Gendered Racialized Sexuality

The Formation of States

It is important to honour the missing and murdered women. It is unacceptable to marginalize these women. The Creator did not create garbage. He created beauty.

—David Smoke

The Canadian TRC specifically addressed sexual abuse of Indian children in residential schools. As a separate issue, Canada and the United States also came under human rights scrutiny from Amnesty International for failing to protect Indigenous women from sexual violence. These campaigns to educate and advocate have much to teach us about how violence against Indigenous women is presented to two different nation-state publics.

In Canada: Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada and Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA, Amnesty International (AI) cites rape, murder, and daily violence against Indigenous women at the epicenter of an endemic violence that Indigenous peoples experience in both countries. AI protests actually join a tsunami of literature, narratives, and analyses produced by Native women themselves over the past four decades. However, it was Amnesty’s worldwide reputation as a pioneering human rights NGO that lent a discursive weight that the women did not have alone. The reports highlight the different discourses that exist in Canada and in the United States for explaining this violence. How AI’s campaigns frame the violence against Indigenous women illustrates how such violence lends its moral force to other political aims, both Indigenous and nation-state. AI’s spotlight on gendered sexual violence focuses attention...
on the fact that Canada and the United States were both constituted in this violence. The political and social destruction of Indigenous societies was in part accomplished by discipline of children’s bodies, as in the residential schooling systems, or in unchecked violence perpetrated on Aboriginal women’s bodies. There is also an affective aspect of this discipline that mostly goes unmarked in histories and literatures of colonization.

In the first section of this chapter, I compare these two important Amnesty reports in the way they present gender violence against Indigenous women to their respective Indigenous and nation-state publics. I explore first how this violence is expressed in Canada as an aspect of a long, reprehensible relationship now under reconciliation, while in the United States it is posed as a major deterrent to self-determination for American Indian nations. I consider the way Sarah Deer, a leading indigenist legal scholar and activist, poses the question of self-determination and gender violence. In the second section I contextualize this violence by returning to well-discussed nineteenth- and early twentieth-century colonial projects to review how gendered raced sexual violence becomes constitutive to the nation-states. There I pose different questions about the shame that was produced by a Canadian public’s discipline in what amounted to an apartheid. I then speak to how affect mobilizes present political assessments of profaned Indian women and their families. On the other hand, such an analysis brings us back again to the import of the campaigns for justice that North American Indigenous women posed to AI and the transformational potential in women’s statements of respect for life.

Disappeared

Produced cooperatively with the Native Women’s Association of Canada, Amnesty International’s Stolen Sisters documents the long record of disappeared Aboriginal women, some never found after decades of inquiry. It is also the account of the found and abused bodies of Aboriginal sisters, mothers, and aunts, whose deaths barely register as crimes to the Canadian justice system. AI positions the disappeared and murdered women at the epicenter of a deep-seated disrespect Canada holds for Aboriginal life made manifest. From the statistics, it would appear that it is hardly a crime to rape, kill, and “disappear” an Aboriginal woman, and perhaps even less notable if she has become “untouchable” or homeless or has entered the sex trade. Stolen Sisters situates this gendered violence within a long history of colonial violence against Indigenous people stemming from the formation of the
Canadian state. Through innumerable cases *Stolen Sisters* identifies and tracks the considerable Canadian indifference to Indigenous women’s lives as a recognizable history. Here AI can refer to an already released Royal Commission on Aboriginal Peoples (RCAP) national investigation that admits to the systemic violence that formed these Canadian–Indigenous colonial relationships. Hence, Amnesty International and the Native Women’s Association of Canada could articulate Aboriginal women’s plight as a heinous and pressing issue of colonial violence that deserves particular and immediate attention. In Canada, the RCAP investigation that contextually grounds *Stolen Sisters* also grounds Canada’s present commitment to internationally recognized processes for “truth and reconciliation.” But *Stolen Sisters* must be seen first as the effort of Aboriginal women in Canada to bring this violence in their lives into sharper focus than is available in the Canadian discourse that RCAP established after 1996. *Stolen Sisters* validates the women’s and families’ voices, reclaiming the worth of those murdered, those whom Canada has judged amoral, sexualized, and discarded. It also shows the ability of Canadian Indigenous women to articulate their experiences to a growing international conversation on violence against women. The Native Women’s Association and other groups of Indigenous women in Canada can reference a track record of successful prior human rights campaigns that cited Canada for sexual discrimination against Native women embedded in the Indian Act.4 *Stolen Sisters* has a context built on this larger available knowledge.

On the other hand, the United States convened no Royal Commission, or any commission dedicated to righting colonial violence, since it never admits to colonialism. Here, Amnesty International took a different tack. *Maze of Injustice* testifies to an entire spectrum of atrocious violence against American Indian and Alaskan Native women, from rape to brutal murder, some where torture was a clear aspect. *Maze* utilizes a plethora of statistical evidence whose shortcomings the authors also make evident. The report makes clear that the violence it details may be only a fraction of what occurs, since most of this type of crime goes unreported in Indian Country. This too is a report whose existence represents American Indian women’s numerous efforts to gather information and to act on their own behalf, so, as in *Stolen Sisters*, the women are the interlocutors. The importance of having Native women speak themselves is made more evident than in the earlier *Stolen Sisters*. *Maze of Injustice* features the words of Native women who were violated, along with their pictures, on numerous pages of the report. Groups of Native women who offer domestic violence support services are also prominently featured. *Maze of Injustice*
is twice as long as *Stolen Sisters* and highly produced, featuring sophisticated photography and graphics. While both reports must inform and “sell” to an audience that may not know “Indian Country” and has little understanding of Indian histories, or Indian law, *Maze of Injustice* also has no Royal Commission report or visibility from prior successful human rights campaigns waged by Indian women. As with *Stolen Sisters*, *Maze of Injustice*’s argument positions the violence perpetrated against Native women to their marginalization in American society, with colonization underlying the women’s devaluation in American and American Indian societies: “Indigenous peoples in the USA face deeply entrenched marginalization—the result of a long history of systemic and pervasive abuse and persecution.”\(^5\) The women’s torture is linked to a long and violent colonial historical relationship, but it is also linked to Indigenous peoples’ relations with the United States in the present: “Sexual violence against Indigenous women today is informed and conditioned by this legacy of widespread and egregious human rights abuses. It has been compounded by the federal government’s steady erosion of tribal government authority and its chronic under-resourcing of those law enforcement agencies and service providers which should protect Indigenous women from sexual violence.”\(^6\)

*Maze of Injustice* is also directly positioned to address a larger campaign to strengthen and fully fund Title IX, a newly inserted tribal title in the national Violence Against Women Act (VAWA). This was a late but significant attempt to address the violence that Native women activists had made clear for years that so glaringly leapt off the page of any preliminary crime statistics report in Indian Country. The violence that *Maze of Injustice* illustrates cites the more pressing issue to American Indian nations, the lack of Indian jurisdiction in their own lands. *Maze of Injustice* presents highly affective and material evidence in support of tribal nations’ ardent campaigns to return or reinvigorate local policing jurisdiction within Indian nations. While First Nations and other Indigenous peoples in Canada also work to determine their nationalisms, American Indian nations are considered as such by the United States. In addition the United States currently has an official policy of self-determination wherein policing, among other powers, is a part of American Indian nations’ governance. Still, this is an irregular and limited power in practice, existing in some places and not in others. *Maze of Injustice* makes this clear. In Alaska, protection for Native women in rural villages has been thwarted by the state and the lack of territorial jurisdiction in the Alaskan Native Claims Settlement Act. Hence, *Maze of Injustice* spotlights a crucial movement, drawing its name from a reference to these mazes of conflicting jurisdictions (maze
of injustice) that defy rationality. These jurisdictional nightmares have enabled some nations to operate as “sacrifice zones” that protect corporations conducting resource extraction, while they cannot protect their own citizens. Thus, American Indian reserved lands, cross-cut by these conflicting jurisdictions, sediments of previous colonial campaigns to constrain Indian sovereignty, make it difficult to get aid in an emergency. Or they are without resources or jurisdiction to prosecute violent offenders within their own lands. This “issue,” an “Indian problem,” has been created by the US intergenerational dismantling of lives, of lands and polity, through allotment and state and federal incursions into Indian jurisdiction. Currently, regaining or creating more jurisdiction is a key legislative initiative of tribal nations in the United States. It is a campaign to end the lawless zones the United States has created in Indian treaty lands to substantiate a more meaningful self-determination, the illusive but stated current policy of the United States. American Indian nations have made violence against women an issue that threatens the nation as a whole. As Muskogee Creek legal scholar Sarah Deer points out in her essay “Sovereignty of the Soul: Exploring the Intersection of Rape Law Reform and Federal Indian Law,”

For tribal governments, defining and adjudicating crimes such as sexual assault can be the purest exercise of sovereignty. What crime, other than murder, strikes at the hearts of its citizens more deeply than rape? Sexual violence impinges on our spiritual selves, creating emotional wounds that can feed into community trauma . . . the historical trauma of sexual abuse compounds the negative experiences of Native American women who are raped today. For sovereign tribal nations, the question is not just about protecting and responding to individual women who are sexually assaulted but also addressing the foundational wellness of the community where it occurs. . . . The strength of the anti-rape sentiment in the community will ultimately illuminate the strength and resolve of the entire community to preserve and live healthy and happy lives.8

Sarah Deer’s argument speaks directly to the violation of the sovereignty of any Native woman’s body in relation to the sovereignty of a Native nation, a trauma that occludes any community health foundational to a self-determining people. As Deer says, “What crime, other than murder, strikes at the hearts of its citizens more deeply than rape?” Within the actual embodied physical violation, there is an affective disintegration. Rape interrupts and dissolves the ontological presence of person and community, their desire to be, to go on, to endure, to have integrity. Rape strikes
fear in the relations that make community. Without saying so directly, Deer invokes Indian women’s important primary position as mother, directly implicated in the reproductive powers of the nation to reproduce itself, whether through child-bearing, parenting, or its spirit to endure and go on, central to its sense of well-being. In many Indigenous traditions of customary law, women figure as this embodiment of the relations that configure order to the community, the community’s relationship to the earth and to life. In portraying rape as a crime against the community’s “foundational wellness,” it signifies that there is no law that will protect this center, not the customary, and certainly not the colonizer’s. In the absence of customary order, in the colonial imposition of another order that transgresses and forbids the Indigenous nations’ own jurisdiction, it is a compromise with colonial jurisdiction that must be asked for. It cannot be first a plea for the strengthening of customary law, of women’s centrality to Indigenous order, because that order is not available; it has been destroyed or thwarted.

Deer clearly states the need for jurisdiction, for protection as a sovereignty issue: “It is important that we not disregard the intersection between the rape of indigenous women and the destruction of indigenous legal systems.” But Sarah Deer might caution that while returning jurisdiction to Native nations, to their policing, to their courts is a vital first step, it is only a first step. Making the disappeared visible as an object of colonial law is not the same as changing a society where rape is constitutive to deeper relations. “Reform” hasn’t stopped anything. She reminds: “Though feminists have been successful at developing and implementing major reforms of rape law since the early 1970s, it is not clear that these efforts have necessarily improved the climate for survivors of sexual assault . . . [the challenge is] that indigenous women who are raped in the United States today face a legacy of laws that have historically encouraged the systemic rape of Native women.”

Deer has also written that ending violence against Indian women is more complex than increasing policing and prosecution in communities that are already overly represented in crime statistics, jails, and prisons. A systemic misogyny in the system is also present in sex discrimination and heterosexual monism in the communities. Rape and sexual violence have always been normative to the subjugation of colonized peoples. Colonization, as Andrea Smith reminds, is a gendered heterosexual colonization profoundly insinuated into the most intimate of relations, which is my subsequent discussion in this chapter. Even a cursory reading of literatures on colonization in Africa or Australia (or even if we reduce this reading to Canada and the United States) reveals that the rape, murder, and sexualization of Indigenous women has been constitutive to the founding of western nation-states. Both Amnesty International reports indicate that this is so.
Then what makes this effort to highlight the existence of this sexual violence in our own generation or to move for its recognition and policing different? Perhaps it is important to ask what is actually produced by this effort, what languages and social forces our movements mobilize. Or how is this violence both expressed and mobilized by power in our time? It is easy to identify some part of this immediately. Our efforts as Indigenous women are critical local actions and part of a worldwide push to bring violence against women to the forefront of human rights issues, a move now approximately forty years in the making with uneven results. Deer passionately and rightfully foregrounds rape as a primary violation of the integrity of Indigenous woman and nation.

Yet ironically, the victims of sexual crime become more entwined with policing, welfare management, and imprisonment now—because of the success of women’s prior demand that sexual violence be policed. Increased surveillance, monitoring, and imprisonment without changes in respect and value for women do not produce safety, as Deer indicates. Presently there is a push from international human rights agencies charged with monitoring Indigenous human rights violations even in the United States, thus AI’s appearance in this arena. Yet this move to internationalize aspects of the earlier vigorous, white, second-wave feminist agenda to change state response to sexual violence has critics at this point too. The early radical feminist work to criminalize domestic violence was most successful at creating an intensified site of state action that did not protect women so much as opened them up to further legal and therapeutic scrutiny. US and Canadian societies became more hypervigilant around sexual crime but not less misogynistic. They also became more invasive and controlling. Kristin Bumiller in *In an Abusive State* relates how once grassroots, women-centered, feminist domestic-violence networks became co-opted over time in neoliberal state turns to “workfare.” As these feminist networks sought more legitimacy and funding for operations, they often advised women to take state funding. Women leaving abusive situations without other support systems were introduced to neoliberal workfare programs as these became more coercive and more policed. Women who lost legitimate means of support and turned to economic crimes such as petty theft or prostitution faced being incarcerated in increasingly punitive justice systems.14 Across a wide spectrum of political analyses, there is agreement that western states became more invested in imbuing policing “domestic” welfare arenas with therapeutic techniques. Bumiller is critical of taking this model as an international intervention in nonwestern societies. She contends that we should understand what happened here.

Increases in women’s imprisonment accompanied these post–second wave feminist social changes as they hit the new neoliberal realities, but...
then so did women’s participation in the multinational labor markets and the newly gender-integrated militaries as they took on policing around the world. Neoliberalism as it became entrenched was imbued with progressive narratives of equality with excitement and opportunities posed in a new global economy. The new society was therapeutic and restorative as the law came to figure the victim and the perpetrator as sites for self-help, or for medicalized behavioral modifications. Policing interventions were increased in segments of the population deemed “unproductive”: those on welfare, people on probation, the homeless, and the mentally ill. Welfare mothers often occupy a particularly unsafe position where any actual autonomy from social welfare is difficult to achieve, and policing for non-compliance infractions is severe. Any shift in gender relations in western societies did not immediately appear to be beneficial or change the dynamics between the Indigenous and settler states except that Indigenous women were at higher risk in and beyond their communities than any other population, as both AI reports conclude. When abused, they also became at risk for being incarcerated. Luanna Ross wrote early on how many imprisoned American Indian women were primarily sexually abused women, women who had been brutally abused in families disintegrating from systemic economic and social violence. Yet something did shift, something that is, as Bumiller indicates, not well understood. The intensified discourse on gendered relations in western societies did involve Indigenous women and their societies in ways that should be considered significant. I return to this shift at the end of this chapter. Here, I want to turn to review the dense set of relations involved.

In both Stolen Sisters and Maze of Injustice, Amnesty International frames the dehumanization that is part and parcel of the systemic and felt relations that Indigenous peoples have historically experienced in both countries. In this part I want to look at the conditions and relations specific to this knot of misogynistic disregard, relations that make violence against Indigenous women normative rather than an aberration.

Gender, Race, and Sex

Canadian colonization was achieved in ways very similar to colonization in other parts of the globe. The sexual relations of this subjugation are clear even today. Larissa Behrendt observed that “white men are inextricably linked to an historical context in which they are the heirs of white racist domination of black women by which contemporary neo-colonial
power relationships carry the baggage and the legacy of frontier and colonial power relations. This legacy is found in contemporary constructions, whether fictional or in the very real parameters of the dominant legal system. These stereotypes affect Aboriginal women, in very real ways, every day.” So it is possible to look at colonialism in Africa or South America and see something that escapes radical differences in history or society.

Colonialism meant that Canada came to legally control and socially modify all aspects of Indigenous life and that law was both racialized and gendered and heterosexual. In that way it is biopower, a power that is concerned with “life itself,” a person’s sex and phenotypes (the shade of skin, hair texture, cranial measurements, etc.), and relations. The Canadian Indian Act as a primary colonial act is racial; it defines who an Indian is. Up until 1985 the Indian Act defined an Indian as a man. The Indian Act altered gender relations in the communities, because it is the law that constructed a hierarchal patriarchy in Indian Canada. It legislates and morally polices a heterosexual norm. Canada’s racism was (em)“bedded” in the “intimate” domains of domesticity, domiciles, conjugality, and “private” spaces. The Canadian Indian Act that defines “Indian” was directly aimed at any self-definitive Indian customary law. This discursive “act” as law underwrote church and social programs to reorganize Indigenous familial and clan relations and thus reorganize social relationships at the level that “society” is conceived. It introduces patriarchy and hierarchy into Indigenous social leadership, reforming them around colonially sanctioned male chiefs, Indian agents, and priests. It defined and banished Indian women who married outside the “identity.” The creation of the “Indian” eventually reinforces age segregation. It is a law that supports removing three or more generations of Indian children from their communities, isolating and sex-segregating them in institutions where a mixture of state-induced poverty and banal stupidity creates conditions that eventually destroy large numbers of individuals, psychologically if not physically.

Indigenous societies organized themselves through descent, adoption, and voluntary affiliation in both matrilineal and patrilineal societies that can be characterized by their great diversity. Gender relations among tribal people were variable, depending on the circulation of tribal knowledge and resources that were often distributed through the women’s descent lines. More notable here, even beyond the richness in this variety of social organizations that existed prior to the Canadian state, are the power relations within and between these societies arranged through familial relations and gendered responsibilities. The heterosexual couple was not necessarily the focal point for marriages. Marriages were unions of family systems that
placed larger responsibilities on clan and kinship bonds between these
groups first, not on the relations between the two people.\textsuperscript{20} The gender
interventions inherent in colonial schooling had integrally explosive impli-
cations in terms of the elemental organization of “Indian” societies, whose
spectrum in terms of being a “man” or “woman” was richly differentiated.
This colonial “schooling” flattened a complex constellation of Indigenous
familial, economic, and ceremonial roles into several one-dimensional
stereotypes that narrated naive sexuality or wantonness and Indian women
as “beasts of burden.” Indian women’s training could not be identical with
one for white, middle-class “femininity,” even if this is what was imagined
as a model. White racial and gender stereotypes often led to an odd reversal
for tribal women, who were rarely free to establish their own homes as
“havens” of domesticity.

Ann Stoler observed that these arrangements had created whole worlds
of colonial relations iterated across the globe: “White men used the protec-
tion of white women as a defense against imagined threats—‘the red peril,’
‘the black peril’ (in Africa), the ‘yellow peril’ (in Asia). They imposed—and
European women actively participated in—protective models of wom-
anhood and motherhood and prescriptions for domestic relations that
constrained both the raced women and men in servitude and those who
ostensibly ruled.”\textsuperscript{21} But sexuality, race, and gender always inhabit the heart
of an affectively charged moral terrain.

\textbf{In the Name of God: Sex and the State’s Morals}

Canada’s proscription to reproduce middle-class sexual mores in Native
children would always run against the “known” available nature of Native
sexuality. Indians occupied a public imaginary that was intensely sexual-
ized—where a depraved sexuality could be assumed as a norm relating to
Indians—men, women, and children. As the RCAP report on residential
schools conveys, “There is rarely any mention of sexual behaviour that is
not a concern about sexual activity among the children, which led adminis-
trators to segregate them and lock them away at night to prevent contact.”\textsuperscript{22}
John Milloy conveys the intensity of the moral construction around the
children’s sexuality. It was/is this “normed” racialized sexual imaginary
that Canadians felt/knew about Indians that positioned the sexuality of
priests, ministers, nuns, teachers, administrators, cooks, and lay people in
an unexamined relation at the same time. Residential school staff and
religious personnel would often enforce the heavy injunction against sex
at the same moment that they acted in the excitement produced by the deprived and silenced position of their stigmata, their “sin,” the ecstasies of forbidden sexuality inciting their desire and behavior.

Acting as the state’s moral authority, the different churches entered their Christianization project in a contradictory and compromised position. The church narrated its moral force through its control over Native bodies by characterizing and policing Indigenous sexuality. Even if “sex” is forbidden to speak its name in this space, a set of relationships was produced through thick narratives framing Native sexuality and intimate familial relations, marriage, and parenting. Foucault conceptualizes acts of sexual coercion beyond individual pathology as “especially dense transfer point for relations of power between men and women, young people and old people . . . teachers and students, priests and laity” or between races. Any “repression” of sexuality produces a plethora of relations. “Repression” multiplies these effects and affects that can refer back to moral norms in the disciplining and normalizing of subjects. Thus, it is an affectively understood sexual imaginary, a moral economy that is created between racialized Indigenous children, their families, and the white settler society.

This is parcel and part of the discipline of gender relations in Native conjugal and familial relations. Canada’s Indian Act was an enveloping law that included the production and policing of Indian identity by recognizing certain conjugal relations over others, barring any nonmonogamous, nonheterosexual union. The category “Indian” is defined through state interference into the reproductive relations of Indigenous families and nations. Stoler, following Foucault, analyzed the colonization of “Natives” as a largely domestic affair on a very intimate level. In her historical evaluation of the Dutch West Indies, Stoler frames colonization as part of a transmutation, a fracture and reformation as the “empire” and its colonies argue the nature of the bourgeois citizen into being, as they attempt to differentiate themselves from “those they are not,” between those who will be included in the colonial nation and those who should not. She found these interdependent domestic narrative productions inseparable in their actual performance: “Bourgeois sexuality and racialized sexuality . . . [are not] distinct kinds . . . but dependent constructs in a unified field.” In this kind of formation, a “hygienic” middle-class domesticity is a result of its positioning against its definitions of the “raced” Native and the chaos of those who are of uncertain category and “blood.” “Colonialism,” Stoler says, “was not about the importation of middle-class sensibilities, but about the making of them.”

Stoler furnishes a thick suggestive text for understanding the residential schools. Class and race narratives were ancient projects in Europe that
attempted to evaluate worth from differentiated human “qualities.” Foucault suggests that the real development of biopower is here in the move to link certain qualities to different “kinds” of people in order to ascertain their value, their worthiness to be members of the “nation.” The poor are the first to come under indictment as unworthy, and the move to link this quality of “poor” to lineages, descent lines, and races is made in Europe prior to any move into America, Asia, or Africa. Biopower defines any nation-state’s interest in managing the biological potential of its “population,” a form of governance that becomes by the nineteenth century the necessity to identify and then defend categories of purity and worthiness, categories that are ascertained in the most intimate of terms, “defining the racial coordinates and social discriminations of empire.”

In common, Stoler reminds, were their “moral policies that shaped the boundaries of race. Each points to strategies of exclusion on the basis of social credentials, sensibility, and cultural knowledge. . . . These are the relations that create a domestic “sphere” in the nineteenth century; [where] “civility and racial membership were measured less by what people did in public than in their private lives—with whom they cohabited; who slept with whom, when and where; who suckled which children; how children were reared and by whom; what language was spoken to servants, friends, and family members at home.”

While residential schools’ stated goals were to Christianize and civilize children and communities, in practice this meant preventing Indian communities and families from modeling their own domestic relations to their children. The residential schools would also implant a desire for a “morality” always couched in western terms, a desire for a “decency” that is always defined by a Christian discourse or, later, by a social-science mental hygienic one. It is also the institution that teaches Native children that their Indian bodies are by nature sexually depraved and that their entry into white society depends on their eternal vigilance against their own shamed and savage sexuality. But this ubiquitous thought, charged with so much unspoken “knowledge,” neither protected children from their own guardians nor enabled their speech. It would just as commonly protect the perpetrators who acted on their own “true” knowledge of profane Native bodies and Native desire. This elaborately produced shame presented difficult and contradictory places to speak from for all concerned.

Of the litany of abuses that occurred in the schools, sexual practices are among other practices that transgress the children’s bodies and minds. If the nature of this relationship is about discipline rather than individual sexual satisfaction, then there is a case that this kind of powerful transgression against the children’s autonomy and bodily integrity is a basic training
in helplessness. A child who has no opportunity to experience control over his or her body cannot learn very easily how to make other boundaries that can be acted from. This is prerequisite for the experience Bev Sellars describes for the survivors of residential schools: “Many of us didn’t know that we should have expected and demanded to be treated as human beings and not as animals or savages, as so many religious and government officials thought us to be . . .” These individuals, residential school survivors, particularly as young women and mothers would again become central to a second disastrous intervention into Indigenous families, known in Canada as the Sixties Scoop. Their positioning as abject failed mothers and immoral women continues to inform present interventions into Native families that are so familiar today.

By the early part of the twentieth century, reflecting a shift from pastoral to professional surveillance, the Department of Indian Affairs (DIA) had created a specific category for “Immorality on the Reserves,” which made it the Indian agent’s role to monitor family, in particular women’s sexual morality. Women, particularly young women, could be sanctioned or incarcerated for acting outside the church’s and the Indian agent’s sense of proper behaviors. Women were often arbitrarily under sanction. Joan Sangster observed in her research on the Ontario Training School for Girls (OTSG) how young women unfortunate enough to become entangled in these early welfare state interventions into Native family were even more isolated than those children in residential schools. As racial and non-English-language minorities in otherwise white institutions, many children were left almost illiterate by the effects of their poverty, poor schooling, or substandard residential schooling. This led to grievous assessments. The OTSG used psychiatric evaluations to assess IQ, with the youth often judged retarded. But the system was mostly interested in reforming women’s morality, and so a middle-class domestic training/discipline was the school’s primary education. Not all the staff were unaware that there were differences that made the women vulnerable: “One female psychologist tried to argue with the penal workers that they were not cognizant enough of the ‘cultural differences’ that caused a Native girl to periodically ‘blow up in rage.’”

Indigenous women did rebel, not only by raging but often through withdrawal or by running. Women who had been incarcerated as youth stood a good chance of being further penalized later either by further criminalization or by being marked as immoral very early on. Sangster shared the notation on one young woman’s record: “When wardship was terminated at eighteen, Ellen had already also been in the local jail and mental hospital.” Many were depressed and, like others returning from residential
schools, extremely at risk. The large-scale roundup of children in Canadian Indigenous communities as women were punished for the “moral failures” of their motherhood during the Sixties Scoop was normative Canadian nation-state response, reflecting mainstream social work’s ideation on a profaned, sexualized Indian mother in contrast to its own “femininity,” one conditioned by figures of stay-at-home mothers in pumps and pearls, idealized in television fantasies like Leave It to Beaver, produced again and revitalized in moral terms updated in sociological language rather than in the nineteenth-century state-religious discourses. The social welfare interventions into Indigenous community and sovereignty that are still pervasive in Indian Country form an epicenter of state violence and Indigenous moral pillory. This moral policing is affective control.

**Emotional Colonialism: The Profaned Indian**

Until now, I have mostly discussed ways in which bodies were disciplined in spaces like residential school or reserves through bodily and discursive discipline. I allude to the moral spaces that these were. Here, I want to introduce colonialism as a felt, affective relationship. Moral stigmata are produced and attached to race, gender, and sexualities as lived structures of feeling: intuited, perceived, felt, and, finally, in this circuit expressed as emotions. Lauren Berlant proposes the structure of feeling as “a residue of common experience sensed but not spoken in a social formation, except as the heterogeneous but common practices of a historical moment would emanate them.” This might mean there is more intense affect available than there is the social means to express. Affect has enormous valence beyond any particular emotion like shame, but because that is the residential-school survivor’s primary affective report, I will start there and analyze some of its relations. I then move on to introduce how the inclusion of affect has import to the politic of our times.

It felt shameful to be an Indian in Canada for most of that nation’s history. There is clearly a record of emotional management in residential schooling that also provides emotional training in adults that produces affective resonance again in a different time and for a different venue. An intensity of meaning grew thick around Native sexuality in Canada. Canadian colonialism is “felt” in that it is a broad spectrum of nuances, valences/practices with the power to generate emotionally charged meaning as common knowledge. Until the concept of victimhood prevailed in the 1980s, becoming “dramatically articulated in the vernacular of trauma,” a
discursive shift I detail in a consequent chapter, Canadian society remained highly segregated, an apartheid system. After World War II this separation maintained by visceral felt discourses on race and raced sexuality, backed by actual or implied physical violence both in and between Indian and white communities began to break down. Still, it was a separation institutionalized in common state governance and policing practices. Canadian apartheid was also a pecking order enforced within racially informed status and shaming hierarchies. In *The School at Mopass: A Problem of Identity*, Richard King observed that inside early 1960s Indian residential schools, it was the least powerful—the ostracized, the immigrant, women, poor, and mostly white Canadian fringe—who had been given a day-to-day complete authority over the only people who could have been even more ostracized than themselves, the “Indians”: “These individuals are incapable of recognizing any validity in another belief system. With these people controlling the school, there is no possibility of consulting with Indian adults or of treating Indians as equals in the planning of educational experiences for the children.” While King is racially and economically positioned to benefit from this hierarchy, it is the subaltern staff’s fault, not his, that integration will be hard. King observes that the residential staff was deeply ignorant of Indians. One teacher admits to King that she had begun to notice Indians as humans for the first time that year: “We’d see them often—maybe a drunken Indian asleep in the back of a bus—and you’d think, ‘Oh Indian,’ like you think lamppost, or tree, or dog.” But in fact the speaker was not deeply ignorant. The Indian in the back of the bus was asleep—but that he was drunk was felt common knowledge, perhaps informed by disgust or boredom, but rarely curiosity, the invitation to inquiry. While what nonhuman category the Indian is in may be in question—“lamppost, or tree, or dog”—there is no question that he is drunk. That “the Indian” is an unconscious and unconscionable body is a known. It is a known that can erase other differences, a moral common knowledge not readily in question. It is the systemic knowledge; it feels right.

In a similar moment in the late 1960s, social anthropologist Niels Braroe illustrates this in *Indian and White: Self Image and Interaction in a Canadian Plains Community*. He also found this densely woven communal Canadian “ignorance” a finely tuned knowledge production that worked to create an almost total separation between the “races.” In Braroe’s study, “Whitemen” are not as diverse as the adults that King analyzes in his residential school study, but they too are marginalized by their own location outside the economic privilege of white, middle-class Canada. Living under conditions not profoundly different from those of the Indian peoples
that were their neighbors, these white but poor Canadians feel/know themselves as vastly superior, creating the “Indian” as a “profane” person. This profaned figure was created steeped in stock assessments of negative Indian behaviors, opinions backed by law and long social convention. An Indian man observed, “They think they’re so good and we’re nothing.” There is sexual connotation to everything not understood. Whites believe that Indians returning from a Sun Dance all have venereal disease, as if they had attended an “extended orgy.” As Braroe put it, “Whites who have never visited the reserve are sure that its residents are all indiscriminately promiscuous.” Sexual assessments join other kinds of moral judgments, building a tight matrix creating the Indian as a “profane” figure, dehumanized and not worthy of regard, that again allows these white people to assume that as a white man Braroe shares their attitudes and feelings, despite their considerable differences. Canadian Indigenous peoples deflected these profane assessments by turning in, assessing themselves within their own cultural value systems, but given such inundation, it was hard. But new languages also became available that made emotion of analytical importance. For instance, by 1975 Howard Adams, a Métis scholar and activist, could speak of internalized colonization as an analysis of Canadian Indian colonization and could name shame as a key component.

The “truth” in the web of historically resilient felt moral knowledge served to identify and exclude Indians from all meaningful Canadian economic or social activities regardless of whether they accepted or sought this differentiation. Shame was the felt experience that residential-school survivors most often attached to the position of being “Indian.” Shame is quintessentially “embodied” sociality, a primary self-reflective axis, a social/body relationship, in part a felt analysis, an assessment of your perceived status. Shame is part of “self-attention,” the recognition of “what others think of us.” Shame is visceral interest. Jane Blocker writes of an early European interest in colonized people’s skin tones and blush. Europeans attempted to read racialized peoples, since blush denotes the recognition of another’s gaze on you. In “Blushing in the Various Races of Man,” Charles Darwin speaks from an “objective” unidentified, unmarked white man’s gaze on “Maori, Tahitians, Latin Americans, Native Americans, and Africans.” These peoples blushed “when laughed at, humiliated, examined naked . . .” Darwin reads this blushing as a sign of “shame and of self-awareness.” Fanon immediately comes to mind in his vivid account of the position of the colonized under that gaze. Jane Blocker tells us this is subjectivity and attachment: “Subjectivity . . . depends firmly on the individual’s capacity to imagine himself as such, to see himself within a community of others,
to see himself as someone who sees.” This blush associated with shame is ambiguous, never directly ever correlative with guilt: “shame is not necessarily an emotion or affect produced by an awareness of one’s own improper behavior; rather ‘it attaches to and sharpens the sense of who one is, whereas guilt attaches to what one does.’” Importantly, this is also where dehumanization is accomplished. Blocker quotes Giorgio Agamben: “Shame is what is produced in the absolute concomitance of subjectification and de-subjectification, self-loss and self-possession, servitude and sovereignty.”

“Emotion” is widely variable individual expression, with affect the larger charged sociality, traces of a vitality of being, prior to and not reducible to thought. Nick Crossley poses that this is not “a process [where] consciousness can transform since consciousness is itself transformed in the process.” Affect eludes, present before and beyond any singular consciousness. Affect has transformative power wherein building intensities electrify moments of potential. Affect has no “natural” projects; thus, affect might be imperceptible or incite or mobilize intensities of any possibility in any situation. Perhaps, important to the conversations in this book, in a moment when social suffering is highly medicalized, Crossley poses affective sociality as open “to manipulation or interpellation by various psychotherapeutic technologies and markets in which they operate,” a development Habermas called a “colonization of the lifeworld.”

Affect should be of great interest in residential school theorizing. Fear and pain permeated Indigenous peoples’ individual narratives of their school lives; isolation from parents, denials of food and comfort, and the violation of their bodies and sense of integrity, plus the “total” institution, all point to an intensely shared affective environment. Inside or outside the school, the residents’ lives were fraught with a negotiation of their felt profaned status charging all their relations. They were beaten, they were lonely, they were frightened and in pain. Alternately, they were defiant, curious, bored, and excited, and they sometimes pulled off hope for the future, separately and together. This set up a constant exchange between the everyday discourse that reinforced their profane status, the emotional habitus this created, and the physical disciplining of their bodies. Yet ironically (or not) it is exactly there in that intensity that speech/expression is forbidden, punished, modulated, silenced covertly (social convention) or overtly (physical or psychological discipline). An education that denied any critical thinking (tools to self-reflect—speaking to another girl, for instance, much less keeping a diary) is a regular feature of residential-school survivors’ accounts.

Likewise, we should then carefully consider all the proscribed venues for the production of Indigenous recall, memory, or affective subjective reports.
in myriad venues and across multiple media now: to courts, to truth and reconciliation commissions. Here I call attention to the dense amount of psychological technologies that are now in place in Indian Country to interpret our affect and emotion, to produce the speech/affect/memory we were formerly denied, to explain the feelings we weren’t supposed to have, or to suggest how we “should” feel. What is the relationship between the “disciplining” affective technologies of the nineteenth century that “silenced” with the late twentieth-century technologies to produce productive “well” affect among the same group of peoples. All of these technologies came into place in the turn to therapeutic culture that is in part incited by western feminism’s ardent stand against sexual violence. This movement incited widespread acceptance of first-person affective witnessing for justice that neoliberalism came to favor and appropriate in a “kinder, gentler society.” This is a society that puts much stock in transforming and managing affect. Testimonials of Indigenous affect are now ubiquitous in both judicial and therapeutic spheres. Many questions arise for me about this shift. For one, why are the legal and political domains that any Indigenous nations negotiate now so intimately charged with the emotions of our trauma?

While the therapeutic turn appears to show great concern for our emotional well-being, less is understood about how affect charges positive moments, not just compromising ones. Affectively formed proposition, that is, dreaming (literally and figuratively) and action partake in these same intensities; the potential of Indigenous imaginaries, intense desires for holistic societies, or for societies with different political imagination informing them, have impact. There is in fact no shortage of these imaginaries, but not as much belief in affectively informed Indigenous conceptual frames. Indigenous intense dreaming, affectively mobilizing our own propositions for life, should be understood to be a potential in positing Indigenous alternatives, what is mobilized in being Indigenous. To appreciate this power begins with being alive to the fact that affective mobilizations are the politics of our times and that Indigenous peoples have been active participants. I consider this an opening conversation that I will fill out as I move through my chapters.

The felt relations of living and articulating inside a dense nexus of racial and sexual proscriptive narratives must be central to our understanding of the “relations” that we are—not an interesting aside. The forces of affect, as well as emotional selves and psyches, have long been of interest. For instance, it is possible to track historical shifts in emotional capitalism. Eva Illouz follows the affective transformation of western societies that occurred after World War II, transformations she posits became attached
to economic agendas: “[W]hen we view emotions as principal characters in the story of capitalism and modernity, the conventional division between an a-emotional public sphere and the private sphere saturated with emotions begins to dissolve.”\textsuperscript{54} Illouz sees emotion as central to a growing twentieth-century, middle-class, white ethos where “a culture of emotionality” exists, where “never has the private self been so publicly performed and harnessed to the discourses and values of the economic and political sphere.”\textsuperscript{55} She sees this as our profoundly pervasive present. She poses second-wave western feminism as integral to the shift from a supposed private domestic sphere to one where the centrality of therapeutic narratives and practices reigns in our present social relations in capitalism.

Second-wave western feminisms turned the private/public articulation of western gendered power “inside out.” If the nineteenth-century gendered spaces of capitalism are spatially imagined as an outer public male domain of laissez-faire capitalism in contrast with a private female domestic home tucked in, a bastion of affective care, then feminism in the late twentieth century reverses that. The “public” becomes the site of self-care in media, on talk shows, in magazines, in self-help circles, to examine feelings, confess personal anxiety, and discuss bodies and bodily functions and care for the self. In a further reversal of prior relations while capitalist consumerism is brilliantly on display everywhere, neoliberalism keeps its workings, its actual “business/financial” dealings, in “private.”\textsuperscript{56} James Nolan suggests that in the United States the society became more present-oriented, living in a “ceremonial time,” where “pathos” replaced “logic” as the “dominant form of persuasion.”\textsuperscript{57}

Lauren Berlant questions “the notion and norm of political rationality as the core practice of democracy in the United States.” For Berlant the national sphere of politics does not pose a “real or ideal scene of abstraction-oriented deliberation,” but rather “a scene for the orchestration of public feelings—of the public’s feelings, of feelings in public, of politics as a scene of emotional contestation.”\textsuperscript{58} Berlant brings to the fore the present neoliberal politic, an era of deregulated but micromanaged capitalism, where the affective mobilization of democratic citizens is routine. Berlant posits a public conditioned by the growth of mass media where traumas, both personal and social, are increasingly televised and narrated. This consumer public’s imagined fantasy of the “Indian” encounters the pictures and voices of Canadian Indigenous and American Indian peoples in large numbers for the first time in a transition, where “the centrality of liveness” takes place. It is mass society’s move “to the electronically mediated . . . affective experience of the world of events that come to consumers as though immediate
or made even more live and alive through the ‘you are there’ qualities of radio, television, video and film.” Indians appear live on the evening news, intermixed with commercials, defending abandoned prisons. Later, former American Indian Movement members appear in movies on the late channel. In Canada you can watch and vicariously feel the Mohawk defend their lands, their gravesites at Oka or Caledonia. Or you can switch the channel.

More often in the United States as in Canada, widely publicized and affective “human interest” stories such as that of Jeff Weise and the Red Lake tragedy, or the ubiquitous stories of the failure of our families all coalesce around moral crisis. Such minidramas accentuate the known felt common knowledge around racialized and sexualized minorities and Indigenous peoples, whose particular immoral marginalization often figures in stories of young debased Indian women who could not or should not parent. These women always figure in part the amoral or the abjectness of their families and societies. They are moral stories and any call for redress or reform done in their name is part of the larger power relations between Indigenous peoples and nation-states. These are nation-states who most often represent Indigenous peoples now as medicalized victims, as healing, rather than as societies who vie for political presence.

It is exactly this kind of affectively charged moral crisis couched as unspeakable “depravity” that incited Australians in 2007 to invade and install the most regressive set of laws over Indigenous peoples in a western nation-state in close to a century. As one researcher noted, Indigenous Australians were returned to a ward status that had not been seen since the early part of the twentieth century. As Will Sanders argues, it is not statistical or empirical evidence that continues to sustain the present Australia’s conservative Aboriginal colonial legislation; it is ideology. In our present political moment I would argue that “ideologies” are irrational systems of thought that remain reliant on affectively mobilized “common knowledges,” in this case, again around “immoral” and dangerous Indigenous sexuality. The social conditions in Northern Australian Aboriginal communities were already a site of conflicting political dreams for self-determination and state control. The state utilized crisis and “emergency” intervention as political affective work to quickly capitalize on changing political climates in Australia.

Back to the Beginning

In Stolen Sisters and Maze of Injustice, the Amnesty International reports with which I began this discussion, violence against Indigenous women
continues to hold center stage to call out for the need for better policing, more jurisdiction, more funding. Often their voices are embedded within the dense networks of affectively mobilized campaign literatures for or against their communities. In part, their role is to inform, to be the face needed to “educate” a national public that is sensitized to responding to “social need” in this fashion. In Canada, and less so in the United States, human rights campaigns seek to affectively and empirically educate “pub- lics” on what feels to them like repetitive crisis rather than the regular, ongoing outcomes of “colonial” relations. Stolen Sisters is a good illustration of the necessity to transform relations that are too often normalized in Indigenous women’s lives as moral crisis. In the face of massive Cana- dian indifference to the ongoing murder and disappearance of Indigenous women, Stolen Sisters gathers Indigenous peoples’ dehumanized murdered and disappeared mothers, aunts, sisters, and grandmothers, some of whom were sex workers, to restore their sacredness to the families who lost them. They are more than statistics. The stolen sisters and mothers are not a representation of but are constitutive to the dehumanized position that Indigenous peoples in Canada still occupy in order that others be the sub- jects of the rights they bear as the legitimate citizens of their nation-state. Indigenous peoples positioned morally outside those rights must appeal to human rights in order to be within a law or a polity that sees them, that promises to take their human worth into its deep concern.

The Sisters in Spirit campaign that was the impetus for AI’s Stolen Sisters originated with the families of the disappeared and with the Native Women’s Association of Canada (NWAC). Sisters in Spirit, under the auspices of the NWAC, developed internationally recognized research foregrounding violence against Canadian Indigenous women as a human rights issue. In March 2011 the Canadian government moved to deny NWAC the right to use the name Stolen Sisters at the same time it reduced mon-ies that funded their unique database. The conservative Stephen Harper government cited the establishment of a new “police support center,” not scheduled to open until 2013. While the government promised to increase funding to community-based projects addressing violence against Aborigi- nal women, and to educating their existing victims services in cultural sensitivity, the loss would be great. This is a predictable move to recolonize grassroots activism against gendered sexual violence by moving it into the folds of “legitimate” policing. While the government spoke of new funds that could be made available to NWAC, the conditions of those funds excluded their use of the name Sisters in Spirit and barred engagement in policy or research. What would be lost is an Indigenous women’s campaign...
positioned independently that can critique the nation-state’s interest and performance, not only in achieving justice for murdered women but for improving safety now and in the future. In Canada, unlike in the United States, NWAC might argue for women’s central role in their nations’ self-determination, but as primary advocates of women’s human rights they are often seen as antithetical to their own nationalisms. Many individual Aboriginal band councils find the association’s ongoing opposition to women’s exclusion from band membership a threat to their sovereignty. Thus, a curtain drops, severing the relationship between the violence that destroys women and the same violence at work in the ongoing destruction of Native people’s nations.

In the United States, American Indian women and their nations worked to position a similar AI report, *Maze of Injustice*, to support women’s safety articulated as a self-determination issue. This is where Sarah Deer asks, “What crime, other than murder, strikes at the hearts of its citizens more deeply than rape? Sexual violence impinges on our spiritual selves, creating emotional wounds that can feed into community trauma.”61 Judged by national reaction, it is a crime greater than the methamphetamines a majority of tribal police bureaus identified as the “greatest threat” to their nations in 2006.62 Elizabeth Kronk (Sault Ste. Marie Chippewa), a legal professor at the University of Montana, documented the rapid rise of family violence and social disintegration in the wake of meth. What both Kronk and Deer emphasize is the tribal nations’ lack of jurisdiction. What both issues also have in common is that, like the violation of women’s bodies and minds, the drug cartel’s penetration into Native nations is a crime primarily perpetrated by non-Indians on Indians. They are issues of sovereignty. Sarah Deer’s question resonates clearly: “What indeed strikes more fear into our hearts or permeates our nations or communities with fear?” Perhaps women’s pain has more valence to elicit political response. Yet the amount of networking women did in grassroots forums, and with public and governmental agencies prior to Amnesty’s intervention cannot be ignored. However, the response to fear after 9/11 usually takes the form of heightened security. The United States and Native nations responded by defining more clearly a Bureau of Indian Affairs and Federal Bureau of Investigation (and Homeland Security) policing responsibility to Indian domestic crime victims. This was coupled to hopes for a modicum of jurisdiction returned to Native nations that would include their working in a more integrated fashion with the aforementioned state–federal security policing agencies. In 2010 President Barack Obama signed into law the Tribal Law and Order Act (TLOA). As he signed this act citing
violence perpetrated against American Indian women at levels three and a half times the national average, Obama characterized these assaults as “an assault on our national conscience that we can no longer ignore.” The TLOA has yet to be fully funded. If a funded TLOA does achieve an expansion of security measures within Native nations, it does not make it clear that any safety for women is achieved. The provisions in VAWA to strengthen American Indian nations’ jurisdiction over non-Indians in an attempt to protect women has been included and bumped from several pieces of legislation moving glacially through the House and Senate. The arch need for Indigenous women as a primary victim in either Canada or the United States is a necessary conflation in law, because it is to law in both of these nation-states that Indigenous peoples are forced to go—to trust once more that law is a realm where we might stop the violence that is in fact a violence integral to this law. We imagine we must present our victim, the sacrificed victim of these nation-states’ great profanity, in the hope of having order restored. We still believe that law is neutral, or that the production of the victim in law will be emancipation; we have great faith somehow that the law is redemptive, that locally or globally that law is the utopian site of redemption and restoration.

Campaigns to achieve justice or dignity, and now restitution, rely heavily on the mobilization of the peoples’ affective personal and communal narrative. The struggle to revise the common knowledge of the colonial residential-school experience was such a mobilization. Indigenous women have articulated the pain and violence of colonization. But this voicing is not the final or even the most powerful of the ideas that Indigenous women have put into play in this moment. While Indigenous women open the doors to speak of the ways that men, women, and children are harmed within the relations I describe in this chapter, they are also ardent and eloquent in posing alternative Indigenous polities. Indigenous women’s struggles to be interlocutors of their own experience did not happen in a vacuum, nor did their speaking to a therapeutic. In the next two chapters, “Felt Theory” and “The ‘Indian Problem,’” I detail exactly how their voices, stories, languages, and concepts informed the national and international discourses on self-determination that became available to Indigenous peoples after 1960, discourses that they took part in developing. It is also an account of how those deemed profane struggle to speak, and of the strengths and weaknesses in an Indigenous adaptation of a new language, a language for action that we now call historical trauma.