

**DISAVOWING COLONIALISM: THE CANADIAN FEDERAL GOVERNMENT
ON MISSING AND MURDERED INDIGENOUS WOMEN**

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ABSTRACT

While many Indigenous, activist and human rights groups agree that the disproportionate number of missing and murdered Indigenous women (MMIW) in Canada can be attributed to the historical and ongoing discrimination that began with colonization (LEAF, 2014), my research suggests that this consensus does not exist among reports about the subject produced by the Government of Canada. Exploring how the Canadian Federal Government has framed and responded to this crisis, I conduct an intersectional, feminist, and Foucauldian critical discourse analysis of 15 federally-produced reports purporting to account for the problem of MMIW, revealing several troubling discursive trends. Among these is the narrative that the violence occurs exclusively in Indigenous communities and at the hands of Indigenous men, a story that is contradicted by the Government's own statistical information. In this way, the reports elide the colonial settler-state's responsibility for the historical and ongoing colonization that creates the conditions in which Indigenous women are killable. Noting that Indigenous women's vulnerability to murder and disappearance occurs within and is compounded by colonial, racial, and gendered structures of oppression, I argue that understanding Canadian colonization as an ongoing, rather than a past event, is essential to getting beyond these narratives. By disavowing colonialism and not contextualizing the problem of MMIW within current settler-colonialism, the Federal Government reinscribes oppressive colonial structures and renders itself unable to effectively respond to this problem.

Keywords: Settler-colonial relations, public policy, Native studies, Canada, Turtle Island, missing and murdered Indigenous women

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Chapter 1

Missing and Murdered Indigenous Women in Canada

Introduction: The Federal Government's (mis)understanding of MMIW

Over the past several decades, the overrepresentation of missing and murdered Indigenous¹ women and girls (MMIW²) in Canada's abduction and homicide statistics has slowly become recognized by the general public as a crisis requiring intervention from the Federal Government. A report released by the Royal Canadian Mounted Police (RCMP) in May 2014 revealed that the number of MMIW in Canada is much higher than had been officially acknowledged, and that, in fact, there were 1,181 such homicides and missing person investigations between 1980 and 2012 alone (RCMP, 2014). Since the release of this report, there have been several other studies touching on this crisis produced by groups such as the United Nations Human Rights Council (2014), the Women's Legal Education and Action Fund (LEAF, 2014), as well as recent findings in the final report of the Truth and Reconciliation Commission of Canada (TRC, 2015), that have both increased media attention on the issue as well as intensified calls for the Federal Government to commission a national public inquiry. It is clear that this is one of the most urgent and defining problems facing Indigenous communities, social justice activists, and policy-makers in Canada today. However, for the entirety of his tenure in office (2006-2015), former Prime Minister Harper and his cabinet ministers refused to

¹ I have chosen to use the term "Indigenous" to refer to the First Nations, Inuit, and Métis people with traditional ancestral rights to the land now known as Canada, both status and non-status, identifying specific nations wherever possible. In general, the Federal Government documents use the terms "Aboriginal" and/or "First Nations". These language discrepancies have been intentionally left as-is.

² Due to the sheer frequency with which this term appears in this paper, I have abbreviated "missing and murdered Indigenous women" to MMIW for pragmatics. Though this is the only initialism in my thesis that refers to a marginalized group of human beings rather than an agency or organization (ie. RCMP, DOJ, NWAC), arguably further dehumanizing this marginalized group, it is also consistent with the use of the initialism as a hashtag in social media and activist organizing, in addition to helping to manage space in this work.

commission a national public inquiry into the matter for these stated reasons: 1) the problem had been amply studied; 2) his government had responded with violence prevention programs to protect all Canadians, not only those who are Indigenous; and 3) MMIW is not a sociological issue (Boutilier, 2014; CBC 2014a; CBC, 2014b; Bronskill & Tutton, 2015). Under Prime Minister Trudeau, the current Liberal government has since launched an inquiry, though it is too soon to know what this means for how the government understands and responds to this problem.

Arguing that “[staging] settler goodness” (Razack, 2013) is one manifestation of colonialism, my work aims to address: 1) what a discursive analysis of these documents reveals about how the Federal Government understands the crisis; 2) to what extent and in what ways Canada’s colonial past and present is disavowed in reports and studies on MMIW produced by the Government of Canada; and 3) whether and how contextualizing the pattern of MMIW within Canada’s colonial past (and present) help us design better policies/responses. In order to answer these questions, I conduct a Foucauldian-influenced discourse analysis of 15 reports and documents produced by the Government of Canada on the subject of violence against women. These reports are part of a longer list of 40 documents that the Department of Justice (DOJ) has referred to by way of arguing that the issue needs no further examination. My justification for selecting these particular documents and this particular approach is detailed in my methodology chapter.

Using this approach, and with an understanding that settler goodness is staged “through assembling a tableau both of Aboriginal dysfunction and of the many challenges settlers face in dealing with it” (Razack, 2013, p. 353), I examine 1) what kinds of discourses are deployed in

the documents and statements; 2) how they are deployed (with what discursive techniques) and 3) to what effect. Ultimately, I hope to understand whether and how acknowledging the issue of MMIW in relation to Canada's colonial past and present might make way for more comprehensive and effective policies. Based on my analysis of these documents, I argue that by constantly referring to but never naming ongoing, contemporary colonialism in its many forms, the reports and studies paint an incomplete portrait of a complex problem that requires a more thoughtful, intersectional approach. In short, I examine the extent to which the language, practices, and applications of these discourses in these reports constitutes the government's stance on MMIW, and at what cost. My reading suggests that these Federal Government documents almost exclusively use several narratives common to crime prevention, health, and domestic violence discourses in order to frame the issue. As such, I argue that they are fundamentally misunderstanding and misrepresenting this issue by attributing it only to these *symptoms* of colonialism, effectively rendering the *structure* of colonialism itself invisible while reproducing colonial narratives about Indigenous women. Consequently, the resulting recommendations are either woefully inadequate, not equal to the task of addressing this mounting crisis, or simply serve to bolster existing policy agendas that do not specifically or substantively address MMIW or violence against Indigenous women.

I do not identify as an Indigenous person. I see this work as part of my duty as a settler-scholar to hold my government accountable for its words as much as its deeds; but more importantly, it is my small attempt at allyship with the Indigenous peoples whose land I live on. How do we, as settlers, keep living here without participating in and sustaining the disappearance—both material and discursive—of Indigenous peoples? It is my hope that this

work begins to answer this question. I further take up my positionality in my methodology chapter (p. 18).

Theoretical framework: Gendered colonial violence

This study relies on several key theoretical concepts to discern which discursive themes are present, how they are being deployed and what colonial constructs are being reproduced in the process. Among these are the normalization of colonialism, especially in historical records (LaRocque, 2010; Lawrence, 2002; Smith, 1999), the “helping imperative” inherent to development and colonization (Heron, 2007; Krishna, 2009; Million, 2013), the spatialization of race (Goeman, 2013; Razack, 2002), and the production of Indigenous dysfunction by the state, generally through the dehumanization and pathologization of Indigenous bodies (LaRocque, 2010; Razack 2013; Razack, 2014). Using these works as my theoretical foundation reveals the “colonial frame” (LaRocque, 2010) that has coloured the government’s understanding of the issue, and which continually positions Indigenous peoples as flawed, pre-modern non-subjects (Razack, 2011; Razack, 2014) who are naturally vulnerable to violence. While the aforementioned works focus on Indigenous peoples more broadly, an understanding of the settler state’s oppressive relationship with Indigenous women more specifically (Loomba, 2005; McClintock, 1995; Smith, 2005) is also a necessary component of this framework. Contextualizing my work within these critiques of Canadian colonial law, education, and history made by scholars across a variety of fields, I privilege Indigenous and feminist writers and writings in my analysis of these texts, a decision that I expand on in my methodology section and conclusion. As a settler scholar, my intention is to critique these government texts by placing the writings of Indigenous scholars (mainly women) next to them as counter-narratives.

With this research, I hope to highlight the need for better government policy that acknowledges the colonial structure that underpins the devastating reality of MMIW in Canada. With the Federal Government in the midst of planning and shaping the inquiry, it is especially timely that this work be done now.

Crime, not sociology: Context and literature review

In this section I provide some context and background information on the problem of Indigenous women's overrepresentation within homicide and disappearance statistics in Canada as well as outline the literature relevant to discussing gendered, racialized violence. I include an overview of how it has been discussed publicly by both the media and politicians in recent years, as well as a summary of relevant literature on the production of knowledge about Indigenous women, epistemic violence, and state violence against Indigenous women, locating this thesis at the intersections of all of these fields. While there is consensus across scholarship and research by NGOs that the problem of MMIW can be traced to past and ongoing colonial practices, this consensus does not extend to these state-produced documents. This dissonance precipitates the need for a study of how these documents understand and represent the issue.

Though the RCMP's *Missing and Murdered Aboriginal Women: A National Operational Overview* (2014) report notes that "there is little difference [in solve rates] between cases involving Aboriginal and non-Aboriginal victims," (p. 3) statistics in the document indicate that female Indigenous women are nearly three times more likely to be victimized than non-Indigenous women.³ Disturbingly, sexual violence is twice as likely to be cited as a motive

³ In the 2011 census, 4.3% of Canada's female population identified as "Aboriginal," yet Aboriginal women make up "approximately 11.3% of the total missing females," (pp. 7-8) based on nation-wide data collected in 2013. Furthermore, Indigenous women made up 16% of all female homicides across the country between 1980 and 2012, a staggering over-representation as compared to their representation in Canada's female population.

for cases involving Indigenous women than cases involving non-Indigenous women. In laying out the “risk factors” that increase an Indigenous woman’s vulnerability to such violence, the report suggests that employment status,⁴ use of intoxicants,⁵ and involvement in the sex trade⁶ are notable factors. The report concludes with recommendations designed to prevent further violent crime against Indigenous women, including enhancing efforts to resolve unresolved cases, focusing on prevention, increasing public awareness, and improving data collection practices (pp. 18–19).

The same month that the RCMP published this information (May 2014), the United Nations Human Rights Council Special Rapporteur James Anaya produced a report titled “The situation of indigenous peoples in Canada,” which begins by stating that the “numerous initiatives that have been taken at the federal and provincial/territorial levels to address the problems faced by indigenous peoples have been insufficient” (UNHRC, 2014, p. 1). The report cites health and well-being, treaty disputes, violence against Indigenous women and girls, and high levels of distrust among Indigenous peoples toward all levels of government among the key issues affecting the human rights situation of Indigenous peoples in Canada (p. 1), and advocates for more partnership, collaboration, and understanding between the provincial and federal governments and Indigenous peoples (p. 2). Similarly to the RCMP report, the UNHRC report concludes with recommendations under such subheadings as “social and economic conditions,”

⁴ Indigenous victims were more likely to be unemployed, supporting themselves through illegal means, or on social assistance (RCMP, 2014, p. 17).

⁵ Indigenous victims were more likely to have consumed drugs or alcohol prior to their murder (RCMP, 2014, p. 17).

⁶ Indigenous victims were nearly twice as likely to be involved in the sex trade (12% versus 5% for non-Indigenous victims), though the report says that this is only a “slightly higher rate” and as such, “it would be inappropriate to suggest any significant difference in the prevalence of sex trade workers” between Indigenous and non-Indigenous female homicide victims (RCMP, 2014, p. 17).

“truth and reconciliation,” “missing women and girls,” “self-government, participation and partnership,” “treaty negotiations and claims processes,” and “resource development” (pp. 23–26). Unlike the RCMP’s study (or any of the reports analyzed below, save the TRC’s final report), this report (along with others published by international and human rights groups, including Amnesty International and Human Rights Watch) asserts that there is a need for a national public inquiry.

The publication of both the RCMP and the UNHRC reports fueled renewed calls for a national public inquiry into the phenomenon. According to the Native Women’s Association of Canada (NWAC), a national public inquiry is necessary to “identify the factors causing these deaths and disappearances, so that they can be addressed” (Cullen, 2014, para. 3). A common critique leveled against the idea of conducting a national public inquiry into the MMIW in Canada, and the grounds on which the Government of Canada refused commissioning one for so long, is that the causes of the problem are already known and have been studied extensively (DOJ, 2014, para. 1). Across government literature on the issue, the most cited causes include poverty, inadequate housing, inadequate education, increased drug and alcohol use, over-representation in the sex trade and over-representation in the criminal justice system. However, according to NWAC Vice-President Dawn Harvard, a national public inquiry would broaden the scope of causes to allow for “topics like sexism, racism and poverty [to be] relevant to the discussion” (Cullen, 2014, para. 5). Similarly, Canadian broadcaster Wab Kinew (CBC News, 2014a) has stated that a national public inquiry will allow for a more holistic approach to the problem, where past studies have focused strictly on the child welfare system or on the criminal justice system.

Three months following the release of the RCMP and United Nations reports, 15-year-old Tina Fontaine's (Sagkeeng First Nation) body was pulled out of Winnipeg's Red River, further increasing public pressure on the government to commission an inquiry. In response, Prime Minister Harper stated that:

We should not view this as sociological phenomenon, we should view it as crime. It is crime against innocent people and it needs to be addressed as such. We brought in laws across this country that I think are having more effect in terms of crimes of violence against not just Aboriginal women but women and persons more generally, and we remain committed to that course of action. (Boutilier, 2014, para. 3-4)

As I examine in detail in Chapter 3, this statement sees Prime Minister Harper reinforcing several of the discursive strategies for framing this issue—including attributing the problem to individual criminals and conflating violence against Indigenous women with violence against all women—that have been employed since at least the early 2000s. While NWAC has expressed approval of the Federal Government's commitment to renew funding for the programs detailed in the Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls* (Government of Canada, 2014), the organization takes issue with the fact that programs such as the National Centre for Missing Persons and Unidentified Remains and the DNA Missing Persons Index “are for the general population and are not Aboriginal-specific” (NWAC, 2014a, para. 2). Again, I further discuss this tendency for the reports to conflate different kinds of violence, seemingly for the purpose of enhancing criminal justice powers, in Chapter 3, the section on acknowledgement and accountability.

In February of 2015, the Women's Legal Action and Education Fund (LEAF) released a review of 58 reports produced by various government bodies, NGOs, and activist groups, and

found that only a few of the over 700 recommendations across the reports have been implemented (Feinstein & Pierce, 2015). The news release attached to the report states that there is

broad consensus among the reports that the root causes of the high levels of violence against Indigenous women and girls lie in a history of discrimination beginning with colonization and continuing through laws and policies such as the Indian Act and residential schools. (LEAF, 2015, para. 8)

However, my review of these documents indicates that this consensus only exists across those reports produced externally from the Government of Canada, and as such does not reflect how the Government of Canada understands the issue internally.⁷ It is in this respect that my thesis project makes a new contribution to the study of violence against Indigenous women specifically and settler studies more broadly.

Examining literature by Indigenous women and allies on colonial discourse and counter-discourses, much work has already been done to theorize how gendered colonial violence operates both materially and epistemically in the Canadian settler-state (Smith, 2005; Lawrence, 2002; Monture-Angus, 1995), and how Indigenous writings can serve as powerful counter-narratives (LaRocque, 2010; Goeman, 2013). Where C. Tawny Plewes and Pamela J. Downe (2011) delineate how colonialism continues to render Indigenous women vulnerable, especially through the *Indian Act*, Kim Anderson (Cree-Métis) (2000) has written extensively on how Indigenous women's identity, political subjectivity, and vulnerability to violence is inextricably tied to colonial imaginings of Indigenous women as "squaws," a narrative which is re-entrenched in public and political discourse. Mishuana Goeman's (Seneca) *Mark My Words:*

⁷ Contemporarily to the writing of this thesis, and following six years of work and over 6,500 testimonies, the Truth and Reconciliation Commission of Canada (TRC) has included a national inquiry into MMIW as one of its 94 recommendations (TRC, 2015, p. 8).

Native Women Mapping Our Nations (2013) uses Indigenous women's writing as a means to "unsettle" the colonial geographies that produce the tensions and contradictions lived by Indigenous peoples navigating between reserve and non-reserve, urban and rural spaces. Examining the works of Indigenous women writers and poets,⁸ Goeman "[interrogates] the use of historical and culturally situated spatial epistemologies, geographic metaphors, and the realities they produce," (p. 3) critically theorizing her own childhood of migrations and border crossings between urban and rural, and reserve and settler spaces, effectively "[thinking] through the contradictions...that Native people experience on a daily basis" because of colonialism (p. 4). Robyn Bourgeois' doctoral dissertation (2014) examines how Indigenous women have engaged in state-sponsored anti-violence responses, concluding that Indigenous women have simultaneously and contradictorily resisted colonial violence through initiatives such as NWAC's Sisters in Spirit (SIS) research project, while also reinforcing ideologies of colonial domination. Rosemary Nagy and Emily Gillespie (2014) conducted a quantitative analysis of print media coverage on the Truth and Reconciliation Commission of Canada in order to analyze how the schools have been represented, and what constitutes both "truth" and "reconciliation". Coding 146 articles led the authors to conclude that while "Canadian media producers— and therefore to some extent Canadian audiences—may be willing to accept IRS as sites of genocide and colonization," this acceptance does not "correspondingly link [to an] expansive view of reconciliation as the restructuring of Canadian society" (Nagy & Gillespie, 2014, p. 8). More specifically to missing and murdered Indigenous women in Canada, Kristen Gilchrist (2010) explored the devaluation of Indigenous women's lives and the reproduction of racism and

⁸ Goeman's (2013) analysis includes work by Joy Harjo, Leslie Marmon Silko and Esther Belin.

colonialism by analyzing local press coverage of three Indigenous women in Saskatchewan and three White women from Ontario—all of whom had been murdered or gone missing. Gilchrist found “stark disparities in the amount and content of coverage between groups” (p. 373), ultimately concluding that the invisibility of missing and murdered Indigenous women from the media landscape is dependant on and bound up with the “hyper-visibility of missing and murdered White women” (p. 385). Responding to Stephen Harper’s now-infamous “crime, not sociology” comment, Legal Studies professor Rashmee Singh (2014) contributed a piece to *The Globe and Mail* analyzing the implications of this single statement.

However, no work has yet been done on the specific government reports and studies that guide the Federal Government’s depiction of and policy development on MMIW and the broader meaning(s) of that depiction. Do these government studies demonstrate an understanding of existing pieces of legislation and processes—such as the Indian Residential School system and the *Indian Act*—as enduring parts of settler colonialism, or do they construct and maintain myths about Indigenous peoples that justify those violent colonial policies? In the following chapter, I delineate how a feminist, Foucauldian, and intersectional approach to discourse analysis can help us answer these questions. My analysis then explores how the Federal Government’s treatment of the crisis of MMIW to date has effectively obscured the colonial present by positioning colonization as a fact of the past, reinforcing what Barbara Heron (2007) refers to as “colonial continuities,” dehumanizing, pathologizing, and “racialized constructs of thought circulated from the era of Empire which have remained integral to the discursive production of bourgeois identity” (Heron, 2007, p. 7), and which render Indigenous women’s lives precarious contemporarily.

Chapter 2

Methodology: Feminist, Intersectional, Foucauldian Discourse Analysis

In order to carry out an intersectional, feminist, and Foucauldian-influenced discourse analysis, I have placed Indigenous, feminist, and postcolonial writings⁹ as counter-narratives to 15 documents produced by the Government of Canada (and its committees and agencies) related to missing and murdered Indigenous women. In this chapter, I first outline how and why these particular documents were selected, then address how and why intersectionality, feminism, and a Foucauldian understanding of discourse as an organized way of constituting knowledge have been integral to my approach. Moreover, I maintain that the tensions and power hierarchies inherent to this disturbing trend in Canadian society necessitate a conscientious and respectful approach that pays particular attention to the relationship between the researcher and the researched.

Choosing the documents

In March 2014, Peter MacKay, the Government of Canada's then-Minister of Justice, tabled a list of 40 existing reports and studies "specifically relating to violence against [Indigenous] women and girls" (House of Commons, 2014) by way of justifying the Federal Government's position (at the time) that a national inquiry into the missing and murdered Indigenous women in Canada is unnecessary. The document plainly reads that the Government of Canada was "aware and informed by these studies in developing its responses to this complex issue" (DOJ, 2014, para. 1). Since then, a new government has taken office, and one of Prime Minister Justin Trudeau's many campaign promises was to immediately commission an inquiry

⁹ Of particular focus are the writings of Emma LaRocque (Métis), Bonita Lawrence (Mi'kmaq), Dian Million (Athabaskan), Glen Sean Coulthard (Yellowknives Dene), and Sherene Razack.

into the matter. Pre-inquiry consultations on the design of the project concluded in February 2016, and Minister of Indigenous and Northern Affairs Carolyn Bennett has expressed intent to announce who the commissioners will be on National Aboriginal Day, June 21.

Of the 40 documents on the tabled list, 10 were produced internally by various bodies within the Federal Government.¹⁰ I focus my analysis on these 10 reports, in addition to four more produced internally since the tabling of this initial list (SCVAIW, 2014; Government of Canada, 2014; RCMP, 2014; RCMP, 2015) as well as the recently released Truth and Reconciliation Commission findings (TRC, 2015). I also draw upon the invaluable work by researchers at the Women's Legal Education and Action Fund's (LEAF), who in February 2015, released an extensive analysis of 58 reports produced by a variety of agencies on the problem of missing and murdered Indigenous women (LEAF, 2015). From this resource I incorporate another report into my research that was not included on the DOJ's list (Health Canada, 2008¹¹).

In total, the documents span roughly 25 years, and with the exception of the Royal Commission on Aboriginal Peoples, all were published during the Harper Conservatives' tenure. Until the recently commissioned inquiry concludes and publishes its findings, these 15 reports and studies represent the best means to analyze and contextualize how the Federal Government has framed this issue since it began looking at it in the 1990s, and how those understandings have changed, been maintained, reaffirmed, and/or contradicted each other. Where appropriate, I

¹⁰ Statistics Canada (2011a, 2011b, 2012); Troniak (2011); Canada, Standing Committee on the Status of Women (SCSW, 2011a, 2011b); Canada, Coordinating Committee of Senior Officials (CCSO) Missing Women Working Group (CCSO, 2010); Public Health Agency (2008); Federal/Provincial/Territorial Ministers for the Status of Women (FPT, 2006); and Royal Commission on Aboriginal Peoples (RCAP, 1996).

¹¹ This is a summary of a longer report produced by Ipsos Reid in 2006. Though the original, longer report appears on the DOJ's list, this government-produced summary does not.

supplement these reports with statements made by ministers and officials (both to the media and in the House of Commons) about the documents.¹²

Imperialism in/and research

Linda Tuhiwai Smith (1999) writes that, for colonized peoples “the term ‘research’ is inextricably linked to European imperialism and colonialism” (p. 1), and that to discuss research methods alongside Indigenous peoples necessarily means discussing imperialism (p. 2). She recounts the ways in which research on Indigenous peoples by colonial powers has historically been infinitely harmful to those peoples but eminently useful to the colonizer in that research is what legitimizes the colonizer’s policies, and policies are what define and restrict Indigenous lives (p. 3). As a settler myself, and with this painful past in mind, I approached conducting research related to this topic—the disturbing reality of Indigenous women’s vulnerability to murder and kidnapping—with great trepidation; I hold that oppressed communities are most suited to speak on and understand their own oppressions. There has been well-documented silencing of Indigenous voices on Indigenous issues in the academy (LaRocque, 2010; Lawrence, 2002; Tuhiwai Smith, 1999), a trend I desperately want to avoid.

My preliminary research (and studies such as the one conducted by LEAF) indicates that Indigenous activists and social justice organizations are relatively united in identifying this trend as reflective of ongoing colonialism, while agreeing on the specific steps that should be taken towards countering it (Amnesty International, 2014; Human Rights Watch, 2013; Plewes & Downe, 2011). For these reasons, I juxtapose a theoretical framework that "privileges the

¹² In keeping with APA formatting, all citations of documents produced by a government department or agency are listed alphabetically under that department’s name, while documents produced by a standing committee or commission are listed first under “Canada” and then alphabetically based on their names. For example, Statistics Canada reports are found under “S,” while the Standing Committee on the Status of Women’s reports are found under “Canada, Standing Committee on the Status of Women”.

Indigenous presence and acknowledges the continuing existence of Indigenous peoples" (Tuhiwai Smith, 1999, p. 6) with the above governmental reports and statements in order to conduct a feminist, Foucauldian-influenced critical discourse analysis. This methodological approach is well-suited to this study, as it necessitates a focus on the power relations inherent to knowledge production and researcher/researched relationships (Fonow & Cook, 1991; Fonow & Cook, 2005; Harding & Norberg, 2005; Lazar, 2007; Sprague, 2005), and it has the flexibility to address both written documents and verbal statements.

As a white settler-scholar, privileging as much as possible the work of Indigenous feminist scholars in my theoretical framework and focusing my study on the Federal Government rather than on Indigenous peoples themselves has been critical to navigating the hierarchical power dynamics inherent to occupying a position of privilege while writing about the material and epistemic violence faced by an oppressed group.

Ordering Discourse

Before understanding what a Foucauldian-influenced discourse analysis entails, it is pertinent we define some of the nuances of Foucault's understanding of discourse as an organized way of constituting both knowledge and social practices, and the power relations therein. In "The Order of Discourse," Michel Foucault's 1970 Inaugural Lecture at the Collège de France, Foucault aims to answer the question, "What, then, is so perilous in the fact that people speak, and that their discourse proliferates to infinity? Where is the danger in that?" (Foucault, 2006, p. 52). In attempting to answer this question, Foucault suggests several key tenets of discourse—and of how power is enacted and reproduced through discourse—that have clear implications for my research. Specifically, he delineates how discourse restrains

knowledge through what is *not* said as much as by what is, that discourse is not fixed but mutable, and that it is constituted by Western understandings of what is held as truth and how to find it.

At the outset of the lecture, Foucault laments the futility of attempting to speak outside of discourse: “I should not like to have to enter this risky order of discourse; I should not like to be involved in its peremptoriness and decisiveness” (p. 51), conceding that discourse is always already speaking, and that to attempt to escape that is to attempt to escape the self. To that end, he hypothesizes that

in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality. (p. 52)

Foucault identifies three such “procedures” or “principles of exclusion,” offering that prohibition, or, that which is taboo, is perhaps the most recognizable of these procedures. He additionally notes that sexuality and politics are the arenas in which discourse, “far from being that transparent or neutral element in which sexuality is disarmed and politics pacified” is rather “one of the places where sexuality and politics exercise in a privileged way some of their most formidable powers” (p. 52). That is, it is precisely by being the things we are not meant to discuss that sexuality and politics maintain their power in human life. Similarly, I am interested in the extent to which what remains unsaid in these government texts enacts power over the lives of Indigenous women, and how that enactment takes place.

The second principle of exclusion Foucault outlines is the opposition between reason and madness, tracing a history of shifting and contradictory discourses about insanity that dates back

to the Middle Ages (p. 53). Foucault writes that, historically, “the madman¹³ has been the one whose discourses cannot have the same currency as others...having neither truth nor importance, worthless as evidence in law, inadmissible in the authentication of deeds or contracts” (p. 52). Simultaneously and contradictorily, madness is sometimes attributed with “strange powers,” such as the power of seeing that which the so-called sane cannot see, including the future: “It is curious to note that for centuries in Europe the speech of the madman was either not heard at all or else taken for the word of truth” (p. 53). Addressing arguments that this is an outdated convention, that “the madman’s speech is no longer null and void, that we now look for meaning in it,” Foucault counters that the recognition of this discriminatory divide does not prove that it is no longer operative. He argues that

you have only to think of the whole framework of knowledge through which we decipher [the madman’s] speech, and of the whole network of institutions which permit someone—a doctor or a psychoanalyst—to listen to it, and which at the same time permit the patient to bring along his poor words, or, in desperation, to withhold them. You have only to think of all this to become suspicious that the division, far from being effaced, is working differently, along other lines, through new institutions, and with effects that are not at all the same. (Foucault, 2006, p. 53)

By tracing the discursive treatment of insanity throughout history, Foucault makes an important point about discourse as a dynamic, adaptable force and the institutions of power that it upholds. This is important to note with respect to discussions of Indigenous-settler relations in Canada, which at different times have taken place as part of larger conversations about human rights, health, and domestic violence. That discourse is not static, its narratives always shifting to the point of (sometimes) contradicting each other, has long been an element of the Canadian Federal Government’s relationship with Indigenous peoples. I discuss this contradictoriness throughout

¹³ Or madwoman, as the case may be.

the data analysis chapters, particularly in terms of how the reports often position Indigenous women as intrinsically unsaveable, while simultaneously—and contradictorily—blaming them for their own fates.

The final principle of exclusion ordering discourse, according to Foucault, is the opposition between true and false, or the “will to truth” (Foucault, 2006, p. 54). In the broadest sense, Foucault defines this principle as the “will to know (*notre volonté de savoir*)”—the Western world’s dogged pursuit of knowledge—which has produced a “system of exclusion, a historical, modifiable, and institutionally constraining system” (p. 54). Foucault traces conceptions of truth back to sixth century Greece, where that which was true was contingent upon who was speaking (usually white, wealthy men), and on to sixteenth century England, where organized science was founded upon “schemas of possible, observable, measurable, classifiable objects; a will to know which imposed on the knowing subject...a certain gaze and a certain function to see rather than to read, to verify rather than to make commentaries on” (p. 55).

This “will to know” structures both who can “legitimately” produce knowledge as well as what kind of knowledge is being produced. Throughout most, though not all of the reports, the Federal Government employs discursive strategies that dehumanize and pathologize Indigenous women, positioning those women as unfit to speak on their own experiences. This, in turn, allows the state to position itself as the logical knowledge expert on MMIW, thereby lending legitimacy to the kind of knowledge the reports reproduce, knowledge which is colonial in nature. As I discuss further in the analysis chapters, the reports treat studies on MMIW produced by Indigenous women’s organizations (such as NWAC) with ambivalence: at times, the

Government's reports are explicit about Indigenous women's inability to understand and speak on their own experiences of violence, even while lauding the NWAC's government-funded Sisters in Spirit research project (effectively staging settler goodness in the process, as Razack writes and as I explain below). This is done in spite of the fact that the Federal Government ultimately de-funded that initiative. Knowledge-gathering itself is also treated disdainfully in the reports, often framed as a hindrance to "real action" on the matter. I take this up in see Chapter 3, specifically the subsection on dichotomizing thought and action.

Foucault understands truth to be a pedagogical force that, like the other principles of exclusion, is bolstered by institutions:

[The will to truth] is both reinforced and renewed by a whole strata of practices...and in the system of books, publishing, libraries; learned societies in the past and laboratories now. But it is also renewed, no doubt more profoundly, by the way in which knowledge is put to work, valorised, distributed, and in a sense attributed, in a society. (p. 55)

Further, Foucault notes that this production and dissemination of knowledge "[exerts] a sort of pressure and something like a power of constraint (I am still speaking of our own society) on other discourses" (p. 55). By way of example, Foucault addresses the way in which "economic practices," such as capitalism, are "codified as precepts or recipes and ultimately as morality" and "ground themselves, rationalise themselves, and justify themselves in a theory of wealth and production" (p. 55). Similarly, he argues that while the prescriptive nature of the penal/criminal justice system was initially drawn from theorizations of justice, it has since the nineteenth century relied upon "sociological, psychological, medical, and psychiatric knowledge: it is as if even the word of law could no longer be authorised, in our society, except by a discourse of truth" (p. 55).

Having outlined these three systems of exclusion—the establishment of the taboo, the opposition between sanity and “madness,” and the will to truth—Foucault identifies a group of “internal procedures” (p. 56), or those procedures that have been imposed to the point of internalization by the subject, that coexist alongside these more exterior ones. For the purposes of this study, the most notable of these is the practice of reciting those narratives held as sacred to a particular society:

There is scarcely a society without its major narratives, which are recounted, repeated, and varied; formulae; texts, and ritualised sets of discourses which are recited in well-defined circumstances; things said once and preserved because it is suspected that behind them there is a great secret or treasure. (p. 56)

This calls to mind Canada’s narrative of multicultural inclusion, which is recited both at the individual level as well as on the political stage, and which is directly contradicted by the facts of colonialism (Bannerji, 2000; Byrd, 2011; Mackey, 1999; Thobani, 2007).

To summarize, Foucault gives us the rules of hegemonic discourses’ operation in society through three key principles of exclusion: the establishment of the taboo, the rejection of madness, and the will to truth. Having identified these systems, Foucault is able to make several key assertions about the nature of hegemonic or dominant discourse: that it actively obfuscates itself even while it shifts and changes, that it not only recounts oppressions but produces them, that it seeks to devalue those discourses that counter it, and that it does not recognize itself as operating in these ways. He further notes that these tenets operate both internally and externally, through the continual recitation of those narratives held as sacred to a society. With these understandings at hand, we can define what a Foucauldian-influenced critical discourse analysis looks like.

Foucauldian, Feminist Discourse Analysis

Noting that the term "Foucauldian discourse analysis" is "something of a misnomer" (p. 356) in that Foucault's work actively challenges the very idea of doing discourse analysis, Lisa Given (2008) asserts that Foucault's theoretical work provides "a set of tools that can be used to shape the discursive analysis undertaken" (p. 357). Among these tools is his well-articulated conceptualization of the co-constitutive relationship between power and knowledge, and the way in which discourse can be used to investigate this relationship. Specifically, analysing discourse highlights the hierarchies of power that frame and "enable certain knowledge(s) to be produced and known" (Given, 2008, p. 357). As such, applying a Foucauldian lens to my discourse analysis brings another of his claims to the fore: that power is simultaneously productive and oppressive—it frames conversations and excludes alternative narratives at the same time. This theme of inclusion and exclusion is central to my argument that certain narratives (including but not limited to human rights, crime prevention, and domestic violence) in Federal Government-produced studies and reports about MMIW obscure alternative narratives acknowledging ongoing colonialism. A Foucauldian-influenced discourse analysis leads me to analyze these texts as both product and producer of settler colonial understandings of Indigenous women and communities in Canada. In short, in my approach to discourse analysis, I adopt and apply Foucault's definition of discourse as an organized way of constituting both knowledge and social practices, and the power relations therein. These relations delineate what is "sayable," and in which spaces (Foucault, 2006; Foucault, 1980; Kendall & Wickham, 1999). Understanding discourse as a means to study power relations synthesizes well with a feminist approach to

critical discourse analysis (CDA), which similarly privileges how oppression operates epistemically.

Outlining what feminist CDA contributes to discourse studies, Michelle Lazar (2007) presents five key principles necessary to such a hybrid methodology. For the purposes of this project, a specifically *feminist* CDA serves to “show up the complex, subtle, and sometimes not so subtle, ways in which frequently taken-for-granted gendered assumptions and hegemonic power relations are discursively produced, sustained, negotiated, and challenged in different texts and communities” (p. 142). Indigenous women are located at the intersection of multiple forms of oppressions, including gender—indeed, they are made vulnerable in specific ways on account of being both Indigenous and female in a settler-state.¹⁴ As such, feminist CDA is uniquely positioned to help analyze these reports, drawing out the Federal Government’s understandings of how and why Indigenous women go missing and are murdered at such alarming rates.

Lazar argues that there is a need within CDA to “establish a distinctly feminist politics of articulation” in order to better theorize and analyze the “seemingly innocuous yet oppressive nature of gender as an omni-relevant category in many social practices” (p. 143). Of course, in the case of Indigenous women, gendered oppression is compounded by racial and settler oppressions. The hierarchical relationships between men and women, white and non-white, and Indigenous and settler are always constituting the political relationship between the state and the individual and these hierarchies are both reflected and elided in policies and legislation, as well as in the reports on MMIW. This approach is all the more relevant where Indigenous women

¹⁴ For example, despite Bill C-31—which amended certain aspects of gender-based discrimination in the *Indian Act* in 1985—the Act still contains different provisions to strip Indigenous women of their status rights than it does for Indigenous men. The nature of these provisions and their meaning for Indigenous women is discussed in more detail in footnote 20.

find themselves at the intersection of multiple categories of oppression (including gender and race). Further, by acknowledging the “multimodal” nature of discourse, feminist CDA is “applicable both to the study of texts *and* talk equally” (p. 144), which is noteworthy as I’ve included verbal statements at certain points in my analysis.

Lazar outlines five key, interrelated principles of feminist CDA as both theory and practice, the first of which she calls “feminist analytical activism.” As feminist CDA is concerned with critiquing discourses which sustain patriarchal systems of oppression, it actively seeks to dissolve the dichotomization between theory and practice, given that such critiques are made with the ultimate goal of effecting social change (p. 145). This is an especially important barrier to break within the problem of missing and murdered Indigenous women, where there are arguably life-saving implications to “academic activism” (p. 146). The second principle is “gender as ideological structure,” under which Lazar denotes feminist CDA’s ties to Marxist theory to understand ideology as “representations of practices from particular perspectives in the interest of maintaining unequal power relations and dominance” (p. 146). The third key principle refers to the “complexity of gender and power relations” (p. 148), which Lazar defines as an understanding that “power relations are a struggle over interests, which are exercised, reflected, maintained, and resisted through a variety of modalities, extents, and degrees of explicitness” (p. 148). Notably, such exercises of power can be at once overt (i.e., physical violence against women) and insidious (i.e., the discursive reproduction of women’s inferiority). Both of these interconnected types of oppressions pertain to the lives of Indigenous women in Canada. The final element of a feminist CDA is “critical reflexivity as praxis” (p. 152), by which Lazar refers both to the necessity of an ongoing reflexivity within feminist thought as well

as to the importance of distinguishing institutional reflexivity from the appropriation of feminist values for appearance's sake.¹⁵

With the above principles in mind, feminist, Foucauldian CDA offers the methodological tools to study how gendered colonial power is discursively re/produced by these government texts and statements, in terms of 1) how missing and murdered Indigenous women are talked about, and 2) who has the power to talk about them— in this case, the settler collective of committees, bureaucrats, and politicians.

Intersectionality as method

Methodologically, to analyse Federal Government representations of the MMIW also necessitates a feminist intersectional approach to issues of nationhood, citizenship, and gender-based colonial violence as it applies to Indigenous women. In my research, I understand intersectionality as a lens through which to understand how, why, and when oppressions produced by social categories interlock and uphold one another, with grave effects for the people caught in these intersections (Crenshaw, 1991; Hill Collins, 2000; Razack, 2002). With this approach, I also reveal places where an intersectional analytic framework is perhaps missing from government policy documents and legislation, a dearth which has been touched on by Rashmee Singh. In a piece for *The Globe and Mail*, Singh countered former Prime Minister Harper's statement that the problem of MMIW should be understood as crime, not sociology. Throughout the article, she succinctly articulates the discursive work the lack of intersectionality does within political discourse about MMIW:

¹⁵ Specifically, Lazar cautions against the “institutional reflexive practices that recuperate feminist values of egalitarianism and empowerment for non-feminist ends” (p. 152), noting that the advertising industry is particularly susceptible to practicing such ideological hijacking. She sets this example next to the more palatable, positive form of reflexivity whereby universities have taken to incorporating gender into courses, thereby offering a space for discussions and reflections on and about gender and language, for example (p. 152).

First, the claim [that the problem of MMIW be understood as crime] obscures the effects of colonialism in rendering Aboriginal women far more vulnerable than other Canadian women to violence. Second, it individualizes accountability for the problem. Third, it prevents a consideration of any response beyond criminal justice intervention. Finally, it completely sidesteps any discussion of proactive responses that can be put in place to address the conditions that render Aboriginal women so vulnerable to violence. (Singh, 2014, para. 6)

As discussed in Chapters 3 and 4, my analysis of the documents corresponds with and builds upon each of Singh's conclusions about how the Federal Government frames disappearances and homicides of Indigenous women. Intersectionality, then, has grave implications for the conversation about MMIW, both in how we talk about it and in how we talk about fixing it.

Through pieces of legislation such as the *Indian Act*, Indigenous women are subject to multiple levels of social stratification that cannot be separated from one another—oppressions that intersect and interlock in innumerable ways. Taking a sociological standpoint, Nira Yuval-Davis (2011) argues that intersectional methodology must be two-pronged in order to render visible or evaluate these multiple oppressions. Yuval-Davis writes that while intersectionality is often referred to as Women and Gender Studies' (WGS) most important theoretical contribution to academia, the term rarely appears in texts on social stratification outside of the field of WGS, and makes a case for intersectionality to be seen as “the right theoretical framework for analysing social stratification” (p. 8). Catherine MacKinnon (2013) similarly makes a compelling case for intersectionality to inhabit methodology. Specifically, MacKinnon addresses what an intersectional approach can do to affect material change, giving the example of the discursive shift of mass rape being seen as gender-based violence to being acknowledged as genocide. When intersectionality becomes method, she argues, it becomes an incisive tool for changing the substantive reality where systems of oppression intersect and

interlock; this shift in understanding has resulted in more aid flowing in the direction of communities subjected to such horrors (MacKinnon, 2013, pp. 1025–26). Lazar (2007) similarly notes that feminist CDA methodology is infused with the “acknowledgement that the issues dealt with (in view of effecting social change) have material and phenomenological consequences for groups of women and men in specific communities” (p. 142).

In analyzing Government documents and statements on missing and murdered Indigenous women with an intersectional, feminist, and Foucauldian approach, I reframe the issue in a similar way, foregrounding the materiality of the problem. Privileging the work of Indigenous scholars in my project as much as possible, I contribute to creating a dialogue of resistance against the colonial ideologies that are normalized and reinscribed by the 15 documents, bringing the “colonial frame” (LaRocque) into focus, and opening up a space for us, as settlers and allies, to talk to our governments about Indigenous women’s lives and experiences in a decolonized way. LaRocque (2010) begins *When the Other is Me* by defining what she calls “the Native resistance tradition” (p. 18), arguing that there is a striking coherence across the discourse of Native writers writing about their lives and experiences in a colonized settler state, regardless of form or time period. Similarly, in the writings examined by Mishuana Goeman in *Mark My Words: Native Women Mapping Our Nations* (2013), Goeman finds a “pattern of confronting the epistemologies that sought to incorporate Native people through their disappearance or social death” (p. 4). This unity of discourse can, in part, be attributed to the way in which being Indigenous in Canada is bound up with revisiting those colonial records that “have largely negated and distorted Aboriginal history and humanity” (LaRocque, 2010, p. 3), records that have been maintained by government bodies and thus reflect and frame their

understanding of the Indigenous population, and arguably hegemonic understandings on the part of the settler population as well. It is both important and overdue that we evaluate the extent to which gendered colonial discourses and epistemologies infuse these contemporary colonial records, effectively imperiling the lives of Indigenous women in Canada.

Chapter 3

The Language of Acknowledgement, Contact, and Action

This chapter examines the ways in which the language in the reports discursively produce a sterilized narrative of “contact” (3.1); relegate colonialism to the past, thereby precluding the state from being accountable for it (3.2); and create a false dichotomy between studying the problem of MMIW and acting to address it (3.3). Wherever possible, I discuss the reports in chronological order, weaving my theoretical framework throughout the analysis. These discursive themes are reinforced through dehumanizing, pathologizing language that continually positions Indigenous peoples in general and Indigenous women in particular as frail and pre-modern, as delineated in Chapter 4. The cumulative effect of these discursive themes and techniques is the re-entrenchment of the colonial continuities (Heron, 2007) that legitimize the state’s authority and the disavowal of Canada’s colonial past and present. Simultaneously, the reports allow the Canadian Federal Government to “stage settler goodness,” both in terms of being able to say that it has studied the problem, and by describing (at length) all the funding and initiatives it has created to remedy the problem. Razack locates a tension within the settler state between "continuing [settler] investment in [colonial micro-tyrannies]¹⁶ and the equal compulsion to stage goodness amidst the violence, as in inquests" (Razack, 2013, p. 353). In her dissertation, Bourgeois (2014) similarly notes that “as a colonial entity, the Canadian state is sustained through violence against indigenous women and girls; however, it is equally invested in erasing and eliding this fact” (p. 234). As I explore throughout this chapter and the next one,

¹⁶ Razack borrows this term from Jennifer Rutherford to argue that as the colonial state moves past its "early instabilities," "colonial subjects are drawn into 'more intimate micro-tyrannies'" (Razack, 2013, p. 353), or the modern-day manifestations of colonialism that are not as overt as open violence, and include the "cold bureaucracies and routines of hospital care and policing in the 21st century" (p. 353).

the government reports about MMIW inhabit a similar space in that they use language that facilitates this violence while condemning it.

With a few notable exceptions (RCAP, 1996a; SCSW, 2011a; TRC, 2015), the reports consistently omit any explicit references to colonialism. In each of the exceptional cases, a common thread appears to be the voices of Indigenous women themselves, as each of these reports includes testimony or interview materials with Indigenous women. That said, amongst the 15 reports, interviews or testimonies with Indigenous women did not guarantee a representation of MMIW free of colonial text or subtext; for example, one report (Health Canada, 2008) sets testimony from Indigenous women—many of whom are survivors of violence—about violence against Indigenous women against statements made by first responders, many of whom seem to overtly and purposefully contradict and undermine the words of the Indigenous women with direct experience of this issue.

Overall, these 15 reports paint a stark portrait of a Canadian state unwilling to learn from or listen to Indigenous women and communities in a way that would impact policy, but eager to give the impression of doing just that (again, Razack’s “staging settler goodness”). Through a series of contradictions and elisions, the reports attribute Indigenous women’s vulnerability to violence and murder to domestic violence, poverty, their involvement in the sex-trade or “high-risk lifestyles” in general, but rarely to the Canadian settler-state’s policies of exclusion and assimilation, such as the *Indian Act*, that continuously devalue Indigenous women’s lives and prevent us from contextualizing their overrepresentation as a symptom of ongoing colonialism.

Language and the narrative of “contact”: Creating the “official” account of colonization

As history is currently written, from outside Indigenous perspectives, we cannot see colonization *as* colonization. We cannot grasp the overall picture of a focused, concerted process of invasion and land theft. (Lawrence, 2002, p. 26)

For decades, Indigenous and postcolonial scholarship has prioritized rewriting and redefining the history of colonization in a way that exposes the materially and epistemologically violent practices perpetrated by colonial powers on Indigenous peoples, and by the Global North on the Global South. Such decolonized accounts outline how the disavowal of colonialism, the dehumanization of Indigenous peoples, and the construction of Indigenous peoples—and Indigenous women specifically—as already extinct or disposable, are common practice in the colonial archive, largely facilitated by the narrative of modernization. Reading the Federal Government’s reports on MMIW with theoretical tools from Indigenous and feminist scholars—including Glen Sean Coulthard, Emma LaRocque, Bonita Lawrence, and Sherene Razack—allows us to draw out how and to what extent such narratives about Indigenous women are paradoxically circulated and obscured in the reports. In this chapter, I discuss how language is used in the reports to 1) present a specific, sterilized account of “contact” as a past event that has since concluded; 2) acknowledge colonialism without taking responsibility for it; and 3) present the problem of MMIW as one that warrants “action” in place of further research on the matter. Each of these narrative trends are facilitated by the discursive techniques further outlined in Chapter 4.

In “Rewriting histories of the land: Colonization and Indigenous resistance in Eastern Canada” (2002), Bonita Lawrence argues that the building of Canadian national identity has necessarily relied on an erasure of any historical record detailing

the forcible and relentless dispossession of Indigenous peoples, the theft of their territories, and the implementation of legislation and policies designed to effect their total disappearance as peoples. (pp. 23–4)

She goes on to write that this process includes silencing Indigenous voices, thereby preventing them from being “final arbiters of their own histories” (p. 24). While this is a colonizing act in and of itself, one of the effects of this silencing is that colonization is normalized, and Canada’s history with Indigenous peoples becomes “accounts of specific intervals of ‘contact,’” which are depicted as being unmotivated by racism and material interests, and which do not acknowledge the ongoing devastation caused by the policies and processes that are so “neutrally described” (p. 24). In a similar vein, Scott Lauria Morgensen (2011) argues that settler colonialism is naturalized “whenever conquest or displacement of Native peoples is ignored or appears necessary or complete” (p. 16). Sherene Razack (2002) locates this disavowal of the “conquest, genocide, slavery, and exploitation of the labour of peoples of colour” (p. 2) as central to white settler mythology and to the ongoing maintenance of the settler state. The naturalization and sterilization of colonialism is a recurring discursive technique throughout the reports, beginning with the *Royal Commission on Aboriginal Peoples* (RCAP, 1996a; RCAP, 1996b). Chronologically, this is the first report that the Government cites as informing its policy development on MMIW.

The \$60 million dollar RCAP was commissioned in 1991, during Brian Mulroney’s (Progressive Conservative) tenure as Prime Minister. The project took place over 178 days, held hearings in 96 communities, and culminated in a 4,000 page, five-volume report containing 440 recommendations and a 20-year implementation agenda. The study was published in 1996 during Jean Chrétien’s (Liberal) time as PM. It is worth noting that it is the only report on the list that

was published while a non-Conservative government was in power. Prompted largely by the Oka Crisis¹⁷ and the failed Meech Lake Accord,¹⁸ the overarching question supposedly directing the consultations is stated as follows in the preface to the report: “What are the foundations of a fair and honourable relationship between the Aboriginal and Non-Aboriginal people of Canada?” (RCAP, 1996a, p. x). Though the terms “fair” and “honourable” are not defined, the Commission plainly states at the outset that the central conclusion of the study “can be summarized simply: The main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments has been wrong” (p. x) for the reason that that policy direction has been exclusively assimilationist. Although this statement implies that the Canadian government is not itself a colonial government, it is nonetheless a direct and radical acknowledgement of the colonial foundations upon which Canada is built. Among the 15 documents I read for this thesis, the RCAP is one of only three that contain repeated, clear

¹⁷ The piece of Mohawk land on which the Oka Crisis occurred has a long and contentious history, beginning in 1717 when the French Crown gave the land—which lies along the Ottawa river and which they did not own—to the Sulpician Missionary Society. The Sulpicians sold the property to the Town of Oka in 1936, and in 1959, a golf course was built on the land, next to the Mohawk band’s cemetery, prompting them to turn to the courts in hope of legal recognition that the land was rightfully theirs. While this was happening, developers proceeded with building the course and golfers began using it. In 1977, the Mohawk filed a land claim with the federal Office of Native Claims, hoping to regain rights and control over their land. After nine years, the claim was rejected on the grounds that the Mohawk could not prove, to the satisfaction of the government, that they owned the land. Finally, in July 1989, the Mayor of Oka announced the expansion of the golf course as well as the construction of luxury condominiums on top of the band cemetery and levelling a forest known among the Mohawk as “the Pines”. In response, the Mohawk occupied the Pines from July until September. The occupation turned violent when the Sûreté du Québec (SQ), RCMP, and 2,500 members of the Canadian military stormed the Mohawk barricades, resulting in the deaths of one SQ Corporal and one Mohawk elder. Years after the fact, the Department of Indian Affairs and Northern Development purchased the disputed land and “gave” it to the Mohawk nation (King, 2010, p. 235).

¹⁸ The Meech Lake Accord was a series of constitutional amendments “designed to encourage Quebec to join Canada’s ‘constitutional family’” by decentralizing some Federal Government powers (including immigration, Senate and Supreme Court appointments) and officially recognizing Quebec as a “distinct society,” also giving all provinces “the ability to opt out of any program that the province did not feel was in its best interests” (King, 2012, p. 172). However, the accord excluded and ignored Indigenous peoples: Indigenous leaders were not given a place at the yearly First Ministers’ conference that the Accord called for, and were not given assurances that the “veto and opting-out powers that the Accord granted the provinces would not adversely affect Canada’s First Nations” (p. 172). As a result of these massive oversights, the Accord died on the floor of the Manitoba Legislative Assembly when Elijah Harper (Cree) voted against dispensing with public hearings about the Accord in a vote that needed to be unanimous.

acknowledgements of the destruction that colonialism and assimilation has wrought on Indigenous populations, past and present.

The RCAP contains many such radical acknowledgements: it acknowledges the lasting effects of colonialism, including violence against Indigenous women, and the need for Indigenous peoples to have “control over their own lives in place of the well-meaning but ruinous paternalism of past Canadian governments” (RCAP, 1996a, p. 3), repeatedly calling for a new understanding of Indigenous peoples as culturally, politically and cosmologically distinct nations deserving of self-governance (p. xi, p. 2 , p. 3). It identifies the hierarchical relationship between the Government and Indigenous peoples as hampering political negotiations between the two parties, and needing to shift in order to “restore a positive climate at the negotiating table” (p. 3).

However, at other points of the report, the RCAP elides and contradicts these understandings of colonialism as violent and assimilationist. For example, it problematically and neutrally depicts colonization as removed from racism, as well as framing it as having concluded in the past, as Lawrence and Morgensen write. Employing Glean Sean Coulthard’s definition of a settler-colonial relationship helps reveal how the language of the RCAP does this: Coulthard (2014) argues that even when the state is not explicitly violent and genocidal towards Indigenous peoples, the relationship remains a settler-colonial one at its foundation, where a "settler-colonial relationship" is defined as

one characterized by a particular form of domination; that is, it is a relationship where power—in this case, interrelated discursive and nondiscursive facts of economic, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples of their lands and self-determining authority. (pp. 6–7)

The power to dispossess peoples from their land and discursively present that dispossession as legitimate precludes the Canadian state's relationship with Indigenous peoples from being anything but settler-colonial, contrary to what the RCAP suggests. The Canadian project is founded on violent, imperialist entitlement to the land, yet the RCAP report presents a narrative of contact wherein the relationship between the European settlers and Indigenous peoples was peaceful and cooperative, rather than racist and paternalistic, and which "changed, over the centuries, into something less honourable" (p. 4). In outlining the merits of studying this early relationship between the settlers and Indigenous peoples (which, again, is described as initially one of cooperation), the report states that

Canadians know little about the peaceful and co-operative relationship that grew up between First Peoples and the first European visitors in the early years of contact. They know even less about how it changed, over the centuries, into something less honourable. In our report, we examine that history in some detail, for its ghosts haunt us still. The ghosts take the form of dishonoured treaties, theft of Aboriginal lands, suppression of Aboriginal cultures, abduction of Aboriginal children, impoverishment and disempowerment of Aboriginal peoples. Yet at the beginning, no one could have predicted these results, for the theme of early relations was, for the most part, co-operation. (RCAP, 1996a, pp. 4–5)

The report is intimately concerned with not framing the Canadian-Indigenous relationship as a settler-colonial one, opting instead for this story of an idyllic, peaceful relationship that was corrupted over time. The only discernable cause of that corruption we can glean from the report is capitalist greed, though it is never named as such. Rather, the report bafflingly asserts that the European settlers had the best intentions of "fairness" in mind, at least until the 1800s, when the decline in the fur trade and the swelling European population drove the Europeans to want other natural resources such as timber, minerals, and agriculture, all of which require land. At this point, Indigenous peoples began to be seen (as the report dehumanizingly puts it) as

“impediments to progress rather than valued partners” (p. 11). The report clearly elucidates how this shift resulted in the routine deception and murder of Indigenous peoples and the theft of their lands, and in the same breath contradictorily refers to this same relationship as one of “rough equality” (p. 11).

Though much of the RCAP and its recommendations were developed in consultation with Indigenous communities, the portion of the report that outlines this early relationship contains no discernable citations or footnotes, making this story of colonization seem like the only version, or the “official” version. Framed as such, colonization as “a focused, concerted process of invasion and land theft” (Lawrence, 2002, p. 26) *from its inception* is elided and relegated firmly to the past, allowing contemporary violence against Indigenous women to be attributed solely to the disruption of the family unit and to the domestic realm more broadly.¹⁹ Except for the Truth and Reconciliation Report (TRC, 2015), whenever a report mentions colonialism, it is in the past tense, as a historical event.

Throughout the section of the RCAP addressing violence against Indigenous women, or “Family Violence,” misleadingly neutral language is again used to disavow colonialism and its intentionality, with the Commission asserting that the reason violence has become so prevalent in Indigenous families is that the “healthy functioning” of the families has been “disrupted largely by *misguided* government policies” [emphasis added] (RCAP, 1996b, p. 65). Presumably, this refers to the residential school system and other, more recent policies that have sought to remove Indigenous children from their homes,²⁰ all of which were, again, very deliberate and intentional.

¹⁹ The family/domestic violence narrative is discussed in more detail in the next chapter.

²⁰ In addition to the roughly 150,000 Indigenous children who were subjected to the Indian Residential School System, the “Sixties Scoop” saw some 20,000 Indigenous children removed from their homes, often sent to residential schools or put up for adoption by White families. Family service agencies have also been known to target Indigenous children for removal from their homes, and the Canadian Human Rights Tribunal ruled that the

At another point, such policies are referred to simply as being “inappropriate” (p. 64). In many of the reports, words like “misguided” and “inappropriate” do much of the discursive work of disavowing colonialism and the colonial continuities—Heron’s (2007) racialized constructs of thought that other and oppress non-white colonial subjects—that compose those policies. The unspoken subtext is that past governments were ignorant to the destructiveness of these policies, but that the current is more savvy and is not complicit in ongoing colonization. In this way, Indigenous peoples are positioned as victims of a series of governments that simply did not know better—the “well-meaning but ruinous paternalism” described in the RCAP (p. 3) simply befell them—rather than as the targeted victims of ongoing acts and policies of colonization that were and are very intentionally crafted to have the horrific effects that they did and do. Taking up this normalization of colonialism as it affects Indigenous women, Pamela J. Downe and C. Tawnie Plewes (2011) write that “there is no doubt that Aboriginal women, men, and children in Canada continue to confront the history of colonialism and ongoing racism that characterize our nation” (p. 98). Contrary to common misperception, those “discriminatory policies of cultural genocide and assimilation are not forgotten artifacts of a bygone colonial era, nor are their effects” (Downe & Plewes, 2011, p. 99). According to Downe and Plewes, the many vulnerabilities faced by Indigenous women that make them more susceptible to violence are reflective not of an inherent problem with Indigenous women nor necessarily with their abusers and aggressors, as government rhetoric may imply, but rather of “a broader social system that allows this violence to remain invisible and unaddressed” (Downe & Plewes, 2011, p. 99). That is, Government

longstanding underfunding of child and family services on First Nations reserves constitutes a form of racial discrimination. The lawsuit against the Federal Government was filed in 2007 by activist, professor, and Executive Director of the First Nations Child & Family Caring Society of Canada, Cindy Blackstock (Gitxsan). Blackstock has written extensively on the underfunding of family services for Indigenous youth (Blackstock et al., 2004; Blackstock et al., 2006; Blackstock, 2011).

rhetoric keeps Indigenous women vulnerable by limiting the discussion of MMIW to domestic violence in place of discussing (or taking responsibility) for the colonial context in which the violence takes place. The RCAP ostensibly acknowledges this social system by drawing attention to the myriad of ways that colonialism has harmed Indigenous peoples and communities, but falls short of taking responsibility for the ways in which that destruction continues in the present day—albeit in less overtly violent ways—through policies and legislation. While “scholars and activists have long argued that the high rates of violence experienced by Indigenous women is directly related to the cultural disruption of colonialism” (Downe & Plewes, 2011, p. 99) and its policies and processes, the Canadian state seems decidedly unwilling to contextualize this issue in this broader way, using vague and neutral language to sidestep around these more politically fraught conversations about colonialism. For example, though the 1876 *Indian Act*²¹ has been well-critiqued for specifically oppressing Indigenous women and jeopardizing their legal status as Indian,²² it is referred to in the RCAP as one of contemporary Canada’s “malfunctioning laws and institutions” (p. 5), rather than as part

²¹ Passed in 1876, the *Indian Act* outlines how the Federal Government interacts with Indigenous people in Canada. Policies that have been enacted through the Indian Act include federal tax exemption on land and property taxes, and in 1885 it was amended to mandate education for all Aboriginal children, which is how the residential school system came to be. It covers what can be done on reserves (including land use, education, and health care) but most controversially, it defines who is and who is not recognised as an "Indian" legally, or who is eligible for “status”. Having government status has what Pamela Palmater calls “tangible and intangible benefits,” with tangible benefits including eligibility for health and education support and tax benefits, while “the intangible stuff is more important: it’s about one’s identity, the ability to be a member in your community, access housing, cultural programs, languages, the stuff that solidifies and perpetuates one’s culture” (CBC Radio, 2011).

²² Prior to 1985, only Status Indian men could pass on this status, while Indigenous women could lose status by marrying a white man and white women could gain status by marrying an Indigenous man with Indian status. In 1985, the Canadian government passed Bill C-3 (titled "Legislation to enhance gender equity in the Registration Provisions of the Indian Act."), which purported to rectify this and restore status to women who had lost it by marrying out. However, the bill created a new tier of "status Indians" through the two-generation cut-off clause: marrying out of status for two generations means that the children of the second union do not retain status. With this clause in place, as Thomas King (Cherokee) writes, there will eventually be “no Status Indians left in Canada. There will still be treaty land, held in trust for Status Indians. There will still be Indians, full bloods and mixed-bloods who have maintained their tribal affiliations and their cultures and perhaps even their languages. But the reserves...will all be ghost towns. Or museums” (King, 2012, p. 169).

of a well-functioning and concerted effort to assimilate and ultimately exterminate Indigenous peoples through the status system. As Métis scholar Emma LaRocque (2010) asserts, colonial stories such as the one told by the *Indian Act* have the power to actively collapse many of the key differences among Indigenous peoples, “[determining] identity and locality, defining margins and centres even within the Native community” (p. 10), a power that goes unacknowledged in the RCAP. The Commission also refers to the *Royal Proclamation of 1763*, a document that establishes the right of the Crown to purchase Indigenous land, as an “extraordinary document” that “walks a fine line between safeguarding the rights of Aboriginal peoples and establishing a process to permit British settlement” (RCAP, 1996a,p. 10). Given the events that followed the Royal Proclamation—the deception that led to land theft and the decimation of the Indigenous population by “disease and poverty” while European numbers swelled (p. 11), it seems clear, in hindsight, which side of that “fine line” the state fell on.

In a similar vein, a 2008 report produced by Public Health Canada²³ identifies the Indian residential school system (IRS) as one of the “root causes” of violence against Indigenous women, defining the system in a footnote as “a number of schools for Aboriginal children operated by Churches of various denominations and funded under the Indian Act” (Public Health Canada, 2008, p. 3). While this definition is not technically wrong, it is certainly misleading in that it implies that residential schools were legitimate schools, leaving out all the murder and neglect and abuse that are the reason they would be among the root causes in the first place. The report summarizes data collected from two main sources: focus groups with Indigenous women living both on- and off-reserve, and phone interviews with an array of first responders,

²³ This is a condensed version of a longer report of the same name prepared by Ipsos-Reid for Indian and Northern Affairs Canada (INAC).

including RCMP, provincial police, health care and social workers, and crisis centre staff. Given the above definition of the residential school system, it is not surprising that first responders did not consider past residential school experience to be a “major problem, at least not for current generations” (p. 12) while simultaneously and contradictorily asserting that “intergenerational experience with family violence goes hand-in-hand with poor parenting skills and poor relationship skills in contributing to male violence against Aboriginal women” (p. 12). In this example, the decontextualization and normalization of what the Truth and Reconciliation Commission has since named a form of “cultural genocide” (TRC, 2015) has the effect of limiting and narrowing the recommendations to address violence against Indigenous women to health initiatives that do not address our society’s colonial underpinnings. In fact, many of the reports separate the legacy of colonialism in general and the legacy of the IRS in particular from their effects on contemporary Indigenous lives and families (RCAP, 1996; Health Canada, 2008; SCSW, 2011b; Troniak, 2011). I address this recurring cognitive disconnect between past colonial policy and its present effects several times throughout my analysis, as it manifests across each of the discursive narratives in the reports.

In some cases, the narrative that colonialism is a fact of the past is challenged by direct testimony from Indigenous women (FPT, 2006; SCSW, 2011a; SCVAIW, 2014). Witnesses who gave statements for the Standing Committee on the Status of Women’s (SCSW) interim report on violence against Indigenous women (SCSW, 2011a) repeatedly and consistently testified that colonization continues to impact their lives (SCSW, 2011a, p. 4, 5, 6, 9, 20, 21). Notably, the same report states that

Racism [also arises] from the policies and legislation arising throughout Canada’s history. The Committee has heard that this systemic, institutionalized racism continues to limit the ability of Aboriginal women to benefit from the opportunities available to other

Canadians. Though policies and practices may appear neutral on the surface, they can lead to terrible acts of discrimination, whether these are intentional or not. The Indian Act is a case in point. Many witnesses identified the *Indian Act* as a source of discrimination for First Nations people, and more specifically, for First Nations women. (p. 31)

By privileging the words and experiences of Indigenous peoples, this report largely contradicts how past government publications have framed both the issue and colonialism itself. Through Indigenous testimony, the report identifies many issues that contribute to the vulnerability of Indigenous women to violence, pointing to the media and to racism in general as responsible; though, similarly to the RCAP, it does so without any reflexivity or responsibility for how the Federal Government continues to uphold the system formalized by the *Indian Act*. Notably, following the publication of this interim report, Conservative members of the committee used their majority numbers and voted to shift the focus of the final report from prevention of abuse and violence to “empowering” Indigenous girls following their experience of violence. The resulting final report (SCSW, 2011b) notes that even though service providers, Indigenous women and Indigenous organizations focused on the “historical underpinnings of the violence Aboriginal women experience at the hands of both family and community members and of strangers,” this report purports itself to be “more forward-looking” while providing an overview of the “past and current situation” on the topic of missing and murdered Indigenous women (p. 1). In this way, this report positions itself as being somehow more progressive, pioneering, and “empowering” precisely *because* it dismisses the calls from Indigenous women and organizations to understand and expose the historical, colonial context in which the violence takes place. Again, these language tricks 1) bolster the colonial continuity that the settler state knows what is best for the colonial subject and 2) allows the state to stage its goodness by

affirming its interest in “empowering” Indigenous women and girls, even while it undermines their views about how best to do that.

The final report of the Truth and Reconciliation Commission of Canada stands apart in its discussion of the residential school system and Canada’s legacy of colonialism, describing the IRS as “an education system in name only for much of its existence” (TRC, 2015, p. v). It states that the system was created for the purposes of separating Indigenous children from their families, in order to “minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture — the culture of the legally dominant Euro-Christian Canadian society, led by Canada’s first prime minister, Sir John A. Macdonald,” and notes that this experience “was hidden for most of Canada’s history” (p. v). The report also highlights how the mythos of Canadian multiculturalism and benevolence has effectively helped invisibilize the residential school experience: “The stories of that experience are sometimes difficult to accept as something that could have happened in a country such as Canada, which has long prided itself on being a bastion of democracy, peace, and kindness throughout the world” (p. v) and, notably, to itself. The Commission is explicit about the kinds of abuse the children at the “schools” suffered, asserting that, for more than a hundred years, the Government of Canada’s policies on Indigenous peoples were designed to “eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada” (p.1), which constitutes cultural genocide.²⁴ In other words, the TRC’s report is clear and explicit about

²⁴ The TRC’s full definition of cultural genocide is as follows: “The destruction of those structures and practices that allow [a targeted] group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and

how colonization has come to bear on Indigenous peoples in Canada: “in its dealings with Aboriginal people, Canada did all these things” (p. 1). Unlike in the other reports, the “colonial frame” (LaRocque, 2010) is clearly visible, and the Commission appears to privilege the “ongoing existence of Indigenous peoples” (Tuhiwai Smith, 1999):

Despite the coercive measures that the government adopted, it failed to achieve its policy goals. Although Aboriginal peoples and cultures have been badly damaged, they continue to exist. Aboriginal people have refused to surrender their identity. It was the former students, the Survivors of Canada’s residential schools, who placed the residential school issue on the public agenda. (TRC, 2015, p. 6)

Referring to the Indigenous people who were subjected to residential schools as survivors rather than victims and affirming the resilience and agency of Indigenous peoples and communities to not only endure in the face of such oppression but also go on to influence “the public agenda” makes the TRC’s approach to discussing the residential school system and Indigenous peoples completely unique amongst the other reports. The TRC’s final report contrasts starkly with the last most recent document that addressed the residential school system, a 10-page Library of Parliament background paper titled *Addressing the legacy of residential Schools* (2011), written by Shauna Troniak. The “primary purpose” of this document was to “provide an overview of recent legal and policy measures aimed at addressing the legacy of residential schools” (p. 1). The bulk of the report does just that, though most of those legal and policy measures were ones that the Government of Canada was legally required to undertake in order to comply with the 2007 Indian Residential Schools Settlement Agreement (IRSSA).²⁵ Since then, many have called

objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next” (p. 1).

²⁵ The IRSSA is the result of the largest class action lawsuit in Canada to date, brought forth on behalf of tens of thousands of residential school survivors across Canada. Prior to this settlement, the Supreme Court of Canada and the Court of Appeal for Ontario had found the Government of Canada and the United Church of Canada to be “vicariously liable” for the abuses committed at the schools (Troniak, 2011, p. 3). The 2007 IRSSA mandated the

for a review of the IRSSA,²⁶ most recently in April 2016, when a document surfaced indicating that the Federal Government had “released Catholic groups from an [IRSSA] obligation to try to raise \$25-million for aboriginal healing” in exchange for the disclosure of “documents to the Truth and Reconciliation Commission that investigated what went on at the schools, participating in compensation hearings and taking part in planned reconciliation events” (Fine & Galloway, 2016, para. 2).

Unfortunately, no reports rival the TRC’s clarity on the connection between colonialism and the dangers Indigenous people in Canada face today, though it is too soon to tell whether this means a decisive discursive shift away from disavowing colonialism. Where Indigenous women’s voices in the other reports ensured that the destructive effects of Canada’s colonial past and present were acknowledged, that acknowledgement does not necessitate the government taking responsibility for it. Rather, the separation of Canada’s colonial legacy and its effects, and consequently the separation of acknowledgement from accountability, facilitates the perpetuation of colonial narratives about Indigenous women and communities as dysfunctional and pre-modern, which I address further in Chapter 4.

Acknowledgement vs. Accountability

As demonstrated above, in language, many of the reports disavow colonialism by positioning it as a fact of the past, a historical event that has since concluded, a series of wrongdoings by “past governments” that were misguided, while contradictorily acknowledging

establishment of several payment processes and health initiatives, including the Common Experience Payment program for all former students who resided at a “recognized Indian Residential School” and were alive on 30 May 2005 (\$10,000 for the first year and \$3,000 for each subsequent year); the Independent Assessment process to provide individual compensation for claims of sexual and severe physical abuse; the establishment of the TRC; increased funding to the Aboriginal Healing Foundation (which was closed by the Federal Government in 2014); and the establishment of Health Canada’s Indian Residential Schools Resolution Health Support program.

²⁶ See (APTN Investigates, 2016)

its ongoing harmful effects on contemporary Indigenous peoples. In this way, the reports occupy the space between acknowledging colonialism and its destructiveness, and taking responsibility for it. This, perhaps, makes logical sense, as taking responsibility for colonialism and its effects would call into question the legitimacy of the settler-colonial state, the seat of power from which the Federal Government draws its authority. Sherene Razack draws out the distinction between acknowledgment and responsibility in *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody* (2015):

If occasionally inquests and inquiries acknowledge that colonialism produced some of the ravages on Indigenous bodies which these legal processes so meticulously document, acknowledgement does not extend to responsibility. Recording the impact of alcohol abuse on the body...inquests and inquiries may connect these bodily failings to residential schools but only insofar as colonial *histories* [emphasis added] made [Frank Paul and Paul Alphonse] vulnerable. Those same histories are not imagined as making the colonial state accountable. (p. 19)

The relegation of colonialism to Canada's past facilitates the divide between acknowledgment and responsibility/accountability; if colonialism is over, then it cannot be addressed in substantive, material ways, such as through policy and legislation. This is reflected in the language of the reports as a whole and more specifically in the recommendations purported to address violence against Indigenous women, as I detail below. In this way, the reports contribute to nation-building in Canada, where national identity is intimately connected with the idea that Canada is an inherently egalitarian, post-racial/multicultural state (Bannerji, 2000; Thobani, 2007). In *The Transit of Empire: Indigenous Critiques of Colonialism* (2011), Jodi A. Byrd deconstructs the narrative of multicultural liberalism in the United States, reading settler colonial

history for instances of enjambment.²⁷ This echoes Dian Million's (2014) idea of reading Indigenous experiences as related by an "archipelago of stories" in that both writers are referring to discrete, solitary events—individual Indigenous experiences of colonial violence—that are connected by a larger, unspoken whole—the colonial settler-state. Understanding the distinction between acknowledging the harms of colonialism and taking responsibility for them allows us to step back from the reports, thereby bringing that larger, colonial whole into focus. When we do this, it is overwhelmingly clear that the reports are more invested in "staging settler goodness," building and maintaining the myth of Canadian benevolence by talking about colonization as though it has ended. Similarly to Bonita Lawrence, Byrd argues that the elisions built into the myth of "multicultural" liberal democracy have been central to the birth and maintenance of the settler colonial state.

This understanding of the liberal settler-state is taken up by Glen Sean Coulthard (Yellowknives Dene) in *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (2014). Borrowing from Karl Marx and Frantz Fanon, Coulthard (2014) explores how discourses of recognition and accommodation constitute a "willful forgetting" (p. x) of the crimes of colonialism, functioning today to do what overt assimilationist and state violence did up until 1969.²⁸ In the reports, acknowledgement of colonialism functions similarly to recognition as theorized by Coulthard, reflecting not an intent to atone for or redress hundreds of years of

²⁷ As defined in the *Oxford Dictionary of Literary Terms*, enjambment refers to "the running over of the sense and grammatical structure from one verse line or couplet to the next without a punctuated pause" ("Enjambment," 2008).

²⁸ Coulthard identifies Indigenous Canada's decisive rejection of the 1969 *White Paper* as marking the state's shift away from overtly assimilationist policies, as "the expression of Indigenous anticolonial nationalism that emerged during this period forced colonial power to modify itself from a structure that was once primarily reinforced by policies, techniques, and ideologies explicitly oriented around the genocidal exclusion/assimilation double, to one that is now reproduced through a seemingly more conciliatory set of discourses and institutional practices that emphasize our *recognition* and *accommodation*" (p. 5).

colonial crimes and slights, but rather a new “regulative norm governing the process of colonial dispossession” (p. 15), which effectively demonstrates “how colonial rule [has made] the transition from a more-or-less unconcealed structure of domination to a mode of colonial *governmentality* that works through the limited freedoms afforded by state recognition and accommodation” (pp. 15–16).

The acknowledgement/accountability divide manifests in a few ways in the reports. One is with the language of ownership: or of to whom the problem of MMIW belongs. Several reports discursively frame the problem of violence against Indigenous women as a problem that belongs to and affects all Canadians. The Federal/Provincial/Territorial Ministers Responsible for the Status of Women’s (FPT) *Summary of the Policy Forum on Aboriginal Women and Violence: Building Safe and Healthy Communities* (2006), for example, states that “the message to the general population should be that this violence is not just an Aboriginal women’s issue but a Canadian issue” (FPT, 2006, p. i). Often, the reports conflate the problem of MMIW with colonial violence in general, or lump it in with the broader issue of violence against women. In each case, the interlocking specificity of gendered colonial violence is lost, further highlighting how and why this problem requires an intersectional approach that is missing from the Government’s reports and studies:

Every Canadian will gain if we escape the impasse that breeds confrontation between Aboriginal and non-Aboriginal people across barricades, real or symbolic. (RCAP, 1996a, p. 4)

[The IRSSA and IRS apology] have created a rare opportunity for all Canadians to learn about and re-examine history, acknowledge the suffering caused by the policy of assimilation, and examine the effects this policy has had on Canadian society for so many years. (Troniak, 2011, p. 5)

Canadians need to better understand the reality of our Aboriginal peoples, to take responsibility for improving relations with our Aboriginal neighbours, and a growing sensitivity to the ways that our preconceived ideas render them more vulnerable to violence. (SCVAIW, 2014, p. 23)

[*The Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*] is part of our Government's longstanding commitment to protect the vulnerable and safeguard Canadians. (Government of Canada, 2014, Foreword, para. 4)

The Coordinating Committee of Senior Officials (CCSO) Missing Women Working Group's report (Canada, CCSO, 2010) is similarly reflective of the push to frame violence against Indigenous women as "everyone's" problem: the report is titled simply "Issues Related to the High Number of Murdered and Missing Women in Canada". Indigeneity is only included in the report as part of a list of risk factors that increase a woman's vulnerability to violence.²⁹

Contradicting the statements that the problem of violence against Indigenous women is "everyone's problem," many of these same reports' recommendations are limited only to what Indigenous leaders and communities can and should do to address the problem. For example, the policy recommendations contained in the RCAP are exclusively centered on what Indigenous leaders and communities ought to do to address violence against Indigenous women, and are very centered around Indigenous health in particular (RCAP, 1996b, pp. 67–68) (note that, in Chapter 4, I address in detail health and healing as common themes within report recommendations). Putting the onus solely on Indigenous communities to correct this problem not only elides the overrepresentation of Indigenous women as victims of violence overall—the

²⁹ The mandate of this working group was to "consider the effective identification, investigation and prosecution of cases involving serial killers who target persons living a high risk lifestyle, including but not limited to the sex trade" (CCSO, 2010, p. 2). The group found that many of these victims were "Aboriginal women; Living in poverty; Homeless, transient, and lacking in social networks; Addicted to alcohol or drugs; Involved in sex work or other dangerous practices such as hitchhiking; Experiencing mental health issues" (p. 2).

highlighting of which is supposed to be the point—but also contributes to the implication that this is an Indigenous problem, isolated to Indigenous communities.³⁰ In this way, state responsibility for the problem, or even the recognition of colonialism’s existence, completely disappears. The Standing Committee on the Status of Women’s (SCSW) interim report, titled *Call into the night: An overview of violence against Aboriginal women* similarly acknowledges colonialism and its effects without indicating that the state is in any way accountable for it:

Witnesses in all the site visits talked about the root causes of violence against women, including the role of colonization and the residential school system...The resulting loss of culture was seen as a significant manifestation of violence against Aboriginal women and men. The link between loss of culture and violence was a recurrent theme in all the site visits. (SCSW, 2011a, p. 5)

Despite this acknowledgement of the colonial roots of violence against Indigenous women, the recommendations included at the end of the final report (SCSW, 2011b) center around enhancing criminal justice powers and addressing family violence, in keeping with all previous reports up to this point (RCAP, 1996b; FPT, 2006; Health Canada, 2008; CCSO, 2010). Notably, the final report includes the dissenting opinions of the New Democrat and Liberal parties, both of which admonished the committee for shifting the focus of the final report³¹ to deliberately “exclude testimony that deals with the ‘aftermath of violence’” even though the testimony from the interim report “clearly identified needs and requirements that fall outside the imposed scope of the final report” (SCSW, 2011b, p. 65). In the case of the Standing Committee on the Status of Women reports, acknowledgement also manifests as the proliferation of confusing and nonsensical bureaucratic jargon. Citing former Prime Minister Harper’s 2008 residential school

³⁰ This is contradicted by information from the Sisters In Spirit research project, which indicates that 70% of disappearances and 60% of murders occurred in urban areas (SCVAIW, 2014, p. 13).

³¹ This is discussed above, on p. 45.

apology, which includes an acknowledgement that policies of assimilation were and are wrong, the final report states that “the Committee affirms that acknowledgement [i.e., the apology] as key to moving forward” (SCSW, 2011a, p. 8). What does an affirmation of an acknowledgement tangibly mean? Ostensibly, nothing, given that the recommendations in the final report (SCSW, 2011b) glaringly omit Indigenous women’s testimonies of their experiences with such policies of assimilation. In essence, the RCAP and the SCSW reports attribute the problem of violence against Indigenous women to Canada’s colonial legacy but only in word: their policy recommendations limit the scope of the discussion, effectively eliding the colonial context in which the problem occurs.

In 2014, the Special Committee on Violence Against Indigenous Women (SCVAIW) published *Invisible Women: A Call to Action*, a study that was organized along three main themes: “violence and its root causes, front-line assistance, and preventing violence against Aboriginal women and girls” (p. 6). The Committee was formed in February of 2013 with a mandate to “conduct hearings on the critical matter of missing and murdered Indigenous women and girls in Canada, and to propose solutions to address the root causes of violence against Indigenous women across the country” (Parliament of Canada, 2013) and was given a deadline of roughly a year to present its findings to the House. Similarly to the reports discussed above, the report “acknowledges the legacy of residential schools” (p. 17) without attributing it to government policy, stating outright that “we will not go into depth on the social and historical factors which render Aboriginal women so vulnerable to violence” (SCVAIW, 2014, p. 17). At the outset, the report attributes the problem of MMIW to “silence”:

The need to keep the memory of the loved ones alive speaks of the great tragedy at the heart of the story of the missing and murdered Aboriginal women — the silence within which this tragedy happens. That silence is part of the ongoing trend of mainstream

society saying to Aboriginal people that they don't count; it joins the resounding silence of the other tragedies which Aboriginal people have lived through at the hands of other Canadians — the residential school system, the large-scale removal of Aboriginal children from their families in the 1960s, the ongoing marginalization and racism. (p. 3)

It is certainly laudable that the report begins by tying the vulnerability of Indigenous women to other state-driven measures to exterminate Indigenous people, but it somehow manages to do so without actually identifying these measures as *state* policies: the residential school system was perpetrated by the state and the church, and while “other Canadians” were complicit in this brutal system, the government is firmly at fault, and has been instrumental in maintaining and reproducing the silence that it is disparaging. The 2011 Standing Committee on the Status of Women report similarly states that “if there is something that is even more shocking than the violence itself, it is the silence within which this violence is allowed to continue...it is this silence which is complicit in allowing the situation to continue” (SCSW, 2011a, p.3). Discursively, “silence” is framed as this extraneous, unattributable thing that is discussed as if it has its own agency, when what we actually have is a concerted creation of silence—and active silencing of Indigenous voices—by the state in order to elide colonialism and accountability.

Throughout its development and upon its publication, the SCVAIW report was constantly beset by controversy, initially for partisan in-fighting and for not interviewing families of MMIW at the outset, and again when the NWAC released a scathing response to the contents of the report. The report states that the committee “assigned special status³² to the Native Women’s Association of Canada as ‘expert witnesses,’ providing them with the opportunity to participate in all meetings of the committee for the duration of the study and report” (p. 6). The report goes on to state that the NWAC accepted these terms, then subsequently “[voiced] displeasure with

³² A poor / petty / thoughtless choice of words, perhaps.

their role,” so the committee passed a motion that an NWAC representative would attend each meeting, providing oral or written comments that would then be appended to the committee’s records. That representative would also have their travel, accommodations and living expenses reimbursed. According to the report, the NWAC once again agreed to these conditions and then “failed to provide their comments to the Committee and did not appear at any further meetings, without explanation” (p. 7). No further indication is given as to what the cause of the conflict was. Following the publication of the report, however, the NWAC issued a press release detailing a reluctance on the committee’s part to fully engage the organization in the Committee’s activities. According to the press release, the organization “was not provided with the SCVAIW work plan, witness list, committee budget, or other internal documents or resources to facilitate real engagement, inclusion and participation” (NWAC, 2014b, para. 9), not to mention to increase the committee’s transparency and accountability. The NWAC had requested ex-officio, non-voting membership status, which would have enabled the NWAC representative to “participate fully in the parliamentary committee, and [provided] them with the ability to participate in the committee work plan, witness list, questioning of witnesses, travel with the committee members, and develop the final report” (para. 8). The request was denied, putting the NWAC in the “precarious situation of appearing to ‘rubber stamp’ the work and final report of the committee without having fully been engaged” (para. 10). As such, the NWAC concluded that “the SCVAIW’s offer to appear before the committee as an ‘expert advisor’ and ‘expert witness’ was meant to pacify NWAC and reduce negative public and media criticism” (para. 10).

Among the members of the committee was Liberal Aboriginal Affairs critic (and current Minister of Indigenous Affairs and Northern Development) Carolyn Bennett, sitting as

Vice-Chair, who also denounced the report upon its publication, stating, “That this report only contains recommendations approved by the government, and does not reflect the testimony of witnesses, is in flagrant disregard of Parliamentary principles” (APTN National News, 2014, para. 6). Finally, the NWAC press release notes that of the 16 recommendations made by the Committee, only five pertain specifically to Indigenous women and girls, and are “primarily general in nature and support existing initiatives and actions that correspond to current Government priorities,” and none seek to immediately respond to the plight of at-risk Indigenous women and girls or to the families of women and girls who have already gone missing (para. 14). The NWAC (2014) concludes with its own recommendations, including an inquiry into the issue, stating that

One may perceive that the overall flavour of the report places the onus and blame on Aboriginal people alone...there is no mention of the impacts of colonization and the need for real and comprehensive reconciliation...It could be said, that the SCVAIW itself has demonstrated how these systemic issues and root causes present themselves by virtue of their interactions with the NWAC and its paternalistic approach to engagement. It is a great shame that the Committee convened to undertake such important work would be the same Committee that acted as the barrier to the success of its own work. (paras. 14-15)

This passage clearly engages with the hierarchy built into the process of striking committees, inquiries, and inquests—Western tools of investigation—and how that hierarchy can hinder or even preclude the possibility of settler accountability for the problem: if the state is always leading the studies and committees, they are still operating as the political and discursive hegemon, re-entrenching those inequalities. By not framing its relationship with Indigenous peoples as a settler-colonial one at its foundation (recalling Glen Sean Coulthard’s definition on p. 38), the Government of Canada is released from the responsibility to thoughtfully engage with how it is implicated in the problem of missing and murdered Indigenous women. The

implications of this loss of accountability are sometimes very literal, as colonially-invented borders and jurisdictions impede law enforcement and the resolution of cases:

Family members have shared stories about jurisdictional conflicts when attempting to file a missing persons report outside their community of residence. For example, while one police service says the report needs to be filed in the city where their loved one went missing, the other maintains the report should be filed with police in her home community. Jurisdictional issues such as this act as a tremendous barrier to families and loved ones who try to make a missing persons report, but also to the investigation into a case. (NWAC, 2010 cited in SCVAIW, 2014, p. 34)

In this instance, colonially invented borders and bureaucracy enable state law enforcement to shirk their responsibility to protect Indigenous peoples. Perhaps when the problem of MMIW is everyone's problem, it is also easier for it to be no one's problem.

In keeping with the many issues NWAC identifies within the SCVAIW report, the Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls* (2014), developed in direct response to SCVAIW's report, positions Indigenous communities as responsible for developing solutions to violent crime by "taking measures to ensure the safety of women and girls, providing access to services for victims, and raising awareness within communities that violence is unacceptable" (Government of Canada, 2014, p. 4). Comparatively, the Federal Government's role, as laid out in this report, is much more limited: "support and coordinate efforts, share information and best practices, and continue to strengthen the law and the criminal justice system" (p. 4). By positioning the Federal Government as having a coordinative, directive, and punitive role in the issue,³³ they 1) reassert their discursive and nondiscursive authority over how this issue is discussed and addressed and

³³ The discourse of crime and criminality is addressed in-depth in Chapter 4.

2) largely absolve themselves of the messier problem of addressing their own complicity in this matter.

In each case, the Government frames itself as outside of or beyond reprimand. In the SCVAIW report, systemic racism is addressed only in terms of how it affects Indigenous women's interactions with service providers and how it impacts the media attention that the disappearances and murders of Indigenous women and girls do or do not receive (SCVAIW, 2014, p. 19). Of particular focus is how this racism prevents them from being able to leave abusive relationships, though according to the Government's own reports on the issue, this is only a fraction of the problem (see Chapter 4 on root causes). Acknowledging that "public outcry to violence against Aboriginal women pales in comparison to the outcry against violence against non-Aboriginal women," (p. 23) the SCVAIW report goes on to note the necessity of educating the Canadian public, that "Canadians need to better understand the reality of our Aboriginal peoples" (p. 23). The unwritten text is that *Canadians need to understand this issue better, but that we (i.e., the Government) already do:*

Some witnesses expressed they felt that persisting racism was at the root of inaction to address the high levels of violence against Aboriginal women...The Committee recognizes that we all have a responsibility in acknowledging and challenging the racist attitudes which continue to make Aboriginal women and girls more vulnerable to violence. (p. 20)

Again, the language of acknowledgment, as opposed to accountability, elides the broader, messier issue of colonialism.

While the notion that we, as Canadians, should all become aware of systemic racism and pressure our government representatives to support legislation that empowers and protects Indigenous women sounds positive, it can also feed into a discursive tendency to elide the

problem of over-representation by assimilating Indigenous women — a social group that faces more and different barriers to safety than non-Indigenous women— into broader social groups. Reframing the discussion of missing and murdered Indigenous women as a discussion about violence against women and all Canadians more broadly was a clear goal of the Harper Conservative government³⁴, easily traced through statements by government representatives as well as more recent reports produced towards the end of Harper’s time as PM (SCVAIW, 2014; Government of Canada, 2014; RCMP, 2014; RCMP, 2015). This troubling discursive trend actively works against the development of legislation to protect Indigenous women in particular:

I don’t think when it comes to missing and murdered Aboriginal peoples that it’s fair for the government of the day — whether it’s us, the Liberals the NDP or the Greens — to say ‘what are you going to do about it?’ ...the issue should be discussed broadly as ‘missing and murdered people’ without the term ‘Indigenous.’ (Former Conservative MP David Wilks, Sept. 2015)

Asked by VICE News’ Justin Ling about the “actual, deliverable goals for the action plan to tackle violent crime against aboriginal women and girls,” then-Status of Women Minister Kellie Leitch began her reply by stating that “what we’re focused on is eliminating violence against women and girls—that isn’t just about aboriginal women and girls” (Ling, 2015, para. 15). Responding in the House of Commons to calls for an inquiry into MMIW, then Parliamentary Secretary for the Status of Women Susan Truppe stated that “Our government takes the issue of violence against women and girls very seriously. That is why we have put in place an ongoing series of important measures so that women and girls, including aboriginal women and girls, can live violence-free lives” (House of Commons, 2015).

³⁴ This can be tied back to Harper’s statement about crime and sociology, on p. 13.

With colonialism relegated firmly to the past as an event that has concluded, it is not perceived to have any real influence on contemporary Indigenous life. Discursively, acknowledging colonialism only as a historical event allows the colonial settler-state of the Canadian Government to remain unaccountable for the ongoing policies of dispossession and control that constitute its relationship with Indigenous peoples. Throughout the reports, the Federal Government contradictorily positions the problem of MMIW as both everyone's problem and not their problem. This lack of accountability, in turn, facilitates the conflation of Indigenous women's overrepresentation as victims of homicide and disappearances with violence against women in general. This is just one way that the Federal Government's lack of intersectionality—an understanding that Indigenous women's experience of violence is compounded by racial, colonial, and gendered systems of oppression—on this issue is glaringly evident.

Dichotomizing thought and action

The reports frequently created a dichotomy between studying the problem of MMIW and acting to address it, using past reports as justification to not do future reports. It was on this principle that the Harper government justified not doing an inquiry for so long, even amidst increasing pressure from NGO's, international human rights organizations, and, eventually, the Canadian media. Also problematically, the reports are often narrowly focused on a single facet of the problem,³⁵ are sometimes methodologically unsound and misleading,³⁶ and are almost all extremely concerned with presenting a specific, sterilized narrative of colonialism as a fact of the past, as discussed above.

³⁵ Usually domestic violence or criminal justice - this is discussed in detail in Chapter 4.

³⁶ As with the Statistics Canada reports - see pp. 81–82

At the Federal/Provincial/Territorial Ministers Responsible for the Status of Women's policy forum on violence against Indigenous women (FPT, 2006), Nancy Jean-Waugh, then Deputy Minister of the Status of Women (and brand new to the position, as Stephen Harper was elected for the first time only one month earlier) gave opening remarks, during which Waugh stated that "violence affects everyone" and that "members of the Aboriginal community from every region of this country have firmly stated that the time for talk has passed and the time to act is now" (FPT, 2006, p. 2). This marks the first instance, though not the last, of this talk/action dichotomy which gets reinforced throughout much of the rest of Stephen Harper's time in office. The same dichotomy was employed to respond to how and why the Federal Government and Status of Women Canada (SWC) stopped funding the NWAC's Sisters In Spirit (SIS) initiative. Stating that the initiative "ended" (again, it was de-funded) the Standing Committee on the Status of Women's final report states that SWC has since funded NWAC to "shift its work from research to action" (p. 11). Again, the clear implication is that research, or "talk," is not action in itself, and that enough research has been done. When asked why the SIS initiative was de-funded, SWC conveyed that "it is time to move to action" (Barerra, 2014, para. 7), committing to providing some funds to the organization for a project initially called "Sisters In Spirit: Evidence to Action". According to the NWAC, Status of Women Canada then forced the organization to cut the "Sisters in Spirit" portion from the title (para. 10).³⁷

³⁷ Robyn Bourgeois' doctoral thesis, titled *Warrior Women: Indigenous Women's Anti-Violence Engagement With the Canadian State* (2014), includes an in-depth discussion of the de-funding of the SIS initiative. "Considered within the context of both this anti-colonial anti-violence analysis and this study's theoretical understanding of prevailing Canadian state agendas," Bourgeois argues that the Federal Government's treatment of SIS since defunding it "constitutes nothing less than appropriation and suppression of this political resistance" (Bourgeois, 2014, p. 233).

Noting that calls for an independent, transparent, accountable public inquiry into MMIW were common during its consultations, the Standing Committee on Violence Against Indigenous Women's report sets these against other calls for monetary funding for community services and programs and law enforcement:

Several witnesses called for the establishment of an independent public inquiry into the issue of missing or murdered Aboriginal women in Canada, adding their voices to those of leaders of national Aboriginal organizations, premiers and leaders of provinces and territories and several international organizations...Other witnesses, including Pauktuutit Inuit Women of Canada, believe that the needs of Aboriginal communities are too dire to spend money on establishing such a commission, saying it would be better to use the money to fund community services and programs. (pp. 13–14)

After pitting these women against each other, the report follows up with an impassioned plea by Marie Sutherland³⁸ about the risks of spending more money and time on hearings when women and girls are “being raped and beaten” with impunity: “What I’m asking for is the protection from violence for the women and children and to find who’s responsible for the violence and the murdered women” (SCVAIW, 2014, p. 14). By pitting two essential components of substantively addressing MMIW against one another, the report creates an air of urgency and tension that lends to the argument that “action”, not analysis, is not only needed, but must take the form of enhancements to and funding for law enforcement and criminal justice.³⁹ Developed in response to this report, the Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Crimes* (2014) reiterates the government's position on this:

As noted in the Committee report, the causes of the high levels of family violence and violent crime against Aboriginal women and girls have been well established in a number

³⁸ Sutherland works for the Native Women's Transition Centre, but who was providing evidence as an individual.

³⁹ I take this trend up in in detail on p. 84.

of previous studies and reports. This is why we continue to focus our efforts on taking concrete action. (Government of Canada, 2014, p. 4)

In summary, the false dichotomy between thought and action served several purposes: it justified de-funding the NWAC's Sisters In Spirit initiative, allowed the government at the time to continue evading the question of why a national public inquiry was not on the agenda, and legitimized government-proposed criminal justice initiatives, which were continually being framed as "concrete steps" and "real action" in opposition to studies and reports. In addition to producing this false dichotomy, language in the reports also functioned as a vehicle for presenting a sterilized version of the story of "contact" as a misguided but well-meaning historical event that is definitively over. These three discursive themes, along with the techniques discussed in the following chapter, effectively absolve the contemporary Canadian settler state for upholding the institutions and power hierarchies that keep Indigenous women vulnerable.

Chapter 4

(Re)Producing Indigenous Dysfunction: The “Root” Causes of MMIW

This chapter examines how the reports frame the root causes of and solutions to the problem of MMIW. In short, I argue that the reports (re)produce Indigenous dysfunction, bolstering and sometimes undermining the narrative trends detailed in the previous chapter. This is done in the reports by 1) invoking a narrative of progress and modernization, effectively blaming the victims for their own fates and employing dehumanizing and pathologizing language to frame Indigenous women as inherently vulnerable to violence; 2) individualizing responsibility for the homicides and disappearances by attributing it to Indigenous men and domestic violence, and/or 3) individualizing responsibility for the problem by attributing it to deviant criminals, and finally 4) employing the language of health and healing as the only way forward. In each case, the narratives used to understand the problem occlude the broader colonial context and re-circulate the colonial continuity that Indigenous peoples are sick, frail, and in need of healing.

There is a startling unity and consistency to the reports’ assessments of the “root causes” of violence against Indigenous women, revealing a great deal about how the Canadian state understands Indigenous people generally, and Indigenous women specifically. Most of the reports, as well as statements by politicians, about missing and murdered Indigenous women attribute their vulnerability to poverty, alcohol and drug abuse, overrepresentation in the sex trade and prostitution, and intergenerational trauma as a result of the residential school system (FPT, 2006; Health Canada, 2008; CCSO, 2010; StatsCan 2011a; StatsCan 2011b; StatsCan 2012; RCMP 2014; Government of Canada 2014, RCMP, 2015). This list of causes effectively isolates these sociological problems from the colonial context that produced them; the “root” of

the issue mysteriously begins and ends with what amount to symptoms of colonialism, land dispossession, and systemic racism. As such, the recommendations in the reports—while numerous and perhaps helpful—do not purposefully address broader systemic issues.

In addition to dehumanizing Indigenous women and positioning them as pathologically frail, the small, oft-cited list of “root” causes decreases state accountability and has narrowed the conversation about missing and murdered Indigenous women in public policy to family violence and criminal justice. This echoes Sherene Razack’s (2015) writing on police inquests into Indigenous deaths in police custody, where she notes that the inquests often focus intently on the health problems of the deceased, such as alcoholism, effectively deflecting attention from police/Indigenous relations:

Inquests tell a story of alcoholism and dysfunction rather than interrogating the violence committed by state actors against Indigenous peoples...In every instance, state accountability receded the more that details about physically and emotionally ravaged Indigenous people came into view. (p. 4)

Beginning with an examination of how neo-liberal modernity permeates the discourse on MMIW with dehumanizing and victim-blaming language, this chapter discusses how the reports reproduce Indigenous dysfunction and pathologize Indigeneity through the family violence and criminal justice narratives, effectively deflecting attention from Indigenous-state relations and preventing the sanctioned conversation from turning to the more politically fraught and costly discussion of Indigenous self-determination.

Bureaucratized dehumanization, victim-blaming and modernity

Many scholars studying the violence faced by Indigenous peoples have identified the dehumanization of Indigenous peoples as a recurring discursive tactic/technique. Métis writer

Emma LaRocque (2010) positions the dehumanization and demonization of Indigenous peoples as the primary way in which literature (state-produced writing, more specifically) has helped to justify colonization. And, as Joyce Green (English, Ktunaxa and Cree-Scots Métis) (2007) points out, policies such as the *Indian Act* legitimise(d) colonialism not only through the construction and perpetuation of racist stereotypes but “through [the] creation of language celebrating colonial identities while constructing the colonised as the antithesis of human decency and development” (pp. 25–26). LaRocque argues further that the distorted and dehumanizing portrayal of the “Indian” by white writers and the resulting discursive techniques of countering this portrayal by Indigenous writers constitute a “war of words,” in which “Euro-Canadian historical and literary texts are constructed to serve the material, cultural, and ideological ends of the colonial enterprise” (p. 4). According to LaRocque, the colonial discursive themes found in Canada’s archives and countered by Indigenous writing include the dehumanization of the colonized, the normalization of whiteness, and the normalization of European invasion. As such, the task of Indigenous writing is to “humanize the ‘Indian’ by, on one hand, de-normalizing the ‘savage view,’ and, on the other, putting forward Native peoples’ humanity through their writing” (p. 11).

Significantly to my research and to the “war of words” that LaRocque refers to, Razack (2014) argues that police inquests into freezing deaths of primarily Indigenous men are imbued with a “bureaucratized dehumanization,” or the normalization of Indigenous deaths at the bureaucratic level and the reluctance to see those deaths as anything more than the predictable ends to troubled lives. Like the issue of missing and murdered Indigenous women, the “neglect of Aboriginal people in police custody is a well-known phenomenon,” (Razack, 2013, p. 356)

but is rarely, if ever, linked to ongoing colonialism. By examining the testimonies given by corrections officers and medical officials as part of the inquest process, Razack delineates how the dehumanization of Indigenous peoples gives way to victim-blaming, especially when we understand inquests as opportunities for the state to “stage settler goodness.” According to Razack one of the central facets to staging settler goodness within inquests is the detailed description of the many challenges faced by Indigenous peoples inhabiting the modern world, such as alcoholism and homelessness, effectively framing Indigeneity itself as a disabling condition, a “dysfunction” or an “incurable illness,” (Razack, 2013, p. 372) and therefore a “threat to the healthy social body” (p. 374). This understanding necessarily excludes and represses any settler knowledge of “their own violent histories of conquest and occupation” (p. 372), thereby reaffirming the position of settler Europeans and their descendants as the rightful, original residents of North America. This same dynamic is present in the government reports on MMIW, which often place the state’s challenges and many efforts to address the problem of MMIW as the focal point, while positioning Indigenous women as unable or unwilling to help themselves.⁴⁰ This discursive work effectively pathologizes Indigenous peoples in general, and Indigenous women specifically, as inherently frail and unfit to exist in the modern world while exonerating the settlers from responsibility for their deaths. Indeed, the purpose of inquests seems not to be examining evidence and prosecuting accordingly, but absolving the settlers of responsibility for the Indigenous deaths: “If Aboriginal people are a dying race and a people unable to enter modern life, then they are people that no one can really harm or repair” (Razack, 2013, p. 353). Inquests typically find that no one is responsible for the deaths, even where gross

⁴⁰ I discuss this in more detail below, particularly in the section on domestic violence on p. 75.

neglect on the part of police and health care professionals and/or police violence is evident. This exoneration is made possible through the building of “negative reputations of the deceased” (p. 354), that is, the inquest actively works to establish that the deceased created the conditions for their own demise.

This same victim-blaming narrative is a central tenet of Adam Smith’s modernization theory, which, according to political scientist Sankaran Krishna “explains the world since 1500” by laying out the attributes that must be cultivated in individuals in order to stimulate national “economic growth, political democracy, and a scientific approach to natural and social life” (Krishna, 2009, p. 9). As delineated below, many of the tenets of modernization theory present contemporarily as colonial paternalism and liberalism, including in its Eurocentric understanding of social relations and subjectivity:

[Modernization theory] looks at the Western developed world of today, sees what the dominant characteristics of individuals, states, and society are, and freezes them as always characteristic of such societies, as both lacking in other societies and worthy of emulation by them if they wish to progress. (Krishna 2009, p. 11)

In this Eurocentric worldview, power hierarchies produced by processes such as colonialism and globalization are disavowed and several sets of hegemonic ideologies are instead imposed on non-European nations. One way this imposition manifests today is through Western volunteerism and development work, as I discuss below using Barbara Heron’s work. The notable result, though, is that if the “success or failure of a nation to take off is seen as largely a domestic matter [and contingent upon individuals’ characteristics], today’s poorer nations have largely themselves to blame for not making the transition” (Krishna, 2009, p. 14). Within a settler state, this ideology manifests in victim-blaming the Indigenous peoples whose lands are being

occupied, and prevents any acknowledgement of and challenge to the settler-colonial context that produces and maintains inequalities across the Indigenous-settler divide.

This modernist understanding of non-Western nations and peoples is necessarily infantilizing, a dynamic that is both revealed and obscured by the language of “helping” (Heron, 2007) and human rights. Barbara Heron’s (2007) analysis of human rights and interventionist discourse highlights the ways in which white, European ideology frames what stories get told about these non-white spaces and peoples. As Razack shows in her dissection of police inquests and recommendations, Heron argues that, by decontextualizing and limiting what gets said about oppressed nations and peoples, the language of human rights facilitates settler elision of the practices that produce the oppressive conditions in which racialized “Others” live, while the same settler powers determine which “remedies” to the problem are worth pursuing. Applied to my research, this relationship is reflected in the very structure of the reports, which always conclude with a slew of recommendations, by the state and for the state, which the state then chooses whether or not to pursue. Within this discourse, which—like modernization theory—is only ever sanctioned by the dominant group, “the unspoken subtext is that what really counts and must be preserved are our standards, our perspectives, our national fantasies, [and] our imaginings of the Other” (Heron, 2007, p. 4).

Heron’s work is consistent with and relies on Edward Said’s theory of Orientalism as a “repertory” or “cultural archive” of images, ideas, and clichés that re-legitimizes itself by constantly referring to itself, thus framing what we associate with the “Middle East” (Shankar, 2004). Beyond that, Said argues that Orientalism is the discursive system of power that justifies colonial rule and understandings of the Other:

Taking the late eighteenth century as a very roughly defined starting point Orientalism can be discussed and analyzed as the corporate institution for dealing with the Orient - dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient. (Said, 2014, p. 3)

Relying on a Foucauldian understanding of discourse, Said's seminal text argues that Orientalism was so “politically, sociologically, militarily, ideologically, scientifically, and imaginatively” omnipresent during the post-Enlightenment period that no “writing, thinking, or acting” on and in the area we call the Middle-East could escape the limitations of thought imposed by Orientalism (Said, 2014, p. 3). Colonial continuities—and the settler-colonial relationship—similarly constitute, frame, and limit how the Federal Government is able to see and think about the problem of MMIW, and thus the recommendations it can make to address it (this is discussed in more detail in each of this chapter’s subsections).

Central to the disavowal of ongoing colonial practices, the modernist tendency to dehumanize and victim-blame colonized peoples is particularly present in many of the reports—particularly the ones that tout themselves as empirical or objective (Health Canada, 2008; CCSO, 2010; Troniak, 2011; StatsCan 2011a; StatsCan 2011b; StatsCan 2012; RCMP, 2014; RCMP, 2015)—permeating the political discourse surrounding missing and murdered Indigenous women. The Coordinating Committee of Senior Officials Missing Women Working Group’s *Issues related to the high number of murdered and missing women in Canada* (2010) focuses on “the characteristics of the victims of serial sexual assaults and murder and their predators to determine the extent to which it is possible to identify who is at risk of victimization and of offending, and how best to intervene before that happens” (CCSO, 2010, p. 2), discussing in a disturbingly detached way the “availability, vulnerability, and desirability” of victims of serial

sexual predation (p. 2). While the central problem with this report from a feminist, anti-oppressive, intersectional stance is that it negates the existence of hierarchical social categories that render certain social groups more vulnerable than others, it also states that the “desirability of a victim may be determined by personal or physical characteristics, especially if the killer is attempting to fit his target into his own fantasy. In Canada, Aboriginal women appear to be particularly vulnerable to this type of violence” (p. 3). Ostensibly, this statement is speaking to the fetishization of race and the legacy of sexualizing Indigenous women that dates back to early colonial times. However, this history never gets unpacked, further dehumanizing the victims as objects of fantasy, with the report simply stating that other groups—such as the Native Women’s Association of Canada (NWAC) and Amnesty International—have “studied the factors that have led to the high number of Aboriginal women among those missing and murdered” (p. 3).

In Health Canada’s 2008 report, which is composed of testimony from phone interviews with first responders and focus groups with Indigenous women, the connection between victim-blaming and domestic abuse is particularly prominent. While I discuss the pernicious use of the family violence narrative as the main “root” of violence against Indigenous women in more detail on p. 75, it is worth noting that the first responders quoted in the report repeatedly note that the women rarely leave abuse relationships, resulting in a cynicism and apathy on the part of the police to intervene. This directly contradicts many of the quotes by Indigenous women in the report, who articulate the many barriers to both leaving and reporting such relationships,⁴¹ including a feeling that police were “unsympathetic, ineffectual and sometimes

⁴¹ Specifically mentioned were access to services, financial barriers, fear of reprisal from the abuser or his family, and, importantly, “poor [relationships] with the police” (Health Canada, 2008, p. 14).

cynical” about the cycle of abuse. Some women were also concerned that the police perceived them to be reluctant to “help themselves” (p. 15) by reporting incidences of violence. After noting that the first responders who were interviewed confirmed the existence of this cynicism among their own ranks, the report states that “women’s expectation of police cynicism may itself contribute to a distrust of police, and to a reluctance to seek assistance or follow recommendations of the attending law enforcement officer - the very behaviours that in turn, increase police cynicism” (Public Health Canada, 2008, p. 16). In attempting to articulate the complex and cyclically mistrustful relationship between victims of abuse and the police, the section concludes by effectively blaming the victims for police cynicism. Other first responder statements reinforce the infantilization often at the heart of settler-state interventions; speaking to how alcohol abuse “aggravates” the issue of domestic abuse in Indigenous communities, one first responder is quoted as saying, “I think if you take away the alcohol, they’ll still be violent, but the degree goes down” (Health Canada, 2008, p. 11). Statistics Canada’s *Criminal Victimization in the Territories, 2009* is similarly comfortable with establishing a causal relationship between spousal violence and alcoholism/drug use: “Among spousal violence victims, about two-thirds (65%^{E42}) indicated that their current or former spouse had been drinking during the violent incidents” (Statistics Canada, 2012, p. 5). Harkening back to Heron and Said on how intervention and colonization are bound up with and enforced by the ideological hegemony of the dominant group, the Health Canada report interprets that

The first responders and the women they assist may have different perceptions of the issue of male violence. In other words, the women and their communities may be less able to view the issue with clarity or resolve, having yet to fully come to believe that male violence against women is inexcusable. (Health Canada, 2008, p. 13)

⁴² The “E” signifies that the statistic should be “used with caution” (StatsCan, 2012).

This statement exclusively reflects the position of the first responders interviewed. Despite the fact that the focus group participants—composed of Indigenous women, many of whom had direct experience with violence (p. 3)—clearly and thoughtfully articulate the learned helplessness within their communities, the cycle of abuse in relationships, and the desire to protect their children from child welfare services, this highly paternalistic conclusion represents them as pre-modern, un-feminist, and in need of saving. The clear message is that the women are not able to understand the issue, and that any articulation of violence as normalized or learned is to be dismissed as a pre-modern view of male-on-female violence. There is also an element of victim-blaming present here: that if the women only knew that the violence was wrong, they would make more effort to escape the relationship. This victim-blaming attitude can be traced to as recent as last October; when asked to clarify his thoughts on why so many Indigenous women have gone missing along Northern British Columbia’s infamous Highway of Tears, Former Conservative MP John Cummins stated that “if you engage in that risky behaviour — hitchhiking on a lonely road in the middle of the night — you’re putting yourself at risk” (Schmunk, 2015, para. 6).

By specifying the “racial spatial economies” (Razack, 2014, p. 51) within which Indigenous deaths occur, Razack’s work on the law’s treatment of Indigeneity in Canada reveals a deadly sort of bureaucratic neglect rather than an individual “discriminatory impulse” (Razack, 2013, p. 357), and highlights an attitude on the part of police officials and health care professionals in which Indigenous people are seen as people “whose hold on modern life is tenuous, [and are] often considered to be beyond help. They are, in this sense, already dead” (p. 352). Razack argues that this perception can be understood as a reaction to an Aboriginal

presence in metropolitan, settler spaces, in direct conflict with the settler-constructed fiction that they are a dying race. In each case, the state seems actively concerned with reproducing the disposability of Indigenous bodies:

The failure on the part of police and health care professionals to provide even the most basic care reveals that the killing indifference to Aboriginal suffering so often charted in inquests springs from and simultaneously sustains the idea that Aboriginal lives are ‘wasted lives,’ the ‘human waste’ Zygmunt Bauman describes that is produced by modernity and that is ‘the deepest meaning of colonization. (Razack, 2013, p. 358)

The disavowal of settler violence and the dehumanization of Indigenous peoples through their construction as uncivilized and anachronistic are just two ways in which Adam Smith’s modernization theory manifests in contemporary settler-colonial relations. Placing the police and health officials’ indifference to the lives of the Indigenous peoples in their custody within the context of modernization theory allows us to see a longer modernist tradition of framing Indigenous peoples as unfit to survive in contemporary settler states without acknowledging the colonization that leveled their societies.

The domestic violence narrative

First responders expressed the perception that intimate partner violence occurs more in Aboriginal communities than elsewhere. (Health Canada, 2008, p. 3)

Almost all of the reports limit the discussion of violence against Indigenous women to “family violence,”⁴³ giving the impression that Indigenous women are more vulnerable to domestic violence than to other kinds of violence. One might also deduce that, given that these

⁴³ Sometimes this occurs as early as in the title of the reports, for example: *Summary of the Policy Forum on Aboriginal Women and Violence: Building Safe and Healthy Families and Communities* (FPT, 2006), *Aboriginal Women and Family Violence* (Health Canada, 2008), *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls* (Government of Canada, 2015).

are the reports that have informed the Canadian Government's response to missing and murdered Indigenous women, the issue of MMIW itself can be attributed almost solely to domestic violence. This line of thought is consistent with the way in which recommendations often put the onus on Indigenous leaders and communities to address the problem, and serves as a useful narrative for the government to enhance its criminal justice powers.

However, in continuously trying to tie MMIW to family violence, the reports end up contradicting one another: Statistics Canada studies show that Indigenous women are more vulnerable to all types of violence, whether at the hands of a spouse, family member, acquaintance, or stranger (StatsCan, 2011a, p. 7). Examining the offender-victim relationship of female homicide victims, the RCMP reported that Indigenous women were less likely to be murdered by a spouse and much more likely to be murdered by an acquaintance than non-Indigenous women (RCMP, 2014, p. 12). Why then, do so many of the reports focus on binding the issue of MMIW primarily or even solely to domestic violence? What accounts for this cognitive dissonance? Perhaps not surprisingly, the reports' predominant focus on domestic violence resonates with a non-intersectional, mainstream liberal feminist approach to violence against women. Mainstream feminism has been well-critiqued for not reflecting the lives and experiences of non-white, non-cisgendered women, especially when those lives are complicated by colonial violence (Green, 2007; Monture Agnes, 1995; Ouelette, 2002). Indeed, this is what spurred the development of intersectionality and its integration with feminism (Crenshaw, 1995; Hill Collins 2000; hooks, 1984; Lorde, 2007).

I address (in part) how the reports answer the question of who is murdering Indigenous women, or who they need to be protected from, in the section on accountability and

acknowledgement, and continue that exploration in this chapter. If Indigenous women are primarily being abused in their own homes and communities, then the problem does not belong to the Federal Government. More simply, though, this approach to the problem allowed the Harper Conservatives to bolster a policy platform centered almost exclusively on enhancements to criminal justice powers without committing to any new initiatives, contributing to what the Liberal Party has called “the Harper government’s inaction and legacy of obfuscation” (SCSW, 2011b, p. 67) on the issue of missing and murdered Indigenous women.

In the RCAP, violence against Indigenous women is found under the heading “The Family,” and is limited to “family violence” with a focus on its effects on children (RCAP, 1996b, pp. 59–97). Published 10 years later, the *Summary of the Policy Forum on Aboriginal Women and Violence* re-entrenches several themes present in the RCAP. Once again, the discussion of violence is limited to domestic or “family violence” and it is heavily implied, though never outright stated, that Indigenous men are the main perpetrators of this violence. For example, there is an assertion that “awareness needs to be focused on the community as a whole, with women and community leaders playing an active role, and men emerging as champions to end violence” (FPT, 2006, i). Only one presenter at the forum, Cree journalist Doug Cuthand, strayed from this pattern, noting that “violence is not just in the family, or the home - it is internal and external” (p. 6).

The 2008 Health Canada report, titled *Aboriginal Women and Family Violence*, focuses on “the attitudes and opinions of Aboriginal women, and the professionals who work with them, on the issue of family violence, specifically intimate partner violence⁴⁴, against women” (Health

⁴⁴ Intimate partner violence is defined in the report as “physical aggression, controlling behaviours, psychological or sexual abuse within a married, common-law, or dating relationship” (p. 1).

Canada, 2008, p. 1). “Intimate partner violence” as a term is used interchangeably with “male violence against Aboriginal women,” conflating what can be two very different forms of violence. As previously mentioned, data for this report was collected from two main sources: focus groups with First Nations women living on- and off-reserve, and phone interviews with an array of first responders, including the RCMP, provincial police, health care and social workers, and crisis centre staff. The report addresses how such violence is perceived, its causes, consequences, the knowledge of availability of resources for victims and families, and resource gaps. Problematically, the study initially intended to do this without actively recruiting survivors of violence to the focus groups (p. 3). The researchers provide no statement or justification for this methodological decision, but many participants in the focus groups did happen to have personal experience with intimate partner violence, most commonly physical or emotional. Ultimately, as discussed above, the report uses the testimony of the first responders to undermine the words of the Indigenous women as they articulate their experiences of violence. First responders assert that the victims of violence are often substance abusers with low self-esteem and who come from families of substance abusers, in addition to being poor and uneducated (p. 9). The perpetrators are seen by first responders to have the very same problems, in addition to having a “domineering attitude towards women” and a lack of self-esteem stemming from “loss of traditional roles and identity, and sometimes direct or indirect experience with the residential school system” (p. 10). This is the closest we come to a clear assertion that the report is discussing specifically Indigenous male violence against Indigenous women, not simply “male violence against Indigenous women” as it stated previously. In this way, the report positions both Indigenous men and Indigenous women as either perpetrator or victim of violence, but

flawed and pre-modern—in that they have an anachronistic, pre-mainstream-feminism kind of attitude about the roles of men and women—in either case.

The SCSW’s interim report (SCSW, 2011a) both bolsters and contradicts the family violence narrative. It notes that Indigenous women are more likely to be targeted for spousal violence, while also citing research by the NWAC that indicates that Indigenous women and girls are “as likely to be killed by a stranger or an acquaintance as they are by an intimate partner—very different from the experiences of non-Aboriginal women in Canada, whose homicide rates are often attributed to intimate partner violence” (SCSW, 2011a, p. 5).⁴⁵ Several years later, the Government of Canada’s *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls* (2014) makes a big discursive leap backwards, dubiously weaving between addressing women and domestic violence in broad and Indigenous women and homicide in specific, lumping together gender-based violence with gendered colonial violence. Again, this is done despite the fact that domestic violence only accounts for a fraction of the violence over-experienced by Indigenous women. The report cites that “on average, a woman in Canada is killed in a domestic homicide every five days. On any given day, over 6,000 women and children are living in emergency shelters to escape abuse” (p. 2). The report goes on to say that “we know that family violence often escalates over time—and Aboriginal women are also overrepresented as victims of homicide” (p. 2). The unspoken connection between these statements is that Aboriginal women are being murdered by their partners in their homes (effectively regressing to the reports of the 2000’s, FPT, 2006; Health Canada, 2008). Violence against Indigenous women is treated here as meaning one thing—intimate partner violence—in

⁴⁵ It is worth noting that the report leans a great deal on the NWAC’s Sisters In Spirit research, even though the project was de-funded earlier that year (see Barrera, 2010)

all contexts, and not as part of specific gendered and racialized power relationships in a colonial context.

The Truth and Reconciliation Commission's report—which I have only discussed in brief because it does not generally take part in the same kind of discursive footwork that the other reports do—essentially stands alone in its understanding of the problem of MMIW as well as in how it discusses Canada's legacy of colonialism.⁴⁶ The report asserts that the “discriminatory practices against [Indigenous] women related to band membership and Indian status” are among the “harmful background factors” (TRC, 2015, p. 180) that make Indigenous women vulnerable to violence. The Commission notes that the Government of Canada has “disempowered Aboriginal women, who had held significant influence and powerful roles in many First Nations, including the Mohawks, the Carrier, and Tlingit” (pp. 1–2), and connects this disempowerment to a lack of access to educational and health opportunities, racism, poverty, and the overrepresentation of Aboriginal children in the child-welfare system. Though the report stops short of explicitly calling out the federal government of the day for upholding these institutions, the problem of MMIW is considered much more conscientiously and comprehensively in the TRC's report than in previous ones. However, even the TRC's final report summary (2015) inexplicably infuses family violence discourse into the report:

[To some people,] reconciliation, in the context of Indian residential schools, is similar to dealing with a situation of family violence. It's about coming to terms with events of the past in a manner that overcomes conflict and establishes a respectful and healthy relationship among people, going forward. It is in the latter context that the Truth and Reconciliation Commission of Canada has approached the question of reconciliation. (TRC, 2015, p. 6)

⁴⁶ See Chapter 3 on the latter.

This mention of family violence appears without explanation: Is the implication here that Indigenous people, non-Indigenous people, and the Canadian government are all a family and the Canadian government is an abusive parent or spouse? What purpose does this particular metaphor serve, other than to help it align better with the language and discursive patterns of the many reports published before it? This question would be worth exploring further in future research.

Confusingly, direct contradictions to the narrative that domestic abuse is what accounts for the overrepresentation of MMIW can be found within and among the documents as well, particularly in the Statistics Canada reports. *Violent Victimization of Aboriginal Women in the Canadian Provinces, 2009* (StatsCan, 2011a) states that Indigenous women were almost three times more likely than non-Indigenous women to report having been a victim of a violent crime, and that this was true “regardless if the violence occurred between strangers or acquaintances, or within a spousal relationship” (StatsCan, 2011a, p. 7). The report also notes that “many incidents of violence committed outside of spousal relationships were not reported to the police” (p. 9). This information certainly calls into question why previous reports would focus so single-mindedly on domestic abuse, when Indigenous women are clearly more vulnerable to all types of violence. However, buried in the middle of the document is a significant problem with the data: this report, which, again, is on a list of the studies that inform government officials on the issue of missing and murdered Indigenous women (DOJ, 2014; House of Commons, 2014), does not include disappearance or homicide statistics:

For a number of reasons, these disappearances and homicides have been difficult to quantify through official statistics. As the General Social Survey (GSS) data are limited to three violent crimes (sexual assault, robbery, physical assault), homicides are not captured by this source. That said, information on homicides is collected from Canadian

police services by Statistics Canada's Homicide Survey. Neither of these sources collects data on disappearances. (p. 9)

The report then goes on to note that while the Homicide Survey collects information on Aboriginal identity "when known," the police reports the Aboriginal identity as "unknown" roughly half of the time:

For example, between 2005 and 2009, police reported 726 homicides where the victim was a woman aged 15 or older. Of these, the victim was identified as Aboriginal in 54 homicides, as non-Aboriginal in 292 homicides, and as Aboriginal identity unknown in 380 homicides. (p. 9)

The report thus concludes that "it is likely that data from the Homicide Survey undercount the true extent of the homicide of Aboriginal people," citing information from the Sisters in Spirit initiative—a program de-funded in 2010 by the Federal Government—that suggests that the number of missing and murdered Indigenous women from the past 20 years is in the hundreds (p.9). Regardless of these serious problems, subsequent Statistics Canada reports as well as the RCMP reports continue to draw from the highly problematic GSS. Another Statistics Canada report from the same year, titled *First Nations, Metis, and Inuit Women*, notes that high proportions of Indigenous women experience spousal violence without noting that the rate of violence is higher regardless of the relationship between the perpetrator and the victim (StatsCan, 2011b, p. 40).

The TRC, in fact, drew attention to the inadequacy of Statistics Canada's data and methodologies when it comes to Indigenous women:

Statistics Canada does not provide the kinds of supports necessary to permit some Aboriginal victims to comfortably disclose their experience to researchers...The most recent Statistics Canada data on homicide and family violence fail to report how many victims were Aboriginal, although older data suggest the homicide victimization rate of

Aboriginal people between 1997 and 2000 was seven times that of non-Aboriginal people. (p. 179)

Not only are the Statistics Canada reports replete with huge data gaps that could have significant impact on policy-making, but the department itself does not make itself accessible to the individuals that could help fill in those gaps.

The reports contradict each other and themselves in several ways, including by conflating categories of Indigenous women and non-Indigenous women, of spousal violence and non-spousal violence, and of sex workers and non-sex workers. One Statistics Canada report (2011a) asserts that since Indigenous women's experience of violence is compounded, "it is important to differentiate between Aboriginal and non-Aboriginal women's experiences of victimization, to better understand the extent of violence against Aboriginal women and the context in which it occurs" (p. 6). Contradictorily, the RCMP's 2015 *Update to the National Operational Overview* repeatedly shifts the focus away from Indigenous women and to women more broadly, while still pushing the family violence narrative:

RCMP homicide data from 2013 and 2014 shows a strong nexus to family violence. (p. 3)

Female victims, regardless of ethnicity, are most frequently killed by men within their own homes and communities. (p. 10)

Violence within family relationships is a key factor in homicides of women, and has prompted the RCMP to focus intervention and prevention efforts on familial and spousal violence. (p. 3)

In its recommendations, the report predictably emphasizes prevention efforts for "all women," which appear to extend only to support for victims of spousal violence. Problematically, the report also combines former and current spouses: "Current and former spouses and family

members made up the majority of relationships between victims and offenders, representing 73% of homicides of Aboriginal women and 77% of non-Aboriginal women in RCMP jurisdictions in 2013 and 2014” (p. 14). If prevention efforts center specifically around responding to domestic violence, this distinction between a current spouse and a former spouse seems like an important one to make; conflating the two categories risks leaving an entire group (women who are being victimized by former spouses) out of those prevention efforts.

Creating criminals

By working together [with all levels of government, police, the justice system, and Aboriginal communities and organizations], we are sending a strong message that these abhorrent acts of violence will not be tolerated in our society. (Government of Canada, 2014, Foreword, para. 6)

In her piece for *The Globe and Mail*, Legal Studies Professor Rashmee Singh responded to former Prime Minister Harper’s separation of crime from sociology, noting that “crime **is** a sociological phenomenon” [emphasis added] (Singh, 2014, para. 2), but more specifically, “it is a barometer of social health, a contemporary manifestation of historical violence, and an expression of intersecting structural oppressions” (para. 7). The separation of the two, then, elides those histories of violence and structures of oppression and “suggests that both offending and victimization are just random acts” (para. 4). She goes on to write that “what Mr. Harper is urging in his repeated calls to avoid ‘committing sociology,’ as he had referred to it once in the past, is to stop asking why social problems occur” (para. 5). The reports that do not stick to family violence as the sole cause of violence against Indigenous women attribute it to insufficient or ineffective criminal justice powers. Similarly to how the family violence narrative

serves to deflect attention from Indigenous-settler relations in a colonial context, so too does the emphasis on criminal justice.

Among the key points highlighted from the discussion on systemic barriers and legislation within the *Summary of the Policy Forum on Aboriginal Women and Violence* (FPT, 2006) is that legislation must be changed to enable harsher punishments for perpetrators, while simultaneously providing “alternatives to incarceration and the funds for healing interventions” (p. 27).⁴⁷ After listing the many physical, psychological, financial, and social consequences of “male violence against Aboriginal women,” Health Canada’s 2008 report notes that all participants in their study—Indigenous women and first responders—were in agreement that both the criminal justice system and community sanctions addressing this violence are mild and inconsequential: “All participants in this study called for the imposition of increased accountability on perpetrators of violence and reform of the justice system to allow for more punitive measures” (Health Canada, 2008, p. 4). The Standing Committee on the Status of Women’s interim report highlights that the 2010 federal budget included a \$10 million investment “to address the issue of missing and murdered Aboriginal women by improving law enforcement and the justice system” (SCSW, 2011a, p. 16). The final version of the same report (SCSW, 2011b) positioned funding for “[improving] community safety and to [ensuring] that the justice system and law enforcement agencies can better respond to cases of missing and murdered Aboriginal women” (p. 12) as necessary “concrete steps” to resolving the problem. One such “concrete step” includes amending the Criminal Code to “strengthen investigations and streamline court processes” (p. 14), with alarming implications for privacy and civil liberties.⁴⁸

⁴⁷ I discuss “healing” as a discursive theme further on p. 89.

⁴⁸ These amendments would “[streamline] the application process when specific court orders or warrants need to be issued in relation to an investigation for which a judge has given a wiretap authorization. As well, other amendments

It is worth noting here that the RCMP has stated that while the solve rates for cases involving Indigenous and non-Indigenous women are virtually the same (88% for Indigenous female homicides, 89% for non-Indigenous female homicides), “certain homicides involving women who were reported to be employed as prostitutes were solved at a significantly lower rate than homicides overall” (RCMP, 2014, p.15), a problem these Criminal Code amendments do not address. Pairing this with the fact that Indigenous female homicide victims were more than twice as likely to be “involved in the sex trade” (12% versus 5% respectively) (RCMP, 2014, p. 17), we can see how the stigma associated with sex work can have grave implications for whether a woman is murdered with impunity.⁴⁹

Important to a discussion of how the criminal justice narrative is mobilized in the reports, the Missing Women’s Working Group’s report (CCSO, 2010) problematically includes being Indigenous among the list of factors that constitute a “high risk lifestyle”. This is not only victim-blaming, but also a move that ties crime to simply being Indigenous. The mandate of the working group was to “consider the effective identification, investigation and prosecution of cases involving serial killers who target persons living a high risk lifestyle, including but not limited to the sex trade” (p. 2). Discursively, the resulting report makes a decisive shift away from domestic violence towards a crime and criminal-based discourse. While all of the previous reports (RCAP, 1996; FPT, 2006; Health Canada, 2008) focused almost entirely on domestic (or “family”) violence against Indigenous women, this report focuses entirely on serial killers and

will be proposed to section 184.4 of the Criminal Code, which provides authority for wiretapping without a warrant in emergencies, such as cases of murder or kidnapping investigations relating to missing and murdered Aboriginal women” (SCSW, 2011b, p. 14).

⁴⁹ Though the percentage is twice as high, the report notes that this percentage difference is only “slightly higher” for Indigenous women, and “as a result, it would be inappropriate to suggest any significant difference in the prevalence of sex trade workers among Aboriginal female homicide victims as compared to non-Aboriginal female homicide victims” (p. 17).

perpetrators of serial sexual assaults against women in general. This is in keeping with the trend within the reports to shy away from trying to understand the overrepresentation of Indigenous women in homicide and disappearance statistics while purporting to do just that.⁵⁰ It also speaks to accountability (or lack thereof), and the attempt to reframe the problem as a “Canadian problem” rather than exclusively an Indigenous one.⁵¹ Indeed, the state seems unable to make itself accountable for remedying the issue without positioning it as one that affects all women, still more evidence of the state’s resistance to acknowledge colonialism as contemporary and ongoing.

Sherene Razack’s observations about inquests in “‘It Happened More Than Once’: Freezing Deaths in Saskatchewan” (2014) mirror several themes in these reports and in the broader mainstream political discourse about MMIW. For example, Razack notes that inquests generally depict dumping⁵² as a practice of “a few bad cops,” while the reports under review in this study often treat the murder and abduction of Indigenous women as anomalous acts by criminals, despite evidence that suggests a much larger pattern of abuse. To bolster this narrative, the CCSO report divides the causes of serial sexual predation into socio-cultural factors and individual factors. However, the notion that socio-cultural factors could conceivably influence whether, how, and who would choose to sexually assault and murder, and who those individuals

⁵⁰ Recall my argument that limiting the discussion of MMIW to family violence and/or insufficient criminal justice powers—eliding the colonial context in which the violence occurs—precludes the state from meaningfully discussing the issue of overrepresentation, which the reports present themselves as doing, and which is supposed to be the point of studying the problem in the first place.

⁵¹ See above, p. 48

⁵² “Dumping” refers to the police practice of bringing inebriated Indigenous peoples to the outskirts of metropolitan areas and leaving them there to attempt to walk to their home communities / reserves. This often results in freezing deaths for which the victims themselves are blamed, or it is attributed to “policing gone awry” (Razack, 2014, p. 54). Razack defines this as one of the ways Aboriginal peoples are violently evicted from settler life and settler (urban, metropolitan) spaces, a practice “born of the settler’s need to maintain the lines of force of the colonial city” (pp. 53–54).

would choose to murder, appears to be introduced only to be dismissed. Citing “pro-violent norms, misogyny, and consumption of pornography” as socio-cultural factors associated with serial killing, the committee concludes that “broad socio-cultural factors may influence predators but are unlikely to cause predation” because “direct causal relationships between socio-cultural factors and sexual violence are difficult to establish” (p. 5). The report instead focuses on identifying those “individual factors” that are “more useful in identifying those who are predators or predicting those who may be capable of becoming predators” (p. 5). These factors evidently include traumatic childhoods, sexually deviant proclivities, and mental health problems.

Read another way, the CCSO was uncomfortable with drawing direct causal relationships between socio-cultural factors, such as inequitable Indigenous settler relations in a white settler colonial context, and sexual violence, and chose instead to draw direct causal relationships between “individual factors” and sexual violence. Setting aside the fact that direct causal relationships are generally notoriously difficult to establish, these conclusions are predicated on a world without hierarchical social categories, invisibilizing inequality even while discussing it in detail. Insistence that factors specific to the individual “whether genetic, experiential or otherwise” are the only true predictors of criminal inclinations reflects a modernist, neo-liberal worldview with no regard for the world the individual subject inhabits, where innumerable social categories continually marginalize certain groups of people and privilege others. This, too, can be traced back to modernization theory’s emphasis on the individualism to the point of eliding social categories.⁵³ Though the report does make some recommendations designed to address the

⁵³ See above, p. 66.

inter-agency communication barriers that can hinder the resolution of criminal cases (CCSO, 2010, pp. 11–15), positioning the perpetrators individualistically leads to recommendations (52 in all) focused almost exclusively on increased criminal justice powers.

Health and healing

[Legislation needs to change to] provide alternatives to incarceration and the funds for healing interventions. (FPT, 2006, p. 27)

[The residential school apology] and the settlement agreement were catalysts for action toward the ultimate goals of healing, reconciliation, redress, and reparation of the relationship between Aboriginal and non-Aboriginal Canadians. (Troniak, 2011, p. 5)

Across the reports, the idea of healing appears to mean many things simultaneously, and apply to both sides of the colonizer-colonized divide. Using work by Glen Sean Coulthard (2014), Sherene Razack (2007), and Dian Million (2013), this section discusses how the language of “healing” has been invoked in the political discourse surrounding MMIW. I argue that these repeated invocations have caused the idea of healing to lose some of its potency and fall into the same discursive meaning(less) trap as words like “recognition,” “acknowledgement,” and “reconciliation”. As Taiaiake Alfred writes in the introduction to Coulthard’s *Red Skin, White Masks* (2014), these terms become synonyms for forgetting about and moving on from colonialism, and thus reinscribe settler-colonial power hierarchies: in these reports, it is the colonial state that determines what Indigenous people are healing from and how they should heal, sometimes in direct contradiction to the testimony of Indigenous peoples (RCAP, 1996a; Health Canada, 2008; SCVAIW, 2014; SCSW, 2011b). Exploring Dian Million’s work on the Truth and Reconciliation Commission lets us draw out how the reports’ reliance on these modernist discourses does the epistemic work of further securing the Canadian

settler-state as the primary definer of ideas like “progress,” “healing” and “prosperity,” all while eliding the trickier matters of globalization and colonialism that disrupted and oppressed Indigenous peoples in the first place. These ideas are central to settler-Indigenous power relations and hierarchies, and the language of “healing” and “reconciliation” in the Government of Canada’s statements and reports about MMIW facilitates the elision of these historical and existing structures as well as the material their consequences. Additionally, bringing in Sherene Razack’s work on empathy as a means to perform neoliberalism allows us to more clearly understand how the traditional Indigenous value of “healing” has been colonially co-opted in the reports.

The publication of the Royal Commission on Aboriginal Peoples (RCAP) in 1996 brought with it the first calls for a Truth and Reconciliation Commission, as the horrific realities of the Indian Residential School system were brought to light. The dissemination of this information into the public sphere prompted the development of scores of health initiatives⁵⁴ touted as “healing,” intimately tying the legacy of colonization with Indigenous people’s contemporary poor health, while the more substantive critiques calling for Indigenous political empowerment were ignored. The RCAP, for example, makes this connection quite explicitly by stating that the prevalence of family violence against Indigenous women can be attributed to government policies that “disrupted” the “healthy functioning” of Indigenous families (RCAP, 1996b, p. 65). This connection between the poor physical and emotional health of Indigenous peoples has endured since the RCAP: many of the documents’ recommendations similarly center around providing funding for health-based initiatives, even amid calls for more preventative

⁵⁴ Aboriginal Health Human Resources Initiative, Children’s Oral Health Initiative, Health Canada’s Strategy Against Tuberculosis for First Nations On-Reserve, Aboriginal Healing Foundation

changes, such as an inquiry, increased police accountability, and cultural sensitivity education for first responders.

Much the way that, as Glen Coulthard argues, the language of recognition and reconciliation has become a means to sidestep more difficult conversations about decolonization, the language of healing (and acknowledgement, see Chapter 3) in the reports effectively limits the conversation about how to address the problem of MMIW to the implementation of health and criminal justice initiatives). Million (2013) argues that while “indigenism” is empowered by human rights-based declarations such as the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) (Million, 2013, p. 3), the publication of the RCAP demonstrates how the colonized subject can become “a trauma victim” (p. 6) in public discourse. This discursive shift highlights the double-edged sword inherent to the language and law of human rights (Heron, 2007), and also troubles the discourse surrounding MMIW: while human rights can be a useful legal stance to take when arguing for an increase in rights and autonomy,⁵⁵ groups whose human rights have been violated or undermined are framed as victims in need of healing, which can again strip those peoples of agency. Stating that “with the establishment of the TRC, Aboriginal peoples seem to become the subject of a humanitarian project” (p. 6), Million (2013) asks whether this shift helps or hurts Indigenous people’s ability to effectively

⁵⁵ As the language of human rights refers to “rights that cannot be abrogated by states,” Indigenous activists have “increasingly articulated their demands in terms of ‘human rights’” (Smith, 2014, p. 83). Indigenous peoples in Canada have been particularly successful in legal arenas by using the language and law of human rights (see Green, 2014) and international human rights groups (such as Amnesty International and Human Rights Watch) and the United Nations have also been immensely supportive of calls for increased Indigenous self-determination, and for an inquiry into MMIW. Many Indigenous activists and communities have urged Canada to implement the UNDRIP, which the Trudeau Government became a formal supporter of in May 2016. At the formal adoption, Minister of Indigenous Affairs Carolyn Bennett stated that the adoption reflected the Government of Canada’s interest in “righting historical wrongs” and “shedding our colonial past” (Bennett, 2016, paras. 43-44). The possible use of the language of human rights to “shed our colonial past” would be an interesting point for further research, given arguments that human rights is another arena in which colonial hierarchies, and the authority of the nation-state in general, have been and are reaffirmed (Heron, 2007; Razack, 2007; Smith, 2014).

negotiate for political empowerment. As we've discussed throughout this thesis, decontextualizing Indigenous peoples' healing from the causes of their injuries can be damaging both in how the government understands Indigenous women as well as severely limiting what kinds of solutions emerge from the reports. According to Million, positioning Indigenous peoples as "wounded" subjects in the age of "human rights, global violence, mass media, and neoliberalism" highlights the incompatibility of the project of Indigenous self-determination and the appeal for justice for Indigenous suffering (Million, 2013, p. 3). Indigenous peoples who are "wounded" and therefore in need of saving or guidance from the colonial state cannot be seen as autonomous subjects.

Notably, too, many of the reports frame healing as something that needs to occur on both sides of the Indigenous-settler divide, sometimes contradicting the rest of the contents of the report. For example, the RCMP's 2015 *Update to the National Operational Overview* spends much of the update recentering the conversation about MMIW to family violence,⁵⁶ attributing it to Indigenous men, while contradictorily noting that "through this update we take one more step forward in a difficult but necessary journey towards healing for all Canadians" (RCMP, 2015, p. 4)—if this is a "domestic" problem, why is it something that we all must heal from? Our (settler) collective desire to "heal" alongside the (colonized) sufferers is theorized by Sherene Razack in "Stealing the Pain of Others: Reflections on Canadian Humanitarian Responses" (2007), who suggests that empathy can be a "slippery" motivator for humanitarian responses. Razack locates this slipperiness in the tension between empathy and race, arguing it creates a space where empathy can become a "source of moral authority and pleasure, obscuring in the

⁵⁶ See above, p. 75.

process our own participation in the violence that is done to them" in addition to being another way that we (white Canadians) reinscribe our subject-positions as "citizens of a compassionate middle power who is largely uninvolved in the brutalities of the world" (p. 376).

Healing is also sometimes used to bolster the Federal Government's stance that this is a problem that needs to be tackled by law enforcement. The Standing Committee on Violence Against Indigenous Women was struck when this parliamentary motion was unanimously passed:

That the House recognize that a disproportionate number of Indigenous women and girls have suffered violence, gone missing, or been murdered over the past three decades; and that the government has a responsibility to provide justice for the victims, healing for the families, and to work with partners to put an end to the violence... (SCVAIW, 2014, p. 6)

The recommendations in the resulting report were well-critiqued by NWAC and the Liberal and NDP parties, who issued dissenting opinions with the published report, as these recommendations are very vague and essentially commit to continuing existing programs. Notably, the recommendations found under the heading of "Support for the family of victims"—presumably the "healing for the families" laid out in the motion cited above—all relate to criminal justice:

[The Committee recommends] that the federal government continue strengthening the criminal justice system to ensure, among other things, that violent and repeat offenders serve appropriate sentences.

[The Committee recommends] that the federal government maintain its commitment to develop the Canadian Victims Bill of Rights including initiatives aimed at making the criminal justice system more responsive to the needs of victims, such as keeping them informed and providing them with appropriate standing, access and assistance throughout the process.

[The Committee recommends] that the federal government implement a national DNA-based missing person's index. (SCVAIW, 2014, p. 39-40)

These recommendations clearly reaffirm, and perhaps broaden, the role of the criminal justice system, clearly positioning it as the deliverer of this elusive notion of “healing”. In this case, healing is tied to very Western ideas of justice and incarceration. They are also reactive rather than preventative: to derive any meaning, each of these recommendations relies on Indigenous women already being victims, and thus further reaffirms Razack’s claim that the state sees Indigenous peoples as “a dying race and a people unable to enter modern life” and, as such, people “that no one can really harm or repair” (Razack, 2013, p. 353).

Discursively, the use of “healing” in the reports both reaffirms the settler state’s authority to determine what the Indigenous population needs, and re-entrenches the colonial continuity that the Indigenous population is a sick population. Where healing is positioned as something that must occur on both sides of the Indigenous-settler divide, it often contradicts the contents of the report. All the while, the reports’ apparent appropriation of the language of traditional Indigenous medicines allows the state to convey a certain benevolence—settler goodness—and to appear invested in the healing. Ultimately, the use of the language of healing has become prevalent to the point of meaninglessness, and appears to be more of a box that needs to be ticked when a report is produced rather than a sincere commitment to support Indigenous sovereignty and protect Indigenous women.

Conclusion:
Inhabiting the Colonial Past to Unsettle the Colonial Present

I think we stand on a legacy of violence and racism left by colonization and residential schools, but that's not in the past: those attitudes exist today. (Tracy Porteous, testimony for SCVAIW, 2014)

Seeking freedom through technicalities of recognition reinscribes our colonial subjectivity. (Hunt, 2014, p. 1)

Both human rights and decolonization are entitlements of Aboriginal women. (Green, 2007b, p. 144)

The body of literature examined in this thesis recirculates problematic colonial narratives about Indigenous peoples, while reinscribing the colonizer-colonized power hierarchies and subject-positions that produce Indigenous women's vulnerability to murder and disappearance in the first place. What follows is a brief summary of my analysis of the reports, followed by some thoughts on where this discussion might go next.

Though many of the reports simply do not mention colonialism, those that do relegate it firmly to the past, as a historical event that is over, and often describe it with sterilized, neutral language. This is especially reflected in the RCAP, which positions the early settlers as well-meaning but ruinous capitalists who did not know better, effectively eliding the racist and patriarchal ideologies that justified their treatment of Indigenous peoples. In the few cases where the reports discuss colonial ideology and practices in terms of how calamitous they have been to Indigenous peoples, the acknowledgement of those harms does not extend to any manner of responsibility or accountability. Indeed, the language of acknowledgement itself appears to serve as a replacement for substantive responsibility. "Action" is set in opposition to further thought and research on the matter, and typically reflects the existing political agenda of the day (for

example, broadening and enhancing criminal justice powers, which was central to the Harper Government's policy platform). This approach to "acting" on the problem is bolstered by the narratives that the perpetrators of the violence are 1) the husbands and fathers of the victims, or 2) deviant, anomalous criminals. The list of "root causes" behind the crisis is nearly identical across the reports, and includes poverty, under-education, and overrepresentation in the sex trade, sociological factors that are essentially symptoms of colonialism. Though these "root causes" are often used as political talking points and cited in recommendations presented as a balm against further disappearances and homicides, ongoing colonial practices and ideology are routinely elided and disavowed in Canadian political rhetoric and policy surrounding the matter. This is done not only through the recirculation of the narratives outlined above, but also by pathologizing Indigenous peoples in general as a broken population in need of healing, and by positioning Indigenous women as inherently violable by nature of their Indigeneity.

My analysis draws out many of Foucault's claims about what discourse does and how. We can see how discourse restrains knowledge by framing what is sayable and what isn't. For example, the countervailing narratives that MMIW is every Canadian's problem and also one that Indigenous communities alone are responsible for addressing highlight the mutability of discourse. In the reports, all of these forces work together to effectively evade, as Foucault said in 1970, discourse's own ponderous, formidable materiality (Foucault, 2006), or its tangibility. In this case, the evasion of that materiality has lethal implications for Indigenous women; obscuring the colonial structures of power and thought that position Indigenous women as pathologically frail and pre-modern—essentially, those ideologies that position them as lesser subjects—keeps them vulnerable to violence and murder.

Forward

At the outset of this project, one of my research questions was whether and how connecting the issue of MMIW to Canada's colonial past and present might make way for more comprehensive and effective policies. I have demonstrated above that the way that the problem of MMIW is framed and discussed within the reports—whether as the anomalous crimes of deviant criminals, or the abuses of hyper-violent and pre-modern Indigenous men, or simply as something that Indigenous women are innately susceptible to—directly influences how narrow and inadequate the reports' recommendations are. In each case, the reports continually position colonization as a historical event that has since ended, thereby occluding ongoing colonization in the form of land occupation and through legislation such as the *Indian Act*. As Joyce Green writes,

Colonialism is both an historic and a continuing wrong. A term that encompasses economic and political practices, it refers to the appropriation of the sovereignty and resources of a nation or nations, to the economic and political benefit of the colonizer. The practices by which colonialism is normalized and legitimated include racism, which is encoded in law, policy, education and the political and popular culture of the colonizer. (Green, 2007, p. 143)

Combating colonial oppression in its many forms—legal, political, social, cultural—requires a frank and uncomfortable confrontation of these colonial power relations.

Also, the complete absence of intersectionality in the reports often results in the universalizing of Indigenous women's vulnerability to murder and disappearance as violence against women more broadly, and domestic violence more specifically. Now, at the end of my study, I am left with Sherene Razack's (2007) question from *Stealing the Pain of Others*: "How do we recognize our own complicity and move through outrage to responsibility?" (p. 376). The

language of acknowledgement, recognition, and reconciliation, as Glen Sean Coulthard (2014) convincingly argues, only reinforce the hierarchies that marginalize Indigenous women. Not only is that language not enough, it prevents Indigenous communities from occupying more politically empowered subject-positions by disavowing the existence of those hierarchies.

In the reports that contain them, Indigenous women's testimony give us some indication of what is needed. Though it is replete with its own discursive and ontological pitfalls,⁵⁷ the legal and discursive tools offered by human rights present one possible way forward (Green, 2014); witnesses in the SCSW's interim report "urged the Committee" to use the United Nations Declaration on the Rights of Indigenous Peoples as a guide in working towards eliminating violence against Indigenous women (SCSW, 2011a). Work by organizations like NWAC and LEAF have suggested that an independent inquiry into the problem is the only way to finally look at the problem in a holistic way that could include Canada's colonial underpinnings.

But how do we combat the misperception that "discriminatory policies of cultural genocide and assimilation" and their effects are "artifacts of a bygone colonial era" (Downe & Plewes, 2011, p. 99)? The way towards better protecting Indigenous women, as clearly as I can see it from my privileged position as a white settler-scholar, is to understand and inhabit the colonial past as present. This requires challenging and heavily modifying many of the central, unifying values of modern liberal subjectivity:⁵⁸ our understanding of time as linear and the past, consequently, as "over"; our attachment to individualism; and our sense of Canadian nationalism.

Modernist discourses and the problem of settler-colonial Canadian-ness

⁵⁷ This is addressed in the subsection on health and healing, p. 89.

⁵⁸ On the topic of challenging modern liberal subjectivity, see also Carol Lynne D'Arcangelis' dissertation, *The Solidarity Encounter Between Indigenous Women and White Women in a Contemporary Canadian Context* (2015).

As Joyce Green writes, “‘Project Canada’ is the realization of the colonial imagination, now infused with liberal democratic settler populations’ visions” (Green, 2007, p. 142). In the reports, the maintenance of the imaginary political space of Canada occurs through the language of liberal democracy and of progress and modernization.⁵⁹ These discourses do much of the work of pathologizing Indigenous peoples as frail and inherently susceptible to violence and abuse. Through this same language, the reports individualize accountability for the problem of MMIW to Indigenous men and criminals, severely limiting the kind of conversation we can have about this problem, and what kinds of solutions emerge from the reports. These narratives also recirculate harmful colonial continuities that re-position Indigenous peoples as pre-modern and implicitly unfit to survive contemporary society (Razack, 2013; Razack, 2014), discursively othering and dehumanizing Indigenous peoples. This is not a new phenomenon in Canadian policy and legislation: referring to the 1876 *Indian Act*, Joyce Green writes that government policies have the power to legitimise colonialism not only through the construction and perpetuation of racist stereotypes but also “through [the] creation of language celebrating colonial identities while constructing the colonised as the antithesis of human decency and development” (Green, 2007, pp. 25–26).

It’s possible, then, that such policies could also be used to highlight the illegitimacy of the Canadian settler-state, facilitating more substantive discussions of Indigenous self-determination and political autonomy. Perhaps these modernist discourses could be modified and employed to shame nations that purport to be progressive by re-framing what it means to be a modern nation. In a discursive move that might appeal to Western liberal

⁵⁹ This is discussed in Chapter 3.

sensibilities, the Truth and Reconciliation Commission's (2015) report subverts how the language of modernization is used throughout most of the reports, instead employing the language of capitalist prosperity to insist that today, it is pre-modern *not* to be inclusive: "We live in a twenty-first-century global world. At stake is Canada's place as a prosperous, just, and inclusive democracy within that global world" (TRC, 2015, p. 8).

Within these modernist discourses is the story that White Canada has told about itself: a benevolent, peaceful country, not the melting pot of the military juggernaut that is the United States, but a multicultural mosaic that is inclusive and welcoming of marginalized groups. This story is circulated in the media as much as in political discourse, to the point that it has become both ubiquitous and imperceptible. This culture of normalized colonial whiteness is reflected in the reports. Razack (2011) suggests that "while other marginalized groups may experience a similar violence [in police custody]...the violence that is meted out to Aboriginal people in settler societies is a paradigmatic and foundational violence" (p. 354). Discussing and eliminating this violence, then, requires shifting the paradigm and—at the very least—revealing the colonial foundation that constitutes all colonizer-colonized interactions, even in Canada.

Joyce Green's critique of the limits and applications of the Canadian Constitution to the issue of Indigenous rights and violence against Indigenous women is useful here. Given the imposition of "European-derivative and Christianity conditioned patriarchy" (Green, 2007, p. 143) that came with the European settlers, Indigenous men and women have experienced colonialism differently. This, in turn, "complicates political solidarity, and thus constitutional politics are fraught with difficulties," (p. 143) leading Green to argue that

Liberation from colonialism, then, is not simply tied to a formula for equality with the colonizer, on terms dictated by the ideology of the colonizer. Liberation includes the possibility of traditional or contemporary institutions and practices chosen by the

colonized. It includes reparations of the damage wreaked by colonial practices, which have not coincidentally enriched the complacent and historically oblivious colonial or settler populations. Truly liberatory constitutional and legal strategies must be able to advance these political and cultural objectives, and do not simply reduced Aboriginal and women's claims to simple equality with the not-so-neutral white male norm in the colonial state. Both human rights and decolonization are entitlements of Aboriginal women. (p. 144)

Rendering Canada's colonial origins and continuities visible and naming them has to be the first step in making this kind of comprehensive liberation from colonialism possible.

If we don't continually confront the colonial epistemologies that seek to erase Indigenous people from the land that we illegitimately occupy, we're facilitating that erasure. It has been uncomfortable—indeed, unsettling—to confront my own complicity as a settler in this regard, producing in me an anxiety that can be attributed to those colonial structures that are so preoccupied with “confining Indians to the ‘spectral’” so that the descendants of European settlers can better “imagine themselves as the original citizens of this land, and as a people innocent of conquest and violence” (Razack, 2013, p. 373). It is a compelling, comforting, and, importantly, a pernicious fantasy, but a fantasy nonetheless. The reports I've read “uproot [themselves] from the landscape of history,” and as such they are able to “concentrate on the trees without having to consider the forest,” as Thomas King writes (2012, p. 166). Deracinating itself from the intersecting structures of racism, sexism, and colonialism that produce violence against Indigenous women precludes the Government from developing policies that help prevent Indigenous women from being murdered and/or going missing, effectively keeping them vulnerable. More thought, nuance, and intersectionality in the political discourse around missing and murdered Indigenous women is needed if we (Anglo-European descendants and Indigenous peoples) are ever going to co-exist, on this land, in a socially just way.

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Appendix A - List of reports

L - Liberal Government C - Conservative Government

Title	Organization/Agency	Pub. year
The Royal Commission on Aboriginal Peoples	Government of Canada / Royal Commission	1996 (L)
Summary of the Policy Forum on Aboriginal Women and Violence: Building Safe and Healthy Families and Communities	Federal/Provincial/Territorial (FPT) Ministers Responsible for the Status of Women	2006 (C)
Aboriginal Women and Family Violence	Public Health Agency of Canada	2008 (C)
Report: Issues related to the high number of murdered and missing women in Canada	Coordinating Committee of Senior Officials (CCSO) Missing Women Working Group	2010 (C)
Ending violence against Aboriginal women and girls: Empowerment - a new beginning	House of Commons Standing Committee on the Status of Women	2011 (C)
Interim report - Call into the night: An overview of violence against Aboriginal women	House of Commons Standing Committee on the Status of Women	2011 (C)
Violent victimization of Aboriginal women in the Canadian provinces, 2009	Statistics Canada	2011 (C)
First Nations, Métis and Inuit Women	Statistics Canada	2011 (C)
Background Paper: Addressing the legacy of residential schools	Shauna Troniak, Library of Parliament (Social Affairs Division, Parliamentary Information and Research Service)	2011 (C)
Criminal victimization in the territories, 2009	Statistics Canada	2012 (C)
Invisible Women: A call to action - A report of the Special Committee on Violence Against Indigenous Women	Special Committee on Violence Against Indigenous Women	2014 (C)
Missing and murdered Aboriginal women: A national operational overview	Royal Canadian Mounted Police	2014 (C)
Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls	Government of Canada	2014 (C)
Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview	Royal Canadian Mounted Police	2015 (C)
Final Report of the Truth and Reconciliation Commission of Canada	Truth and Reconciliation Commission of Canada	2015 (C)

Appendix B - Glossary of Acronyms

MMIW - Missing and murdered Indigenous women

Government agencies/departments/committees/documents

CCSO - Coordinating Committee of Senior Officials

DOJ - Department of Justice

FPT - Federal/ Provincial/Territorial

GSS - General Social Survey

IRS - Indian Residential School

IRSSA - Indian Residential Schools Settlement Agreement

MWWG - Missing Women's Working Group

RCAP - Royal Commission on Aboriginal Peoples

RCMP - Royal Canadian Mounted Police

SCSW - Standing Committee on the Status of Women

SCVAIW - Standing Committee on Violence Against Indigenous Women

SQ - Sûreté du Québec

TRC - Truth and Reconciliation Commission

Non-Governmental Agencies/Projects

LEAF - Women's Legal Education and Action Fund

NWAC - Native Women's Association of Canada

SIS - Sisters in Spirit

UNHRC - United Nations Human Rights Council

UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples

Appendix C - Resources on Missing and Murdered Indigenous Women

Native Women's Association of Canada | <http://www.nwac.ca/>

“The Native Women's Association of Canada (NWAC) works to advance the well-being of Aboriginal women and girls, as well as their families and communities through activism, policy analysis and advocacy. Aboriginal women continue to experience discrimination on multiple grounds and in various complex forms and from various sources, including from individuals, businesses, and governments.”

No More Silence | <http://nomoresilence-nomoresilence.blogspot.ca/>

“No More Silence aims to develop an inter/national network to support the work being done by activists, academics, researchers, agencies and communities to stop the murders and disappearances of Indigenous women.”

The REDress Project | <http://www.theredressproject.org/>

“An aesthetic response to the more than 1000 missing and murdered Aboriginal women in Canada,” by artist Jaime Black.

The Government of Canada's Inquiry into Missing and Murdered Indigenous Women

<http://www.aadnc-aandc.gc.ca/>