Domestic Violence in Native American Communities

Native American women experience domestic violence “more than twice as often as any other ethnic group” (Hart & Lowther, 2008, p. 188). This is astounding, considering that the general population of women in the United States already experiences high rates of domestic violence. Most researchers who examine domestic violence in Native communities agree that this is a relatively new phenomenon, and the common denominator is colonization. Most tribes did not experience domestic violence, many were matrilineal and matrilocal, and all tribes valued every member of the tribe (Weaver, 2009, p. 1554). Some tribes were violent with other tribes or with settlers, but they were very rarely violent amongst the members of their own tribe. Now, Native women and children are at higher risk than any other population in the United States to experience domestic violence, and colonization has created a unique environment in which they experience this domestic violence. Native American women experience domestic violence differently and at higher rates than American women in the general population because of the high occurrence of common domestic violence risk factors in native communities. Additionally, there are specific (and often overlooked) risk factors experienced distinctly by native communities, barriers to leaving an abusive situation specific to Native women, and constant confusion between the American criminal justice system and tribal criminal justice systems over who has jurisdiction.

Many people think of domestic violence exclusively as a relationship where one person (typically male) beats up the other person (typically female) on a semi-regular basis, but this is not the only way domestic violence occurs in a relationship. Domestic violence is “a pattern of behavior in a relationship that is used to gain or maintain power
and control over an intimate partner” (Besse, 2012). There are many types of abuse that will be used to maintain that power and control, including physical, verbal, emotional, psychological, sexual, economic, and spiritual abuse. Physical abuse can involve hitting, cutting, burning, and other kinds of physical violence, but it also includes neglect of another’s physical needs, injuring and/or killing family pets, or stalking (Besse, 2012). Verbal abuse will generally be insults or critical comments regarding the victim’s dress or behavior. Emotional abuse also includes insults, isolation from family and friends, shaming, ridiculing, public humiliation, threatening the victim and victim’s loved ones, and threatening suicide (Besse, 2012). Psychological abuse occurs after a long period of emotional abuse or after intense emotional abuse; it is when the victim has begun to believe and internalize everything he/she has been told through the emotional abuse. Sexual abuse can be the obvious rape, as well as criticizing sexual performance, withholding sex and/or affection as a punishment, accusing victim of being unfaithful, and use of sexual name-calling, such as “slut” or “whore” (Besse 2012). Economic abuse involves controlling all money and financial decisions, preventing the victim from working, and/or requiring the victim to work without allowing him/her to access that money (Besse, 2012). Spiritual abuse can involve denigrating the victim’s beliefs, preventing the victim from attending religious/spiritual events, criticizing victim’s behaviors in context of victim’s higher power, and/or using religious doctrine to justify abuse.

Domestic violence follows a cycle throughout a relationship. The cycle of violence can begin at any point and has three stages; the stages will always happen in the same order. One of the stages is the actual incident of violence, which can be
physical, sexual, verbal, emotional, psychological, spiritual, and/or financial. The next stage is the honeymoon. In this stage, the abuser will apologize for his/her actions, make promises such as “this will never happen again,” give the victim gifts, and/or the relationship will begin to look like a normal, nonviolent relationship. The honeymoon stage gets shorter and shorter over time and may disappear entirely. Tension building is the longest stage in the cycle of violence. In this stage, the abuser begins to fantasize about acting violently toward the victim and forms a concrete plan to abuse the victim. The victim feels the growing tension, attempts to prolong the inevitable by presenting some sense of normalcy, but the abuse will happen again regardless what steps the victim takes to extend this stage (Besse, 2012).

There are many risk factors common to domestic violence in the general population. A risk factor is a characteristic of an offender, a victim, or their relationship that has a high rate of co-occurrence with domestic violence. These include the offender and victim both being under the age of 40, substance abuse, receiving public assistance, and the offender and/or the victim witnessing domestic violence between their parents as a child (Jones, 2008, p. 114). Alcoholism is rampant in Native communities (Rivers, 2005, p. 85), and substance abuse and domestic violence have a reciprocal relationship. It is difficult to tell if either causes the other, but an increase in substance abuse causes an increase in domestic violence and vice versa. Many tribal communities are in extreme poverty, so those living in the community will likely be experiencing the same levels of poverty. Since domestic violence is so prevalent in Native communities, it seems inevitable that many children will witness domestic violence between their parents and grow up to perpetuate the same cycle.
In addition to the high levels of domestic violence risk factors in the general population present in Native communities, Native Americans also face very specific risk factors only experienced by indigenous populations. Hilary N. Weaver cites colonization as the main reason domestic violence occurs at all in Native communities. She defines colonization as “the displacement and undermining of societies, including their values, cultures, beliefs, and ways of life by outside peoples” (2009, p. 1552) and explains the way colonization caused a shift in gender roles in Native American tribes. Before colonization, “gender roles were usually balanced and egalitarian” (Weaver, 2009, p. 1554), and Lisa M. Poupart says that “prior to Euro-American contact, traditional American Indian Societies valued all members of their communities as gifts from the spirit world” (2003, p. 91). Colonizers were not accustomed to this type of society; they refused to acknowledge women as leaders in tribes and were simply incapable of respecting the gender relations that had been well established in Native tribes (Weaver, 2009, p. 1555). European colonizers introduced a western form of patriarchy to Native Americans, and this system of patriarchy is deeply connected to the potential causes of domestic violence in the general population. Weaver asserts, “before European contact, there was little domestic violence and what existed was severely sanctioned” (2009, p. 1555). Domestic violence was not a serious problem in Native communities until colonization, when Native Americans “internalized constructions of women and children as powerless commodities” (Poupart, 2003, p. 91).

Internalized oppression is another risk factor present in Native communities but not in the general population. Poupart explained internalized oppression as the process by which American Indians become involved in Western culture, “internalize Western
meanings of difference and abject Otherness, viewing [them]selves within and through constructs that [define] [them] as...subhuman, deficient, and vile...define [them]selves through these constructions...[and] apply them to...those within [their] own marginalized group(s)—[their] loved ones and community members” (2003, p. 87-88).

In this process, American Indians begin to feel a self-hatred because of the internalization of the messages they hear in Western culture. This self-hatred is mainly directed at their race, so they will transfer this hatred to other members of their race, which then can lead to domestic violence as a way to express that hatred. She contends that there is an internal expression of internalized oppression, resulting in depression, anxiety, substance abuse, and suicide (Poupart, 2003, p. 89) as well as an external expression of internalized oppression, in the forms of physical assaults, homicide, and domestic violence (Poupart, 2003, p. 89-90). She gives examples of how American Indians have attempted to express rage at the more deserving “white oppressors,” but the attempts have largely failed (Poupart, 2003, p. 89), which is why the rage must be directed elsewhere.

Domestic violence and sexual assault have profound effects on children, even if the child is not being abused. Children are like sponges, and the younger they are, the more sponge-like they are (Richardson, 2012). They will internalize everything they see and/or experience, which creates patterns in the brain that tell children the correct way to behave (Richardson, 2012). There is even evidence showing that children whose mothers were physically abused while pregnant are more likely to exhibit aggressive, anxious, depressed, or hyperactive behavior (Richardson, 2012). This is why children who witness domestic violence are often so much more likely to become offenders or
victims of domestic violence in the future; they grew up in households where this was normal, and they begin to enact those “normal” behaviors in their own relationships as adults. Poupart discusses the overwhelming evidence that American Indian children who were forced into the Euro-American boarding school system were constantly physically and sexually abused; they “were also forced to administer assaults upon one another” (2003, p. 92). This type of abuse, where children are forced to inflict violence on others is extremely damaging to children’s ideas of what constitutes a normal relationship. It more than normalizes violence; the brain will create patterns based on everything it sees and experiences (Richardson, 2012), so children may feel obligated to abuse others in the future to avoid further punishment themselves long after leaving the boarding school system.

One of the most common questions asked by people who have not experienced a domestic violence relationship is, “Why do victims stay?” In the general population, there are a variety of reasons a victim will not want to leave his/her offender. Because offenders will often limit a victim’s access to work and/or money, there is a lot of concern about how to survive financially when a victim leaves (Besse, 2012). Many victims fear retaliation by the offender if they leave and with good reason; the most lethal point in a domestic violence relationship is when the victim decides to leave (Besse, 2012). There are also a lot of issues surrounding children when a victim considers leaving. He/she will not want to leave the children with the offender, may fear that offender will try to take the children, may believe that the children should have a father/mother figure in their lives (even if that father/mother figure is abusive and horrible; though if the offender begins to abuse the children, most victims will let go of
this belief), and many victims fear that they will lose custody of their children. Many victims will experience external pressures due to religious and/or cultural beliefs and family influences (Besse, 2012). Sometimes, family members will discourage victims from leaving an abusive situation; this may be because they are abusers as well, or it may be because of religious and/or cultural beliefs the family members hold. Family members also may not know the full extent of the domestic violence. There are many religions and cultures that discourage divorce or do not allow it at all. For victims who belong to these religions and/or cultures, it can be very difficult to gather the courage to leave not only one’s offender, but also one’s God(s) or other higher power(s), and/or one’s entire cultural group. Offenders will isolate their victims from friends and family, so victims will often have a very real sense that they have nowhere to go if they leave and no one to turn to. Some victims will deny that the abuse is happening, or they will minimize its seriousness. Many victims fear that no one will believe him/her if he/she leaves; this fear is compounded when victims consider reporting the abuse to police.

Many victims are simply ignorant to domestic violence and the signs of domestic violence. Marital rape, for example, was legal for a very long time, and many victims will still see that as within their husband/wife’s rights. Also, if a victim comes from an abusive family, he/she may see the abuse as normal because it is all he/she has seen in relationships. After intense emotional abuse, where a victim is often told that he/she is worthless, stupid, ugly, fat, and/or even lucky that his/her offender stays with him/her, many victims will have extremely low self-esteem. They may feel that they deserve the abuse, or they may fear they will never find someone to have a romantic relationship
with again. Low self-esteem also leads to a low sense of agency, so victims may feel powerless to change their situation.

The last reason victims might stay is love. This may seem unconscionable, but very few, if any, abusers will exhibit their abusive behavior upon first meeting a potential romantic partner. If they did, it is unlikely they would ever find a partner to abuse. In the beginning of a relationship, abusers will often act like a perfect partner in many ways, and jealousy, clinginess/neediness, and pushes for a more serious relationship will come with time. Those will later change into abuse, and by that time, many victims are in love with the person they met; they want to abuse to stop, not the relationship. Additionally, for people who grow up in abusive homes, the abuse is the only kind of relationship they've ever known. Many abusers will go to great lengths to control their victims’ world and even their victims’ reality. They will purposely say things to feed the fears victims already have about leaving, and some will even convince their victims that they are crazy and imagine the abuse. When someone constructs such a reality for a victim, the victim begins to doubt him/herself and may not trust his/her own memories and experiences.

Native American women experience all of the same barriers to leaving, but some are intensified for people living in Native communities, and there are also some very specific barriers to leaving that are exclusive to Native women. The feeling of having nowhere to go and no one to turn to is magnified for Native women. Many reservations are very small communities, so even if a victim were to find someone else on the reservation to stay with, the offender could find her easily. Very few reservations have the funding to build and maintain a good domestic violence shelter. Many reservations
are very isolated, often in rural settings. Some victims may not know what a domestic violence shelter is or where the nearest one would be (many people in Colorado Springs have never heard of our local women’s shelter). Some victims may have no experience, or very limited experience, with the world outside the reservation. They may fear further victimization from non-Native people, from police, and/or from the criminal justice system, should they choose to press charges. Poverty rates and unemployment rates on reservations are well over double the national average (Rivers, 2005, p. 85), and those statistics were taken before the most recent recession. Native women who are experiencing domestic violence will feel the financial concerns of leaving in a very different way than women in the general population.

Mary J. Rivers (2005) noticed that in all the research discussing domestic violence in Native communities and the proposed interventions, no researchers had attempted to understand domestic violence from the perspective of the people they were studying. She spent seven months in a Navajo community conducting interviews with Navajo women to gain an understanding of domestic violence from their perspective (Rivers, 2005, p. 84). Her results led her to believe that the concept of hózhó\(^1\) was a key component to understanding Navajo women’s reasoning for staying in abusive relationships (Rivers, 2005, p. 86). Rivers found that many Navajo women would not leave their abusive partners because “it is disruptive of the essence of hózhó” (2005, p. 86). It disrupts the balance of man and woman. Hózhó was also used to justify an abuser’s behavior; women would say, “he is out of balance, his hózhó is disrupted, and he needs a sing to restore harmony” (Rivers, 2005, p. 87). Interestingly enough, this

\(^1\) Hózhó is a concept of various kinds of balance.
was how the few instances of pre-colonization domestic violence were handled in Navajo tribes (Rivers, 2005, p. 84), but Rivers does not elaborate to say if any of the women she interviewed did have a sing and if it did improve the situation.

Rivers also analyzed the Navajo story of First Man and First Woman. They fought and decided to live separately for three years, but they missed each other and decided to live together again (Rivers, 2005, p. 87). Later, First Woman gave birth to all kinds of monsters who maimed and killed the people in the tribe (Rivers, 2005, p. 87). Rivers reads this message as, “men and women who leave one another bring disaster upon the world” (2005, p. 87), but it is not clear if her respondents read the same message from that story. Another story says First Woman very carefully placed the stars in the sky “so that the rules for life would have a permanent place for all to see” (Rivers, 2005, p. 87). She placed Whirling Man (known as the Big Dipper in Western cultures) and Whirling Woman (Westerner’s Cassiopeia) around the Hearth Fire (Westerner’s North Star) (Rivers, 2005, p. 87). “Whirling Man and Whirling Woman never leave the night sky, and they endlessly circle the hearth fire, reminding men and women to stay with one another” (Rivers, 2005, p. 87). This story’s message is more obvious than in the first one; it is stated in that way at the end, whereas the first story cited First Woman’s “aberrant sexual practices” while away from First Man as the reason she birthed all the monsters (Rivers, 2005, p. 87). Rivers’s reading of that story could be correct, but it could have been intended as a warning against “using stones, and cactuses, and animal bones to satisfy [one’s] needs” (Rivers, 2005, p. 87).

Rivers then looks at the message of the kinaáldá as a cultural barrier to leaving an abusive situation: “A woman’s life is a hard one. She must have endurance, patience, an
even temper, and respect to survive” (2005, p. 88). She goes on to describe the strength she sees in the Navajo women: “to be a victim, one must feel helpless. The women in this project do not feel helpless” (Rivers, 2005, p. 88). Rivers is correct in pointing out that in order to propose interventions to domestic violence, it is important to note that these victims of domestic violence do not feel victimized (2005, p. 88). She does not propose any interventions.

Victims of domestic violence in the general population are often terrified of reporting the abuse, and with good reason. The criminal justice system in the United States often re-victimizes those who report domestic violence and/or sexual assault simply by the way the court system is set up. Cross-examination by the offender’s defending lawyer is the epitome of this re-victimization. Native women who wish to report abuse face even more struggles than women in the general population. As Rebecca Hart and M. Lowther note,

If a Native American woman is the victim of domestic violence at the hands of another Native American the tribe and the federal government have concurrent jurisdiction over the batterer. However, if a Native American woman is the victim of domestic violence at the hands of a non-Indian, the tribe has no jurisdiction over the crime and the victim is reliant on the federal government, or in a few states, the state government, for arrest and prosecution of the batterer.

(2008, p. 187)

One might think that when tribal governments and the federal government share jurisdiction over a crime, it will be handled quickly and thoroughly. This is not the case. The offices of district attorneys are usually overrun with more cases than they can
handle, so they are not likely to be willing to take up another case that could be handled by the tribal government. Unfortunately, tribal governments often lack resources to prosecute a crime like domestic violence. The National Institute of Justice studied law enforcement in tribal communities and found that “the biggest challenge to effective law enforcement in Indian country is lack of funding” (Waheed, 2004, p. 294). Even if they did have the necessary funds and other resources, the Indian Civil Rights Act “limits tribes to criminal punishments of only up to one year in prison, a $5000 fine, or both, even for major crimes” (Waheed, 2004, p. 290). A one-year sentence in prison does not protect a domestic violence victim from his/her offender for nearly enough time, unless he/she has the resources to move elsewhere. This is the struggle when prosecuting domestic violence between two Native American people. However, “75% of intimate violence against Indians is committed by non-Indians” (Waheed, 2004, p. 291), and other studies say “over 85% of perpetrators in rape and sexual assault against Native American women are described by their victims as being non-Indian” (Hart & Lowther, 2008, p. 189). In these situations, tribes are powerless to give even the small sentences they are allowed for Native people.

There have been recent improvements in these jurisdictional problems, and there are proposals for how to further improve the services available to Native women. The Obama administration has provided some legal reform with the Tribal Law and Order Act of 2010, which, among other things, “allow[s] tribal police to arrest non-Native offenders” (Smith, 2010, p. 39). Some tribes have implemented a restorative justice model, which “attempts to involve all parties (perpetrators, victims, and community members) in determining the appropriate response to a crime in an effort to restore the
community to wholeness” (Smith, 2010, p. 39), rather than simply punishing a criminal. This model seems much closer to traditional Native American values and ways of dealing with violence. Restorative justice looks at crime as damage to the community and seeks to repair that damage; from there, “everyone...is involved in developing the healing contract” (Smith, 2010, p. 39). Teen Court is a program in Colorado Springs, CO that uses the restorative justice model, and the recidivism rate within the program is 4.4% (Teen Court by the numbers), well below the national average.

The Violence Against Women Act (VAWA) and its reauthorizations have been instrumental in allowing tribal nations to gain more control over how they handle domestic violence. VAWA 2012, also know as S.1925, would allow tribes to prosecute non-Natives in crimes directly related to domestic violence when those crimes are committed in Indian country (Tribal provision), but it is currently caught in the House of Representatives. The House version of the bill removed the extended tribal jurisdiction, which I believe is a grave injustice. Native people have been victimized in countless ways at the hands of colonizers, and they deserve the right to prosecute those who continue to victimize Native people.

Unfortunately, passing the Senate’s version of VAWA 2012 is not all tribal nations need to be able to fully create justice for victims of domestic violence. Funding and resources will still be issues tribal governments will face when trying to prosecute for domestic violence crimes, as will the Indian Civil Rights Act\(^2\). I believe that the restorative justice model and/or a return to traditional ways of handling violence within

\(^2\) The Indian Civil Rights Act “limits tribes to criminal punishments of only up to one year in prison, a $5000 fine, or both, even for major crimes” (Waheed, 2004, p. 290).
the tribe (for those tribes with access to that information) will ultimately provide healing and harmony within tribal nations. I also believe that the problems with domestic violence are closely correlated to the other social ills tribal nations face: substance abuse, unemployment, poverty, limited education, and limited healthcare. There is much work to be done in restoring some sort of balance to tribal nations, and the non-Native people in the United States cannot hope to be part of this if we cannot learn the way Native people experience the world and the complexities involved in Native women's experience of domestic violence.
References


