

NATIVE WOMEN AND CRIME: A THEORETICAL MODEL

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ABSTRACT/RESUME

The disproportionate incarceration of Native women in correctional institutions and the seriousness of offences for which they are incarcerated require explanation. One explanation lies with the effects of colonization and assimilation on traditional life styles, resulting in role loss for Native males and the subsequent victimization of women. This explanation recognizes the relationship between victimization and possible future criminality.

Le nombre disproportionné d'incarcérations de femmes autochtones dans les institutions correctionnelles canadiennes, et la gravité des délits pour lesquels elles sont incarcérées exige une explication. On peut fournir cette explication en analysant les effets que la colonisation et l'assimilation ont sur les modes de vie traditionnels, ayant pour résultat la perte de leur rôle pour les hommes autochtones et la victimisation consecutive des femmes. A la base de cette explication il faut reconnaître le lien entre la victimisation et une éventuelle criminalité à venir.

Introduction

There have been few attempts to describe the involvement of Native women as offenders in the criminal justice system.¹ The absence of integrated theoretical explanations and comprehensive data in Native justice in general, in part explains this omission and suggests the need for further research and study. This paper, although exploratory in nature and based on preliminary data, is presented in order to provide some directions for future work in the area of Native women and crime.

A previous paper on Native women provides some select socio-demographic and criminal justice data (LaPrairie, 1984a). These data demonstrated that Native women, like Native men, are overrepresented as offenders in federal and provincial institutions. However, they are incarcerated at both levels for more violent offences than are non-Native women or Native men. The socio-economic data are equally revealing. Examination of employment rates, single-parent status, causes of death and suicide rates, show Native women to be among the most severely disadvantaged of all groups in Canadian society. This disadvantaged position is explained in part by the fact that Native women were discriminated against in legislation until 1985, namely the Indian Act, section 12(1)(b), which determined their rights and legal status according to standards which discriminated on the basis of sex (Jamieson, 1978).

A second paper on the issue of Native women and crime is a preliminary attempt to provide a theoretical explanation for the previous findings (LaPrairie, 1984b). Colonization is presented as an overarching concept within which underdevelopment is viewed as creating and maintaining Indian people in Canada as an economic and social underclass. However, while these explanations may be valid in accounting for broad processes at work in shaping social, political and economic relations between minority and majority groups, wide theoretical gaps remain. The following discussion attempts to fill some of those gaps and in doing so draws upon studies in political economy, sociology, anthropology and social psychology.

This paper examines the involvement of Native women in the criminal justice system as an outcome of colonization and underdevelopment. These structural processes have threatened, and continue to threaten, the traditional way of life for Indian people. Where Native traditions have been eroded or eradicated, traditional roles and status, particularly for Indian males, have been lost. Traditional male roles are more disparate in non-Native society than female roles, which suggests that the effects of role loss are particularly pronounced for this group. As such, role loss at the structural level has meant the breakdown of traditional values and practices and

has resulted in social disorganization in many Indian communities. At the interactive level, it has contributed to the erosion of the family unit and has generated hostility and aggression among family members.

It is within this context that the victimization of women is considered here with victimization emphasized as a causal factor in subsequent Native female criminality. In this paper, both structural and interactive processes are presented in order to more adequately analyse the phenomenon of Native female criminality.

Native Women as Offenders

The most obvious problem of Native people in conflict with the law is "disproportion", i.e., significantly more Native people are involved as offenders in the criminal justice system than would be predicted from general population ratios. For example, Native people comprise approximately 2-3% of the Canadian population and yet account for 8-9% of the federal correctional male population and a much higher percentage of provincial institutional populations.

Native women comprise anywhere from 20-30% of the inmate population of the Kingston Prison for Women and much higher percentages in provincial correctional facilities, particularly in the western provinces. The types of offences for which they are incarcerated differ from those of the non-Native female inmate populations, and in some situations, from those of Native men. Bienvenue and Latif, examining data in Winnipeg in 1974, found that Native women committed twice the number of offences against the person as their male counterparts. Recent data also reveal that Native women are being incarcerated for more serious offences against the person than are non-Native women (LaPrairie, 1984a:261).

Figures for 1982 reveal that in the Federal Prison for Women, 70% of the Native inmate population are incarcerated for violent offences, i.e., murder, attempted murder, wounding, assault and manslaughter, as compared to 32% for non-Native women. At the provincial levels, 28% of the Native inmates are incarcerated for violent offences as compared to 7.3% of the non-Native population (LaPrairie, 1984b).

Native women are also more likely to be arrested for default of fines than non-Native women, which may be a result of their low economic status and thus their inability to pay fines. There is also a greater propensity for Native women to be involved in alcohol-related crime. One study found the number of alcohol-related offences for Native women to be twice that of the Native men (LaPrairie, 1984b).

Various authors have noted what appears to be the risk of Native women to criminal justice processing by examining the frequency of contact with

the system and the age at which there is initial involvement. While comparative data are lacking, it would nonetheless appear that Native women have more frequent contact with the criminal justice system and at an earlier age than do non-Native women.

Native Women as Victims

While research is very limited, recent exploratory work in the area of Native crime victims suggested that there is high incidence of family violence, sexual assault and incest in many Native communities (Canadian Council on Social Development (CCSD) 1984:7). This study suggested that family violence occurs within the extended family structure, affecting even the young and old. Sexual assaults appear to occur with an individual assailant and with a number of assailants, as in gang rapes. The Native Counselling Service of Alberta (NCSA), in a submission to the Federal Provincial Task Force on Victims of Crime, asserted the need for services to victims of family violence and other family related offences because:

In most Native communities, the interrelationships between families are very close: the total population is small and the number of children in each family tends to be large. As a result, a great many crimes involve family members of either victims or offenders (1982:18).

Recent news coverage of problems identified on some Northern Ontario reserves support the findings of CCSD and NCSA. However, the propositions put forward in this kind of coverage require more systematic and verifiable research. Nonetheless, one such source suggests that:

Drunken gang rapes, incest and other sexual abuses are commonplace in Northern Ontario reserves (Vancouver Sun, October 31, 1983).

Priscilla Simard, Program Director for the Ontario Native Women's Association in Thunder Bay, says sexual abuse is just one symptom in a mixed bag of problems troubling isolated reserves (Vancouver Sun, October 31, 1983). Moreover a probation officer who has lived on the reserve all her life stated that gang rapes happen almost every weekend at Grassy Narrows, a 580 member reserve 80 kilometers north of Kenora, Ontario (Winnipeg Free Press, September 23, 1983).

In an interesting commentary on the relationship between victimization and criminality, Edith McLeod, who operates a home for Native women

prisoners in Thunder Bay, notes that almost all the female prisoners she deals with have been sexually abused (*The Gazette*, November 12, 1983).

While there is emerging evidence about the relationship between sexual and other types of abuse and subsequent deviance, the situation for Native women as offenders has not been systematically explored. It is essential, however, that the possible link between victimization and criminality is recognized. In the following section, some of the literature in this area is identified.

The Victimization-Criminality Relationship

The deprived social and economic position of Native people in Canadian society pushes one in certain directions in terms of understanding both victimization and criminality. As Clark suggests, "problems such as damaged resource bases, high rates of unemployment, alcohol abuse and inadequate medical, housing and educational facilities all have direct implications for criminal activity" (1985:3). These problems have major implications for victimization.

There is to date only limited scientific verification of the link between victimization and subsequent criminality. However, one area where attempts have been made to explain some criminal behaviors in terms of victimization is that of family violence. The belief that "violence breeds violence" is supported in literature on battered children which suggests that emotional or physical maltreatment during childhood is a common experience of child abusing parents and other violent offenders (Proceedings of the Senate of Canada, 1978). Similarly, a correlation between child abuse and neglect and juvenile delinquency was revealed in one study where family discord and punitiveness were associated with anti-social behavior in children (Haeuser and Daniel, 1977). A generational approach to analyzing various forms of family violence, notably child abuse and wife battery, suggests that abusive adults often experienced abuse themselves as children (Steinmetz, 1977; Roy, 1977).

A recent literature review on the linkage between child sexual abuse and later delinquent or criminal behavior revealed the following: Griffiths and Nance (1980) found severe physical and sexual abuse in backgrounds of residents of a treatment setting for severely delinquent youth; Kelley (1978) found that of 117 youths adjudicated as status offenders in one year in one county, 96% had experienced one or more of: social/physical/emotional abuse or severe parental drug or alcohol addiction; and Lewis et al. found in their study in 1979, that boys incarcerated for violent sex offences had the same background experiences as those incarcerated for violent non-sexual offences: both groups were said to have exhibited violent anti-social be-

havior since childhood, approximately 75% of both groups had experienced physical abuse, and 77% had viewed physical abuse of their mothers (Ministry of the Attorney General, B.C., 1984).

Although the research cited above does not specifically address the situation of Native female offenders, it does suggest the importance of understanding the context in which some forms of criminal behaviour occur. Clearly the cumulative weight of evidence suggests that violent and abusive environments may have a traumatic and damaging effect on people's lives and that family violence, in particular, has a profound effect on victims. This connection is especially important for understanding what appears to be a disproportionately high level of interpersonal violence in some Native communities, and requires further explanation.

One such explanation lies with the loss of traditional values and roles. The breakdown of traditional values resulting from social and economic erosion of the Indian way of life has created for many Indian people, a loss of power and status not only in relation to the dominant society but within Indian society as well. This loss produces both social disorganization and interpersonal tension. What this suggests is the need to more systematically explore the political, economic and social processes that account for the breakdown of traditional values and roles and lead to feelings of powerlessness and alienation, and result in violence and aggression. The processes which produce social disorganization and interpersonal tensions are presented in this paper as a possible model for future research.

Colonization and Underdevelopment

Frideres (1974), and more recently Kellough (1980), maintain that government policies in Canada toward Indian people reflect the colonial model of settlement. Frideres (1974) describes the various components of the colonial process in accounting for Indian-White relations in Canada as: the taking over of a geographic area by one group, external political control of that group, economic dependence and substandard social servicing; the institutionalization of racism and the establishment of a colour line.

The emergence of the Indian reserve system and the underdevelopment of reserves has created a social structure which produces a "culture" of poverty for Native people in Canada. At the root of confining Indian people to reserves and the lack of attention to economic development of lands reserved for Indians, was the belief in the inferiority of the group of people and the presumption that "Indian problems would vanish if only they could be made to adopt white values and beliefs" (Kellough, 1980:635). The acceptance of the inferiority of Indians and the justification for removal of these lands are explained by Manuel:

seizure of Indian lands and the banishment of the conquered to reserves could be justified by an ideology that saw Natives as savage and uncivilized. If they were subhuman, then their lives were not as valuable as European lives and their property need not be valued in the same way (Manuel in Kellough: 1980:359).

Not only were Natives perceived as uncivilized and savage by the colonizers but the justification for colonization was as Kellough notes: "that indigenous people were technically inferior and, therefore, did not deserve the land because they were incapable of developing it and exploiting its resources" (1980:360).

The technical inferiority that was ascribed to Native people and following from that, the disregard for their traditional life and traditional economies was endemic to the colonization process. Puxley (1977:108) notes "that the attitudes of the colonialist to the colonized can best be appreciated as the attitude of a property owner to his property. Such colonial assumptions prevent the colonialist from accepting any move toward real autonomy on the part of the colonized". Because a belief in assimilation (as ultimately being in the best interests of Indian people) was the "central pillar to Canadian Indian policy" (Ponting and Gibbons, 1980:17), Indian people were encouraged to abandon traditional activities such as hunting (a primary form of sustenance) for the prevalent dominant economic activities of the day - trapping and barter (Valentine, 1980:72). Not only did this shift set in motion a series of power changes in relations among various tribal or linguistic groups but it fundamentally altered the reliance of Indian people on traditional economic activities. Valentine comments on the outcome of these practices:

Native people were incorporated into a commercial system as primary producers on a family basis, not unlike the cottage industries of old Scotland. They became increasingly dependent on trade goods and the foreign-owned companies for tools, clothing, food and so on. Land use patterns were changed along with life-goals aspirations and expectations. Families were induced to seek work in the new "growth centres" or trading post settlements. Cultural co-existence was tolerated, but only insofar as it did not interfere with commercial interests (1980:73).

The emphasis upon the dominant economy and the use of Native peoples within the newly-created labour market was essential, as Valentine suggests, for the colonizer to seize a material and economic foothold in the new world:

In the process, however, exploitative forces were released that diminished native social, economic, political and cultural strength, allowing the relegation of native society to an inferior status and the use by white society of what may be regarded as the more deliberate and comprehensive strategy of domination (Valentine, '1980:74).

But the domination of the external economy did not have the ultimate effect of bringing Indian people into the mainstream economic life of the country. Severe and chronic unemployment and underemployment have become prime characteristics of Indian life in Canada. Nelms, in documenting the economic changes in one area of Northern British Columbia, provides an explanation for the exclusion of Indian people from the dominant economy:

The increased economic activity means very little to the Indians in terms of economic benefits. Many of the new job opportunities demand an educational level beyond that of the Mill Creek Indians, and many jobs require special skills and work experience that they do not have, and cannot easily acquire.

It is true that there are numerous jobs available for unskilled labourers, but it is also true that the recent surge of economic activity has attracted large numbers of workers, mostly white, to move to the north in search of work. By and large, these workers are better equipped to compete for the available jobs than are the Indians.

In recent years, the unions have also moved into the North, and many companies will have only union members. To join a union, it may be necessary to move to another district, and the expenses of moving as well as the initial union dues, are prohibitive to the Indians.

Finally, even though an Indian may be hired by a company, the location of the jobs may require him to leave his family for long periods of time. Worries connected with being away from home may eventually induce the man to quit his job (Nelms, '1973:35-36).

The exclusion of Indian males from the dominant economy was not accidental. The administration of Indians and the affairs of Indians, where "assimilation" and "protection" were the operating principles (Kellough, 1980:346), reduced the ability of Indian people to control their own lives and perpetuated a cycle of dependency upon government structures. It is illogical to expect that this dependency would allow a smooth transition into the capitalist work-place. In reality, what it did bring about was the inability of Indian people to function in either system.

The Demise of Traditional Economies and Male Roles

Kellough (1980:343) describes the history of Canadian Indians as occurring in two phases. The first, the early historical period, was characterized by autonomy and control by Indians over the social, economic, and political aspects of their lives. In the second phase, Indian people lost their autonomy and took on the characteristics of a colonized people. Throughout the latter phase, Indian lands suffered under development through the allocation of poor farm land, the expropriation of fertile reserve lands and the exploitation of traditional activities such as rice-harvesting and natural resources by metropolitan interests (Kellough, 1980:351). Traditional activities were also eroded as the result of government policies which forced relocation of reserves to make services more accessible. Pollution of fishing waters and forests in hunting lands also spelled the demise of traditional activities in some areas.

In examining the impact of the erosion of traditional economies on the social fabric of Indian life, the strength of which was, as Kellough notes, "achieved through working on a communal basis" (1980:357), Usher discusses the universal introduction of industrial wage employment:

...(it) inevitably tolls the demise of the traditional mode of the production and it is then that hunting, fishing and gathering will soon become leisure activities or ethnic legacies, rather than integral economic activities. Once that transformation has occurred, the traditional culture and values will probably lose their meaning in due course. [These changes] will occur in the basic institutions and values of the society, not least of which is the family (1981:11).

Within the traditional economy the household was the basic unit of production and consumption (i.e., the domestic mode of production), families co-resided at times around certain activities such as hunting and fishing, and extended family life was of great importance. Men and women maintained

distinct roles and skills essential to the survival of the family unit and to the domestic mode of production. For men, strength, agility and skill in the bush were the essentials of life, and for women, the making of clothing and the preparation of food. The division of labour was primarily sexual (Usher, 1980:5).

In describing the values that were dominant in traditional societies and which were expressed in the egalitarian distribution of goods in the traditional domestic and exchange sectors of Native economy, Usher identifies "family solidarity, a sense of place and community, stability, tradition, egalitarianism, co-operation, non-assertiveness and conflict avoidance" as the overriding characteristics of life. However, he suggests that:

where the native economy has been weakened, the family suffers as an institution. In these situations, there is an alarming degree of alcohol and drug abuse, violent deaths, petty crime, child neglect and family breakdown (1980:8).

Van Bibber (1984:5) claims that with the loss of traditional economic activity has come the loss of the traditional male role as provider and protector. Nelms describes the outcome of this role loss in terms of contemporary society in one Native community:

In 1949 they (the Indians) were independent producers but now they must compete for jobs within the context of the broader economic system or otherwise look to the broader society for social assistance. Roughly speaking, men earn the former while women obtain the latter. A man's work outside the village may be for lengthy periods, but almost invariably ties to his household and village prompt him to terminate his employment. For this reason, men's work is not year-round and his contribution to the household economy is sporadic. A woman's contribution, composed mainly of social assistance, is smaller but much more stable as it can be counted on to continue year-round.

One apparent result is that, to a large extent, women control the household economy. With the assurance of social assistance women are fairly independent and do not require the support of a man (1973:43).

There is some evidence that the process of male role loss was also exacerbated by the introduction of the residential school system in Canada,

which interrupted family life and attempted to socialize children toward dominant culture norms and values (VanBibber, 1985). The belief that all the Indians' problems would vanish if only they could be made to adopt white values and beliefs (Kellough, 1980:361) was at the root of assimilation and justified the creation of the residential schools. Residential schools were seen as a way of accelerating the assimilation process by taking Indian youth away from their homes and communities in order to re-socialize them more quickly. Thus, contact with parents was minimized and youth were enrolled in the schools, "the teachers acknowledged neither Indian language nor culture... Whatever the issue, the placement of a school, the amount of school holidays, the needs of the children, the opinions of Indian parents were discounted" (Kellough: 1980:363).

The failure of the residential schools to assimilate Indians into the dominant culture did not mean that children remained untouched by the re-socialization process. In fact, Cardinal claims that residential schools were actually destructive because they:

alienated the child from his own family, they alienated him from his own way of life without in any way preparing him for a different society; they alienated the child from his own religion and turned his head resolutely against the conforming substitute the missionaries offered (1969:54).

The instructional programs offered in residential schools were designed to teach European knowledge, skills and behaviours (MacLean, 1978:241). For female students, the effects of these programs were probably less destructive than they were for males as the disparity in male roles between the traditional and the European lifestyles was greater than that for females. Boys not only lost their male role models by being removed from their families at any early age, but were also taught skills that were not particularly useful, for example, farming skills with limited farming potential on reserves, while the girls were taught skills of homemaking, which were acceptable in both societies. Thus, in the communal society women retained while men lost their traditional roles and were subjected to induced dependency and welfare. The ultimate effect of these attempts at assimilation was to create unequal power relations between Indian men and women. VanBibber (1985) suggests that residential schools were, for many, the beginning of male-female alienation.

An explanation for this alienation lies in the proposition that role loss was produced through the demise of traditional activities and the attempts at assimilation in residential schools. The contemporary situation, as

reflected in social disorganization and interpersonal tensions, is a direct outcome of role loss and role conflict.

Role Conflict and the Effects of Role Loss

In accounting for the process that led to high rates of interpersonal conflict in some Indian communities, the social psychology literature provides a useful framework within which to describe role conflict and, subsequently, the effects of role loss.

The distinctive perspective of social psychology is interactional. As Nettler (1984:253) explains, social psychology "Is the study of human behaviour based on the assumption that significant portions of conduct are the result, directly or indirectly, of what other human beings have done to us and for us". Bachman and Secord (1966:267), in accounting for difficulties in human relations, state that "these (difficulties) are not necessarily due to deficiencies within the individual, but may arise because of historically developed defects within the system of relations that structures the interaction of group members".

For many Indian males, the loss of traditional roles, and in some cases, the loss of male role models and Indian identity, resulted in role conflict. Role conflict results from the fact that male sex role socialization in virtually all societies teaches men that powerlessness and vulnerability are unacceptable feelings and behaviours (Dutton, 1984:5), but as Kellough suggests, "the enforced socialization of a colonized people to a foreign culture, is that it ultimately has the effect of socializing, not for equality, but for dependence" (1980:365). Thus, the disparity between the desired roles and the available or achievable roles may be so great that roles are in conflict.

Strain in a social role provides tension, anxiety, and frustration. Role conflicts are generally stressful, producing tension and dissatisfaction. Some principle types of psychological reaction to tension and frustration are aggression, withdrawal or accommodative behaviour (Wardell, 1966:329). Aggressive patterns may emerge where the strain is most severe and may be manifested in a variety of ways:

Aggression may be expressed in overt behaviour or verbally. It may be directed at the source of frustration or at a substitute target. The substitute target may bear a symbolic relationship to the source of frustration, or it may simply serve as a convenient scapegoat on which to displace aggression. If no scapegoat is available aggression may be directed toward the members of one's own group (Wardell, 1966:331).

The satisfaction of power needs, denied in the larger society through work and other male-oriented activities, may be found in exercising control over others. In explaining family violence, Chief Alice Cook of the Grand Rapids Indian Band states that:

Men can't make enough money hunting, trapping and fishing to keep their families. They can't play their traditional role as provider and they sit around in small, crowded houses (Free Press, October 8, 1984).

In accounting for the frequency of rape on some reserves, it was noted in briefs to the Ontario Legislative Social Development Committee studying family violence in northwestern Ontario that "[men] have lost their sense of purpose in their community... Native men feel useless and impotent". The chief of one reserve stated that "The males have so little where they can exercise any control, so they sexually aggress against someone who can't defend herself" (Globe and Mail, September 23, 1983).

Both Robertson (1970) and Kellough (1980) discuss the relationship between the oppression of Indian people as a group and subsequent violence and self-abuse. Robertson notes that traditional Indian society was highly disciplined, decorous and circumscribed, and politeness and respect were to be shown at all times. But when threatened by an overwhelming foreign force the

internal tensions become explosive, and alcohol provided a release by destroying inhibitions... Intoxicated, an Indian's repressed hates come to the surface and are expressed physically and verbally. He hits out at his wife, his children, his friends. This violence, like the drinking itself, is strongly suicidal, and the victims are those persons nearest to the drunk man. He is hitting, indirectly, at himself (1979:283).

Other observers of the high levels of violence in some Indian communities have suggested that internalized oppression and alienation cause people to turn to violence, directed towards themselves, those with less power and control (namely, the elderly, women, and children) and other family and community members. Expressions of anger and suppressed fury may be manifested in self-mutilation, suicide, assaults and murders.

For Native women in particular, who may be the most frequent targets for these expressions of anger and aggression, the long-term effects of this victimization may be extreme, and victims may respond by "hitting back" at the aggressor or at others. The criminal victimization of Native women,

however, must be studied in the broader context of victimization which recognizes the social, economic and political consequences of being both Native and female in a male dominated, non-Native society. Therefore, it would seem that a proper understanding of the dimensions of Native female criminality requires an examination of victimization at both the macro and micro levels of analysis.

Conclusions

This paper provides a possible framework within which to examine the phenomenon of Native female criminality. Its basic premise is that the over-representation of Native women as offenders and the serious nature of offences committed by Native women who are inmates in correctional institutions, results in part from social disorganization, and stemming from that, violence directed toward women. Thus, the relationship between abuse and subsequent criminality is acknowledged. Moreover, it is suggested that the more severe and prolonged the abuse, the more serious the future criminal behaviour.

Social disorganization and violence directed against oneself, one's family members, and powerless others, are the result of internalized aggression following the demise of traditional roles and functions. Role loss and role conflict, primarily for Indian males, has been the outcome of colonization and assimilation practices which have eroded the traditional economies and the traditional way of life.

This framework suggests one way of understanding Native female criminality. Where its strengths lie is in providing an analysis of a particular phenomenon from a multidisciplinary perspective. Furthermore, it provides an explanation for behaviours which reside outside the individual or the group thereby externalizing responsibility and moving away from the "blaming the victim" syndrome. What it suggests is that people are not violent by nature but violent behaviour may result in large measure from the social, political and economic environments in which they live.

However, what is also recognized is that broad generalizations are inappropriate and that great variation exists in Native communities and among Native people. What is required then is more detailed and systematic research along some of the dimensions identified in this framework in order to better assess the validity of such an approach.

NOTE

1. Carol LaPrairie is with the Research Division, Ministry of the Solicitor-General of Canada. Any views expressed are those of the author and not necessarily those of the Ministry.

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