Helpful or Harmful? The Road to Rethinking Approaches in Addressing Domestic Violence Against Indigenous Women in Canada.

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ABSTRACT

Domestic violence is a widespread public health issue in which Canada's health and legal systems address with a one size fits all approach. For Indigenous women experiencing DV, the trauma as a result of colonization is an added layer of oppression that must be considered by DV response services. The purpose of this research project is to explore how current approaches intended to support Indigenous women facing DV may in fact be inflicting further colonial harm. Due to the colonial context of this research, a decolonizing framework is used to challenge western academic practices and avoid cultural appropriation and misrepresentation. It was found that current legal and health services have a gap in their ability to meet the culturally specific and individual needs of the various Indigenous communities in Canada. Further research led by Indigenous and non-Indigenous scholars is required to explore additional culturally safe approaches to DV, and how they can be implemented into Canada's legal and health systems.

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I wish to acknowledge that Mount Royal University is situated on Treaty 7 traditional territories of the Siksikaitsitapi (Blackfoot Confederacy), comprised of the Siksika, Kainai, Piikani, and Amskapi Piikani First Nations; the Tsuut'ina First Nation; and the Îyârhe Nakoda, including the Chiniki, Bearspaw, and Wesley First Nations. Additionally, I acknowledge Treaty 7 also is the home for the Métis Nation of Alberta, Region 3. I am grateful to have the opportunity to live and study on the land traditionally named "Mohkinstsis" by the Blackfoot people, now called the City of Calgary.

I acknowledge and honour these Nations for their resilience, resistance, and perseverance.

RECOGNITION OF MY ROLE AS AN ALLY

I am a settler Canadian who grew up in Red Deer, Alberta and currently lives on Treaty 6 and 7 land. On my father's side, I descend primarily from Ukrainian and Polish ancestors who settled three generations ago in Holden, Alberta. On my mother's side, I descend from her adopted German and British ancestors that settled in Drumheller, Alberta several generations ago. A DNA test confirmed my mother's birth parents descend from a region within Pakistan and northern India, however we are unsure as to when her family may have come to Canada.

As a non-Indigenous researcher, I position myself as an ally in decolonizing research in order to privilege marginalized voices. Chalmers (2017) highlights that researchers "should not talk about what they don't know" with respect to feminist themes of felt experience. I do not share the lived experience as an Indigenous woman; therefore, I need to avoid appropriating any Indigenous ideas and practices. Understanding my relationship with Indigenous women in Canada sets the baseline of my own recognition of the subtle forms of racism and implicit colonial oppression embedded in western academia. I wish to present my research in a non-traditional academic context that at minimum does not reproduce harm and challenges settler colonialism. In addition to this, I acknowledge that Indigenous peoples are not one collective group that share the same language, culture, ways of knowing, or ideology. I recognize my influence as a settler bears influence on the worldview presented in my thesis. Therefore, I acknowledge that I cannot base my approach from my own assumptions, but rather acknowledge the intersection of race, gender, and colonization in order to create the space for Indigenous voices.

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TERMINOLOGY

Indigenous - is the term used to identify the original inhabitants of Canada and their descendants. Throughout this project, other terms such as Native American, Aboriginal, Indigenous, or First Nations may be used interchangeably, based on the terminology used by other authors.

Domestic Violence- is also referred to as intimate partner violence, abuse against women, battering, or spousal abuse. This project uses domestic violence and intimate partner violence interchangeably together to allow for more literature to be reviewed. This research project acknowledges domestic violence may affect any race, gender, or sexual orientation. However, for the purpose of the research topic, the focus is on violence against heterosexual Indigenous women.

Place- A principle of Indigenous epistemologies that recognize knowledge existing within a set of relationships rooted in place or land. Differing from western views (rooted geographically or physical landscape), place is constituted by a network of lived relationships between land, human, persons, and other-than-human persons such as animals, plants, and climate (Chalmers, 2017).

The term **Western** is used to describe aspects of modern Canadian society. Terms such as European, eurocentric, colonizer, and western, are used to describe non-Indigenous ways of life, non-Indigenous people, or ideologies that stem from colonization.

CHAPTER I: INTRODUCTION

Chapter Overview

This chapter offers a contextual overview on the subtopics of historical trauma, domestic violence, and the intersection of domestic violence and Indigenous women. This information sets the precedent for understanding the shortcomings of the current help responses available for Indigenous women experiencing domestic violence. Further, the research question as well as the rationale and significance of the topic is discussed.

Background

Historical Trauma

European colonizers have held the dominant narrative since first contact with Indigenous peoples that stretch into our everyday and current knowledge system (Mochalin, 2016). The academy of western research operates in binarism, neutrality, ownership, and objectivity (Chalmers, 2017). The act of breaking down, separating, and labeling peoples, ideas, or cultures allows for emotions to be removed for either the researcher or the reader. An example of this would be to examine the western way of thought in defining historical trauma. “The cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma” (Monchalin, 2016, p.140). The purpose of this definition is to objectify a group of peoples and place all of their lived experiences inside categorized boxes while simultaneously releasing the responsibility to own one’s contribution to colonialism.

In contrast, Indigenous value systems are framed by respect, harmony, and balance, and act as guides for ways of knowing the land, the environment, and place within them (Monchalin, 2016). Colonization is responsible for the suppression of these ways of knowing, which results in unresolved grief and prevents access to traditional ways of healing. Professor of Native

American studies Jack D. Forbes refers to the term “wétiko,” as a way to understand the roles imperialism and greed play in the effects of historical trauma (Monchalin, 2016, p.69). The cree term, “wétiko,” meaning “cannibal” is described as a psychological “disease of aggression against other living things, a disease that consumes other creatures’ lives and possessions” (Monchalin, 2016, p.69). Although birthed from European settlers, this disease is highly contagious, and has spread to infect many Indigenous communities. Without the access or the knowledge of Indigenous healing, individuals and communities may embrace “wétiko” as a means to cope with the effects of historical trauma.

How can we define historical trauma? When we think of the term “historical,” we think of the past or refer to something to be of the past. Thinking about the term “trauma,” there is the assumption of physical, emotional, or sexual violence against an individual or group. We often neglect to consider that together, the harm within the phrase historical trauma is not something to be forgotten. The harm as a result of this trauma does not heal with time alone and is carried for generations. Colonization has generated historical trauma for Indigenous peoples through a multitude of ways. Genocidal acts committed historically include coerced land acquisition, implementing various acts such as, removal from lands, forced relocation to unfamiliar lands, and loss of cultural identity (Holder, 2015). The cultural genocide continued for generations, we can see this through the increase of policies meant to further limit or restrict access to culture came into effect, the forceful removal of children from families to be placed in residential schools, and by the overall treatment of Indigenous peoples by non-Indigenous people (Holder, 2015). Essentially, the breakdown of Indigenous ways and support systems is the goal of colonization, and therefore the harm that continues to affect Indigenous communities cannot simply be dismissed as ‘something of the past.’

Understanding Domestic Violence

This thesis uses the term “domestic violence” (DV) and “intimate partner violence” (IPV) interchangeably to allow for more literature to be reviewed. However, in western academia the language has shifted from DV to IPV for the purpose of inclusion. Malwina Andruczyk (2016) affirms that the word “domestic” implies a heteronormative assumption of what patriarchal society deems as a legitimate relationship. In addition, Andruczyk (2016) states another issue with using the term “domestic” is the presumption that this violence occurs within the confinement of a home, with partners that live together. For the purpose of this research project, DV and IPV interchangeably, as the topic is focused on the intersectional violence Indigenous women in Canada face and the shortfalls of our current help services.

Domestic violence, or intimate partner violence, is a very intricate and complex problem that reaches all depths of society regardless of socio-economic status, race, age, or gender (Holder, 2015). Many types of abuse can be classified and associated with domestic violence, which only enhances its complexity. According to Holder, (2015) the types of abuse include emotional or psychological, physical, sexual, and stalking. Hoffart and Jones (2018) outlines emotional or psychological abuse to consist of a variety of factors including mind games, threatening, intimidation, harassment, and instilling feelings of powerlessness and entrapment, and the effects to be as harmful, if not more, than physical or sexual abuse. Physical abuse is characterized as the use of force or physical intimidation which can include punching, kicking, slapping, or pushing (Hoffart & Jones, 2018). Sexual abuse can be defined as forced sexual acts including unwanted sexual touching, sexual assault, or sexual acts carried out under duress or while intoxicated (Hoffart & Jones, 2018). The abuse can occur in one form or several forms,

and the trauma can leave both immediate and long-term consequences for both survivor and their family (Holder, 2015).

The above breakdown of the term “domestic violence” was done so through a western way of thought and knowledge. Dividing DV into subcategories with definitions and binaries allows for us to understand the concept rooted in western academia, and by extension, colonialism. The following section explores the intersection of DV, colonialism, and gender and how these factors work together in the oppression of Indigenous women. Domestic violence is explored from a more holistic standpoint in order to recognize the knowledge gaps in current help services.

Intersection of Domestic Violence, Colonialism, and Indigenous Women

Intimate partner violence is a widespread public health issue which affects all people regardless of gender, race, class, or culture. In 2019, IPV accounted for 30% of police-reported violence, which represented 107,810 people (Statistics Canada, 2019). Although IPV can affect everyone, there are additional layers of oppression that we must acknowledge. Of those reports, 79% of them identified as women (Statistics Canada, 2019). To identify as an Indigenous woman means to add another layer of oppression, as they are nearly twice as likely to experience IPV than non-Indigenous women (Statistics Canada, 2019). Through a western approach we can gather information wherever possible and analyze the results, however, statistics cannot offer an insight that is able to fully encompass the intersection of domestic violence, historical trauma, and Indigenous women. Much of the recent literature reveals the need to identify and incorporate culturally relevant services while simultaneously understanding the complexities surrounding the root cause of domestic violence in Indigenous communities (Kingspohn, 2018). In addition, there have been research studies linking colonial structures and the silencing of Indigenous women’s

voices in the health care system (Kurtz et al., 2013). This suggests that the historical trauma as a result of colonization may contribute to the prevalence of domestic violence in Indigenous communities. However, from a western academic standpoint, further exploration is needed to extensively discuss the intersection of colonization, domestic violence, and Indigenous women. It is important to acknowledge that western methods of research may not be able to encompass the various and unique cultural needs of all Indigenous communities. Research lacking Indigenous knowledge and worldviews leads to cultural appropriation and misrepresentation, ultimately inflicting further colonial harm. This gap presents the opportunity for Indigenous led research to proceed and allow for the lived experience and voices of Indigenous communities to be heard, valued, and respected. Due to the nature of both western and Indigenous history and epistemologies, the space is created for research to be conducted using a shared space-liminal space emphasis that prioritizes both academic worldviews and work together to create systemic change. This thesis explores the shared space-liminal space emphasis throughout the literature findings and in answering the research question.

Research Question

In what ways do current domestic violence response services harm and amplify the effects of colonialism against Indigenous women in Canada?

Rationale and Significance

Awareness of historical tools of colonization and their impacts within the context of current Indigenous-state relationships is imperative if we are to discuss current barriers Indigenous women are facing. Colonialism itself is a multidimensional system of oppression responsible for the many different outcomes of harm against Indigenous Peoples. The Euro-centric approach to systemic problems such as domestic violence is to measure specific variables

within data in hopes to provide a one size fits all solution. Addressing domestic violence against Indigenous women with services that are designed by and for the mainstream population are harmful, can retrigger trauma, and contribute to the cultural genocide that is colonialism. There is minimal consideration to the relationship between the violence of colonialism and the violence against Indigenous women. The barriers Indigenous women face as a result of racial prejudice, minimal access to care, and lack of trust with the justice system are all pieces that attribute to intimate partner violence. To answer with a limited, non-holistic approach that fails to encompass Indigenous culture, voices, and knowledge only continues to worsen the problem and inflict more violence against Indigenous communities. This project researches current responses to domestic violence using a decolonizing lens to better understand the harm caused by them. Utilizing this lens is paramount if we are to better serve Indigenous communities and is the first step in decolonizing the contemporary western response. Further, in order to embrace decolonizing the system, we must also understand how western ways differ from Indigenous knowledge and traditional ways of healing. Exploring Indigenous justice and ways of healing from both academic and non-traditional data is to ensure Indigenous needs and knowledge may be the center of this project. After understanding the dynamic between the two cultural philosophies in addressing domestic violence, a shared space-liminal space emphasis is used to explore how these differing worldviews may co-exist in a non-assimilative, respectful manner (Kovach, 2021). Ultimately, addressing domestic violence against Indigenous women should be done so in a sensitive manner that respects Indigenous perspectives and acknowledges the intricacies of colonization.

Chapter Summary

This chapter provided some insight into the empirical context of historical trauma, domestic violence, and how they may intersect in the oppression of Indigenous women. The research question was presented and the rationale and significance for the topic was also explored. Ultimately, this chapter set the precedent for a baseline understanding of the topic of domestic violence against Indigenous women and how our current help services may inflict more harm than help. The next chapter discusses the decolonizing approach used for conducting and presenting this research.

CHAPTER II: A NON-TRADITIONAL APPROACH

Transformative Frameworks

The adoption of Indigenous and decolonising methodologies in academia and qualitative research is relatively new with respect to traditional western methodologies. According to Chalmers, there continues to be some confusion pertaining to the distinction between decolonising and Indigenous research (2017). They can easily be overlapped together as one framework but instead should be considered relational to one another. To separate and categorize them would enhance colonialism because it seeks to 'other' a particular group (Chalmers, 2017). This chapter explores each framework and how they work together to resist colonization.

Indigenous Research

Historically, Indigenous women have been objectified, silenced, and excluded from research processes and dissemination. The western way of research aims to measure, classify, and compare factors to reach conclusions that not only fail to encompass Indigenous voices, but also produce harmful solutions from a Euro-centric viewpoint (Kovach, 2021). Initially, this project was going to incorporate both Indigenous and decolonising methodologies. Further research published by scholars such as Kovach, Denzin, Wilson, and Chalmers revealed that it would not be appropriate to explore this research topic with Indigenous methodologies. Indigenous methodologies must be anchored in Indigenous epistemology, theory, ethics, story, and community (Kovach, 2021). I also had to question myself as the researcher, "What is my relationship with Indigenous communities?" And, "Have I established a trusting relationship with Indigenous communities?" Since the research project did not use primary research, it would be inappropriate to utilize Indigenous methodologies to speak on their behalf.

However, Indigenous research is about the discovery of new understandings by both Indigenous and non-Indigenous researchers on the topic of Indigenous Peoples (Kovach, 2021). Indigenous research is an inclusive term in which it can be composed of several different methodologies. The Social Sciences and Humanities Research Council of Canada (SSHRC) outlines Indigenous research as "researchers who conduct Indigenous research, whether they are Indigenous or non-Indigenous themselves, commit to respectful relationships with all Indigenous peoples and communities" (SSHRC, 2021). The theoretical roots of this research project are centered around colonialism and its continuous impact on current societal responses to domestic violence in Canada. Indigenous methodologies cannot simply be applied here because I am both limited in Indigenous cultural knowledge and to attempt to do so would be exploitative and disrespectful from an Indigenous stance. My intent is to challenge the western ways of knowing while simultaneously upholding Indigenous knowledge in a respectful and ethical manner. The next section establishes an understanding of decolonizing methodologies, and how Indigenous practices can be used as a method of resistance to colonialism within the academic framework of this project.

Decolonizing Methodologies

To think about what it means to 'decolonize,' we often revert to the idea of taking colonization away. However, colonialism is rooted beyond the power dynamic between Indigenous peoples and European settlers. Chalmers discusses how colonialism relies on people adopting a particular set of assumptions about who qualifies as a person, a particular vision for society, and what constitutes as place (2017). This assumption allows colonialism to penetrate every aspect of our society and therefore is too entangled to simply erase (Chalmers, 2017).

So, what does ‘decolonizing’ mean when applied to the framework of this thesis? As a non-Indigenous researcher, I question my contributions to colonialism in exploring a topic related to Indigenous communities. If I ignore Indigenous research while gathering research on this topic, I would be following western epistemologies by not acknowledging the existent relations. According to Chalmers, simply acknowledging the networks we are all woven into is a step towards decolonization as a non-Indigenous researcher (2017). Furthermore, the research is presented with an emphasis on relationships instead of differences or categories to challenge colonial order (Chalmers, 2017).

I must understand that my research question calls for recognition of multiple intersectionalities under the umbrella of settler colonialism. Colonialism and the patriarchy further the oppression of Indigenous women as they reinforce hierarchical social systems that privilege white, heterosexual, cis men. Thus, feminist and Indigenous practices can be used together to resist colonialism as an academic framework. It is important to emphasize that resisting colonialism and the patriarchy require Indigenous and feminist thought in its entirety. Applying feminism alone would contribute to colonialism as it does not specifically encompass and respect Indigenous culture and ways of knowing. Ultimately, the decolonizing framework used in this project sets the precedent for how the research is examined and how to present the findings in a manner that resists colonialism and the patriarchy together. Keeping this in mind, I recognize decolonizing methodologies does not intend to replace western epistemologies, or to let Indigenous or feminist scholars publish work alongside them, it is to radically change the base in which academia is dependent on (Chalmers, 2017). Ignoring the intricacies of colonialism simply cannot be done if we are to challenge the interwoven webs of western epistemologies embedded within society. Therefore, a decolonizing approach equates to addressing how the

research found may be used to reproduce colonial order and the way this knowledge can respectively challenge this order (Chalmers, 2017).

Data Collection Methods

The data collection method for this thesis involved gathering secondary research from western academic and Indigenous sources. Colonialism is multidimensional in nature which calls for recognition of both western and Indigenous research in addressing domestic violence. Secondary sources from databases such as Sage Journals, Google Scholar, The International Journal of Indigenous Health, and Mount Royal University Library were explored to find articles published by both western and Indigenous scholars. The combination of these sources allows for a more comprehensive understanding of the context of Indigenous historical trauma in relation to domestic violence. Further, I utilize them to assist in first defining theories such as critical race theory and postmodern theory as outlined based in western thought. Doing so gives the opportunity to acknowledge the assumptions, beliefs, and ideas made within each theory and in relation to domestic violence against Indigenous women. This method is following a decolonizing framework as it allows for dominant modern methods of knowing to be questioned while simultaneously prioritizing Indigenous culture and identity.

In addition to academic research, oral stories were collected from Indigenous women from a variety of platforms. As a decolonizing approach, centering Indigenous voices is crucial in respecting place, relationships, and culture. I decided to incorporate Indigenous stories as a way to respect oral traditions rooted in many communities. I acknowledge, however, that I cannot generalize these traditions to fit all Indigenous communities as there are many unique and individual Indigenous cultures which encompass different lived experiences. I chose these stories as they were shared by Indigenous women from around the same physical place as myself. The

stories were collected in podcasts such as *The Trauma-Informed Lawyer,* and *2 Crees in a Pod* with the intent to include the voices of Indigenous women and also to honor their own resistance to colonization.

Highlighting Instead of Analyzing

Kovach (2021) recognizes western methods of research to be harmful to Indigenous communities in which it furthers their oppression and marginalization. This is due to western methods utilizing deduction to reach a conclusion and will measure, classify, and compare variables viewed to be independent rather than connected to one another (Kovach, 2021). This objectification is the very base of racism and therefore analyzing data rooted by western thought will not be applied in this thesis. Therefore, highlighting or emphasizing the relationships encompassed in the qualitative data collected as it relates to domestic violence as a whole. As stated before, decolonizing each theory involves my own recognition of the western assumptions made within them. Finally, this project highlights how each theory assists in addressing the ideas of decolonizing current approaches for domestic violence against Indigenous women.

After looking at western theories, this project explores the emphasis on Indigenous ways of healing in relation to mainstream services available for women. Highlighting the relation of Indigenous and western ways of healing acknowledges their differences without denying the existence of the intersectionality between the different emphasis areas. Essentially, this thesis views the research data gathered as an intricate web woven within one another with respect to current responses to domestic violence faced by Indigenous women.

Chapter Summary

This chapter discussed the difference between Indigenous and decolonizing frameworks in academia, and the need to embrace a decolonizing approach for this research. Looking at what

it means to utilize a decolonizing framework, we can understand that it is not about separating colonialism from intimate partner violence. Instead, as a decolonizing researcher, I acknowledge Indigenous and western cultures as interconnected in the web of colonialism with specific recognition to the intersection of gender in order to appropriately address domestic violence against Indigenous women. This chapter also discussed the data collection methods, which are sources both rooted by western academia and Indigenous methods of oral storytelling. Finally, this chapter outlined that this project is not analyzing data in a traditional western way as it reproduces the harm caused by colonialism. Instead, the focus is highlighting the relationships within the data, recognizing my own western assumptions about the data collected, and addressing how this knowledge is used to reproduce colonial order.

CHAPTER III: DOMESTIC VIOLENCE AGAINST INDIGENOUS WOMEN

Chapter Overview

This chapter covers current literature and stories pertaining to the relationship between domestic violence, the legal system, and Indigenous women. First, there is a discussion pertaining to the current help services for domestic violence, with emphasis on Indigenous specific availability. Following this is an exploration of the justice system as a tool of oppression, highlighting the groundwork of legal education. Finally, Chantel Sparkling Eyes is respected and honoured, as she talks about her interaction with the justice system both as a survivor of child abuse and domestic violence (McCallum, 2022). Further, she emphasizes the cultural needs and supports she wishes would have been available for her during this process. Finally, she opens the conversation to supports she would recommend in the future that should be implemented and accessible for all Indigenous women seeking justice in cases of domestic violence.

The Current Help Services in Addressing Domestic Violence

Current help services in Canada have shown some progress for Indigenous women facing intimate partner violence, however, there continues to be a considerable gap between incidences of domestic violence in Indigenous communities and their capacity to address it (Klingspohn, 2018). Klingspohn (2018) considers the current framework of crisis intervention and stabilization to be somewhat helpful yet severely lacking dedicated funding for prevention. The article "Building a National Narrative" (2019) outlines the current federal, provincial, and territorial action plans, initiatives, and strategies on violence against women. In 2017, the federal strategy "It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence" was announced with the intention to fill gaps in support for diverse populations (Government of Canada, 2021).

A breakdown of funding to specific organizations is provided and out of the $200 million startup budget, $6.2 million is going towards the Gender-Based Violence (GBV) Program (Government of Canada, 2021). The GBV aims to "identify, pilot and adapt interventions to address gaps in support for Indigenous and underserved groups of survivors in Canada" (Government of Canada, 2021). In Alberta specifically, the initiatives are Family Violence Hurts Everyone: A Framework to End Family Violence in Alberta (2013), Preventing Violence Against Women and Girls, Commitment to End Sexual Violence, Alberta's Plan for Promoting Healthy Relationships and Preventing Bullying (2014), and Addressing Elder Abuse in Alberta- A Strategy for Collective Action (2010) ("Building a National Narrative, 2019). The only mention of current initiatives for addressing the violence against Indigenous women and girls include the Alberta Joint Working Group on Missing and Murdered Indigenous Women and Girls and supporting women and girls through the Victim's Services Family Information Liaison Unit (Government of Alberta, 2023). The largest concern behind these efforts is that between December 2015 to present day, the government has only engaged with Indigenous communities for their advice and recommendations on how to address this issue, and the final report has yet to be released.

The Four Worlds Centre for Development Learning (2023) established that a strong prevention framework that is based in cultural strategies and recovery principles will assist in decreasing both domestic violence and concurrent mental health issues. This is not the scenario for most current relief services for intimate partner violence. Many of the mainstream services are rooted with a feminist approach, with the goal of supporting victims to leave the relationship and develop self-sufficiency for both them and their children. The intent behind feminism can be viewed as positive from a settler perspective as the Eurocentric values of independence could align with their own. Though, this feminist model does not fully acknowledge the unique cultural

needs nor cultural principles reflected in Indigenous ways of knowing and healing (Klingspohn, 2018). Considering the cultural difference and value of relationships to one another and one's place, Indigenous women often do not encompass a vision in which they leave their husbands and sever that relationship. There is one Indigenous specific shelter in Calgary, Alberta, The Awo Taan Healing Lodge Society. Named "Awo Taan," meaning "shield" in the Blackfoot language, is a 32-bed, full-service emergency shelter where the traditional holistic and spiritual teachings of the Aboriginal people's Medicine Wheel are practiced (The Awo Taan Healing Lodge, 2013). Other Indigenous specific supports include Native Counseling Services of Alberta, Alberta Native Friendship Centres Association, Métis and Indigenous Children's Services offices, or Delegated First Nations Agencies (Government of Alberta, 2023). A step in the right direction, however we must consider a gap in access to these services. Barriers include location, financial stability, ability to travel, childcare, and availability of the services themselves. The research reveals at least one of these factors inhibit the ability to access help services with culturally safe approaches for survivors of domestic violence. Further research as to how these barriers may be mitigated is required to close this gap and provide better care for Indigenous women experiencing domestic violence.

The Justice System as a Tool of Oppression

To be able to call the Canadian justice system a tool of oppression, we must understand it as an interconnected web of several different pieces working together, rooted in colonization. Beginning with the lawyers working within the formal justice system, Mahoney (2019) argues that "for the most part, lawyers are ill prepared to comprehend or correct the relationship between the oppressed Indigenous peoples and their oppressors in relation to the rule of law." As a settler on Treaty 7 Territory and currently living on Region 3 to the Metis Nation of Alberta, I

chose to acknowledge the University of Calgary's Indigenous Initiatives within the Faculty of Law program. The first standing committee on Indigenous strategy was not convened until 2017, prior to this, the gap between cultural awareness taught to aspiring lawyers was astronomically large (University of Calgary, 2022). Today, the mandatory steps toward Indigenizing the program include visiting Blackfoot Crossing Historical Park for Treaty education, completing the Law Society of Alberta's Indigenous Cultural Competency Education "The Path" programming, and undergo training in Indigenous and Critical Race perspectives in addition to anti-racism training (University of Calgary, 2022). In second and third year, students have the option to take additional Indigenous legal courses that encompass a wider range of education surrounding Indigenous culture and the law, however it by no means is mandatory (University of Calgary, 2022). Metaphorically speaking, this gap has been treated as a hole in your water pipe, and the initiatives are a piece of duct tape trying to keep the water contained. How can current lawyers, let alone lawyers practicing before 2017, expect to serve and respectfully represent Indigenous communities with a severe gap in education on Indigenous culture, Indigenous Legal Theory, and Indigenous history with the law? In addition to lack of education, there has been push back from current Alberta lawyers to remove a rule that allows for the regulation of legal education. In January 2023, Calgary-based lawyer Roger Song organized a petition to remove the requirement for all Alberta lawyers to take "The Path," a free, five-hour online course aimed to teach Indigenous cultural competency (Grant, 2023). The purpose of implementing this course was to educate those currently in law school, and most importantly, those who are currently practicing. The fact anti-Indigenous sentiments are still prevalent reaffirms the ignorance and colonial privilege held by those practicing the law. It is imperative to educate lawyers and law students on

Indigenous cultural competency because they are dealing with issues that directly affect or may impact Indigenous peoples.

Beyond lawyers simply working within the justice system, we must also reflect on our own interpretation and view of the law. Like any system, there are flaws, however my own settler privilege allowed my view of the law for the most part to be just, fair, and equal. This is a far truth from the harsh reality we all are encompassed by today. Legislation has been used as a tool used to oppress, incarcerate and dispossess marginalized people on a global scale (Meng, 2020). Canada's legislation was a means to perpetuate colonial power over Indigenous communities, with its legal system following European views of assigning blame and punishment. Blame and punishment are completely different worldviews than to Indigenous communities, who value healing and follow a restorative justice approach. The next section of this chapter follows the story of Chantel Sparkling Eyes, and her experience with the justice system (McCallum, 2022). Her story shares similarity to many Indigenous women seeking justice through western laws and approaches to justice.

The Duty to Decolonize the (Criminal) Justice System: Advice from Chantel Sparkling Eyes

Chantelle Sparklingeyes: Chantelle is from northern Alberta and belongs to the Métis nation of Alberta Region 1. Her maiden name is Boucher, is married to a First Nations man, and they have three children together. She is a team lead to a family violence program in her community. Chantelle is also a survivor of a residential school, and of many different events in her life such as physical, emotional, sexual, and verbal abuse. She talks about these events openly as she has come full circle in her healing journey. Through this she is able to provide support to people who are now what she once was and is honored to be able to walk in healing with so many people.

My first interaction with the legal system was when I was nine years old. I was physically abused as a child from my biological father, and I lived with him for just over three years when I was young. It came out after I was already removed from the home, but I have a sibling who is still living there and one of his teachers had noticed the signs of abuse and reported it. My brother and I had to testify, I remember going to court early in the morning and our court prep was you know like half an hour before our trial started. We were put in a little room and asked five or six questions from the crown. I remember him asking me if I knew abouts court or if I knew what would happen if I lied, things like that. I said well yeah, I know about court I watched law and order with my Coco. That was the extent of my court prep and we got to review our statements. Then we were put in a hallway, and they called us in one by one- we weren't allowed to have anybody in the room with us. One by one we went into the courtroom- in the room was the judge, my father, his lawyer, the crown prosecutor, and Anne, my father's wife. I was terrified there was no court support, no anything to provide me with coping. Nothing to make me feel safe and I sat in front of my dad and had to openly say what happened to us there. I was terrified, I was extremely vulnerable, and I did not feel any resolution from it. He was found guilty however he fled the country and lived in Europe where his wife was from. He essentially was a fugitive on the run and didn't serve any sentence or pay any fines and his needs and the whole process were put before us children. I don't like to think like 'oh it's you know it's because I'm Native and he's a French Canadian' but at the same time I can't ignore it. That is a fact and when I say like his needs were more important than mine during this process. He served two weekends to my knowledge and for the third weekend he jumped on a plane and left the country so just no healing came from that experience other than the work that I've put into

myself and I have also had experience in the court with my ex-partner who was my abuser. Nothing really came of that - it didn't even go to trial. He had one court appearance; he was put on probation for a year and that was it. I'm in a situation where my life was genuinely in danger with him but it wasn't taken into consideration because women who are victims of domestic violence or often stigmatized in settings that way. We're not taken seriously; we're not listened to and again the only healing that came from that situation was what I put into myself and I believe that we need to be leaders on our own when we're working through traumas. When we're you know healing those soul wounds but we need to know that there's support available in systems like the legal system and in my experience that's not the case.

What support should be available?

I think first and foremost we need to acknowledge that when we experience trauma as children our brain gets stuck there. We have a harder time to mature and grow and so sometimes you have childlike responses and it's because we carry a wounded child inside us that needs to be nurtured and loved and supported and reminded that it's going to be OK. But we do have to feel those emotions and when you don't feel those tough emotions that come from experiencing horrible hurt such as sexual violence, we you know have a higher chance of having serious health problems. We have higher chances of struggling with addiction, self-medicating, doing whatever we can to suppress that trauma and I believe that the support needs to start from day one when that abuse is reported. There needs to be a platform to build relationships with the people who are supporting us. We need culturally specific support and what I mean by that is you know Indigenous is an umbrella term, it encompasses all native people but it neglects the differences we have between our cultures…. We need that culturally specific support, we need to

see our own people, our own colors to feel comfortable and safe because of the history Indigenous peoples have with settlers of this land. There is no trust and we are trying to work towards reconciliation but we have systems like the legal system that is outdated and it continues the oppression and marginalization and it needs to change.

Another big thing that I think needs to happen to be supporting victims of sexual violence or any type of violence that causes trauma is we need collaboration between our legal professionals and Indigenous peoples. People need to learn about Indigenous peoples from Indigenous peoples. We need to be taught the true history of things that have happened and why we see the issues that we do in Indigenous nations and we also need to stop victim blaming first of all, that's one of the biggest things. We need culturally appropriate approaches to law- we need to use medicines in trials. I smudge when I'm overwhelmed and I use sage because it's a woman's medicine and to have the opportunity to ground yourself before you do something very brave and very vulnerable. We need to feel comfortable and the opportunity to smudge prior to doing that could make a big difference in the type of testimony that a person gives. We need court support from beginning to after the trial and I call it the holistic approach to court support… A huge component that's missing is support after the trial because that hurt doesn't end at the end. A lot of times people don't get the level of justice that they're seeking, and I've supported many people in my position whose abuser got off and there's no healing. It's not a place where people can feel safe and so we need to ensure that we have you know westernized and Indigenized supports in place for that victim after the trial. We need to do our due diligence to help people get out of the victim mentality.

We need to understand and respect different worldviews and there is an over representation of western worldview in Indigenous lives. We need to change the approach to law

school. I personally believe we need Indigenous law schools. We need to see more Indigenous people in all levels of the law from RCMP or any policing agencies, court advocates, court supports, lawyers, judges, and supreme court judges all the way to the top we need that. We need to understand why it is important to bring someone who reflects the society that they're serving. Someone who understands trauma, who understands the important connection between ceremony and culturally specific support. Someone who understands that when we bring Indigenous people into the justice system, we're bringing them into a system that is imposed upon them and therefore not a welcoming environment. Given what history has told us about what those places inflict upon Indigenous people, that is why it is important to bring that lived experience and that knowledge into these spaces.

Chapter Summary

This chapter offered a review of current literature on the topic of current help services offered to Indigenous women experiencing domestic violence in Calgary and Alberta areas. In addition, the idea of the justice system acting as a tool of oppression was explored. Literature pertaining to legislation and inclusion of Indigenous history and epistemologies within the legal education at the University of Calgary was considered. Finally, Chantel Sparkling Eye's (McCallum, 2022) story with the justice system was honoured and respected, and her recommendations for changes to be made within the responses to domestic violence against Indigenous women were brought to light.

CHAPTER IV: THEORIES WITHIN AN UMBRELLA

Chapter Overview

Indigenous studies Professor David Newhouse recognizes Indigenous knowledge as grounded in the spiritual as it "consists of more than a collection of observations that are then packed into a set of theories that tell us how things work" (Monchalin, 2016, p. 29). However, he does not reject quantitative or qualitative research as he sees it as an added way of understanding the complex social reality of the world we inhabit (Monchalin, 2016). This chapter looks at several different theories as they relate to intimate partner violence against Indigenous women. The shared space-liminal space emphasis sets the precedent of this chapter as a means to acknowledge the relationship between Indigenous and western knowledge systems within a shared academic space. Critical race theory and critical feminist theory are discussed with the purpose to deconstruct and decolonize as they were built on structures within the western academy that privilege western knowledge systems and their epistemologies.

Shared Space-Liminal Space Emphasis

Kovach (2021) states that a shared space-liminal space emphasis explores the dynamic that exists between two cultural philosophies and how these differing worldviews might coexist together in a non-assimilative, respectful manner. This research project explores the relationship between colonialism and domestic violence against Indigenous women in Canada with emphasis on both Indigenous and western knowledge. Recognizing the intricate web of colonization within society is the first step in acknowledging how Indigenous worldviews may be incorporated into current help responses so that both may coexist together without inflicting further harm. We cannot ignore western academia because doing so would be the ignorance of colonization. Therefore, a worldview that acknowledges colonialism while simultaneously respecting both

western and Indigenous knowledge is needed. If we are to share an academic setting between western and Indigenous worldviews, we must recognize the multidimensional aspects of colonization and how they contribute to the oppression of Indigenous women. Only then will we be able to achieve a true shared space of understanding and be able to meet the unique cultural needs of Indigenous women facing domestic violence.

Decolonizing Theories

Critical Race Theory

According to Gillborn et al. (2020), Critical race theory (CRT) defines racism more broadly as it seeks to understand and combat race inequity in society. Essentially, CRT considers the complex social structuring of racism as it changes within society rather than viewing racism as an individual manifestation of hatred (Gillborn et al., 2020). While the premise of CRT may be of good intention, we must consider the academic structure in which this theory was created. Denzin et al. (2008) describes a difference of research goals or outcomes that occurs when the researcher is viewed as the colonizer and the subject is the object of subjugation. There is no lived experience shared by the researcher and the group researched, which creates space for harm to be inflicted upon the group due to lack of cultural safety and awareness. Denzin et al. (2008) emphasizes that CRT must be modified and reflect the goals of critique, resistance, and struggle instead of limiting the lived experience of Indigenous peoples to be independent of history, context, and agency.

Critical race theory offers privileged western scholars a distanced insight to understanding race and racism against marginalized populations within modern society. The premise of applying CRT to research allows for Indigenous peoples to be subjects of western inquiry, therefore modification must be made. This research project looks at racism within

modern society and acknowledges how history and colonization have shaped the oppression Indigenous women encounter particularly in cases of domestic violence in Canada. Acknowledgment of the multidimensional aspects of racism and colonialism and how they are woven into western practices of healing allow for us to understand the changes that need to be made in order to better serve survivors of domestic violence.

Critical Feminist Theory

Critical feminist theory explores issues beyond gender alone, there is consideration of class, race, sexual orientation, ability, age, and other characteristics that may intersect and contribute to the oppression of Indigenous people. This research project uses a decolonizing framework, and to decolonize means to resist oppressive systems, including patriarchy and colonialism (Chalmers, 2017). While feminism may consist of resistance to patriarchy, there is an underlying issue concerning western feminism and race/cultural differences. Cervantes-Altamirano (2016) discusses the issue with the assumption of all women facing the same patriarchal struggle. Without the consideration of race then the definition becomes a struggle of white, heterosexual, privileged women against the structures created by white, heterosexual, privileged men (Cervantes-Altamirano, 2016). In fact, western feminists analyzing the situation of "other" women can further colonial trauma by resorting to culture blaming and by imposing dominant western frameworks without understanding empirical context (McLaren, 2021). Thus, when considering critical feminist theory, we must ask how patriarchies oppress Indigenous women, and how are Indigenous women also oppressed by other movements?

This research pays particular attention to western feminist approaches to help services for domestic violence, and the harm they may cause as Indigenous women attempt to access them. In addition, critical feminist theory assists in developing an understanding of how the patriarchy

may act as a tool of oppression as it intertwines with the justice system. However, these considerations are simultaneously criticized as a method to incorporate and reflect the cultural needs and ideologies of Indigenous women. Doing so allows for reflective criticism in addressing current help services offered for Indigenous women seeking support when experiencing domestic violence.

Chapter Summary

This chapter explored a shared space-liminal space emphasis and how it applies throughout this thesis. In addition, critical race theory and critical feminist theory were discussed from a western academic framework to open the space for reflection and criticism. Opening this space allows for this topic to be explored from both a western and decolonising perspective, ultimately confronting systemic oppression at multiple sites.

CHAPTER V: CREATING SPACE FOR ALTERNATIVE APPROACHES

Chapter Overview

This chapter explores themes and factors to consider in including Indigenous healing and practices into the legal system and in help services in the context of domestic violence. Furthermore, this chapter outlines concepts of Indigenous healing, sentencing circles, Indigenous feminism, and cultural safety with respect to help services. These ideas are considered with a shared space-liminal space emphasis, with the goal to discover how Indigenous healing practices may co-exist and be included in western healing practices. Following this, a contextual overview of the Māori Peoples of New Zealand and the current restorative justice practices is reviewed.

Indigenous Healing

I first want to preface that there is no one way that is Indigenous healing. There are many values, cultures, and traditions practiced that may vary due to regional differences. Regardless, all Indigenous peoples have had their cultural identity, including healing practices, interrupted and threatened by colonization. Robbins and Dewar (2011) highlight the importance of maintaining a focus on Indigenous healing when discussing Indigenous knowledge systems and spirituality. Though on different paths, all Indigenous women share a journey towards ending and repairing the damage done by colonial injustice (Cameron, 2006). To add gender-based violence as an added layer of oppression calls for greater understanding of why this violence is prevalent in Indigenous communities in the first place. The pain and suffering endured from historical and continuous colonization presents a need for traditional healing within Indigenous communities (Robbins & Dewar, 2011). Though, there is much debate about incorporating appropriate culturally safe practices that may reflect Indigenous justice models within the current imposed western justice system (Cameron, 2006). I do not have Indigenous knowledge nor have

I shared the lived experiences of an Indigenous woman; therefore, it would be inappropriate to attempt to speak on the topic of Indigenous knowledge systems and spirituality. I have not learned Indigenous knowledge and spirituality from an Indigenous person, and to try to elaborate on this particular topic would be appropriating and contributing to the oppression of Indigenous women. Instead, this project explores western restorative justice with respect to initiatives taken that are specifically in place for Indigenous communities.

Coexistence Together

What has been done?

In general, there are many different models of restorative justice approaches. Originating from Indigenous practices, Canada has implemented restorative justice models such as Circles, family group conferencing, victim-offender mediation and victim impact panels (Cameron, 2006). Sentencing Circles are discussed with a feminist lens, to determine if coexistence can truly occur within the context of Canada's sentencing system.

In Canada, the use of sentencing circles is relatively new, with the first circle conducted in 1992 in *R. v. Moses* (Jones & Nestor, 2011). Since then, two different types of sentencing circles have emerged, one being a conventional sentencing hearing and the other is a healing circle. The first type of sentencing circle is judicially convened and used within a courtroom by a sentencing judge following a finding or plea of guilt (Cameron, 2011). A judge may choose to implement this as an alternative format of the court, usually into a circle, and will hear evidence from members of the defendant's community to guide a sentence (Cameron, 2011). The second type of sentencing circle is a type of court diversion, and convened under an option protocol that may vary depending on the program (Cameron, 2011). It is an agreement between a local prosecutor's office and an Indigenous community with the purpose of administering a diversion

program (Cameron, 2011). Diversion programs may contain resources such as counseling, and drug and alcohol treatment, and are mostly run independently by and for Indigenous peoples exclusively (Cameron, 2011). Programs may differ depending on provincial legislation, though the general purpose remains the same. For the victim, the circle is intended to provide support, and offer a safe place for them to determine their options (Singer, 2019). For the offender, the circle is an opportunity to discuss the harm inflicted against the victim and to determine an appropriate restorative sentence (Singer, 2019).

Implications of restorative justice initiatives

From a Eurocentric point of view, the implementation and use of sentencing circles may seem progressive, as it offers a "different" way of achieving justice. However, we have to consider on a larger scale if the use of sentencing circles is truly a step towards decolonization, or does it further colonial harm? By establishing a one size fits all approach with sentencing circles, there is the assumption that it will "fit" all communities and cultures (Dickson-Gilmore & La Prairie, 2005). Taking this assumption into account we can emphasize that this is not an issue between two cultures, but rather between one dominant culture and a collection of several different and distinct Indigenous cultures.

Conducting research from a decolonizing perspective has opened my eyes to just *how* intertwined colonization is within Canada's society. The establishment of sentencing circles allows for the western justice system to choose certain Indigenous practices while omitting the rest, apply it to all Indigenous communities, and label it as restorative justice. In fact, sentencing circles require the government and legal system to surrender power and authority while simultaneously placing a large responsibility on Indigenous communities (Dickson-Gilmore & La Prairie, 2005). In addition to this responsibility, Indigenous communities must freely share

personal information and trust that the judge and system as a whole will use this information in good faith and in such a way that respects the integrity in which it was given (Dickson-Gilmore & La Prairie, 2005). With respect to Indigenous women experiencing domestic violence, the lack of trust for a colonial system is astronomically large. Moreover, Chantel Sparkling Eyes stressed the need for further healing opportunities, such as access to smudging, elders, and healing before and after the court processes. With the inclusion of these healing opportunities, we must also consider that this cannot be a one size fits all answer either. Specific healing opportunities would need to be catered individually for the Indigenous culture the victim identifies with. Finally, we must also consider the historical and present role colonization has in the stripping of Indigenous culture and identity. The loss of Indigenous culture and healing practices as a result of colonialism creates a gap in accessibility, ultimately diminishing the effectiveness of the circles or healing opportunities.

Outside of the general effectiveness of sentencing circles, critical feminist theory calls for the consideration of the patriarchy as an added tool of oppression for victims of domestic violence. According to Cameron (2006), feminists have been critical of the use of sentencing circles due to the gendered nature of domestic violence. The discourse of most sentencing circles is gender-neutral, and failing to acknowledge the systemic discrimination faced by all women only perpetuates gender inequality in Canadian society (Cameron, 2006). While Indigenous communities collectively share the experiences of colonial oppression, Indigenous women's experiences may differ due to unequal gender relations. Cameron (2006) argues that the concerns and needs of the survivors need to be prioritized because of their vulnerability to being battered, sexually assaulted, or killed. Opening the dialogue for interaction between the abuser and survivor may hinder the survivor's willingness to report further due to fear of personal safety or

limit her ability to stand up for herself in a mediation (Cameron, 2006). Ultimately, Cameron (2006) states that judicially convened sentencing circles must deal with the gender-based inequalities in addition to culturally informed care in order to effectively address domestic violence within Indigenous communities.

Indigenous Feminism

Dr. Leona Makokis: Dr. Makokis is a *nêhiyaw nôcikwesiw* (female elder) from Kehewin Cree Nation. She expresses gratitude for growing up in a traditional and healthy community where the only thing missing was ceremonies because it was outlawed. She fondly talks about living in a community with relatives, with the language, with traditions, a lot of humor and laughter, and helping each other. Dr. Makokis shares her story of her own lived experience, surviving a residential school, continuing her western education, and coming back to ceremony. She teaches Cree relationship mapping through experiential learning opportunities such as modeling and doing. She believes it is the elders responsibility to share all of their knowledge so that others may continue the journey guided by their wisdom.

Resiliency

Indigenous feminist theory differs from critical feminist theory as it shines light on the intersection of racial and gendered acts of violence with respect to Indigenous communities and highlights the importance of tailoring reparations to meet their unique needs (Mahoney, 2019). Further, Cervantes-Altamirano (2016) acknowledges Indigenous feminism as a form of resistance that challenges the notions of liberal individuality embedded within mainstream feminism.

Amber Dion, Terri Suntjens, and Dr. Leona Makokis discuss their experience as Indigenous women, navigating through western scholarship and the reclaiming of their space

through Indigenous feminism (Dion & Suntjens, 2020). More specifically, they establish their reclamation of cultural identity in a western school of academia. In this discussion, Amber Dion states “I’m sitting in the classroom, he [her professor] is talking about family systems. All of a sudden, everything just hit me, all at once. And I’m like ‘oh my gosh, I am sitting in the same classroom that maybe my dad was sitting in when he was 7. And the place where his spirit was taken from him is the place where I’m reclaiming mine.’ and what a profound moment” (Dion & Suntjens, 2020). In addition to this, Amber talks about the feeling of responsibility to embrace her Indigeneity, and to practice traditions and teachings in her everyday life as a form of resistance and resilience to colonization (Dion & Suntjens, 2020).

Dr. Leona Makokis also discusses her education with a shared space-liminal space emphasis, highlighting the importance of sharing both western and Indigenous knowledge to others (Dion & Suntjens, 2020). “While I was going through and getting my formal education, my western education, I also returned back to ceremony, to my extended family, and was gifted with wonderful mentors and connecting to elders… the message was: you have this knowledge, you share it…I continue to share what our elders have taught me. I think it’s our responsibility to do that. It’s not just to do the academic learning and keep it to ourselves” (Dion & Suntjens, 2020). Dr. Makokis believes that “wisdom is when you’re able to share that so people can learn from you and continue that journey” (Dion & Suntjens, 2020). The enactment of the survival of Indigenous knowledge both within and beyond the academic academy demonstrates Indigenous women’s resilience and resurgence.

It is important for myself, and for other non-Indigenous scholars to acknowledge the space for Indigenous women to reclaim. For Indigenous women experiencing domestic violence, we must consider their agency and strength despite the ongoing violence of colonial patriarchy.

What does that mean for our current help services? Further exploration is required to allow for Indigenous resilience to be recognized and respected in the legal field and for culturally safe approaches within domestic violence help services.

Cultural safety and help services

A person's culture may affect their approach to addressing violence against them, particularly in accessing a system with hundreds of years of historical trauma and mistrust. In 2018, a qualitative research project was held in Thunder Bay, Ontario with the purpose of learning about what Canadian Indigenous peoples (of this area) found helpful for dealing with the impacts of sexual abuse and sexual violence, as well as facilitators and barriers to service use (Maranzan et al., 2018). Talking Circles and individual interviews were used, however this discussion offered non-formal supports that was reflective of the Medicine Wheel with respect to traditional Indigenous healing practices (Maranzan et al., 2018). Spiritual practices included meeting with Elders, ceremony, being outside, teachings, Healing Circles, and using Indigenous Healers and Medicines. Emotional practices included connection, listening and being listened to, validation, self-reflection etc. Physical practices included fasting, sobriety, and a safe environment, and mental practices included learning, understanding, non-judgement, and being persistent (Maranzan et al., 2018). It is important to note that these quadrants of the Medicine Wheel are interdependent but vary with different lived experiences of the participants in this project. We must acknowledge the numerous methods Indigenous peoples may use for their healing, and our responsibility to create the space for these practices to be used in help services and the legal system. In addition to this project, other works of literature calls for alternatives to mainstream approaches for Indigenous peoples (Kurtz et al., 2013; Mahoney, 2019; Nelson et al., 2022) in order to best serve the spiritual, emotional, mental, and physical practices Indigenous

clients need for healing. At the absolute minimum, service providers must be educated from a place of cultural safety and competence, and able to provide trauma-based care within the context of colonialism and marginalization (Four Worlds Centre for Development Learning, 2023). To achieve a shared space-liminal space emphasis within Canada's justice system and health care system, we must implement alternative approaches in healing for Indigenous women experiencing domestic violence. It is crucial to acknowledge that the violence as a result of colonization plays a key role in the domestic violence Indigenous women may undergo, therefore the demand for holistic healing is necessary in order to best serve Indigenous communities.

Hollow Water First Nation

First established in the early 1980's, the Hollow Water First Nation program aims to "revitalize and restore the traditional family unit; and to foster healthy communities based upon the idea of reconciliation between offenders and victims of violence and abuse" (Government of Canada, 2021). Funded by the Aboriginal Justice Strategy (Department of Justice Canada) and Community Justice (Manitoba), caseworkers collaborate based off of community referrals and hold healing circles for both victim and offender (Government of Canada, 2021). The healing processes that are integrated within these circles echo the regional Anishinaabeg cultural value systems and stretch outside of the organization into schools and community health facilities (Government of Canada, 2021). The program offers communal and individual responsibility of healing through traditional knowledge and ways of knowing and is more cost-effective than offender incarcerations costs in penitentiaries (Government of Canada, 2021). In fact, the federal government would increase their savings if more communities are able to replicate the Hollow Water program (Government of Canada, 2021). There are some challenges to this program with respect to finding the balance between traditional healing practices and the Canadian legal

system. A shared space-liminal space emphasis is achievable in an educational and health care setting; however, mainstream concepts of justice deny the existence of this shared space within a legal framework.

Reflecting with Māori of New Zealand

A brief contextual overview

New Zealand and Canada geographically are extremely distant from each other, yet they share a similar dark and violent history. Māori peoples have experienced trauma, loss of culture and identity, oppression, racism, and marginalization as a result of British settler colonization (Deckert & Sarre, 2017, Chapter 13). Māori value whānau (extended family) and lived within the purview of a wider social group (King & Robertson, 2017). Pre-European contact, Māori lived by whānau, an example being a communal living space, which implied that intimate relationships stretched as a collective community (King & Robertson, 2017). To European settlers, Māori way of life was considered "beastly communism," and therefore needed to be conquered and assimilated appropriately (King & Robertson, 2017). Colonization resulted in the imposition of patriarchy and gender roles with an emphasis on the nuclear family unit-completely deconstructing Māori culture and way of life (King & Robertson, 2017). The effects of colonization and the emergence of domestic violence are not independent from each other, as Māori women are four times more likely to experience domestic violence than non-Indigenous women (Deckert & Sarre, 2017, Chapter 13). Further, a general population survey in the North Waikato area revealed that 58% of Māori women directly experienced domestic violence during their lifetime (King & Robertson, 2017).

"Restorative" justice

Starting in 1995, the New Zealand government introduced programmes to divert adult offenders from courts through restorative justice community panels and implemented new legislation such as the *Victim's Rights Act 2002,* the *Sentencing Act 2002,* and the *Parole Act 2002* (Deckert & Sarre, 2017, Chapter 26). The community panels, now named family group conferences (FGC), is the government's approach to a restorative justice mechanism that reflects Māori values and justice (Vieille, 2012). The problem with utilizing FGC's, is that the underlying philosophies of Māori practices are based on different cultural ideologies from western frameworks and therefore are not well understood (King & Robertson, 2017). Māori communities and their approach to justice is deeply rooted in a sense of collective identity, which includes every aspect of living and knowing (Vieille, 2012). Western, Eurocentric approaches to justice are based on individualism and punishment, which view events as interactions between two independent objects (Vieille, 2012). Ultimately, the community-based mechanisms of Māori justice cannot simply be reproduced in an individualistic and colonial framework. Furthermore, there is the risk of misrepresentation and reappropriating customary mechanisms to "fit" within the western approach to justice. Therefore, the adoption of these practices only serves to further deny Māori autonomy and practices rather than the promotion of cultural empowerment (Gordon, 2019).

Chapter summary

This chapter acknowledged my place as a non-Indigenous scholar with respect to a discussion on Indigenous healing. Canadian restorative justice approaches were explored, highlighting sentencing circles and the possible implications of them. Indigenous feminism was highlighted for the purpose of discussing Indigenous resiliency and future healing initiatives for domestic violence help services. Finally, Māori history and the restorative justice initiatives

taken in New Zealand were discussed, as both communities share similar stories of colonization and difficulty with achieving justice that appropriately reflects their Indigenous identity.

CHAPTER VI: CONCLUSION

Chapter overview

This research project explored the relationship between domestic violence and Indigenous women in Canada, and the role colonization plays both in a historical context and within contemporary help and legal services. Exploring western and Indigenous literature with a shared space-liminal space emphasis in addition to using a decolonizing framework aims to answer the research question: *In what ways do current approaches with the intention to support survivors of domestic violence paradoxically only further the harm and amplify the effects of colonialism against Indigenous women in Canada?* This chapter reviews the research and highlights the relationships within the data in a holistic approach. Furthermore, this chapter reveals the limitations of this research, and considerations aimed to mitigate these limitations. The subsequent section explores the possibility of future research that may respectfully build upon this topic.

Holistic review of research

Regarding the research question, we can better understand the complexities of the relationship between current help services for domestic violence and the intersection of colonization. The research revealed that the current legal and help services are moving towards the inclusion of Indigenous knowledge and healing, however there is still a need for further progression. In Canada and in New Zealand, it was found that a one size fits all approach to restorative justice initiatives can be more harmful than effective for Indigenous communities. Regarding culturally safe approaches to help services, Indigenous knowledge and ideologies must be taught by Indigenous peoples, catered specifically for the unique cultures and traditions that vary amongst communities. Creating the space for Indigenous voices to be the center for

research, legislation regarding restorative justice, and academia is paramount to achieve a shared space-liminal space emphasis in addressing domestic violence against Indigenous women. Indigenous traditions and culture have been grouped as a collective ideology in western literature. Further research conducted by Indigenous and non-Indigenous scholars must reflect the needs of various Indigenous cultures and their approaches in restorative justice is necessary if the justice system and health services are to truly embrace decolonization. According to the Hollow Water First Nation, the program is considered to be replicable. It would require sufficient funding, staffing, and community support that is based in one's own community teachings (Government of Canada, 2021). There must be the acknowledgement that teachings come from a people, and that all communities are unique from one another. Therefore, any attempt in program replication either within or external to Canada's legal and health systems must consider these factors to avoid misrepresentation with a "one size fits all approach."

Limitations and considerations

The most prevalent limitation is my mindfulness and the recognition of my own privilege. As I do not identify as an Indigenous woman, this project must be written with a decolonizing framework and provide space for Indigenous voices. Taking the time to listen to Indigenous stories through podcasts or reading them online is not the Western academic way, however their omission would contradict and insult the very basis of the entire project. Ultimately, my critical reflexivity is imperative to avoid furthering colonization through Indigenous exploitation or appropriation.

Another limitation may be any gaps in research due to the lack of prioritization of Indigenous knowledge or stories in current academia. Contemporary ways of academic research and publishing is centered in Western values and limits the space for Indigenous voices and

perspectives. In addition to the marginalization of Indigenous contributions in academia, we cannot ignore the ground level significant difference of language and cultural understanding. The full attempt of linguistic and cultural genocide has compromised Indigenous beliefs and practices due to the limitations of the English language. I do not speak any Indigenous languages; therefore, I recognize that I am also limited in my understanding of Indigenous culture and ways of knowing. I used Indigenous research and decolonizing methodologies as my guide to ensure this project privileges Indigenous voices and does not reflect a Eurocentric point of view. However, a shared space-liminal space emphasis allows for the incorporation of Indigenous and western epistemologies to be considered in addressing current help services for Indigenous women facing domestic violence. This allows for the possibility for alternative services and culturally safe practices to be explored within the justice system and beyond.

Possibilities of further research?

Due to the nature of this research topic, we must consider if it would be appropriate for a non-Indigenous scholar to conduct further research. If further research is to be explored, the inclusion of Indigenous practices, academia, and healing within the broader context of colonization is paramount. The research should be done by Indigenous scholars, for Indigenous communities, rather than a settler scholar merely conducting research on the "other." If a non-Indigenous researcher is to explore this topic further, the inclusion and privileging of Indigenous worldviews is required. The non-Indigenous researcher must acknowledge their role as an ally and provide the space for Indigenous knowledge to take precedence over their western assumptions. At minimum, any continuous research on domestic violence against Indigenous women or on any Indigenous related topic, calls for the inclusion of a decolonizing framework if written by a settler scholar. The limitation of only using a decolonizing framework is the

exclusion of Indigenous methodologies. Therefore, further research on this topic requires both Indigenous and non-Indigenous scholars to collaborate their knowledge within a shared space-liminal space emphasis. Ultimately, this will allow for the intersection of colonialism and domestic violence to be appropriately considered with respect to Indigenous women accessing health and legal services.

Chapter summary

The effects and trauma as a result of colonization continue to oppress Indigenous women in Canada, particularly to those experiencing domestic violence. Colonization is complex in nature and is deeply intertwined within every aspect of western society. Achieving a shared space-liminal space emphasis is possible but requires the inclusion and prioritization of Indigenous voices within academia, legislation, and trauma-informed care. Using a decolonizing framework, the data collected was considered with a holistic lens, as the trauma Indigenous women undergo is not independent from the domestic violence they experience. As a result, this thesis was able to outline the implications of legal and help services with respect to Indigenous resilience, but not offer any true recommendations to avoid cultural appropriation.

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