 1989; Morrissette, 1998; Maracle, 1994). Growing up in a family that is governed by these challenges is a very confusing and bewildering experience for children (Brinegar, 1992). Anne Wilson Shaef talks about seven attributes of someone dealing with an addiction; self-focus, control or the illusion of it, lack of honesty, confused thinking, denial of any challenges, desire for perfection, and difficulties with memory (Brinegar, 1992).

Maracle (1994) suggests that many Aboriginal people have experienced dysfunction created by families that have challenges with alcohol. For example, his extended family has lived through a situation where his cousin's life was taken by another cousin, the murder of



another cousin, deaths due to alcoholism, family members who have experienced incarceration, marriages that have split, children taken into care, car wrecks, and injuries due to violence. He considers himself to have had it good compared to many other Aboriginal people.

Alcohol abuse is related to oppression (Burstow, 1992). Survivors of abusive behaviour benefit from making a connection between the oppression in their lives, to their own pattern of drinking. Abuse of alcohol is one way to deal with the feelings and emotions that a person may feel when they are being victimized or oppressed. This cycle can become a never-ending vicious 'circus' that goes on and on, until a person makes a conscious effort to get off the 'merry-go-round'.

#### Why Might an Aboriginal Woman Drink?

Since many Aboriginal women are survivors of domestic violence, it is important to explore some of the reasons why they, in general may choose substance abuse as a way of coping with everyday life. Drinking binges in particular help a woman to keep difficult feelings and unbearable thoughts or memories under wraps, to survive the loneliness of living with a man who is non-expressive or behaves in an abusive way (Burstow, 1992). All too often, drinking subdues memories of sexual abuse that occurred in childhood. Excessive drinking provides the opportunity to avoid making challenging decisions that one is not prepared to make, like striving for independence and freedom by moving out on their own, to condemn themselves for bad decisions, or to have the courage to try new experiences. Drinking may provide a sense of security or a sense of happiness for a short period of time, or provide the opportunity to express emotions when she is drinking, that aren't considered acceptable by family and the community.

Drinking is also a way to avoid participation in a relationship (passive resistance) or as an act of revenge toward the abusive partner.

The laws developed in Canada to control the activities of Aboriginal people, through relocation, residential schools, and those that control the use of alcohol have contributed significantly to the problem that exists today. Alcohol and other substances have been used to help reduce and anesthetize the pain. However, this has been detrimental to the peaceful existence in the family and the community. When dealing with alcohol abuse and violence issues, there exists a 'catch-22'. When the use of alcohol decreases, feelings that are buried begin to surface, which may lead to a relapse in the use of substances. An incredible amount of work is currently underway in Aboriginal communities to deal with substance abuse and the underlying issues that encourage this. Substance abuse affects all areas of one's life, and ultimately affects the whole community by reducing one's ability to make healthy and respectful choices that are expected by the community (Angecone, 1993). It is important to keep in mind that Aboriginal cultures place a high value on respect.

#### Foster Care

The second major influence that created family disruption was foster care placements and adoption in non-Aboriginal families. Aboriginal children who grew up as part of a non-Aboriginal family more often than not were denied the experience of their own culture and heritage. This interfered with their ability to define their sense of connection of who they are. Many of these Aboriginal children living in foster care were raised by non-Aboriginal foster parents, who may have been physically and sexually abusive, and/or treated the Aboriginal children like slaves (Burstow, 1992). These children were traumatized by being removed from

their families, especially if they were placed in a family outside of their home community (Teichroeb, 1997).

During the 1950s to the 1980s, many Aboriginal families lost their children due to racist social policies that took their children away via the child welfare system (Fournier and Crey, 1997; Maracle, 1993). This was known as the “sixties scoop”. Aboriginal people make up about three percent of the Canadian population, and in the 1960s, sixty percent of children living in foster homes in Manitoba were Aboriginal, fifty percent in Alberta, and seventy percent in Saskatchewan (Teichroeb, 1997).

Often children were removed from their home due to reasons attributed to poverty, and simply because their families were Aboriginal (Fournier and Crey, 1997). ‘Rescuing’ the children from parents who had difficulties, and who lived in impoverished environments was the only solution utilized during the 1960s. Little attempt was made to assist families and communities to improve the quality of life on reserves by meeting the needs that contributed to drinking, poverty, and the breakdown of families (Teichroeb, 1997). Because communities and families didn’t have the resources to provide flush toilets or refrigeration, this gave social workers ample reason to remove children from their homes and families, and make them wards of the state (Fournier and Crey, 1997). The community that I stayed in, back in 1981, did not have flush toilets, refrigerators, running water, or electricity. All the children living in this community could have been taken into care for the lack of infrastructure and utilities.

Foster care continues to be a great source of stress for many Aboriginal children and their families (Teichroeb, 1997). Social workers were hyper-vigilant in removing children from their families and their communities due to a lack of resources, like foster care homes on reserves, or by placing children with extended family members who may have abused them or applied

pressure for the children to change their stories. Removing children from their families all too often made matters worse.

Political interference is sometimes a problem in communities (Teichroeb, 1997). Band Councils sometimes have the power and authority to hire and fire child welfare/social service workers. Limited resources cause the communities to provide service based on crisis management, which sometimes left children at further risk in unhealthy and dangerous situations.

Denial has played a major role in communities over the last few decades. In the 1970s, children were removed from their community's altogether, if they disclosed that physical and/or sexual abuse was taking place. Silence was one way that a community was able to keep their children 'safe' in their home community (Morrisseau, 1998). Foster care inadvertently may have helped to perpetuate violence in Aboriginal families by encouraging people to maintain the 'wall of silence'. Abuse was not disclosed because families were afraid of losing their children. What are the alternatives to ensure the safety of children, when their parents are in crisis?

### Socio-Economic Conditions

Many Aboriginal people believe that the high incidence of domestic violence in their communities is directly linked to the high rate of unemployment, poor housing, and poverty (Flaherty, 1993). Illness, inadequate and overcrowded housing, unsafe drinking water, poverty, under-resourced educational facilities, and breakdown of the family are more similar to those of developing countries than those of the rest of Canada (RCAP, *Highlights*, 1996).

Housing is inadequate, often flimsy, and overcrowded, with sometimes 18 to 20 people living in a house designed for the western concept of a nuclear family (RCAP, *Highlights*, 1996). Houses need major repairs, twice that of other Canadians. Running water and indoor plumbing

are luxuries on some reserves. Approximately twenty five percent of reserves have water and sewage systems below standard, resulting in pollution caused by sewage and solid waste that is affecting the earth and all living things. Kashechewan, during the time of the e-coli contamination, is an example of a community that was turned upside down due to the inadequate infrastructure necessary for life in the modern world.

Aboriginal people are two to four times more likely to be on social assistance than other Canadians, and in 1991, over half of the Aboriginal population were bringing in less than \$10,000 a year in income (RCAP, *Highlights*, 1996). Unemployment on reserves is triple that of the rest of Canada and most people from Aboriginal descent are surviving in poverty including those living in urban centres (Stewart, 1998). Unemployment is also a problem for Aboriginal men, since many of the jobs on reserves are occupied by women. Changing roles for men, from hunters and trappers to securing 'paid' employment, has been a challenge (ManyFingers, 1994).

Infant death rates are twice as high in Aboriginal communities as in non-Aboriginal communities, and the suicide rate amongst Aboriginal youth is seven times greater than the average of all of Canada (Stewart, 1998). Aboriginal people die seven to eight years earlier in comparison to other Canadians, and infections like tuberculosis exist at a higher rate among Aboriginal people (RCAP, *Highlights*, 1996).

It is believed that these socio-economic conditions are the result of interference by the government over the last few hundred years. These conditions lead to the frustration and anger that contribute to family violence, the abuse of alcohol, a loss of confidence and sense of self-worth, which often leads to disrespectful behaviour towards women and children (Ontario Native Women's Association, 1989).

The poor socio-economic conditions on reserves such as the lack of employment, sub-standard housing, water and sewage, ill-health, and educational failure contribute significantly to the vicious cycle of addictions and family violence. To eliminate the vicious circle of poverty and domestic violence, it is important to make changes in a holistic way. Helping a family improve their standard of living by improving their living situation and their economic conditions may have a major effect on their ability to parent and have healthy relationships (RCAP, *Highlights*, 1996).

### Violence on Television

Violent images on television have also contributed to the violence that is experienced in many Aboriginal families and communities. Television is a relatively new addition to reserve life, especially in communities in the north that have recently installed electricity (Ross, 1992). In 1981, the community that I stayed in did not have electricity and there was only one telephone for the whole community. Today, that particular community is home to TV's, satellite dishes, DVD's, video games, and the internet. In a relatively short period of time, isolated communities have become exposed to western television and video games with all its glamorization of sex and violence. Television via satellites are broadcasting foreign images, such as a world-wide wrestling, ninja warriors, movies about street gang violence, and the sexual objectification of women. It is suspected that this is having a major impact on how children and youth relate to each other in contemporary society. An abundance of violent images on television increases the chances that we will experience violence in our personal relationships, our communities at large, and on the international scene (Brinegar, 1992). As we all know, there is an overwhelming amount of violence on TV, even during children's programming. The Neilson Index indicates

that children from the United States view approximately 18,000 murders on television by the time they complete high school. If a child or youth is dealing with boredom, unresolved anger, or frustration, he or she may live out what they see on television (Ross, 1992). Gangs of youth imitating those on television are all too common on reserves. Television and video games assimilate nearly all children, Aboriginal and non-Aboriginal, in all sorts of ways that trouble many people. There is a great concern as to what Aboriginal children are learning about white culture.

Television not only brings thousands of violent images into the homes of Aboriginal children on a daily basis, it also brings a distorted image of white culture that could be contributing to the violence experienced by many Aboriginal families and members of their communities, particularly with the youth and children. Ross (1992) talks about the importance of setting clear boundaries and limits around the kind of television programs that the children are allowed to watch.

#### Lack of Equality between Men and Women

The lack of equal rights and respect for Aboriginal women has a major effect on domestic violence within Aboriginal communities. Women have often been excluded from the decision-making processes in contemporary Aboriginal society (Alfred, 1999). Traditionally, women had an equal place at the circle for making decisions about the community. In the Iroquois tradition, male leaders were chosen and held accountable by the women (Alfred, 1999; Allen, 1992). Today, Aboriginal women are sporadically involved at a political level; however, not to the same degree that they were in the past (Alfred, 1999; Anderson, 2000). Due to the loss of traditional

values such as respect and equality between women and men, the voice of women is left relatively unheard.

Aboriginal women have received twice, as much discrimination as their male counterparts under the Indian Act (RCAP, *Vol. 1*, 1996). One example of this kind of discrimination includes the laws that governed inter-cultural marriages. Non-Aboriginal women, who married Aboriginal men gained Aboriginal status, and Aboriginal women who married outside of their culture lost their status as well as their band rights. Aboriginal women who married outside of their culture lost their vote within their own community; therefore, further silencing their voice in regards to decision-making (Teichroeb, 1997). There were clearly different rules for Aboriginal men and for Aboriginal women. The band council had and still has great power over Aboriginal women; even though legislation has been developed to reverse the discrimination. Through Bill C-31, Aboriginal women who lost their status through marriage can regain it; however, the band council has the power to decide whether or not she can retain her band membership. She is not always welcomed back with open arms, if she is welcomed back at all. This puts many Aboriginal women in a difficult spot since many services are provided through the home reserve. If an Aboriginal woman has married someone from the outside or she discloses abuse in her community, she is at risk of losing resources that need to be approved by the band (RCAP, *Vol. 1*, 1996).

Divorce laws for Aboriginal women on reserves have also created barriers for women who wish to separate from a man who is behaving in an abusive way. Because there is no land ownership, women who were originally from other reserves, do not have rights to the house that they live in (Howard, 2000). If a woman isn't accepted in her partner's community after separation and isn't accepted by her own community, she may have no other choice, but to travel



to cities with only the clothes on her back. If these women don't find social supports that are friendly to their needs, the street, and foster care for their children, may be their only options.

Domestic violence and/or challenges with single parenthood often inhibit a woman's ability to fully participate in the development of the community (Alfred, 1999). Leaders, who behave in abusive ways, or those who have not worked through their own issues around abuse, may not make the best decisions when it comes to supporting women to end the violence (Teichroeb, 1997). Women told many stories of inaction by community leaders, when they disclosed that domestic violence and discrimination was occurring in their homes and communities.

Women have many barriers that prevent their full participation in the decision-making process of the community. Some of these include: lack of support from a stable partner, assistance with raising and caring for children, and/or dealing with violence (Alfred, 1999). Women are requesting that men help to promote health and wellness in the community by recognizing the contributions that women can bring to the decision-making process. Women's contributions to community decision making will help to improve conditions in communities.

Disclosing abuse to community leaders may end with a continuation of the victimization. Many women do not trust the leaders to hear and act on their concerns in regard to violence (Teichroeb, 1997). Men are called on to acknowledge that abuse exists in their communities and sometimes in their personal relationships. It is time for men to work through the pain and anger of what happened to them, so that they will stop imposing their pain on others with abuse and violence. Men who are not upholding their responsibilities regarding their children leave no room for women to participate in the political life of the community because all their energy is focused on supporting and raising their children (Alfred, 1999). Aboriginal men have not been

encouraged over the last few generations to develop their own personal spiritual contract with the Creator (Razack, 1998) which might be a catalyst for an improved quality of family life.

### Involvement with Western Justice and Corrections Systems

Many people argue that involvement in the justice and corrections system has also contributed to the violence experienced in Aboriginal families and communities. The court system continues to abuse Aboriginal women by not recognizing that abusive behaviour is not part of Aboriginal cultural norms (Razack, 1998). For example, rape should never be considered normal behaviour for any cultural group. Rape is sexual assault no matter what culture the survivor and victimizer come from.

The number of Aboriginal people involved in the criminal justice system is increasing, and it is important to note that there is a significant problem with the number of Aboriginal youth within the system (Monture-Okanee, 1995). The rate of incarcerated youth is much higher than that of adults. The number of adults will rise due to the fact that many youth offenders “graduate” to adult facilities at the provincial and federal level.

Statistics from 1990-91, indicate that the percentage of Aboriginal people incarcerated is high in some communities in Ontario, considering that Aboriginal people only make up 3.8 percent of the Canadian population (Province of Ontario, 1993). In Kenora, 81 percent of the people in prison were Aboriginal; in Fort Frances, 54 percent, and in Thunder Bay, 36 percent were Aboriginal. In 1996, the federal government reported that seventeen percent of people in federal prisons were Aboriginal. In Saskatchewan the rate is 73 percent, 57 percent in Manitoba, and 17 percent in B.C. (Fournier and Crey, 1997).

Aboriginal women are also over represented in the prison system at an even higher rate (131 times higher than white women in Manitoba) than Aboriginal men in comparison to other men (Razack, 1998). Many of these crimes committed by Aboriginal women are in response to experiencing abuse and violence. I would argue that, since Aboriginal women are reluctant to call in outside authorities for assistance, their concerns for safety go unheard. Women are left with few options. Violence inflicted in self-defense is one way to put a stop to the abuse which in turn creates a situation, where the woman comes in conflict with the law. Due to issues of poverty, she may not have the bail money, or understand the western justice criminal system enough to make her way through without incurring jail time.

Aboriginal people in the corrections/justice system may be at risk for inappropriate interventions, based on ‘mis-diagnosis’, and misunderstanding regarding cultural cues (Ross, 1992). Aboriginal people who are sent to prison come back to their home communities, angrier and more dangerous than when they left (Hollow Water Community Holistic Circle Healing, 1993). The system which is designed to correct behaviour may actually perpetuate additional violence and addictions in Aboriginal communities.

#### Challenges to Overcome for the Future Generations

Community political and spiritual leaders have a valuable role to play regarding role modeling healthy choices for young people (Angeconeb, 1993). The future holds many challenges, due to the fact that the Aboriginal population is growing at an incredible rate, which will have major impact on employment and services for youth in the future. By the year 2016, there will be a need for an increase in the number of jobs by 225,000 to provide enough employment opportunities for the increasing number of youth (RCAP, *Highlights*, 1996). Many

young people from Aboriginal descent do not complete high school. They leave school without the skills necessary to survive in mainstream society as well as their own communities. Discrimination and racism affect their self-esteem which affects their ability to walk proud in either world. There is need to support Aboriginal youth, to help them find their lost identity, and to instill pride in who they are. This in turn will develop higher self-worth and higher levels of self-confidence that will increase their ability to provide for themselves and their future families.

As a result of these challenges, Aboriginal people and communities have become experts on what is not working in their lives and their communities, and are the people who have the most understanding on what it would take to turn the situation around. It has been clearly noted, that there is a need to address the situation from a holistic point of view to help individuals deal with their addictions, so that they may address issues of violence and abuse while at the same time addressing the need for more suitable housing, education for youth, timely health care, employment, income support, water, and sanitation systems that are up to code. This is a complex situation that requires a very complex response with enough trained personnel, employment, and financial resources to make a difference.

## Chapter Five

### Domestic Violence

This chapter will provide a description of what domestic violence is information about abusers, and the ways that domestic violence may present itself in Aboriginal families. People who grew up in homes where the abuse of alcohol and violence were the norm were deprived of a healthy childhood. Children grew up too fast in these kinds of situations (Morrisseau, 1998). A childhood that could have been filled with laughter and joy through play is often replaced by a lifetime of grieving. The time for imagination and dreaming for the future is replaced by years of tears and emotional pain.

What is Domestic Violence?

The *Power and Control Wheel*, that was developed in Duluth, Minnesota, is an excellent tool for assisting people to understand what the signs of domestic violence are (Paymar, 1993). Ultimately, domestic violence is the result of an imbalance of power between men and women (RCAP, *People to People*, 1996) [and/or an imbalance of power between same-sex partners]. Abuse can be described as behaviour that is used to obtain absolute power and control over another individual (Berry, 1995), with the purpose of promoting obedience to the abuser (McGillivray and Comaskey, 1999). Most people who were on the receiving end of violence in Aboriginal communities were women and children, more often than not men were the offenders (Razack, 1998).

Generally speaking, there are three distinct phases in situations of domestic violence. These are the early stage of tension and criticism, the explosion or violent outburst, and the honeymoon stage (Berry, 1995). However, violence within Aboriginal families often did not

follow a pattern or a cycle; the tense period was on-going and there was no warning for violent explosions (McGillivray and Comaskey, 1999).

#### Portrait of a Person Who Behaves in an Abusive Way

Men who participate in battering behaviour usually depend highly on their partner for their emotional support and security, do not have their own sense of personal power and control, and often turn the responsibility of meeting their needs, and ultimately their demands over to their partner (Berry, 1995). No one can meet the expectations of someone who participates in battering. When the woman fails to meet his needs, he becomes consumed by rage. Because men who behave in an abusive way have such a fear of abandonment, the level of danger rises during the time, when a woman chooses to leave the relationship. There is an increased risk of assault, possibly murder, or threats of suicide at this time. People who abuse others want absolute power and control over those around them, while at the same time; they deny and minimize their behaviour. These men seem to have two very distinct personalities: the charming fellow in public and the tyrant behind closed doors. This makes it difficult for people in the community to believe the woman when their 'partner' is so well liked by the community. This is a very difficult situation for an Aboriginal woman, who is living on a reserve with an abusive partner that is admired by the 'male-dominated' community (Ponting, 1997; Howard, 2000).

There are numerous risk markers that many people, who are abusive towards their partners, may have in common. Factors include unemployment, substance abuse, differing childhood spiritual practices, the witnessing of violence between parents living in common-law relationships, working at a blue-collar job, dropping out of high school, being between 18-30 years of age, being violent toward children who reside in the family home, living in a state of

economic poverty, and having a history of involvement with violence in intimate relationships (Berry, 1995). Lisak, Hopper, and Song (1996), as cited in Dutton (2,000), found that 70 % of people who are physically violent had experienced physical and/or sexual abuse at some point in their lifetime; however, it must be noted, that most men, who experienced abuse as a child, did not grow up to abuse others. Gelles (1994), as cited in Berry (1995), indicates that violence is twice as likely to occur if two or more of these situations exist, and forty times more likely if seven or more of these factors exist.

#### What is Unique to the Aboriginal Experience with Violence?

According to a study in Alberta, 80% of respondents talked about a variety of “causal factors” for the existence of violence in their communities (ManyFingers, 1994). Some of these include: forced participation in residential schools, the over consumption of alcohol, and eroding culture, and values that were once held in high esteem. Overwhelming stress, feelings of jealousy, breakdown of the family structure, male dominated communities, and the lack of employment were considered other factors for the existence of the violence.

When we consider the statistics on unemployment, abuse of alcohol, experience with previous violence, educational levels, population growth rates, poverty levels, and possible differences in religious beliefs, it is safe to conclude, that many Aboriginal people are at a high risk for experiencing domestic violence in their families. Some of the violence may be a response or a reaction to systemic barriers. Many of the risk factors have developed due to conditions and circumstances beyond the control of Aboriginal people. Political, social, and economic conditions have contributed significantly to the high rates of domestic violence.

## Kinds of Domestic Violence

For this particular paper, domestic violence will be described in greater detail under the following categories: psychological/emotional, physical, financial, sexual, spiritual, and community. Aboriginal definitions of family violence are described in a way that is consistent with the dominant culture. Spiritual and community abuse tend to be more 'specific' to Aboriginal communities (ManyFingers, 1994). The definition of family for Aboriginal communities includes extended family as well as other members of the community.

### Psychological and Emotional Abuse

Psychological and/or emotional abuse is a method of control used by an abuser, such as doing or saying things that belittle, withhold, terrorize, exploit, manipulate, threaten, blame, shame, or humiliate an individual for the purpose of breaking down their sense of spirit (Berry, 1995; Ross, 1996; Brinegar, 1992). Depriving a partner of money, attention, affection, the opportunity to work if so desired, prohibiting someone from spending time with family and friends, and/or making decisions, flaunting infidelity, or coercing someone to do something that they are not comfortable with, also fall into this category (Berry, 1995, McGillivray and Comaskey, 1999). Sometimes an individual will threaten to and/or harm children and pets, to abandon or to take the children away with the purpose of controlling their partner (Berry, 1995). Threats involving the children around access and custody are also a form of abuse, and can be used to control women who are trying to leave (McGillivray and Comaskey, 1999).

A man may experience extreme jealousy towards other men, family and friends, or 'love' her to the point that he needs to know where she is at all times, and who she is with, or that he needs to be with her every moment (Berry, 1995). Stalking is another form of psychological and



emotional abuse used to terrorize and harass a woman, which creates a problem when a woman chooses to leave her partner.

Professionals agree that psychological abuse creates great harm for the individual, and may require a longer recovery period than from a situation where someone only experienced physical abuse (Briere, 1992; Brinegar, 1992; Berry, 1995). Other professionals agree that living in conditions, where one is terrorized on a daily basis can be compared to living in conditions of war, and are similar to the techniques used for brainwashing during the Second World War (Berry, 1995). These methods included psychological torture, social isolation, forced exhaustion, threats, occasional treats, intimidation, harassment, demonstrations of total power and control, degrading comments, and the expectations of meeting trivial demands which promotes the individual to experience a constant state of fear.

Eighty nine percent of the people who responded to the Ontario Native Women's Association (1989) survey indicated that family violence within their communities included psychological and emotional abuse. Psychological battering was experienced by many residential school survivors in their childhoods (Chrishjohn, Young, and Maraun, 1997).

### Physical Abuse

Physical abuse can be defined as beating someone by slapping, kicking, hitting or punching, throwing things, burning an individual, shoving, choking, locking someone out of their homes (Berry, 1995), spanking, whipping, biting, which may result in bruises, fractures, and welts (Brinegar, 1992). Aboriginal people report incidents that involve: bruises, cuts, bleeding, broken bones, wounds, emotional breakdowns, forced pregnancies, disfigurement and disability as a result of the violence experienced in their homes (Ontario Native Women's

Association, 1989). Eighty seven percent of respondents in the Ontario study identified physical violence as a challenge within their families.

### Financial Abuse

Financial abuse occurs to a lesser extent in Aboriginal relationships (ManyFingers, 1994). Due to community social structures where the band is often responsible for the social safety net, sometimes elected officials and administrators withhold social assistance and housing options as a method to control others (Howard, 2000).

One individual talks about a situation where the Chief in her community used verbal threats, withheld financial assistance for necessities and education, and removed families from waiting lists for housing in an effort to exert power and control over the people that he was responsible for (Howard, 2000). Women have reported Chiefs threatening to keep social assistance from those who do not follow orders, or those who choose not to vote in the Chief's favour. This is financial abuse.

Another financial issue that women in Aboriginal communities face is the division of the matrimonial property when marriages do not survive (Howard, 2000). It is the Band Council that decides what happens to the home and the land. The Band Council also makes decisions regarding the inheritance of property. Women find that many decisions favour men in these kinds of situations. Many reserve members complain of situations where the Chief and Band Council members live in luxurious homes and own high end vehicles, while the majority of community members live in absolute poverty.

## Sexual Abuse

Child sexual abuse is a serious problem in some Aboriginal communities. Residential schools marked the beginning of several generations of Aboriginal women's experiences with sexual abuse (Razack, 1998). The people of Hollow Water, Manitoba, believe that more than 75% of their members had experiences of sexual abuse in childhood, and just over a third were known to have abused others (Fournier and Crey, 1997). In Ontario, 57% of respondents of a study on domestic violence indicated that sexual abuse existed within their communities (Ontario Native Women's Association, 1989).

Sexual abuse is not about sex; it is about violence, and the desire to have power and control over another person, whether in a relationship or not (Warshaw, 1994). Sexual abuse is forcing an individual to have sex, to participate in sexual acts that they find uncomfortable or violent, to have sex with other people, or watch others having sex, and/or criticizing the individual's performance, participating in any sexual activity that makes an individual feel violated or belittled, or does not take into consideration her needs for reproductive and disease protection (Berry, 1995).

Many Aboriginal communities like Alkali Lake and Hollow Water are taking an active role in developing healing programs that help the survivors of sexual abuse come to terms with the violation of body and soul (Teichroeb, 1997). Once communities started to address their drinking, they realized what had been lurking under the addictions to alcohol and other substances (Hodgson and Daily, 1989). There was an increase in disclosures of sexual abuse from childhood once the majority of people (85-95%) in some communities stopped abusing drugs and alcohol. Denial and the code of silence have contributed to the problem of sexual abuse. People in communities need to talk, to feel, and to trust once again.

Sexual violence of women and children in some communities may be executed by many different relatives and members of the extended family, not only immediate family members, particularly where there is a belief that men are superior to women (McGregor, 1994). Reporting such abuse often ended with further emotional abuse by others in the community for speaking the unspeakable. A father who takes on an authoritarian role may simply force himself, on his daughter. Male siblings, uncles, and cousins may force sexual activity on female family members with threats and physical force. Girls soon learn that they do not have a voice within their families, and that disclosing the abuse will make no difference as to how others in the family will treat them. The priorities of the male members of the family have a higher ranking than their female counterparts. She may be taught that she must let any male family members sexually abuse her. This teaching contributes to the perpetuation of abuse through generations of the family.

Sexual abuse that is perpetrated by a family member is much more confusing because family members are supposed to look out and care for each other (Burstow, 1992). It is much more damaging, because trust is supposed to be the foundation that families are built on. How can an individual feel safe that others will not abuse them as well, when their own family members abuse them? There is no way to avoid a dangerous situation if the person who is abusive, resides in the same household.

Sexual activity between an adult and a child is abuse, even though the child was a “willing” and “eager” participant (Burstow, 1992). Since children do not have the power or the knowledge to give informed consent, the adult must take full responsibility for the abuse that occurs.

Sexual abuse amongst family members may occur in situations where the parent has a history of many sexual partners, has no sense of healthy boundaries, has a history of substance abuse, had parents with an unhealthy marriage, had experiences of sexual abuse as a child, has the inability to control the use of pornography, has experiences of isolation, and/or a history of one parent who was away from the home for long periods of time (Brinegar, 1992).

Boys are also victims/survivors of sexual violence (Morriseau, 1998). Morriseau talks openly about a couple of experiences of sexual abuse and violence that he had himself. When he was eight, he was abused by an older male youth and was also gang raped by a group of men when he was ten. Throughout his own life, he recalls numerous episodes of violence as a result of drinking binges within his community. Violence was rampant. Instead of sleeping, he worried while his parents participated in parties in the home. These feelings of worry have never left him.

In one community in Manitoba, an 11 year old lived in eleven different foster homes in one particular year as the result of the disclosure of sexual violence (Teichroeb, 1997). The child needed to be removed from the community to ensure her protection from abuse, when she disclosed that she had been sexually assaulted by two of her uncles at a pow wow. Her family tried slapping, punching, and verbally abusing her so that she would take back the allegations towards her uncles. This young girl tried to take her own life as a result of this incident and the responses by her family members.

Resistance by Aboriginal leaders continues to be a barrier to speaking the truth; however, Monture-Angus suggests that choosing to disclose abuse or not to disclose is not just about patriarchy (Razack, 1998). One disclosure in a small community may result in several disclosures. She refers to these as a “web of disclosures” that may affect several families at one

time.

In a small isolated community, the equilibrium for all members can be thrown out of balance, when the abuse is revealed. Disclosing abuse can throw a whole family and perhaps a whole community into crisis, without the appropriate supports in place. Leaders may need to come to the realization that trusted relatives may in fact abuse others in the community, or they themselves may have been abused, and breaking the silence may be too painful, even for the most 'fearless' of leaders. I have heard that often there is not a safe place in the community to tell your story, especially in small close-knit communities. The anger that exists in Aboriginal communities is everywhere and can be described as a "cyclone of pain" (Monture-Angus, 1995). People within communities choose to maintain their silence as opposed to stirring up the collective pain of the community.

### Spiritual Abuse

Spiritual abuse is the use of Aboriginal medicine for one's own purposes or self-gain (ManyFingers, 1994). When a traditional elder/healer uses his or her power to harm someone for personal gain, the power that has been given to this person is being abused. Spiritual abuse is more prevalent in Aboriginal communities than in mainstream society (Office for the Prevention of Family Violence, Winter 1992). Sometimes abusers send bad thoughts, or what some people might refer to as negative energy, bad medicine, or place a curse on someone. Some adult children make it difficult for elderly relatives to visit their medicine man. This is also a form of abuse. I sometimes wonder if people are harassed for practicing their spiritual beliefs whether it be, the traditional, Christianity, or any other faith other than the community norm.

## Community Abuse

Community abuse is defined as a situation where an individual or family is rejected by their community at large (ManyFingers, 1994). An Aboriginal woman, who chooses to leave her family, due to living in a violent situation, risks rejection and ostracism from the rest of her community (LaRoque, 1994). When Aboriginal women and their children leave their communities, and move to another town or city, they are often disconnected from a sense of community or family (Razack, 1998). They are required to cope with urban life, isolation, and most probably poverty, all at the same time. Justice leaders believe that the safety net that existed for Aboriginal women in their own communities does not exist outside, and these women who have experienced abuse within their communities often experience abuse outside of their communities as well. Aboriginal women have even spoke of abuse in shelters. Their choices include: tolerating the existing abuse in their community, or dealing with the cold, harsh realities of the 'western social safety net', as a replacement for the warmth and nourishment of family members, who are supportive.

The Status of Women's Council of the Northwest Territories has indicated that an Aboriginal woman's connection to her community is complicated with contradictions (Razack, 1998). Issues or challenges identified include denial of the abuse by the community at large, alcohol (which is blamed as the cause of the violence), and community leaders who may be quite abusive in their behaviour.

David, a survivor from Manitoba, understood that if he disclosed the abuse in a public forum, his family would experience harassment within the community (Teichroeb, 1997). Gossip about boys, who had been victimized by males, often led to ridicule by peers. David believes that this harassment is a result of the broken code of masculinity, where males are

supposed to be in control at all times; a belief that if someone abuses you and you lose control, it is your fault.

Women are also considered to be the source or cause of their own victimization. Victim blaming is not only a symptom found in Aboriginal communities, it can be found worldwide. Honour killings in southern Asia are an example of victim blaming to the extreme. This is when women are murdered for dishonoring their families for either involvement in sexual activity outside of the institution of marriage, or in the event of sexual assault (Ward, 2004).

### Vicious Circle

Domestic violence whether it is in an Aboriginal or non-Aboriginal family, is similar; however, there seems to be greater challenges with sexual abuse as a result of placement in residential schools. Spiritual and community abuse are considered to be forms of domestic or family violence within Aboriginal communities. Domestic violence is part of a vicious circle that harms individuals, families, and whole communities, and perpetuates itself through learned behaviour from one generation to the next, compounded by numerous social issues, like poverty, unemployment, lack of adequate and affordable housing, and systemic discrimination.

Imagine that you are a woman living in a remote, fly-in reserve with a population of 200 people, and your partner is physically and psychologically violent towards you. There are limited medical and social supports. These services are only available during the week. Your husband is related to the Chief and is a good friend with the members of the Band Council. Your extended family is in another community, three hundred air miles away. The police are two hundred air miles away, and you don't have enough money to take a plane to the nearest women's shelter, and besides the next flight is four days away. What would you do? Who



would you turn to?

### A Need for Healing

A woman, who advocates on behalf of Aboriginal people, once told me that resources need to be directed toward social programs that provide holistic healing and ways to improve the quality of life for Aboriginal families. Aboriginal communities are asking for resources, so that they may spend time healing through social and justice initiatives that take the whole person and the whole community into consideration. I have heard many Aboriginal people say something like, “Yes, we acknowledge that these things happened to us; now, it is our responsibility to heal”.

## Chapter Six

### After Effects/Responses to Experiences of Domestic Violence

Oppression and violence have a detrimental emotional/psychological impact on those who are on the receiving end of this kind of abuse (Daes, 1995). An Aboriginal person dealing with abuse and/or the after-effects could lose connection with their extended family and ultimately their community (Government of Ontario, 1993). This chapter describes the effects of domestic violence in terms of responses, or ways of coping with extremely difficult, and sometimes life threatening circumstances.

Victims of abuse will be referred to as ‘survivors’ of violence. There is a movement to encourage health care practitioners to refrain from pathologizing those who have experienced the effects of violence (Levendosky and Graham-Bermann, 2000; Berry 1995), even if the resulting behaviour does not make sense. However, prolonged violence may result in health challenges on a physical, emotional, psychological, and/or spiritual level. People who are continually exposed to trauma will develop coping strategies or what the western medical model may call symptoms of dysfunction that may affect their ability to function on a daily basis (Berry, 1995).

A person’s self-esteem and self-worth are clearly affected in a negative way when they are faced with on-going abuse of any kind (Burstow, 1992). This kind of abuse may include: torture, humiliation, or mixed messages. The person experiencing the abuse may have no understanding of their own gifts and strengths and as a result may experience great confusion and fear.

## Survival Strategies

There are many survival strategies or responses to violence. Some of these may include: self-blame, extreme cautiousness, feelings of shame, re-victimization, abuse of others, and/or addictions. Some people may experience posttraumatic stress, have conflict with the law, or commit suicide in response to the violence.

### Self-Blame

People who have been assaulted or abused often go through a period of blaming themselves. ‘If only I did this or that, he might not have treated me this way’. People go through this stage to maintain their belief that they had some degree of control in the situation (Levendosky and Graham-Bermann, 2000). They may not be ready to direct their anger at the person who committed the act of violence against them, especially if it is someone they love. It is much easier to blame oneself than to be angry or hold someone he or she loves accountable for abusive behaviour.

During this period of self-blame, the survivor may go through a time when they feel intense shame, (something that is projected onto them by others). If these feelings of shame are not addressed, they can become the baggage that is carried into intimate relationships as one moves forward into adulthood (Napier, 1993). Adults who have been abused in childhood may harbour secret hatred of their own beings. Getting out of bed each day, may be difficult for those who feel that they have no worth and is not deserving of a happy life, based on what others have told them.

## Cautiousness

Trust has not only been broken, it has probably been ‘shattered’ for people who were abused, particularly if the abuser was a member of their own family (Briere, 1992). This shattered trust can seriously affect the way that survivors relate to partners and family. A person may become extremely cautious when it comes to forming intimate relationships with others. A person may be overwhelmed with fears of abandonment, rejection, and isolation even when they are connected to others while at the same time face great anxiety when they are involved in intimate relationships. A feeling of loneliness, combined with a fear of intimacy, is a very painful thing to experience. The inability or lack of desire to trust others is probably the most devastating effect left behind from a childhood filled with abuse and violence. Erikson and Maslow taught us that the ability to trust others is the first basic task that one develops in infancy (Schoel, Prouty, and Radcliffe, 1988). The developing tasks or stages in one’s life build upon this foundation of trust. Without trust, the ability to maintain relationships is built on shaky ground.

Incest affects a person’s ability or desire to trust the most. Incest is the most devastating event that can occur in a child’s life (Brinegar, 1992). Boundaries that are crossed lead to insurmountable feelings of fear and rage that burn deep within. Child sexual abuse is a serious problem in Aboriginal communities (Teichroeb, 1997; Fournier and Crey, 1997; Ross, 1992; Maracle, 1994; LaRoque, 1994). Shattered trust or extreme cautiousness is a challenge for many Aboriginal people. There is little trust for the dominant culture, and sometimes little trust for members of their own families and communities.

### Re-victimization

Many people who experienced abuse as a child may experience further victimization as they move through their youth and adulthood. Sometimes people develop the ability to endure abuse through cooperation and passive resistance (Burstow, 1992). This kind of response could leave survivors in situations that could lead to further victimization, particularly sexual abuse. Because there isn't a clear sense of healthy boundaries, a survivor may continually find themselves in dangerous situations, where they 'give in' to sexual activity, or are sexually assaulted by acquaintances or strangers. The survivor may have internalized the messages from abuse experienced in childhood, especially sexual abuse, leaving the individual with the strong message that this is the only thing that they are a good at; however, it needs to be noted that the survivor is never to be blamed for abuse perpetrated by others.

### Addictions in Response to Abuse

As mentioned earlier, for some people to deal with the pain and grief associated with abuse, they may develop addictions to substances such as alcohol, drugs (illegal or prescription), and/or solvents (Briere, 1992). Addictions offer the opportunity to suppress emotional pain for many individuals who experience anxiety, depression, or upsetting memories. Substances that contribute to the eradication of feelings of chronic sadness can produce euphoric feelings, prevent memories of painful events to surface, and provide a way to communicate extreme anger or sadness that is often not approved by society as a whole.

Due to the amount of grieving that is taking place in Aboriginal communities, addictions to various substances has become a serious problem. Outsiders who work with Aboriginal

people need to understand the issues of substance abuse, and how it can affect Aboriginal people and their families (Maracle, 1994). According to the National Native Association of Treatment Directors, it is estimated that 80% of Aboriginal Canadians are coping with their own addiction or that of someone within their family (Fournier and Crey, 1997). Many Aboriginal people are dealing with alcohol related issues that span generations (Maracle, 1994).

As mentioned earlier, many Aboriginal communities have found that the underlying issue percolating beneath the surface of addictions was in fact child sexual abuse (Hodgson and Daily, 1989). Addictions to alcohol, drugs, and other substances form a useful sometimes destructive way of coping with pain, so great that it is difficult for a person to go through this pain without the numbing effect that substances offer. Some Aboriginal people have used alcohol, drugs, and other substances to anesthetize the excruciating pain that comes with grieving from the abuse that has been directed their way by the government, church leaders, teachers, and members of their own community and families.

### Suppression of Feelings and Emotions

Within many Aboriginal cultures, it was the responsibility of the individual to maintain balance and control of their feelings (Morriseau, 1998). Since the time that generations of Aboriginal people were forced into residential schools, many have come to learn that what they feel doesn't matter. Ceremonies that helped individuals to manage their feelings were prohibited. Feelings of sadness and depression around the loss of culture and family were internalized. Some people chose to use alcohol, and others chose drugs to subdue the pain and suffering of these internalized feelings.

It is normal to emotionally 'shut down' when situations become overwhelming (Berger, 2000). People who are overwhelmed with feelings may not be able to take in everything all at once. Emotions are stored and dealt with as the individual is capable. If the situation is on-going and severe, emotions particularly fear, are held within the body. When individuals are overwhelmed and withholding the fear within their bodies, they may experience shallow breathing, problems with their back, difficulties with sexuality, ulcers, increased heart rates, high blood pressure, migraine headaches, psoriasis, and/or chronic muscle pain. Other physical challenges such as stomach pain, nausea, sleeping difficulties, eating disorders, asthma, and muscle tension that are on-going have been connected to people who have been abused in childhood (Briere, 1992). It takes an incredible amount of energy to store these feelings in the body; therefore, an individual may often feel exhausted and have no understanding as to why he or she feels this way (Berger, 2000).

### Posttraumatic Stress

Posttraumatic stress is often severe for women who have survived psychological abuse as well as for people who have survived war, for children who experienced abuse, and for people who have been held hostage (Berry, 1995). Forty to 84 % of women who have been battered experience posttraumatic stress (Levendosky and Graham-Bermann, 2000). I would argue that many people who attended residential schools have and are still experiencing the effects of posttraumatic stress. Murray Firth, in a workshop on Peer Support Crisis Intervention, held in Goderich, Ontario, in 1999, indicated that posttraumatic stress is a 'normal response to abnormal events'.

The Honourable Robert Yazzie (1995), Chief Justice of the Navajo, believes that all Aboriginal people are dealing with a form of “mass posttraumatic stress”. This challenge includes hyper-vigilance, anxiety, triggers, chronic feelings of sadness or anger, repression of memories, intense rage, disassociation, flashbacks, criticism of one’s self, intense shame, feelings of being trapped, extreme fear, and/or addictions to substances (Brinegar, 1992). People who have survived military-like conditions in residential schools find that many years later they experience signs of posttraumatic stress similar to war veterans and police officers (Fournier and Crey, 1997)). Signs of posttraumatic stress may include panic attacks, insomnia, anger that is difficult to control, abuse of alcohol and/or drugs, sexual challenges, dangerous eating habits, or difficulty forming and maintaining intimate relationships. The mind’s ability to cope, survive, and heal from traumatic experiences such as violence is intriguing.

### Grieving

The grief, depression, and chronic sadness caused by separation through adoption, foster care, and residential schools during the early years of an Aboriginal child’s life, could have a dramatic effect on their ability to cope as they move through life. Could it be that several generations of Aboriginal people are dealing and coping with the long term effects of the grief associated with attachment and separation?

### Intense Feelings of Anger

Children who have experienced abuse may experience intense feelings of anger (Gil, 1988). Since they may not be able to direct that anger towards the abuser, they may direct it towards younger children, pets, property, and members of the community at large. One



Aboriginal woman describes a pecking order in her family (Maracle, 1994). Her mother's partner would beat her mom, who would beat her older sibling. Her sister would beat her, and then she would take her anger out on her younger sisters. Everybody beat each other on a regular basis. The severity of the beating depended more or less on the severity of the previous one. Another Aboriginal woman speaks about feelings of extreme anger (Fournier and Crey, 1997). Once she started hitting and kicking, she couldn't stop. She even went as far as punching her son and smacking her daughter for resisting to eat her food. She hit her daughter so hard that she fell out of her high chair.

#### Conflicts with Western Laws

Aboriginal people experience high rates of alcoholism, domestic violence, and sexual abuse which may lead to violent behaviour that bring some Aboriginal people in conflict with the law. The justice system in all its misdirected wisdom has often missed cultural cues, and issues surrounding poverty, and continued to place Aboriginal people in prisons without the necessary support to heal from the abuse that had been directed at them in the first place. As mentioned earlier, without supportive healing and recovery programs, it is feared that people, mostly men, will come back angrier than when they left the community (Hollow Water, 1997).

Aboriginal people have been over represented as inmates in the corrections system (Monture-Okanee, 1995; Fournier and Crey, 1997; Government of Ontario, 1993). The number of Aboriginal people deemed criminals within the correction system is increasing as each year passes (Monture-Okanee, 1995). Aboriginal youth are over-represented in the justice system even more than adults. If there aren't systemic changes, youth in the system will probably continue to move from youth centres to provincial and federal institutions as they age.

Aboriginal people will continue to keep jails in operation and prison guards off the employment insurance line. Warehousing Aboriginal people in jails has become 'big business'.

### Suicide

Suicide is a serious issue amongst Aboriginal communities, particularly for Aboriginal youth (Fournier and Crey, 1997). Many Aboriginal people can tell stories of cousins, siblings, and friends who have taken their own lives either by hanging or shooting themselves. Others talk about people who jumped off bridges or in front of trains. Suicide occurs at a rate six times higher for youth from Aboriginal ancestry than for non-Aboriginal youth. Many Aboriginal people believe that there are more reasons to go on to the next life than to stay in this one.

Once a young person has taken their life in an Aboriginal community, the whole community becomes vigilant in an effort to prevent other young people from following their friend or relative (Fournier and Crey, 1997). Aboriginal Elders believe that this desire to end one's life is a result of the inter-generational abuses that have been directed towards Aboriginal people as a whole. Individuals who are separated from their parents at an early age have a higher chance of harming themselves. Youth who have experienced sexual and physical violence have a higher chance of ending their own lives. Alcohol and drugs played a role more often for Aboriginal youth than non-Aboriginal youth who ended their own lives. Suicide by Aboriginal youth is at a point of intense crisis.

### Need for Compassion and Time for Healing

People who have experienced violence choose to respond to these assaults in a variety of ways. A person who has experienced violence should never be judged for how they respond to

these invasions on their bodies and souls. Compassion and understanding is most helpful for the survivor. Support and accountability are necessary for the person who commits the abuse. This can be a complex web, when one considers that the person who committed the crime was most likely abused in their own childhood. It is very complex and we should not expect a simple resolution to situations of violence.

It may take years for an individual to subdue the desire to end their own lives, overcome great periods of depression, make it through the day without experiencing a panic attack, spend time holding their children, allow others to touch them, build enough trust to develop at least one friendship, and believe that they have the right to be heard (McGregor, 1994). Feeling peace or happiness and to be free from overwhelming feelings of rage may be a significant accomplishment for some people who have survived great atrocities as children.

Many survivors have found ways to heal from their experiences of child abuse (McGregor, 1994). They have come to a place where they are able to release themselves of any shame that they may have been felt, and be able to recognize the strengths in their life experiences as difficult as their life may have been. They are gaining an understanding of themselves and learning to have confidence in their accomplishments. Individuals are experiencing healthy connections to themselves and to others. However, there are other survivors of abuse who, due to lack of support, continue to climb hurdles due to their experiences of violence particularly sexual abuse.

## Chapter Seven

### Traditional Aboriginal Philosophies and Beliefs

#### Before Contact

There are a minimum of 50 different identifiable groups (RCAP, 1996) with more than 550 different languages that have evolved within Aboriginal Nations over the last 40,000 years (RCAP, 1996; Stone, 1990). Scholars argue over the number of Aboriginal people that existed before the arrival of the Europeans; however, the most accepted belief is that there were about 500,000 Aboriginal people living in North America prior to contact, and that many Aboriginal people died due to infectious diseases carried by European travelers (RCAP, 1996). There were as many world views as there were identifiable groups. Aboriginal communities were autonomous and generally focused most of their energy on the survival of the group as a whole, so that future generations of Aboriginal people would thrive and flourish. Overarching beliefs that governed the community included teachings about the cycle of life, connection to other people, the relationship between the survival of the nation, and the need to take care of and respect the earth as well as their responsibilities towards their families and the community at large.

#### The Circle of Life

The circle was and still is used today to teach the concept that all aspects of one's life move around or forward in a cycle that is continuous and on-going (Waldram, 1997). The circle or the medicine wheel (as it is most often described) is used to teach the people about the seasons of the year, animals, plants, and the natural elements (Bopp, 1984; Green, 1998; Association of Iroquois and Allied Indians, 1997). The circle is usually divided into four quadrants similar to a

pie that is cut into four pieces (Bopp, 1984). When describing the cycle of life using this method, each section of the pie represents one of the four stages of life, and includes a description of the responsibilities that go along with each stage.

The medicine wheel or circle is also used to teach people about the importance of balance between the four aspects of one's being including: the physical body, intellectual capabilities, emotional well-being, and the spirit (Bopp, 1984). It is believed that everyone is born with gifts and talents within these four aspects. The one thing that determines whether a person will use these gifts for a higher purpose or for the good of the people involves volition, free-will, or the ability to make choices. People are encouraged to discover their gifts and strengths that exist in each aspect of their being, and at each stage of life as well as to exercise their ability to make choices. Individuals are also encouraged with the assistance of Elders to discover what their purpose on earth is meant to be. Because the circle is continuous and never ending, it is believed that all people have opportunities to come back to the beginning of the circle and make better choices next time around as they grow and develop into a mature human being. It is understood that all people have the ability to grow and to make changes for the better. There are many second chances to make things right again. Wisdom is recognized as a strength for those who have managed to find the delicate balance between the four aspects of one's being (Freke, 1996). Many believe that volition or the ability to make choices is where one chooses to honour the wisdom of the Creator (Bopp, 1984). One woman from Aboriginal descent told me that every decision that a person makes whether positive or negative effects the next seven generations of the family. If one takes this notion seriously it is clearly understood that each person carries an enormous amount of responsibility for the future of the nation.

## When the Medicine Wheel is Out of Balance

Challenges occur when the aspects of one's being slip off balance or are forsaken. These challenges may include illness or abusive behaviour (Freke, 1996). When an aspect of one's being is out of balance, one's strength may become an individual's greatest challenge. For example, someone whose greatest strength is compassion and humility may become too passive when they are over loaded with stress. Likewise, a person with exceptional leadership skills may become too domineering or harbour an abundance of pride when they are having a difficult time. These challenges experienced by an individual can have a ripple effect whether a person is participating in the world in a negative or a positive way (Government of Ontario, 1993). Balance between all aspects of oneself will promote influence on those that one comes into contact with.

### Effects on Relationships

Many people would argue that Aboriginal communities have lost their equilibrium due to the loss of authority and autonomy over their lives and destiny over the last few hundred years. The rates of domestic violence are an indicator that relationships particularly between men and women are out of balance. This is and will continue to have a detrimental effect on future generations, if this power imbalance between non-Aboriginal and Aboriginal people and between Aboriginal men and Aboriginal women does not change. Bringing individuals, families, and communities back into a place of balance will promote healthy relationships built on trust, love, and respect. This will have a positive effect on all. Many believe that this concept of a power imbalance between men and women originated with the philosophies and values that governed the colonization process. This was a time in history when the concept of the circle was replaced

by the hierarchy of a “Christian God” that had power over all that exists (Ross, 1995). This concept was foreign to traditional Aboriginal beliefs, where man was at the bottom of the totem pole, and that man’s existence depended on the protection and survival of the earth, the plants, the air, and the animals (Ross, 1996). One man from Aboriginal descent, who once held a position of great esteem within his Church, explained to me, that the Christian concept of God was something that looked down on us. The Aboriginal concept of the Creator was something that was in all of us as well as the trees, the rocks, the river, and all living things.

### Stages of Life

Aboriginal teachings often speak to the four stages of one’s life in terms of the circle or the medicine wheel. The early childhood stage, adolescence, adulthood, and the ‘golden’ years make up the four stages. If one’s goal is to live life in a good or healthy way these stages may be referred to as a continuum of healing and restoration (Government of Ontario, 1993). One lives their life moving along the continuum or around the circle from birth to life to death, and back to a birthing process into the next world. This concept can also be used to explain how each person travels through a cycle of metamorphosis or continuous transformation throughout their lifetime. Personal transformation is about the life and death of the various stages of one’s life. When the completion of the passage through one stage of life has taken place, it is now time to pass through another gate and on to the next set of responsibilities.

### The Early Years

The first stage is comprised of infancy, the toddler years, and childhood. Many Aboriginal groups believe that babies have the closest relationship with the Creator (Government

of Ontario, 1993; Association of Iroquois and Allied Indians, 1997). Infants receive a great amount of respect and appreciation from all members of the family and the community at large. It is believed that babies are a gift from the Creator and it is the families' responsibility to take care of the infant until it is time for the child to return to the spiritual world at the completion of the cycle into their elder years. A lifetime commitment to care for this person is made. Toddlers bring the gifts of respect, love, and caring to their immediate and extended families. This is a stage where the exploration and discovery of the world they live in takes place. It is the time where their character development also evolves.

To develop a grounded and secure human being, it is imperative to provide an abundance of love and attention in the infancy stage (Ross, 1996). It is believed that the best way to help babies build trust and a strong sense of security is for mothers to breast feed their babies. Babies who (in the first couple of years) spend a lot of time listening to their mother's heart beat while breast feeding seem to develop a solid sense of security and trust for the world around them. Aboriginal people say that the heartbeat of the mother is in rhythm with the heart beat of the earth. Listening to the mother's heart beat helps promote relaxation and balance which helps the child make a connection to others and to the earth, and helps to teach the importance of taking care of each other, and ultimately the earth. It is interesting to note, that the earth is often referred to as Mother Earth in Aboriginal circles. Without this reminder of this connection to others and to the earth, a child can easily grow up to feel lonely, to abuse himself, or others. If the connection to the earth is instilled early on, and as long as a person is able to find space within the natural environment and be reminded of this connection to the earth, they may never feel alone.



It is important for children to experience the early years as positively as possible, to build a foundation of trust for the following stages (Government of Ontario, 1993). Infancy is the most important developmental stage of one's life. This is the time for taking care of the baby's every need which sets the foundation of trust, necessary for the development of the future life stages. The spiritual, physical, intellectual, and emotional needs of the baby need to be the parent's greatest concern during this time (Association of Iroquois and Allied Indians, 1997). It is much more difficult to blow the house down when it stands on a firm and grounded foundation. Today's parents are encouraged to learn about the importance of early bonding, so that children have roots firmly planted in the ground for their future growth and development.

### Childhood

Children are given the highest of priority in traditional teachings. It is the parent's responsibility to provide opportunities for the growth and development without interfering with their freedom to learn from their struggles and to make choices. I once heard a mother from Aboriginal descent speak to her child who had knocked down part of a tipi. Instead of chastising him for playing 'rough' with the tipi, she asked "what did you learn from this experience?". After their discussion about the tipi, I asked her "if this was what you called a teachable moment?", and she responded "no" that it what you called a "teachable tipi". I noticed another mother, that I visited, focused her attention on the environment by making sure it was safe for her toddler as opposed to constantly correcting her child, which is so common in western culture. Her child was free to explore with confidence something that I believe builds trust with his mother, through her process of ensuring that the environment was safe.

## Adolescence

The stage of adolescence or youth is a challenging one. This is considered the most active part of a person's development (Government of Ontario, 1993). This stage brings lots of action and desire to get the most out of life. This is the time that youth begin their training for future leadership roles. These young people are appreciated for their gifts of visioning and are invited to share what they see for the future. In some Aboriginal cultures, boys are honored for their strength and are invited to prepare for vision quests. Girls (on the other hand) are acknowledged for their ability to create life and are prepared for their future role as care givers for their children. Motherhood is considered to be the most respected role in Aboriginal society. It is absolutely imperative that youth receive encouragement and "love", so they will be able to identify their gifts and strengths, to take responsibility for their future roles at each stage of life.

This is the time when questions about the world that we live in are asked, and where young people learn to become an individual person (Association of Iroquois and Allied Indians, 1997). They learn how to be independent and how to take initiative while at the same time challenge those around them. They learn about their families' and communities' values. Youth learn living life in the good way through trial and error. This is the time when youth learn through their experiences and by making mistakes (an often difficult time), where an enormous amount of learning takes place.

## Adulthood

Young adulthood and parenthood is the time in one's life in which one takes responsibility for all their actions and a sense of identity is developed (Government of Ontario, 1993). The young person begins to find their way in the world. This is also a time for

experimentation with many directions to find one's true path or purpose in life, and to understand the world around us. The main responsibility of young adults is to prepare for their future role as parents. Parents are responsible for preparing the next generation to carry on with the work of the Creator. The role of parenting involves practicing the virtues of caring, love, and hopefulness to build a foundation for the work of future generations. Their first priority is to nurture their children's desire to understand the meaning of life and to share the vision of the world for the generations to follow. Thinking about future generations carries a tremendous amount of responsibility (Association of Iroquois and Allied Indians, 1997). It is a challenging time of great accomplishment when parents nurture and protect their families from harm.

In the traditional way young women are encouraged to prepare for their potential roles as mothers, and young men are trained to serve the community via roles of leadership (Alfred, 1999). In the Rotinoshonni, (Iroquois) ways of doing things, the women are responsible for raising boys into men who make responsible choices. These boys will become leaders in the community in their adult years, and it is the women's responsibility to hold these men accountable for their actions. Elder women have the power to remove men from their positions of leadership, if they do not behave in a responsible and morally appropriate manner. Positive leadership qualities include the virtues of courage, patience, a sense of justice, and generosity. This is very different from the individualistic and capitalistic values that exist in western culture. Accumulating wealth to gain power over others would be considered unethical or immoral in traditional Iroquoian society. The women in the community carry a lot of responsibility for nurturing these positive leadership skills, and are also responsible for the supervision and the monitoring of the work of men within and for the community as a whole. In North America, 70 percent of Aboriginal communities maintained a matri-focal, social, organizational structure for

community decision-making (Allen, 1992).

### Elders

The grandparents play an extremely valuable role in Aboriginal communities. Grandparents are expected to share their spiritual, experiential, and cultural knowledge with love and respect (Government of Ontario, 1993; Association of Iroquois and Allied Indians, 1997). Grandparents have an enormous amount of responsibility and are expected to set a positive example on what it means to live life in a good way (Government of Ontario, 1993). It is their responsibility to teach younger generations about unity, peace, cooperation, and the need to care about others in their family, their community, and ultimately the world. In traditional society, parents did not experience the amount of stress that exists today or raise their children without the support of relatives (Freke, 1996). Every member of the community was responsible for taking part in the care and development of the next generation.

### Roles in the Family

Relationships between men and women play an important role in family and community life, and need to be guided by peacefulness, respect, and a willingness to do the right thing (Diabo, 1993). In many Aboriginal cultures, the ability to give birth, nurture, and teach the next generation was considered to be the most treasured gift from the Creator (RCAP, 1996). With this came great power and an incredible amount of responsibility. Parenting was seen as the most important job in the world and with both partners participating in the raising of their children (Stone, 1990; Allen, 1992; Awiakta, 1994). Men were also respected for their roles as the protectors and hunters, and women were mostly respected for their role in childbearing and

taking care of children.

Womanhood was revered in many traditional societies and all the supports within the community reflected this value (Allen, 1992). There is a belief among the Cheyenne that a nation will not be beaten, “until the hearts of the women are on the ground”. This statement speaks to the belief regarding the strength and power that women carry within these communities. The community or nation will not thrive or even survive, if the women are not feeling valued and strong.

Recognition was given for responsibilities as opposed to gender roles within the family (Morrisseau, 1998). Both men and women were responsible for the quality of communication and intimacy in their relationship, for the preparation of food, and the promoting of respect within their family in the Ojibwa tradition. Both parents were responsible for role modeling, so that their children would have an understanding of how to participate in a healthy relationship and family. Men and women had an equal place within their relationships. Men are responsible for the fire and women are responsible for the water. If there is an overabundance of fire the water will dissipate and if there is too much water the fire will be suppressed. Relationships with partners must be based on equal power. Men have great responsibility in teaching their children about intimacy, gentleness, and respect by the way that they interact with their partners. It is important for fathers to teach their children (both sons and daughters) about the sacred role of women through their actions toward their partners.

Ross (1996) described something that he witnessed in Northern Ontario that he initially misinterpreted as men taking the ‘lead’. He observed older couples walking along the path in the bush, where the woman was following her husband by several yards. He asked himself, how that fit with this concept of equality of the sexes in relationships of the people of Northern Ontario.

He learned that when the couple, were involved in trapping they traveled through the bush on small “narrow trails”. The man always went first, so that he could face any dangers that may come their way. He was responsible for keeping his wife safe at all times. She was responsible for providing organization and direction to the man and he was responsible for taking action under this direction. There is great appreciation for the ability of women to see the long term impact within the decision-making process. It is important to note that each of their responsibilities, jobs, and gifts were considered of equal value.

Women did not have equal power in all Aboriginal societies; although, their abilities, knowledge, and clearly defined roles gave them an important and valued role within their community (RCAP, 1996). In the Dene culture men had the right to strike ‘their women’ if they failed to live up to the expectations of the community (Ryan, 1995). According to the standards of the community, it was the woman’s responsibility to make sure her husband had all the equipment and supplies that he needed for hunting and trapping expeditions. If she didn’t live up to her responsibilities, this had an effect on all people within the community. The man would be unable to provide enough food through hunting and trapping, if there weren’t appropriate supplies and equipment available to him. If a woman did not maintain the safety of the group by fulfilling her responsibilities, she was the recipient of a physical blow from her husband. What women experienced in Dene culture should not be viewed as extraordinary. If we compare these practices to western culture in the same period of time, we would find that the actions toward women were similar or much worse. Western men were considered superior to women and had the unspoken right to physically abuse their wives. Both parents as well as teachers and religious leaders, within the western way of doing things, hit children to keep them in line. This would not be considered an option in Aboriginal culture unless it was used to teach a valuable lesson.

One example of this includes times when willow branches were used on the heels of children, if they didn't carry out their chores in an expedient fashion. In the same vein in the Dene culture, men were only allowed to hit women, if they didn't carry out the responsibilities that had an impact on the survival of the group as a whole.

#### When a Couple is Having Difficulties

Separation was not a common occurrence (Ryan, 1995; Muskrat Dam First Nation, 1994; Angeconeb, 1993). Couples were expected to take their agreements to take care of each other and their children very seriously. Traditional and at a later period in time, elected officials or older and wiser relatives would become involved to assist couples to work out their differences. Intimate partners were given permission to separate if the husband was too violent or if either partner had started another relationship outside the 'marriage contract'. There were times when men were held accountable for such things as pregnancies that occurred outside of their marriage agreement, for sexual assaults, and/or for abandoning their partners and children (Ryan, 1995). Men who were sexually violent were removed from the community. The removal of men under these circumstances did not happen on a regular basis. It is not known whether sexual assaults rarely occurred, or if women were reluctant to come forward. The boundaries regarding sexual assault within marriages is not clear; however, there was an understanding that women were expected to be sexually available to their husbands. The abandonment of families was not a common practice within the Dene community. If a man abandoned his family, he would be banished from his whole family and community.

The influences of western culture have greatly disrupted the balance that once was common place between men and women in Aboriginal families. Relationships between men and

women have been negatively affected by the influence of western power structures through the abuse of power, beliefs where women are viewed as inferior beings or something that is ‘owned’, and by the idea that it is acceptable to use violence to control women (Ross, 1996; RCAP, 1996; Morrisseau, 1998; Yazzie in Battiste, Ed., 2000).

### Sexual Relationships

One part of the relationship between men and women includes sexuality. The development of healthy sexual relationships between men and women have been thrown out of balance by the Christian misconceptions of ‘proper’ sexuality and the sexual abuse that occurred in residential schools (Morrisseau, 1998). Sexual trauma has led to a belief system that considers sex to be ‘dirty’. This concept was perpetuated by the unhealthy beliefs around sexuality as interpreted by some Christian leaders. Healthy sexuality that incorporated the whole being on a physical, emotional, intellectual, and spiritual level was replaced by the concept that sex was only physical. The idea or notion that sex allowed for the giving of love was lost, and replaced by the concept that sex was something that others were coerced or manipulated into. The gentleness, respect, compassion, and caring of a healthy sexual relationship gave way to the concept that men need to prove their manhood by bragging about the number of women that they slept with or ‘conquered’.

Sexual relationships were intended to be more than just a physical experience (Morrisseau, 1998). In the Ojibwa tradition, sexual relationships were meant to include the emotional and spiritual realms of one’s existence. Strong emotional bonds were and continue to be encouraged before one makes a commitment to participate in a sexual relationship. Sex was not something to be taken lightly. Participation in a sexual relationship carried a lot of



responsibility. Elders within the Ojibwa tradition are encouraging individuals to have a clear understanding of who they are before they become involved in maintaining an intimate relationship no matter what their age. Partners are encouraged to get to know each other well before taking the relationship to a level that involves sexual intimacy. The Iroquois are also encouraging people to return to the traditional values around sexual expressions of love within intimate relationships (Association of Iroquois and Allied Indians, 1997). This kind of expression of love is a gift from the Creator and is to be treated with great respect and sacredness.

Sexual abuse and other forms of violence affected the health of many people within the community, particularly women (Morrisseau, 1998). The health of women in the community was considered with the up most regard when exploring the condition of the health of the community. Today's Aboriginal women are overwhelmed with pain and suffering as a result of sexual violence, and this can be felt by all members of the family and community. Women are now learning that they have many gifts and strengths to offer their families and their community, and young men are learning that they need to respect all women. The nation will only be as strong as the women. I once heard a man who was involved in working towards an end to violence towards women say "that a community is not truly at peace, until the women are at peace".

### Raising Children

In regards to raising children, the women in the Dene community were responsible for the caring and nurturing of infants (Ryan, 1995). Men became more involved in the teaching of the children when they became toddlers. Demands were not placed on children until they

reached the ages of 4 or 5, when they have the capacity to reason. Before this time, children may have been tied to cords made out of moose hide in an effort to keep them safe from open fires, wood stoves, rivers, and dangerous animals. Children were expected to walk alongside their parents, to increase their physical strength. From an early age, children were also expected to do their share of the work. Participating in the world of the family and the community was how children became educated. This learning would provide the children with the skills and the knowledge required to become a contributing member of the community as they grew older. Children would help with chores such as bringing wood to the tent. As they aged, they learned about their extended family, participated in camp life, and observed how the adults participated in the family and the community. Older brothers and sisters took on responsibility for ensuring the safety of their younger siblings.

By the time the children reached their adolescent years, they were expected to participate as equal members of the family in regards to carrying out the day to day chores (Ryan, 1995). They assisted with gathering kindling, hauling water, and preparing the food. Boys participated in hunting and trapping, building their strength and stamina, and understanding the importance of taking on these responsibilities with stoicism. Girls remained in the camp and assisted with the responsibilities necessary to keep the family healthy and warm. The girls also started learning about their future role as mothers by assisting with the care of the younger children. Children were prepared for their future roles as parents and as leaders in their communities.

Participating in Dene family and community life helped young people find their strengths and gifts (Ryan, 1995). This was also common in the Mikmaq and Ojibwa traditions (Ross, 1996). Children were expected to assist their Elders with daily chores (Ryan, 1995). Children were taught that taking care of the elderly in the community would ensure a long happy life. If a

child failed to make this kind of contribution in an expedient manner, he or she suffered the consequences such as a hit with a willow stick on their feet or bottoms, or they lost the privilege of eating meals for one day, if they were purposefully “disobedient or disrespectful” towards their parents. This kind of discipline may seem harsh; however, it was used as a teaching tool to help children learn that the parents are the leaders, who are responsible for the safety of the group and need to be respected for this leadership responsibility. Learning the rules at an early age ensured the safety of the group by preventing carelessness and “disobedience”. The Elders had great responsibility of providing the discipline and spiritual teachings for the children based on a system of reward and punishment. It is important to note, that discipline and/or consequences were accompanied by ‘love’, and was only implemented for the purpose of teaching the child the right way to participate in the world, to ensure survival within the harsh realities of the elements.

The use of stories, were and continue to be used as a method to transfer knowledge regarding the teachings and traditions to the children and youth (Ross, 1996). The teachers in the community did not “impose” their views on others, including children. The children and youth were guided to come to their own conclusions when they listened to stories told to them by their parents. The focus of the teachings was to promote ‘how to think’ not ‘what to think’. The dignity and self-worth of the individual was preserved and respected at every step along the way. This respect would allow children to develop confidence in their skills and decision-making abilities.

The Anishinabe (Ojibwa) people teach their children how to participate in the world by allowing them to learn from their experiences and mistakes (Morrisseau, 1998). It is believed that logical or natural consequences will teach the child that perhaps making another choice may

be a far better solution to the situation. For example, burning your finger on a hot stove or a tipi that falls down around you (as previously mentioned) is a consequence or a teaching in itself that requires no further punishment. Parents or caregivers take responsibility to guide children through a process of learning from their own mistakes. Children are encouraged to experience life and learn by doing in preparation for their adult years. Parents from the Ojibwa tradition ensure that the environment is safe for the child, so that the child may simply learn from the bumps and scrapes of everyday life, while learning to stand on their own two feet. I once heard a presentation by Linda Kavelin Popov, a psychotherapist and Dr. Dan Popov, a child psychologist entitled “A World Fit for Children”. This title seems to fit with this concept of taking the time and energy to make the world a safer place, and spending less time on ‘molding’ the child.

Non-Interference: What does it Really Mean?

As mentioned earlier, the Anishinabe also talk about a concept called non-interference (Ross, 1996; Morrisseau, 1998). It is important to refrain from interfering in one’s life within Ojibwa culture unless the individual especially children and youth are involved in something that is dangerous to their well-being, like sniffing gas or participating in the world in a violent way. Many agree that total non-interference is a dangerous path to take in today’s world (Ross, 1996). Non-interference was acceptable when children spent most of their time playing in the bush. Today, there are influences such as violent television, pornography, gangs, drugs, alcohol, and sniffing that can seriously affect the health, or possibly kill a child.

There is a movement within Aboriginal communities to adapt this kind of thinking around non-interference, particularly when it comes to those modern day influences that can seriously harm a child. There are times in today’s society when parents need to interfere and set

boundaries, so that children remain safe. This is not only a family responsibility, but also a community responsibility. In the traditional way, non-interference is about allowing individuals to grow to their full potential; however, it is considered a responsible action to interfere when something is preventing the tree from growing to maturity (Morrisseau, 1998). If children and adults are in danger, it is everyone's obligation as a community member to assist this person. Anything that hurts one member of the group will affect the whole community. Interference must take place, to ensure the safety of the group.

### Tools for Teaching Children

In the traditional way, children are taught to balance their personal attributes and their freedom to make responsible choices through storytelling, ceremonies, the giving of their names, and by the teachings regarding connections within the community or clan (Ross, 1996). Education of children did not take place in artificial institutions by 'trained professionals' segregated from the rest of the community. Education of children took place in a holistic way, through experiential ways of learning, by all the adults within the community.

Fear was another tool used to keep children safe from harm (Ryan, 1995). Stories about bush men that invoked fear amongst children were used to ensure that they came home before dark or stayed within a safe distance of the camp. The responses of animals to human behaviour were used within story-telling to help children learn the consequences, if they were not obedient to the ground rules of the camp. For example, an animal would not give itself up to the hunter, and everyone would go hungry, if a woman on her time crossed a hunter's path. These stories were used to teach survival skills. When I think about my own childhood, stories based on fear were among the tools that my mother used as well. Fear of the "boogie man" sent me home in a

hurry just before dark.

The most important value that is taught to children is that of respect (Morrisseau, 1998). Children who have a clear understanding of what respect is by being treated with respect, will have a higher chance of behaving in a respectful way, and will most likely refrain from being abusive towards others. It also makes sense to me that, if a person has a solid understanding of self-respect, they will have a less chance of staying in an abusive situation. As soon as children are old enough to understand this concept, it is the responsibility of parents to teach children about respect. Respect for other people's inherent right to make choices, and to take responsibility for themselves are concepts that need to be taught as soon as possible. People have the opportunity and freedom to make their own choices unless it affects the harmony of the group. The confronting of behaviour is done in a respectful way. It is the behaviour that is talked about not the character of the person. Children learn by observing and one can bet that they will make judgements based on our actions and not on what we say. This is why positive role modeling plays such an important role in traditional family life.

The best way to ensure that a daughter will choose a man that treats her with respect is to treat her, her mother, and all other women with respect (Morrisseau, 1998). She will learn through experience and observation of what it is like to be respected. Daughters will grow up to "seek a man" that is very much like their fathers. If fathers treat their daughters with "love and respect" they have a better chance of choosing a mate that treats them with "love and respect". Young boys need to be taught to respect women as the givers of life and that all girls and women deserve respect, unconditionally. Men who use violence against women teach both their sons and daughters that it is acceptable to harm others, and to allow others to abuse them. If a man chooses to attack a woman, he is teaching his children that it is acceptable to deal with life's

challenges with violence and to abuse others. In Ojibwa teachings it is considered shameful to attack a woman. Beating down women is akin to kicking sand into the face of the nation and all that is sacred.

Parents are encouraged to invite their children to “walk” the road to healing, especially when they are headed down a dangerous path (Morrisseau, 1998). Children need to understand that they are valued, loved, and respected no matter what challenges they present for their parents. Children need to be loved unconditionally instead of shamed and blamed. It is best to name the behaviour when we are asking for a change (Morrisseau, 1998; Popov, 1997). Naming the behaviour leaves the child’s sense of self-worth and connection to their community intact. ‘I have great love and respect for you; however, your actions are not appropriate or acceptable’.

#### Advocating for Integration of Traditional and New Ways of Doing Things

The traditional way provided a vision for what respectful relationships based on equal power looked like. Intervention is required when the safety of any member of the community is in danger. If someone is being abused, that abuse sends a ripple effect throughout the whole community, while taking into consideration this belief that everything and everyone is connected. Aboriginal communities are redesigning conflict resolution processes that teach a new/old way based on traditional teachings for participating in relationships while at the same time addressing social needs and healing old wounds. This is what justice as healing processes are all about!

## Chapter Eight

### Traditional Aboriginal Concepts of Justice

There are many terms used to describe traditional approaches to justice in Aboriginal communities. These concepts are known as forms of social control, social justice, healing, and/or restoration. Justice processes within traditional Aboriginal culture rely on respectful communication, consensus building, relationships that are interconnected combined with love and compassion to assist people to work through issues of conflict.

#### Social Control

Prevention plays a huge role in social justice approaches in an effort to maintain harmony within the community (Morrisseau, 1998). Signs at the entrances of communities outlining policies on zero tolerance for violence (Morrisseau, 1998), check points at the edge of dry communities in North Western Ontario where vehicles are searched for alcohol (Gorrie, 2007), and education regarding acceptable codes of conduct are examples of methods utilized to prevent chaos and wrong doing (Angeconeb, 1993; Innusuk, 1997; Ryan, 1995) within some Aboriginal communities.

Meeting the needs of every member of the community (Ross, 1996; Angeconeb, 1993) while teaching appropriate behaviour for surviving and thriving in community life were the aims of traditional social control processes (Ross, 1996). Other members of the family or community ensure that the basic needs like food and water for individuals who were in a vulnerable condition were met (Angeconeb, 1993). There was no formal social welfare system or old age security programs, prior to interference by the western government. There were various forms of social control that ensured that members of the community treated each other with respect, and



were considered an integral part of the process to maintain peace within families and the community as a whole. Taking responsibility for one's actions, respectfulness, and self-discipline were and are the foundations of Aboriginal belief systems (Ontario Native Women's Association, 1989; Maracle, 1993). The desired outcomes of Aboriginal justice approaches were about understanding the root issues (Angeconeb, 1993; Lee, 1996; Zion, 1997), learning new and more respectful ways of participating in the community, restitution, restoration, and healing for all who were affected by the incident (Angeconeb, 1993). Traditional approaches to serving justice aimed to restore harmony and peacefulness, to prevent harmful behaviours, and to help people heal from painful emotions (Angeconeb, 1993; Maracle, 1993; Ross, 1996).

The Aboriginal approach to helping an individual make change is a much more, gentler way of holding someone accountable for their behaviour (Ross, 1996). The Aboriginal justice as healing process promotes balance or a state of wellness within the person who committed the offence, the survivor of the incident, the families affected, and the community at large (Monture-Okanee, 1995).

Aboriginal, traditional approaches to justice promote the peaceful and respectful interdependence among humans, animals, plants, the earth, and the ancestors, and are extremely valued within Aboriginal societies (Alfred, 1999). Relationships between family, friends, and neighbours played a very important role in social control systems (Ross, 1996). These relationships, as viewed through the eyes of Aboriginal culture, were and continue to be very complex. Stability within family relationships continues to be highly valued in Northern Ontario and is believed to be something that ensures the security of future generations (Angeconeb, 1993).

## Connection

It is the principles and values that help people to feel connected to their community (Zion, 1997). These values or virtues that include caring and compassion are what help the community members to understand the importance of meeting the needs of the individual who is out of balance.

Connection to the spirit world was highly respected and valued in traditional Aboriginal society (Alfred, 1999). Aboriginal concepts of justice were connected to the spiritual belief that everything and everyone was connected. The concept of justice was intertwined with what is happening in the spiritual life of the individual and the community. There was not much separation between one's spiritual life and life here on earth.

At an earlier time, in Northern Ontario, people with spiritual gifts were respected for their knowledge and their abilities (Angeconeb, 1993). This respect for healing abilities (for example, knowledge of medicinal properties of plants, and trees, and how to conduct a shaking tent) was helpful to maintain peace and harmony. These gifts and abilities could be utilized for positive or negative outcomes, creating a healthy fear of the healers or medicine people. This healthy fear motivated people to rely on their integrity and honesty, which was honored and considered sacred. When asked for the truth by these individuals, people were motivated to tell the truth. Spiritual teachings also gave power to the governing leaders in their role as peacekeepers.

There are many arguments to encourage people to return to a place where one develops a spiritual contract with the Creator (McGaa, 1992). This spiritual contract within itself has the power to help people be accountable for their behaviour. Abuse and violence contradict the spiritual and natural laws, and the only way that an individual could find restitution was to provide some kind of service to others (Lee, 1996). The ancestors knew that everything was

connected and that there was little difference between life on earth and life in the spirit world (Lee, 1996; Alfred, 1999). Everything comes full circle. What goes around comes around. Living life contrary to these laws or expectations of the Creator can create havoc in your life (Ross; 1996; McGaa, 1992). These traditional spiritual beliefs motivated people to behave within the confines of what was considered acceptable behaviour. There is also a belief that our thoughts, whether positive or negative, can have an effect on us in the spiritual realm (McGaa, 1992; Black, 1997).

#### Tools for Prevention and Making Change

As mentioned earlier, storytelling was an indirect and preventative way to teach young people regarding appropriate behaviour (Ross, 1996). Without being told directly, young people were encouraged to use their own sense of judgement, to do what was right based on the teaching of the story. Young people were supported as they learned by making mistakes.

In North Western Ontario, “designated peacekeepers” prevented people from breaking the code of behaviour through education (Angeconeb, 1993). Peacekeepers were expected to respond in situations where the rules regarding appropriate behaviour were broken, as well as to support the individuals affected by the behaviour during a circle process. Other Aboriginal groups had warrior societies who were responsible for ensuring that women and children were safe and well cared for (Freke, 1996). These warriors carried out their responsibilities with great pride and integrity.

As indicated earlier in this paper, Aboriginal world views speak to a concept of non-interference. This was something that has often been misinterpreted and misunderstood over the generations (Morrisseau, 1998). The concept of non-interference is meant to signify the belief

that people have the right to grow and develop to their full potential without the interference of others, and that people have the right to make choices, and to learn from their mistakes. It does not mean that a community or a family does not intervene when someone is experiencing domestic violence.

#### Interventions: Old and New

In North Western Ontario, in the traditional way, it was quite common for community leaders to intervene in situations where biological fathers did not take responsibility for their children, in situations of domestic violence, disintegration of family units, substance abuse, illegal alcohol production, theft, serious illness, and other situations that affected members of the community in a negative way (Angeconeb, 1993).

In previous times, responses varied from community to community, depending on the severity of the incident and the person's ability to make change for the better (Angeconeb, 1993; Ross, 1996). These responses by the community were highly structured, sophisticated, or loosely organized by the individual's family (Ross, 1996), depending on the severity of harm created (LaRoque, 1994). Responses ranged anywhere from counseling, teaching, capital punishment (Angeconeb, 1993; Ross, 1996), participation in a circle process, guidance, lectures, threats (Angeconeb, 1993), humiliation (LaRoque, 1994), restitution in the form of a payment, or delivery of a physical blow that equals the same degree as the initial violent assault (LaRoque, 1994; Teichroeb, 1997). In Inuit country, the responses were often harsh; however, there was always a teaching attached to the consequence (Angeconeb, 1993).

In B.C., Frank Brown, then age 15, was banished to eight months in the bush for robbery and battery (Ross, 1996). Elders brought food and guidance during this time. As a result of this

intervention, Frank returned home a changed young man. Since that time, he finished high school, went to college, organized a canoe expedition for Expo 86, and developed programs for young people who experienced difficulties. Segregating an individual from the relationships that matter most, such as family and friends, is a useful tool to help the person to understand how their behaviour affects others. It is hoped that during this time this individual will do some soul searching, and will learn that connection to others through relationships built on trust and respect are the most important. Sometimes an activity would be designed to help this person learn, in an experiential way, how their behaviour has affected other people within the community, and what it would be like to lose their connection to those that they care most about. One example includes the blanket exercise. The individual who broke the law is placed in the middle of a blanket, while a group of people stand around in a circle holding the blanket. The group then tosses the individual up in the air several times and without notice, releases their grip on the blanket, sending the individual headed for a crash landing. This is a harsh reminder of what it would be like to be disconnected from their community or circle of support.

In situations of domestic violence in Lac Seul, Ontario, Elders would intervene by speaking to both partners, and inviting the man to change the way that he treats his wife, with the goal of preserving the family unit (Angecone, 1993). This intervention included a discussion about what would happen if he didn't change the way that he treated his wife. Other communities in Northern Ontario used more formal traditional justice circles for situations of a serious nature. The purpose of the circle was to educate the community members as to the appropriate behaviour, and to address the needs of the survivor and the person who committed the offence. The harm would be acknowledged, and a plan would be developed with compassion

and caring with the hopes of promoting healing and rebuilding the relationship, and/or repairing the harm that has affected the community.

Some judges in the western court process have incorporated sentencing circle processes within the western court system held within Aboriginal communities. People who participate in sentencing circles tell the individual exactly how this kind of behaviour has affected them (Ross, 1996). It is important that the person who was charged develops an understanding of the feelings of sadness and anger that have been created for the survivor as a result of the violent behaviour. Family and friends who matter most to the person who committed the offence have the opportunity to explain how the individual's behaviour has affected them. There is a huge amount of work and support provided for all parties involved in a circle. This prepares individuals for their role and to develop an understanding of the purpose of the circle. Emotional and physical safety in the circle are highlighted as ground rules for this process, allowing all parties to speak freely as they work through the grieving/healing process. The veil of denial is removed as gently as possible within the circle to help the individual accused to understand that they need to change the way that they interact with the world.

The Navajo used and continue to use a consensus building decision-making process that involved all who were affected by the incident (Yazzie, 2000 in Battiste). A member of the community known for excellent facilitation skills and integrity is chosen to help the group develop a plan. The Honourable Robert Yazzie, Chief Justice of the Navajo Nation, explained at a Native Justice Conference in 1998, in Calgary, Alberta, that the most important piece of paper in his courtroom was the 'Kleenex'. In the traditional way, everyone has the opportunity to speak to the issue. Tears are expected and welcomed in the circle.

All these interventions were and are conducted in a respectful way (Ross, 1996). Individuals charged need to be treated with respect to promote an understanding of what respect is, and that people need to be treated with respect, if we want them to stay connected to us (Angeconeb, 1993). Individuals need to experience what it feels like to be loved and respected, to truly understand what it is like to treat others in the same way (Ross, 1996; Morrisseau, 1998; Schoel, Prouty and Radcliffe, 1988).

The leaders would find a suitable way to help an individual learn that what they were doing was not right, and would struggle to discover what the root issue was at the source of the individual's challenges (Angeconeb, 1993). It was the role of the Elders to figure out why this person stepped outside of the acceptable boundaries within a community, and to help this person develop a plan to make change for the future (Innusuk, 1997).

#### Taking Responsibility for One's Actions

Aboriginal survivors of family violence have made it clear that people who behave in a violent way must take responsibility for their abusive actions; however, accountability and healing do not, necessarily, mean time spent in jail (Ross, 1992; Government of Ontario, 1993; Monture-Okanee, 1995; Ontario Native Women's Association, 1989). There was and is a need to demonstrate compassion and understanding for both the survivor and the person who committed the offence (Ontario Native Women's Association, 1989; Maracle, 1993). Punishment was never the only goal in a community's response to dealing with issues of justice (Alfred, 1999).

## One Example of a Program That Makes a Difference for Situations of Sexual Violence

There is one program in Manitoba called the Hollow Water Community Holistic Circle Healing Process. This program was designed to deal with situations of sexual abuse in the Aboriginal community of Hollow Water, located on the southeast portion of Lake Winnipeg. This is a model that may be adapted to deal with situations of domestic violence in communities. Accountability is taken very seriously at Hollow Water (Government of Ontario, 1993). Before an individual can embark on the circle healing process, one must accept responsibility for their actions. This process may sound easy; however, it is reported that this process is much more difficult than going to jail. This process uses aspects of both the western and Aboriginal traditional approaches to dealing with issues of justice. The main goals of this process are healing for all involved, holding the individual accountable for their abusive behaviour, and restoring harmony within the community at large. The expectation that healing and restitution take place in the community of the individual that committed the offence sounds quite painful (Ross, 1996). Facing the people who have been harmed, on a daily basis, is what brings about the healing and accountability for one's actions. The other members of the community support the survivor and monitor the behaviour of the person who committed the crime.

There are 13 steps involved in the circle healing process (McGillivray and Comaskey, 1999). The main objective of these 13 steps is to develop a healing contract for the person who was charged with the offence. The support team helps the individual to understand that their life, as it stands, is not working. This person can begin to rebuild their life, once they have recognized and acknowledged that they cannot continue on the same path. The first step of the process is to lay charges with support people present. Support for the individual continues, if he accepts responsibility by pleading guilty. Once the person has pleaded guilty, the necessary



reports including pre-sentence, impact statements, recommendations, and an action plan that includes a healing contract are prepared by the circle healing team for the justice professionals. This report includes an evaluation of the individual's sincerity and his potential to make changes in the way that he participates in the community. In situations where jail has been determined to be the only option, the support team continues to work with the person to help him prepare for his return to the community.

The process within circle healing needs to be driven by the survivor with two separate healing circles, one for the survivor and one for the person who committed the offence (Ross, 1996). It is imperative that the survivor is not coerced to participate in the same circle as the person who was abusive. Participation in a circle with the person who committed the offence needs to be a choice and only if the survivor is ready to do so. At Hollow Water, separate healing circles are held with each person for sometimes up to a year before sentencing takes place. The counsellors work with both the survivor and the person who committed the offence. Repairing the harm is the main objective of a circle healing or restorative justice process (Zammit and Lockhart, 2001).

When I participated in the workshop at Hollow Water, I learned that once the charges are laid against the person who was abusive; this individual is given a choice as to which justice system or process they wish to participate in. Most often than not, the person charged chose the western justice system, because there is a belief that they may have a better chance of getting "off the hook"; however, an individual who has been charged may choose circle healing at any time during this process. There is a belief that the western approach to justice and going to jail may be easier than going through the circle healing process. Many people who commit offences switched to the circle healing process, once it became apparent that they may be found guilty and

may be sentenced to time spent in jail. There is also a belief that circle healing is easy. I was assured by the staff at Hollow Water that circle healing is probably the most difficult process that the person who was abusive will ever experience.

Most of the healing work is completed long before sentencing takes place. If the sexual abuse team made up of professionals and members of the community, family and friends feel that this person has not made any progress, then he will be required to go to jail to serve his sentence. It is important to note that these are collective recommendations made by the people who know this person best.

When charges of sexual abuse are laid in Hollow Water, a team of workers and police officer(s) meet with the person accused of the abuse, to lay the charges and explain the justice options and process. As the charges are being laid, a team is also meeting with the survivor and any family members who may be in shock at the disclosure. This seems to be a missing piece in the western justice system. The survivors and the family, more often than not, are left to deal with their own pain in isolation. It is important to note that there were some situations in Hollow Water that were considered much too serious for the community to respond to (McGillivray and Comaskey, 1999). The assistance of the western criminal justice system was called in to assist when situations were considered to be too serious. Once the person has traveled through the 13 steps, the individual is ready to participate in a cleansing ceremony to celebrate the work completed, and to be welcomed back into the community.

### Experiences with the Western Justice System

Today's reality in pursuing justice, particularly when calling on the western justice system for assistance, paints a picture far different than the traditional way of dealing with abuse

(McGillivray and Comaskey, 1999). Researchers have found that in recent years, women who called police were recipients of deliberate interventions by community members and leaders to isolate them from their families and communities. Some of these women were humiliated in public, threatened, physically harmed to the point of becoming disabled, financially controlled, harassed, and blamed for the abuse and violence that was directed toward them. One woman was ridiculed for being Aboriginal and accused of being unfaithful to her partner. Today, the ostracizing of women, social isolation, inadequate services, family connections, expectations, and politics within the community have prevented women from coming forward with the truth of what is happening to them. Many women needed to choose between their emotional safety, by leaving the community, or risk psychological persecution. Sometimes the abuse by community members was so bad that women had to make decisions to leave their children behind to prevent the shaming from taking place.

#### Challenges Faced by Aboriginal Women within Their Communities

There are many reasons as to why women who are experiencing abuse are also being treated unfairly by their community members and leaders. Many communities were comprised of one nomadic family, prior to the forced congregation of several families within one community as established by western governments (Ross, 1992). Now, many families are forced to live next door to people that they may have traditionally endured a less than friendly relationship with, in the past. These were forced changes from the traditional political processes into western government driven band leadership. This is an artificial system that often pits feuding families against each other, depending on which family is in power (Ross, 1992; 1996). Political decisions that favour family members are common in many Aboriginal communities.

Women who live in the community of their husband do not have the same kind of support and protection as their husbands, who may be band members as well as relatives of the leaders in a male dominated governance structure (ManyFingers, 1994). Sometimes individuals are not treated equitably when it comes to community leaders making decisions regarding jobs and housing (Howard, 2000; Ponting, 1997). Family members of the leaders may receive preferential treatment. If these band leaders have a bias towards the male partner, the women's needs may be disregarded. Leaders who survived abuse and the punitive interactions with Indian Agents (Maracle, 1994) may treat women leaving abusive situations in a similar manner (Teichroeb, 1997) as they or their parents were once treated.

#### Racism and Sexism in the Western Justice System

Racism and sexism are also a great challenge faced by Aboriginal women when they take their issues to the western court system (Razack, 1998). The most disturbing is the leniency demonstrated towards Aboriginal men who sexually assault Aboriginal women (LaRoque, 1994). The hatred of women or misogyny has become a huge problem due to the influences of some non-Aboriginal men who do not have respect for women (Crow Dog, 1990; Burstow, 1992). These values brought by European dominance were and still are incongruent with traditional Aboriginal values.

Since the western justice system originated with the same doctrines involved in the promotion of Christianity in Europe, the historical influence of Jesuit Priests who were threatened by Aboriginal Women's power (Anderson, 2000), and the idea that women need to obey their husbands and must tolerate the abuse (Baxter, 1996; LaRoque, 1994) most likely have permeated the underpinnings of the existing justice system that serves the needs of all women. A

lot of work has been done by feminists to deconstruct this kind of thinking; however, there is more work to be done.

### Hope for the Better

In regards to making change for the better, one woman indicated that it was her duty to pursue justice (McGillivray and Comaskey, 1999). She personally felt that the person who committed the offence needed to be charged, and that it was her responsibility to pursue this case. By pursuing justice, she hoped that he would never harm anyone else in the same way ever again. She needed to do this to make life better for her children and any other women that her ex-partner chose to have relationships with at a later date. The survivor felt that he needed to know that what he was doing was wrong, and that he needed to experience the consequences of his choices.

Survivors need to feel that justice has been achieved, before they are able to heal from the event that has taken place (LaRoque, 1994). It is important for people who commit offences to be held accountable. Aboriginal communities need to provide ways to protect women and children from violent behaviour, balance the power between men and women, help men find their strength, their sense of responsibility and connection to their communities. This will hopefully eradicate the need to have power and control over the women in their lives (Morrisseau, 1998). Men need assistance to go through their healing processes. This is something that will have a positive influence on families and hopefully put an end to domestic violence.

There is a need to move to a justice system that draws on the traditional ways. This system would ideally deal with the root or underlying issues, and seek to discover and reclaim

the traditional vision or values necessary for healthy interaction within families and communities. With the support of those who care, an individual needs to know where they come from, and how the abusive behaviour appeared as a way to respond to stress, and how it became integrated into their family's way of life (Ross, 1996; McGillivray and Comaskey, 1999). There is a need to know the past, to understand the present, so that an individual can prepare for the future. This person needs to understand that what happened to them when they were children may affect their ability to parent and participate in intimate relationships (McGillivray and Comaskey, 1999).

Understanding the past will help the individual to understand their parenting style and behaviour in relationships (McGillivray and Comaskey, 1999). This will help a person come from a place of health and understanding, instead of a place of reacting from unhealed wounds. Understanding where one comes from can help individuals make great strides toward healing. Changing ways of behaving need to include a commitment to behave in a respectful way for the future.

Hopefully the survivor will understand that she is not responsible, that she is supported by her community, and that she deserves to be treated with respect at all times (Ross, 1996). She needs to have the strength to stand tall. The person who was abusive needs to be in a place of humility, where the healing work for both survivor, and the person charged can take place. Both people need support to find balance; otherwise, he may continue to manipulate, and she may not have the strength to stand up to him.

People who behave in a violent way need to be charged with the purpose of enhancing the safety of the victim, and allowing the opportunity for the person who was abusive to get the help that he or she needs (Ontario Native Women's Association, 1989). This also helps to

inform the community that this type of behaviour will not be tolerated, and that no one deserves abuse.

### Challenges for the Accused Who is Experiencing a Mental Illness

The complexity of the situation is compounded, if the individual who has been charged was experiencing a mental illness at the time of the incident. The violence may be a symptom of the underlying mental illness. It's not the individual's fault that they became mentally ill; however, it is their responsibility to take care of their health once they understand that there is a challenge. The incorporation of a circle of support is imperative for this person to achieve a level of health that will help him to move forward in his recovery.

### An Argument for Change to the System

There are many reasons why Aboriginal leaders and justice workers are advocating for change. Punishing and judging someone for what they have done prohibits healing from taking place (Ross, 1996). Shaming, blaming, judging, and punishing an individual for punishment's sake does nothing to bring them into balance. It is believed that it can make their situation more difficult to work through.

Domestic violence is a symptom of deeper underlying issues such as a lack of self-worth and feelings of hopelessness on the part of the person who exhibits abusive behaviour (Ross, 1996; McGillivray and Comaskey, 1999). Denying that harm has been created only prolongs the emotions of anger and resentment which may lead to illness (Daes, 1995). The person who created the harm continues to remain out of balance and the survivor may have difficulties due to the inability to recover from the effects of a violent situation. For healing to take place, there

needs to be an acknowledgment that harm has been created. The responsibility for the abuse needs to rest on the shoulders of the individual who committed the offence. The survivor is never to be blamed for what happened. This person needs a safe place to vent the anger that may have been generated as a result of experiencing violence.

People who have committed offences may have unresolved issues of abuse that they themselves experienced in childhood, combined with substance abuse, or serious mental health challenges that led up to the abuse. The individual is responsible to take care of their own health and emotional issues, so that they never harm another individual again.

Aboriginal people are going through a period of chaos, and are working hard to find their way out of this maze of confusion (Anderson, 2000). People are determined to recover and heal from the pain that has been experienced as a result of outside influences, and to develop a future where women and children have returned to a place of respect and are cared for by their communities. Pockets of Aboriginal women who are choosing to live without violence are rediscovering their strength, and men are realizing that they can no longer harm the women in their lives (Baxter, 1996). Some women are connecting with others, building on their own strengths, and together they are choosing not to accept disrespectful behaviour any more.

When one is going through a process of healing, it is difficult to believe that dealing with issues of abuse, substance abuse, and rediscovery of traditional values will lead to a more peaceful existence. An individual needs to recognize the abuse and inequalities that exist in relationships, families, and communities before they can begin the healing process. It is not the easiest path to take; however, it is the one that will bring about the most peace as one ages. Exploring the traditional values will promote an understanding of the need to once again respect women and children. The survival of humankind and ultimately Mother Earth depend on this



rediscovery process. Hearing the voice of Aboriginal women, and celebrating their strengths as they move through a process of grieving to a place of hope and empowerment will help communities collectively heal from the violence created by cultural genocide. This will lead to a place when traditional values around social control, intertwined with modern concepts of equity and egalitarianism, become the norm within all Aboriginal communities and ultimately all cultures on this planet. Small groups of Aboriginal people are leading the way. A restorative justice process could assist individuals to understand their strengths, underlying issues, and help to develop a plan to meet their needs.

### Accountability

When I first started this paper, it wasn't clear to me whether or not people were held accountable for their behaviour. I have come to learn that accountability plays a major role in maintaining peace within the community, and that there are expected codes of behaviour. It seems to me, that Aboriginal people within traditional ways of doing things are held to a much higher degree than people living in non-Aboriginal society.

### The Need to be Heard

One way to promote healing, restitution, and satisfaction that justice has been served is to involve the survivors, families, and communities affected by the violence in the justice process. The survivor needs to be heard, supported, and understood. She needs to be in the driver seat when it comes to seeking justice. Family members affected by the incident also need to be heard. They can fill in the missing pieces in regards to understanding the bigger picture of what is going on. This will help the justice team to have a better understanding of the root issues.

The western system needs to improve the way that they listen to the voice of the people who were involved in situations of conflict. There is a need to hear the voice of the survivor as well as the voice of the person who was accused. Listening, challenging ideas, and educating the person who committed the crime (in a respectful way) is the best way to move forward. Isolating a person who is charged seems to only keep the individual in a place of imbalance. I often wonder if extended periods of solitary confinement or isolation lead to greater feelings of anger and the possibility of developing a mental illness. It would make more sense to me, to surround people who have committed crimes with people who haven't. Surrounding people who have committed crimes with model citizens makes sense.

#### Need for Systemic Change

There is a need to promote systemic change that includes cultural appropriateness, and the development of strategies to deal with domestic violence (Government of Ontario, 1993). Each community needs to be given back the freedom and resources to develop their own strategies. Respect and decision-making power needs to be returned to women for Aboriginal communities to be successful at self-government, healing, and cultural renewal. Most importantly, there is a need to develop a vision that includes equality for women. The survival of future generations depends on a renewed vision of a better life for all Aboriginal people.

## Chapter Nine

### Challenges with the Western Justice System

Aboriginal people face many challenges when involved with the Western Justice System. These difficulties include challenges with police enforcement, and the lack of understanding regarding Aboriginal issues, culture and traditions by justice workers, combined with racist attitudes and stereotyping. A lack of support for the survivor, victim-blaming, and a fear that child welfare will take the children away are other barriers for Aboriginal women who take their issues to the western court system. There is also mistrust of the actual justice process itself, and of the ability of incarceration to make a positive difference. Aboriginal women are frustrated by a process that does not promote healing.

There is a lack of understanding regarding the Aboriginal woman's experience, misunderstanding of cultural cues and differences, lack of training for justice workers, and confusion regarding the justice processes such as plea bargaining and alternative measures. Other challenges include the physical set-up of the courtroom, re-traumatizing of the survivor, lack of support for women survivors, fear that the person who committed the offence is also a victim of the system, and lack of faith in the incarceration process.

There is a need for systemic changes that prevent the problems from occurring in the first place, and that focus on improved quality of life for families while at the same time stabilizing the immediate crisis situation (Hazelhurst, 1997; Ross, 1996; Government of Ontario, 1993). Many agree that the current system is not equipped to deal with the systemic issues that are overwhelming Aboriginal families and communities (Government of Ontario, 1993).

## The Aboriginal Woman's Experience

Aboriginal women who bring their issues of abuse to the western police force experience many challenges (McGillivray, 1987 as cited in McGillivray and Comaskey, 1999). Many have experienced victim-blaming (McGillivray and Comaskey, 1999), racism, sexism, and have found that the process or protocols created by the systems do not take into consideration the fear that Aboriginal women have in regards to dealing with police and the justice system as a whole (McGillivray, 1987 as cited in McGillivray and Comaskey, 1999). The women in a Winnipeg study have indicated that some police officers' belief that a woman had consented to the abuse if she had been assaulted on more than one occasion. Women who have been sexually abused are dealing with greater challenges when they turn their experience over to the police, particularly if they had been drinking (McGillivray and Comaskey, 1999).

Women in the Winnipeg study found that protection orders weren't worth the piece of paper that they were written on (McGillivray and Comaskey, 1999). Stalking and harassment continued while the restraining order was in place. The written protection order was helpful to prove to the police that her concern was a serious one; however, many abusers did not pay heed to these orders directed by the court. Police were not consistent in enforcing the orders and there were often little or no consequences when the person who committed the crime breached the court order.

## Barriers

The simplest misunderstandings, regarding cultural cues and differences create barriers for Aboriginal women who decide to entrust their issue with the western justice system. For example, eye contact is one thing that has created many misunderstandings (Razack, 1998). If

either the survivor or the offender were raised in the traditional way, they may not be conditioned to look the judge or the lawyer in the eye when responding to questions. This lack of eye contact may be misinterpreted as untruthfulness when in reality it is a sign of respect. Tyler, as cited in Razack, (1998) indicates that an Aboriginal woman who has survived sexual assault may giggle due to embarrassment while she is giving her testimony. This may leave the impression with the court professionals that the assault did not create any harm.

Other differences that created barriers include the different ways that people from different communities deal with conflict. Addressing conflict in a direct manner is not a common approach for dealing with issues of conflict for many people of Aboriginal descent (Teichroeb, 1997). Concerns and challenges are not expressed directly; however, they may be expressed through a third party. Sometimes making fun of someone in an indirect manner is another way to get the message across without direct confrontation.

Sexist, stereotypical, and racist beliefs among workers within the western court system have also created many barriers for Aboriginal women who call on the western court system to help make change. Often their style of communication is misunderstood, and their values and morals are brought into question. The person who committed the crime has a high likelihood of not being held accountable for their behaviour due to the lack of understanding on the part of justice workers.

One example includes the stereotyping of the 'savage' and the 'squaw' that is played out in many community courtrooms (Razack, 1998). Calling a woman a 'squaw' insinuates that she is a woman without morals and that her only role is to provide sexual favours for men. This kind of sexual victimization in the court room contributes to further psychological harm.

Some justice workers believe that in situations of sexual assault perpetrated by Aboriginal men towards Aboriginal women, it is the Aboriginal woman's lot in life to tolerate sexual abuse, and the Aboriginal man cannot help himself (Razack, 1998). It is also believed by some justice workers that Inuit women are promiscuous. This belief leads to a system that fails to hold Inuit men accountable for inappropriate behaviour. The Inuit Women's Association of Canada and Nahanee feel strongly that it is not acceptable to harm people, particularly young people in a sexual way, and that this behaviour needs to stop. The abuse that has actually occurred has been minimized and men are sent the message that it is okay to treat women and girls in an abusive way.

Women seeking justice in situations of sexual assault are often in a position where they need to defend their actions that put them into a situation where a man could take advantage of them (Bumiller, as cited in Razack, 1998). It is the survivor that is often held responsible, not the person who committed the crime. It is highly likely that in situations where a woman was drinking when she was assaulted, that her case against the abuser will not be taken as seriously in the court of law, and that she may also be blamed for the sexual assault. If the survivor lost consciousness, before or during the attack, due to the consumption of alcohol, some people believe that the sexual assault may not have been as damaging (Nightingale as cited in Razack, 1998).

Many justice workers do not understand Aboriginal issues and/or issues regarding intimate violence towards women. There is a lack of training for non-Aboriginal judges and lawyers around the culture and history of Aboriginal people (Razack, 1998). These workers are making decisions without the appropriate anthropological training. Many women in the Winnipeg research project spoke about the lack of education and training for lawyers regarding

intimate violence (McGillivray and Comaskey, 1999). Due to the effects of the violence and complexity of the situation, many survivors may not be believed. It is not understood by justice workers that the woman is not fabricating or lying when she is not definitive in her decision-making process, regarding the need to leave the situation or about her decision to take the issue through the court system. It is not understood that disclosure of the whole story may come slowly. The story will unfold little by little as trust for the justice worker grows. This may be interpreted by justice workers as a process of creating the story as one goes along. Many male judges do not have a clear understanding of the harm that has been created for women who have experienced sexual assault, particularly Aboriginal women who have been harmed by Aboriginal men (Razack, 1998).

There is much work to be completed to help lawyers understand Aboriginal culture and issues regarding violence against women. Many Aboriginal women find the justice system to be overwhelming and more complex than it needs to be. One woman found the court experience too “confusing”, “frightening”, and “traumatizing” (McGillivray and Comaskey, 1999). The women who responded to the Winnipeg survey had fears about how they would “perform”, while sharing their story from the witness stand. One woman indicated that she was unaware that she would be called to the stand. Another woman was perplexed as to why she was not called to testify, when the accused pled guilty. Survivors often walk away from the justice response with the feeling that their needs are not important and that there are no consequences for inappropriate behaviour (Razack, 1998).

Many women in the Winnipeg study spoke of confusion, regarding the charging and conviction of the man who abused them (McGillivray and Comaskey, 1999). They dedicated this confusion to barriers in the communication process between the prosecuting lawyer and the

survivor of the violence. Sentencing sometimes included jail terms of less than a year. All the women who responded to the Winnipeg survey indicated that they were happy when their partners pled guilty, so that their children did not have to go through the trauma of testifying in court.

Plea bargaining was recognized as a challenge and was blamed for leniency (McGillivray, 1998a, 1998b as cited in McGillivray and Comaskey, 1999). Women felt that their claim of abuse was discounted. If women don't have the chance to articulate how the abuse has affected them, there is a fear that their stories would be minimized. Women wondered how the judge could make an informed decision, if he or she didn't have all the information pertaining to the incident, including the impact on the survivor. There is fear that the plea bargaining process will bury the truth about the history of abuse, the amount of violence, and the impact of these experiences on the survivor (McGillivray and Comaskey, 1999). There is a fear that suppressing this information through a plea bargaining process will bury the information that justifies responses that will keep her safe from future attacks of violence.

The courtroom set up also creates a barrier for women who have experienced violence (McGillivray and Comaskey, 1999). The physical design of the courtroom in itself sends a message of a power imbalance and that the court system is based on a hierarchy. Setting the room in a circle or around a table is less intimidating and is more conducive to a decision-making process that involves all parties.

Aboriginal women and I would argue that all women do not receive enough support when they take their issues of violence to the western court system. Women from the Winnipeg study talked about not knowing what their rights were and found that legal representatives didn't have the time to explain this to the survivors (McGillivray and Comaskey, 1999). Some women found



the lawyers to be disrespectful and dismissed the concerns of the women. They also found that some of the women didn't have enough time to consult with the crown, so that she or he truly understood their side of the story.

For a victim to prove that someone has assaulted them, this individual is required to rehash their story over and over, first to the investigating officer, then to their own lawyer, and then cross-examined by the defense lawyer which in turn has most likely exacerbated the survivor's re-traumatizing of the event. The impact of re-traumatizing can lead to the devastating effects of posttraumatic stress and when this occurs, the stress reactions may interfere with the survivor's ability to be a 'credible' witness in their pursuit of justice.

I would also argue that the person who committed the offence does not receive enough support within the justice system. One respondent in the Winnipeg study noted that she thought that the person charged was also a victim of the justice process (McGillivray and Comaskey, 1999). There is concern within Aboriginal communities that some people who have spent time in jail may choose never to return to their home communities (Angeconeb, 1993). They choose not to return because their relationship with their community and their family has not been repaired. One individual had made a decision that if the situation were to go to the courts; he vowed never to return to his own community. In this particular situation, the matter was dealt with by the community and the result of the support that he received; he was able to rebuild his life in such a way that he was considered, once again, to be a respected member of the community. Since the incident took place, the individual was elected to a post on the band council. It would be interesting to learn whether or not the survivor's experience was as positive.

A process that keeps the woman safe, and helps both her and the person who committed the offence to rebuild their lives makes the most sense. There are many differing points of view

regarding the use of incarceration as a deterrent to violent behaviour. There is great concern that spending time in jail does not provide opportunity for healing or participation in treatment programs (Government of Ontario, 1993; Baxter, 1996; Lee, 1996). Jail only serves as a form of punishment, and there is fear that the offending person may return to their home angrier than before they were incarcerated, and most likely repeat the violent behaviour (Baxter, 1996). One woman interviewed for the Winnipeg study viewed incarceration as a way to avoid taking responsibility; however, incarceration does provide the opportunity for the survivor to find safety and to have the time necessary for healing (McGillivray and Comaskey, 1999).

There isn't a lot of faith in the diversion and alternative measures process. Since these kinds of programs in Aboriginal communities with the exception of Hollow Water make no attempt to support the survivors of the violence. These programs leave too many opportunities for the offender to manipulate the process, particularly if they have strong political ties within the community (McGillivray and Comaskey, 1999). There is a fear of reduced or lenient sentences for male offenders from Aboriginal communities when the courts have such a limited understanding of the person's offending history (Razack, 1998).

Aboriginal women with children who are choosing to leave their partners face significant challenges when they do so, especially if they live on an isolated reserve in the community of their partner and his extended family. These women are also afraid of the child welfare authorities. Due to some of their own experiences as children, Aboriginal mothers are afraid that if they call police their children will be apprehended (McGillivray and Comaskey, 1999). Women may stay with violent partners for longer periods of time because they want to make sure that their children are safe. There is great fear that the person who was abusive will harm the children or make threats against the children with the purpose of controlling their mothers.

Sometimes the person who is abusive will also convince the woman that the children will be taken away, if she reports the abuse.

Delays in proceedings provide offenders with ample opportunity to coerce women into dropping complaints (McGillivray and Comaskey, 1999). The victim is left in an unsafe situation that leads to extreme fear and lack of confidence in her convictions that taking the matter to court is the right thing to do. One woman had to leave her children with her violent partner while she secretly made her way to the airstrip to board a plane that was arranged by a city women's shelter. She had to leave her children behind because her partner's relatives assaulted her when she tried to remove the children from the school. It is important to note that her partner was also an employee of the band council.

There have been some documented responses that have made a positive difference for Aboriginal women. When police did press charges, the respondents in the Winnipeg study were relieved, even though the women felt responsible and quite uncomfortable (McGillivray and Comaskey, 1999). Aboriginal women have indicated that the way that police respond can make a difference as to how the woman views the situation that she is in. If she is believed and treated with the up most respect, she is more apt to believe that what has been done to her was wrong, and her trust for the police, the justice system, and society in general will improve tremendously.

To promote trust in the process, police need to arrive as soon as possible, and treat the survivor with compassion and respect whether or not she is in a state of resistance, fought back, was not physically injured, or was inebriated (McGillivray and Comaskey, 1999). The police need to lay charges against the offending person and support the survivor through the prosecution process, to help her develop trust that the system is there to protect her, and for her to truly understand that harm was most likely caused by the violence. Women in the Winnipeg

study were most appreciative of those who were helpful with this process. They were most angry with those who minimized their stories of violence and/or made decisions not to call witnesses who would support their story. In one particular situation, one woman was extremely angry at her lawyer for calling child welfare.

### One Particular Story of Injustice

There are many examples of injustice that Aboriginal women have experienced when faced with pursuing justice through the western court system. One particular situation that exemplifies the reason for such fears and the most disturbing story I have ever heard is the story of Kitty Nowdlok-Reynolds. Kitty is an Inuk woman who was violently, sexually assaulted by an Inuk man (Razack, 1998). Her story gives a clear picture of how Aboriginal women are sometimes treated by a system that is supposed to be there for their protection. This is how the story goes: Kitty Nowdlok-Reynolds was sexually assaulted in the Northwest Territories. She moved to Vancouver, something that she had planned to do before she was assaulted. The police did not obtain a statement from her before she moved to B.C. Due to several mistakes made by the police in this regard the crown arranged for her arrest, so that she would be in attendance for court proceedings in the Northwest Territories. (Vancouver is two thousand miles away from her home community in the Northwest Territories.) Ms. Nowdlok-Reynolds was arrested, placed in handcuffs, put in jail for a period of five days, and was escorted by police to the Northwest Territories via Edmonton, Yellowknife, back to Edmonton, Toronto, Ottawa, and back to her home community in the Northwest Territories. During this transition period, she was kept in five different jails, was not allowed to shower was not informed of her rights, and for the grand finale, she was required to travel to the court room in the same vehicle as the man who had

assaulted her. When she was released she was 'transported' back to Vancouver without any support, where she was then required to figure out her own way home from the airport at one o'clock in the morning. A formal complaint was filed in 1992, against the RCMP, where it was determined that this woman was a victim of mistakes made by the people who work in the justice system. It is important to note that there was no acknowledgement that this situation was the result of racist and sexist attitudes by the police and the crown.

### Other Stories of Injustice

There are many other stories of injustice in the response to Aboriginal women dealing with violence in their homes and communities. In one particular community in Manitoba, according to an article in the Winnipeg Free Press, one woman came to the police station for assistance and the reserve police officer locked the doors to the police station refusing to let her inside (McGillivray and Comaskey, 1999). One of her children made it through one of the windows for the purpose of asking for assistance in this situation. Members in another community learned that they would get a faster response by police by throwing rocks through the police station window.

In another situation, the band council appointed an offender to the position of constable to avoid charges of domestic assault (McGillivray and Comaskey, 1999). Another story included a police officer who assumed that one woman who responded to the survey was a prostitute simply because her partner was from African descent. Another woman was told that if the police officer were her partner, he would do the same thing and that she deserved the violence.

In another particular case, three Inuit men were sentenced to seven days of incarceration for having sexual intercourse with a girl who was under fourteen years of age (Razack, 1998).

This sentence was based on the judge's cultural interpretation of when it is acceptable for a young Inuit woman/youth/girl to participate in sexual activity, and the man's lack of awareness of Canadian laws regarding sexual assault. There was no effort taken to determine whether or not the young girl had experienced any harm.

One worker noticed in her work in a Manitoba community, that situations of abuse involving Aboriginal families were not taken as seriously as those for non-Aboriginal children (Teichroeb, 1997). She also noticed decisions that were made based on racist attitudes by legal representatives. Many individuals who committed offences were given very lenient sentences without counselling.

In another situation where the children were sexually abused for many years, the father was given three years' probation and the charges against his partner were withdrawn (Teichroeb, 1997). The situation was further complicated by the fact that the worker involved was not advised that the trial was cancelled, after the issue had been resolved through a process of a plea bargain. Because she was not informed of this, the children had suffered for six weeks with ill health and psychological trauma, in preparation for court proceedings that did not take place. Children who have been abused have been further harmed through the participation in the system that is intended to improve their life situation.

In the Yukon where it is believed that the justice system is more focused on male offenders than it is in regards to meeting the needs of the survivor, there was a suggestion by one defense lawyer for the person charged to facilitate his own healing as well as the healing of the survivors of the violence (Razack, 1998). The Yukon Association for the Prevention of Community and Family Violence challenged the decision, by asking if this particular situation was comparable to appointing an "arsonist" to take on the role of "fire marshal".

These are only a few examples of the outrageous outcomes experienced by Aboriginal women. It is the telling of these stories that will promote change within the current system. Even though these stories are hard to hear, it is important that we take the time and give the respect necessary to allow Aboriginal women to share their stories of abuse within the system.

### Strategies for Change

There are many strategies for improvement that could make a difference on how Aboriginal women are treated throughout the justice process. Women need justice support workers who understand the western court system and the re-traumatizing of the survivor that may occur. Justice support workers with this kind of knowledge will be in a better position to advocate for the survivor, if the woman is not in a place where she can assertively stand up for herself.

There will always be a need for a criminal justice system; however, many also believe that there is a need for correction systems to provide treatment, healing, and rehabilitation programs (Government of Ontario, 1993). Many people believe the opportunities for healing while in the prison system will reduce the need for criminal justice responses. I heard an expert from the Duluth project, at a conference on Domestic Violence in Stratford, Ontario, (2002) say something like ‘sometimes you just need to throw the individual in jail’, if they are not in a place where they can and will not be able to make changes in their behaviour.

When it comes to making decisions regarding the safety of the children, the culture and traditions of the community need to be respected (Teichroeb, 1997). Children who are in harm’s way may need to be removed from their families; however, it is important that this be done in

such a way that people, particularly the children are not traumatized during the process.

Aboriginal women with children who live in isolated communities need to develop a plan to keep her and her children safe from the abuser and sometimes from the extended family members. It may make sense for this woman to make a connection with the child welfare agency, to build a trusting working relationship that may be helpful when the woman chooses to make a break for it. This would be a very difficult thing to do if a woman does not trust the child welfare system. Child welfare workers who develop relationships with people in the community through parenting programs and other community development options may have a better chance of building trust with women in the community.

There is a need for systemic changes that provide a safe place that allow all people to speak to their emotions and feelings, to discover the root or underlying issues, to develop strategies to their own problems, and to come to a place of healing for all involved. This may contribute to a sense that 'justice' has been served, if everyone who was affected has the opportunity to have their needs met.

It is important for professionals of all systems who are working with Aboriginal people to take the time to learn as much as they can about Aboriginal history, issues, and traditions; keeping in mind, that culture and tradition varies from community to community. It's imperative that training for lawyers include the dynamics of domestic violence since the training for judges cannot be mandated (Mills, 1996; 1997, Shulman, 1997 as cited in McGillivray and Comaskey, 1999). Law schools need to take responsibility to ensure that courses on domestic violence are provided to ensure that the judges of the future have the appropriate training. There is a need to 'woo' judges into wanting to learn about the dynamics of domestic violence as well as issues relating to Aboriginal people.



There is a need to mobilize the community to prevent violent behaviour, to support the survivor, the family and communities affected by the incident, and to hold the individual accountable for their behaviour (Government of Ontario, 1993). Could traditional justice approaches which include Aboriginal women in the design and implementation stages have a higher possibility of taking Aboriginal women's realities into consideration? Could this kind of approach better meet the needs of survivors than the current western justice system? Better yet, systems that include or are run by Aboriginal people, preferably women, incorporating their own traditions seems to be a logical solution.

## Chapter Ten

### Responding to Domestic Violence in Aboriginal Communities

This chapter will provide a composite description of a woman from Aboriginal descent who has experienced domestic violence, discuss what women need to move forward, problems with current policies, suggestions for change, and a couple of examples of communities that are instituting a different approach to dealing with domestic violence within their communities.

As we proceed, through this chapter, and something that I hope I have made clear, is that we must not come to the conclusion that Aboriginal people are violent. What we need to do is to attend to the needs of those who are behaving in a violent way (RCAP, 1996) as well as take care of those on the receiving end of the violence. However, there is a need to expect people to take responsibility for their violent behaviour and to provide protection for those who are in danger (Morrisseau, 1998).

#### Portrait of an Aboriginal Woman Who has Experienced Abuse

The following includes a composite description of Aboriginal woman who is most likely to be on the receiving end of violence in her relationship (McGillivray and Comaskey, 1999). She is thirty-three years of age with full Aboriginal status from a reserve on the prairies. She has two children less than eighteen years of age with one in foster care. She was not able to complete high school and her income is not more than \$10,000 a year. When she was a child, she was the victim of violence within her family. As she grew older she witnessed violence towards her mother, her siblings, and other women and children in the community. She became involved in an abusive relationship when she was in her teens. Since then, she has lived with one other abusive partner. It has been three years since she was last assaulted. Her abuser continues

to stalk and harass her, even though there is a peace bond and a restraining order, and the issues were settled by the court. When she was a child, she was physically, psychologically, and sexually violated by members of her immediate, and extended family as well as others in the community. Her mother was physically and emotionally violent towards her, and she was sexually assaulted by an older male family member. It took a long time for her to understand that what was happening to her was not right. She even felt that it was her fault that these things happened to her. She told a couple of people about what was happening, even though she knew that she would not be believed, or that her situation was any different than anyone else's. She tried to find safety; however, she was not aware of the services available through social service agencies. In her late teens and her early adult years, she was seriously verbally and physically assaulted on many occasions by her partners. She was beaten so badly that she was hospitalized. Her children witnessed the violence that was inflicted upon her. Her partner would harm or threaten to harm the children or keep them away from her, so that he could keep her in line. He would lie to police, or con the children into siding with him. She did not contact the police for a very long time, not until she became concerned for the safety of her children, and that she finally believed that he might try and kill her. When she finally left, she sought the assistance of social services in the city because there was no assistance in her home community. Because her partner was violent towards her, she became involved in the western criminal justice process. Her partner pled guilty and was given a minor sentence. This sentence was not enough to help her feel that justice had been served, nor long enough to provide the safety that she needed to pull herself and her life back together. She experienced inappropriate and racist responses by the police and lawyers. Even though she had no voice in this situation and the professionals did not do a very good job, she still believes that punishment involving long sentences, including

counseling, treatment, and rehabilitation programs would help the person to understand that what they did was wrong. Knowing what she knows about on-reserve politics, she is apprehensive about diversion or alternative measures. She is willing to give her ex-partner the benefit of the doubt, if she sees that the process is a fair one, that the person who was abusive understands that what he did was wrong, that he makes changes in his behaviour, and that she is safe from his violent ways.

### What Aboriginal Women Need

Next, there is a need to explore solutions or strategies that would be helpful for Aboriginal women who have experienced abuse. Some of these include: emotional and financial support, a responsive police and justice system that acts quickly, fairly, and correctional or treatment responses that makes a positive difference.

Women need to feel safe and they need financial support when they leave an abusive relationship. A woman needs to know what services and supports are available long before she makes the decision to leave her abusive partner (McGillivray and Comaskey, 1999), so that she can prepare a plan that would allow her to live a life free of violence. There is also a need to improve the services and responses in both urban and remote communities, and to provide a continuum of support for women and children who need to access support outside of their home community.

The Royal Commission is asking that communities support policies that promote physical and emotional safety for all Aboriginal people (McGillivray and Comaskey, 1999). Agencies need to revise their policies in regards to domestic violence. They also indicated that there needed to be a response protocol that truly met the needs of the person on the receiving end of

the violence. Most women in the Winnipeg study wanted the men to be taken away from the home (McGillivray and Comaskey, 1999). According to the Manitoba Justice Inquiry (1990), as cited in McGillivray (1999), women should never be required to vacate their home or leave their community in a situation where they are being abused (McGillivray and Comaskey, 1999).

Police officers are often the first point of contact with services when one is dealing with violence in their home. By laying charges, the police have a very important role to play as the first response in stopping the existing and any future violence (McGillivray and Comaskey, 1999). It is important that the police remain objective and do not make any judgements based on morality. There was concern by many women that the police services that were provided on a contract basis in remote areas did not provide consistency or ensure that there was always someone to turn to when things became violent. There was not a lot of trust for bands that ran their own police departments. It was felt that, it was easier for officers to be subjective in their response and decision-making when dealing with situations of violence. Police officers need to treat all parties with respect (while at the same time) maximizing the safety of those involved in the incident. Women also want judges to truly listen to their needs, and to ask for their suggestions and advice in the sentencing decision-making process (McGillivray and Comaskey, 1999), including responses that incorporate Aboriginal traditional values (Proulx and Perrault, 1996) as cited in McGillivray and Comaskey, 1999).

Women in the Winnipeg study called for punishment that makes a statement to others, jail time with treatment and rehabilitation, and/or intensive treatment options while they are in the community (McGillivray and Comaskey, 1999). They also saw a need for programs that assist men to deal with their anger, and some women asked for a challenging “in your face” kind of program that would break the denial that men may have a problem. A combination of

treatment inside and outside of jail sentences was the preferred option. The programs need to be long enough to ensure that people who have been violent let go of their denial and heal from their own pain and anger. Other women recommended addiction treatment programs for a minimum of one year, a treatment program that is located in a locked facility, and a specific holding cell, or holding block, or a corrections centre just for men who are abusive to their partners. Other women advocated for programs that are extended over a lengthy period of time, involving treatment programs that help men to understand why they are abusive towards women by exploring what they may have witnessed as a child. There is a need for intensive monitoring of the individual while they are in the community, to keep track as to whether or not the individual follows through on recommendations as outlined by the community based project.

It is important to note that not all people respond to talk therapy and anger management programs. Geraldine Crisci, Trauma Specialist, who spoke at a workshop in Mississauga, Ontario (2005), sponsored by the Peel Collaborative Child and Adolescent Sexual Abuse Treatment Program, explained that people dealing with trauma that they may have experienced in their early years need a different approach. Anger management and talk therapy are not recommended approaches for helping someone who was traumatized during their pre-verbal stage of life. People who experienced trauma before they are able to speak have experienced challenges with the development of the limbic system of their brain. These are the people who can go from what Geraldine would refer to as “from zero to rage” in a split second with no conscious understanding of what they are doing or saying at the time. These kinds of situations require a different approach. These people are feeling with their senses and are not able to put words to their experience or their feelings. This explains the feelings of chaos that people sometimes feel and are unable to explain. Helpers need to find creative ways to access the

understanding for these memories and to help the individual to re-frame their thinking around the event.

### Challenges with Current Policies and Procedures in Responding to Domestic Violence

There have been many problems with current policies and procedures, particularly the effectiveness of diversion, community based, and mediation programs. Some people advocate against them period (McGillivray and Comaskey, 1999) arguing that there is not enough regard for the survivor. There is concern that the greatest support would be provided for the person who committed the offence and that the offender would influence community members which may affect the integrity of the community decision-making process. There was fear among the women that the justice processes in the community were subject to manipulation of those with political power. The Province of Manitoba most often does not allow individuals who have committed offences of domestic violence to participate in diversion projects. Community-based programs need to ensure that there is no possibility of manipulation of the process by those in positions of power, and to view domestic violence as something that is a serious offence, and offers some kind of consequence.

Mediation projects were considered to be a dangerous option for the survivors of the violence (Astor (1994) and Shaffer (1997) as cited in McGillivray and Comaskey, 1999). The control tactics used by an abuser can interfere with the mediation process, particularly if those who make the decisions are unaware of the dynamics involved in psychological abuse.

Many ideas for change have been suggested over the years. Some of these suggestions include training for justice workers, hiring workers from Aboriginal descent, and a greater engagement period to allow for an opportunity to hear the whole story before action takes place.

There is a need to teach all justice workers about how violence has been integrated into Aboriginal culture over the last several generations, sensitivity training in regards to Aboriginal culture (McGillivray and Comaskey, 1999), a clear understanding of what psychological or emotional violence is, and how it affects people, along with an understanding of the needs of the survivor. There is a need for specialized training for police officers that includes the dynamics of domestic violence. One woman indicated that she was very concerned about the abuse that women sometimes experienced by lawyers and police officers when they stood up for themselves. She indicated that the support of a judge who truly understands the issues makes a difference and that she has no desire to face the abuser in the courtroom.

Some of the women surveyed, supported the hiring of lawyers, judges, court workers, and police officers from Aboriginal descent; while others saw this as form of racism, and were concerned that Aboriginal professionals may be too lenient with people from Aboriginal descent who have committed an offence (McGillivray and Comaskey, 1999).

It is important to hear the voice of the survivor. There is a need to take time to build trust to allow for the opportunity to hear the whole story. The survivor has a grieving process to go through, and she knows the abuser best; however, once the women grieves the end of the relationship, then perhaps one will get an understanding of the whole picture. Making the decision to lead a life without violence is not an easy one. The survivor is required to turn her whole life upside down to extract herself from the violent relationship.

#### Other Options Chosen by Some Families

Sometimes families make the choice on their own without intervention by the justice system (Morrisseau, 1998). For Morrisseau, his journey on the path to healing was a



monumental event for his whole family when he and his siblings made a choice to choose healing. The decision that his family made will affect many people and many generations to come. From one act of bravery came a generation of people who know what healthy relationships and healthy living are. Their lives' have become free of lies and shame. All those affected by the incident have feelings and emotions that need the opportunity for expression, so that the individual can move to a place of closure or resolution. If these feelings are not expressed in a healthy way, they will manifest themselves in such a fashion that may be hurtful to themselves and others. To maintain health, it is helpful to find a trusted individual to listen to expressions of thoughts and feelings as one move through the healing process.

#### Two Projects that Respond to Violence in Aboriginal Communities

Along with the Hollow Water Community Holistic Circle Healing Process (as described earlier) which deals with situations of sexual abuse, there are two other projects that are meeting the challenge of domestic/intimate violence in Aboriginal communities: these community responses are located in Hamilton, New Zealand and Saskatoon, Saskatchewan.

The Hamilton Abuse Prevention Project was developed by legal representatives, social activists, and people representing the Maori and Pakiha in Hamilton, New Zealand. It is similar to the response that was developed in Duluth, Minnesota. It is an urban, community based, integrated, coordinated agency response.

The Hamilton Abuse Prevention Project was intended to integrate the response by the criminal justice system and social service agencies while at the same time increasing safety for the survivors of violence (Busche and Robertson (1994) as cited in McGillivray and Comaskey, 1999). This project focused on the safety of the individual who had been harmed, their

participation in decision-making, and the need for offenders to take responsibility for and be accountable for their actions. A common protocol has been developed for all agencies, treatment facilities, police, legal representatives, and the courts. These decisions are evaluated on a regular basis to ensure that people who are abusive are receiving appropriate sentencing (McGillivray and Comaskey, 1999). This project pays special attention to its monitoring of responses and decision-making. The workers of the Hamilton Project are very careful to send the message to the community at large that it is not acceptable to abuse another individual. If the system fails to deal with a situation appropriately, then they are viewed to be a part of the problem. Justice workers are required to follow the prescribed protocol which leaves no room for personal judgement. People who have been abusive are automatically arrested in situations where it has been determined that an assault has taken place. The workers at the crisis line are contacted so that they may assist with the situation. If it is understood that a man has assaulted a woman then the man is automatically charged, unless it is clear that the woman has committed a more serious assault. Survivors do not have the power to have charges dropped. They are assigned an advocate to assist them with the court process. People who have been charged with an offence are not allowed to be bailed out which eliminates the possibility of further harassment of survivors, and gives the woman the opportunity to seek other supports that may be necessary. If the survivor wishes to have further contact, her wishes are respected; otherwise, a no-contact order is put in place. The evidence provided by the police officer can replace testimony by the survivor.

The Hamilton Project is coordinated with the family court system (McGillivray and Comaskey, 1999). Support for women who need to participate in court proceedings is also provided. It seems that sometimes the court mandates counseling for women. [I am assuming

that this would be the case in situations where children may be at risk; otherwise, I would be concerned about pathologizing women for something that is happening to them]. Assistance and time are granted so that women can be educated in regards to the court process, can participate in counseling, and to coordinate transportation and child care services. The responsibility of the crisis line is shared between the shelter and the advocate program. The advocate's role is to monitor the person who has been charged through the system, and to keep track of anyone, or any agency that steps outside of the boundaries of the protocol. Advocates are available to assist women immediately following a violent incident, to document information regarding the abuse, to assist with transportation to shelters, and to monitor the response by police. People who committed the offence are then sent to education and treatment programs on a case by case basis, depending on their needs. Parole officers are invited to make recommendations as well, based on information regarding the individual and prior situations of violence.

In a project, similar to the Duluth and the Hamilton strategies, in Saskatoon, Saskatchewan, the staff, in a similar way to the Hamilton Project has developed a coordinated response amongst agencies, progressive staff education, improved police responses, and better information (McGillivray and Comaskey, 1999). They also stress the need for survivors to be a part of the decision-making process, the need to promote healing and recovery for the survivor, and the need for the abuser to take responsibility of and be accountable for his actions. In Saskatoon, offenders may have the option to take full responsibility without involving the criminal justice system. Assistance for the individual who has harmed others to reestablish his connections to his community is also provided.

## Rebuilding Communities and Responses to Domestic Violence

Domestic violence interferes with a person's ability to grow to their full potential (McGillivray and Comaakey, 1999). No community has been immune to the effects of violence (Government of Ontario, 1993; Ontario Native Women's Association, 1989). Aboriginal women are asking for change that incorporates their traditional ways and values, a process where the survivor is heard, equality, and a justice response that incorporates Aboriginal culture.

Rebuilding Aboriginal communities can be compared to the way countries would respond to the devastation created by a hurricane (Morrisseau, 1998). Communities need to gather an understanding of the damage that has been created, have compassion for and meet the needs of those who have been affected, and assist members of the community to move forward by repairing the damage or harm created.

Aboriginal women indicated that it is time that domestic violence is eradicated in their communities (Royal Commission on Aboriginal Peoples (1996b) as cited in McGillivray and Comaskey, 1999). Addressing the lack of equality between men and women, and the racism that exists is necessary, if there is to be a difference for Aboriginal women to live a life free of violence.

Aboriginal women are asking for a system that provides assistance with basic needs such as finances and housing, along with policing and judicial employees that understand their needs, and correction/treatment systems that make a positive difference.

The healing process must comprise of traditional values that are connected to Aboriginal spiritual practices (Chief Jean-Charles Peitacho and Sylvie Basile, Mingan First Nation, as cited in RCAP, 1996). These values include respect for oneself and others, self-confidence, generosity, and caring for others. Transformation begins with the personal, and extends itself to

the family, the community, and ultimately the nation. Incorporating traditional values and ways of doing things must be developed by Aboriginal people themselves. The justice as healing process needs to be designed in such a way that it meets the needs and incorporates the traditional/contemporary values of the evolutionary process of each community as it moves forward into the twenty first century. This will give power back to the people and have a positive effect on entire nations of Aboriginal people. The solutions to dealing with domestic violence cannot be a cookie cutter replica of the systems that are used in western culture, particularly since this is a system developed by the government that caused the avalanche in the first place. Each community needs to make a strong commitment to eradicate violence that is directed towards women and children; otherwise, women will continue to leave their communities to find the protection that they deserve (McGillivray and Comaskey, 1999).

If western approaches to justice drive the development of these new/old ways of doing things, there is a major possibility that the culture may be misinterpreted further or the importance of the offence minimized. Providing resources for Aboriginal men and women to design their own justice processes that incorporate their traditional values and is driven by Aboriginal people is one way to build trust between Aboriginal and non-Aboriginal people. The government could be responsible to manage the process of transferring the control of these resources or responses by ensuring that women have an equal voice in developing the justice process. This could ensure that male-dominated power structures and decision-making processes do not take over the responses for justice, leaving once again, a process that is out of balance. Resources could be freed to provide the intensive rehabilitation and trauma support that may make a difference in this person's ability to control their own behaviour.

The western justice system could remain available for those situations where an individual refuses to take responsibility for their actions, or is too violent to remain safely within the community. This individual may require a much more intrusive intervention such as prison.

It is very important that the survivor's voice is heard, that she has access to appropriate support and advocacy, and has ownership over the direction of her situation and the transition phase. It is also important that those making decisions, and the supporting community members and professionals in the process have a clear understanding of the dynamics present in situations of domestic violence. These support entities will assist survivors to work through their healing process and assist them in accessing services that will best meet their needs. Closure or moving forward in the healing of the survivor should be the number one priority.

#### In Conclusion

What is the solution? It is not a simple answer. Domestic violence is a complex issue that requires an informed and well thought out response. The first step to ending violence is breaking the silence, talking about the unspeakable, exploring the root issues and developing support systems that meet the basic needs such as housing, financial support, etc., of the survivor, the children, other family members as well as the person who was abusive. There is a need to develop a justice response that is respectful of and understands the complex issues facing Aboriginal people, along with the culture and traditions, and most importantly is driven by the survivor, and is designed in such a way that is unique to each community.

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