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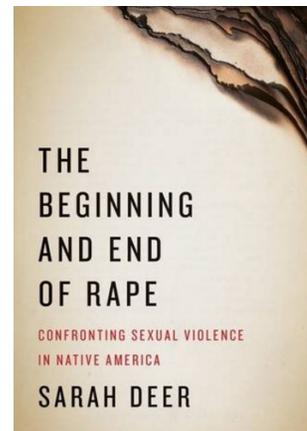
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Q&A: Sarah Deer on sexualized violence in Native America

By Kerry K. Paterson/Guest Blogger — December 18, 2015

When we talk about systemic rape and sexualized violence, there is a tendency to think of it as something that happens to “others,” somewhere far away. But legal scholar, professor, and [advocate Sarah Deer](#) knows all too well that gender and sexualized violence is not limited to [Syria](#), or [Bosnia](#), or the [Democratic Republic of Congo](#). It has happened and continues to happen right here in North America. Nearly 30 percent of Native American/Alaska Native women are raped during their lifetimes, a [2013 report](#) by the Centers for Disease Control and Prevention found. In addition, 55 percent of Native American/Alaska Native women experienced sexualized violence other than rape in their lifetimes, the CDC said. The problem goes back a long way. In 2002, the U.S. Department of Justice [published](#) data that found Native American women and Alaskan Native women in the U.S. are more than 2.5 times more likely to be raped or sexually assaulted than women in the U.S. in general. The effects of colonialism are lasting, and the systemic and long-standing violence experienced by the Native American



population across the U.S. persists, leaving Native American women among the most vulnerable members of society.

According to Deer, despite the fact that women who live on Native American reservations suffer one of the highest per capita rates of violent crime in the world, tribal courts, which have limited resources, are often unable to pursue these cases and federal prosecutors fail to address a large number of the cases that do come to light. In a 2007 report for [Amnesty International](#), Deer emphasized how this pervasive sexualized violence against Native Americans can be best understood as an international human rights issue.

In her new book, *The Beginning and End of Rape: Confronting Sexual Violence in Native America*, Deer, who is a citizen of the Muscogee (Creek) Nation of Oklahoma, and a 2014 MacArthur fellow, draws on her legal expertise and her years of experience in women's rights to highlight the relationship between colonialism, oppression, and violence against Native women. I had an opportunity to speak to Deer.

KP: How did you get into this kind of work?

SD: I've been working on violence against women for a little over 22 years, and I started out being a volunteer rape practice advocate in Kansas, where I went to college and law school. I'm also Native American, so I started to really see a lot of Native women calling the hotline, reaching out for help and support. Then I got into law school and started to really understand how the legal structure reinforces Native women's vulnerability, and that's what sparked my interest in combining my passion for anti-rape activism with my passion for tribal sovereignty.

KP: Your book, *The Beginning and End of Rape*, talks a lot about the role and impact of the legal system on Native women. Can you explain what you mean when you say that the legal system reinforces their vulnerability?

SD: Tribes traditionally would have the ability—we're talking hundreds of years ago—to respond to the crime of rape without any intervention or without anybody challenging their jurisdiction. If a crime happened within their territory, they would handle it. A lot of the systems that were in place were very effective and, in fact, there are a lot of indigenous languages that don't have a word that means “rape,” because they didn't need the word. The crime was so rare that it wasn't something that was even part of the language. And the penalties were severe and swift so women who had been assaulted could expect immediate response and harsh response to the crime.

KP: And that was true for Native groups across America?

SD: I'm making some generalizations here across North America—there are over 300 cultures and languages, so there's not really a universal descriptor. But by and large we do have a lot of evidence that rape was a very rare crime. A lot of that actually comes from observers, Europeans and Americans, who were essentially spying on tribal life and writing down their observations. They would say things like, “The women are treated with such respect.” And even in times of war, if a tribe took prisoners—and they took women as well as men—they never violated the women.

But then, starting in the 19th century in particular, the federal government began taking hold of tribal sovereignty. The ability of tribes to take care of these crimes on their own terms [were then] attacked from all angles. Slowly and gradually over the last 115 to 120 years, these tribes have lost a lot of their inherent authority to protect Native women. This has been replaced with a system that we know doesn't work very well—the American system. So tribes are sort of stuck in this dynamic where their traditional ways are not feasible anymore because they've lost the authority to implement those, or to impose those. And then you have the American system—the federal

system and the state system, which are supposed to be providing that intervention when rape occurs, but they're not doing it. So, essentially, you have no response.

KP: Why do you think it is that Native women are often left out of broader discussions of rape in conflict or post-conflict spaces?

SD: I think we're such a small minority that it's very easy to ignore or forget, and there's a lot of ignorance even in the mainstream rape crisis movement.

You have a lot of powerful players at the top. Often, they're not Native or they haven't been exposed to Native issues, so it's just not something that seems like a priority, and the legacy of colonialism is not really a part of the verbiage that we have around rape work. It's not something you initially talk about—you can talk about power and control, you can talk about patriarchy, you can talk about racism and sexism, but you just don't often hear references to colonialism in discussions around rape.

KP: Do you think this relationship between colonialism and violence plays out in a similar way in other parts of the world—like, say, in sub-Saharan Africa?

SD: I do think there are a lot of parallels between different modes and schemes of colonialism. It may not all look the same, it may be done by different countries at different time periods, and it may take different forms, but the whole notion of it is loaded with assumption, arrogance, and entitlement. And those are very similar to what drives rapists to rape women.

Colonization can be a metaphor for rape, but it's also just part and parcel of what the colonial project can do. There's arrogance—"We are entitled to the land, we know better than you, we have the authority because we say we do"—and that kind of arrogance and entitlement is often found in the motivation of people that commit acts of sexualized violence. I think they're very much connected in any sort of colonial context.

KP: Do you have the sense that there is something unique about the experiences of Native women with respect to rape and sexualized violence?

SD: I think the legal system is so convoluted and bizarre that it amplifies or facilitates widespread rape. In my mind, in order to really stop rape, you have to have accountability for those that commit it, and if you don't have that accountability, then it sends a message to potential perpetrators. There is very little accountability in the U.S. and if you don't have a system—formal or informal—that will hold people accountable, then the crime just continues, and victims know there is no point in reporting the crime because nobody will do anything about it. They tell their daughters not to report the crime because they don't want to see them go through a system that's a failure, so the problem just amplifies and continues.

KP: What message do you want readers of your new book to take away?

SD: That we can end rape. And if tribal nations can do it, anybody can do it. It's forward looking, but I think the key is accountability, which can mean a bunch of different things to a bunch of different people, so we want to look for accountability that meets the needs of the survivors in that community.

Accountability for one victim isn't going to look the same as it will for another victim, and the same is true for tribal nations—accountability for different tribal nations is going to look different. But that's really the key. If we can impose accountability on offenders, then we're going to make systems that are safe and systems where women are not raped.