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Sovereignty, Culture, Rights: The Racial Politics of Gendered Violence in Canada

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Critical race and indigenous scholars have demonstrated that colonial relations are predicated upon gendered violence, yet settler societies are also founded through migration and its attendant hierarchies of rights. My paper examines the relation between violence, gender and citizenship within settler colonialism. Placing indigenous, immigrant and white women in the same analytic frame, I argue that the forms of violence to which they are subjected are incommensurable as these are shaped by the triangulated processes of racialization foundational to Canadian state, nation and identity formation. Moreover, rather than enabling a liberal transcendence of violence in the organization of social relations, women's asymmetrical negotiations with the institution of citizenship remains vital to the constitution of particular forms of violent and violated gendered subjectivity. Such negotiations also reveal how gendered (dis)affiliations sustain the national polity.

Introduction

I begin this paper by recounting a number of official responses to recent cases of what is popularly defined as gendered violence in Canada in order to highlight the complexities of such violence within the settler colonial context. Following the disappearance of Tina Fontaine, an indigenous (Sagkeeng First Nation) teenager, in Winnipeg (August 2014), Prime Minister Stephen Harper dismissed calls for an Inquiry into the mounting deaths and disappearances of indigenous women across the country.ⁱ Such cases, the Prime Minister stated, are not a 'sociological phenomenon' but individual crimes that ought to be treated as such by the police.ⁱⁱ Insisting that Fontaine's disappearance '... is a crime, against innocent people, and it needs to be addressed as such', Harper went on to claim: 'We brought in laws across this country that I think are having more effect in terms of crimes of violence not just against aboriginal women, but women and persons more generally' (Boutiller 2014). The Prime

Minister thus sought to delink the violence against indigenous women from the coloniality that shapes the Canadian politico-cultural landscape; he also deepened the official exoneration of the nation by further entrenching his earlier claim that 'Canada has no history of colonialism ...' (O'Keefe 2009).

If indigenous women's deaths were to be treated officially as individual crimes, not so the violence against immigrant women. The Minister for Citizenship and Immigration introduced Bill S-7, the 'Zero Tolerance for Barbaric Practices Act', which had its first Senate reading in November, 2014. An amendment to the Immigration and Refugee Protection Act, the Bill would ban honour killings, polygamy, and forced and underage marriages, and make 'a free and enlightened consent to marriage' a legal requirement (Canadian Civil Liberties Association 2014). This legislatively defined 'free choice' of an enlightened gendered subject was defined as a 'Canadian' value as the government linked 'barbaric cultural practices' with immigrant and refugee communities.

During the same period, two women Members of Parliament—both white—made allegations of sexual misconduct against two of their male colleagues. The Liberal Party Leader, Justin Trudeau, immediately suspended the male MPs from the Liberal Caucus (Smith 2014). The women then accused Trudeau of acting too hastily, faulting him for not consulting with them prior to the suspensions (Harper 2014). This incident, following on the heels of another high profile sexual assault scandal at the CBC that resulted in the firing of a popular radio host, sparked off a frenzied national discussion about how the sexism in the legal system prevents women from speaking out against sexual assault.

The categories 'aboriginal', 'immigrant' and 'national'—crystallized historically within practices of Canadian sovereignty—point to the racial configurations that underpin state and nation formation. I have discussed elsewhere how the dispossession of indigenous peoples and the migrations of various non-indigenous populations were mutually constitutive processes that produced these communities as culturally, legally and politically incommensurable in a racially triangulated settler formation (Thobani 2007). Overdetermined by racial logics, this triangulation suppressed 'internal' heterogeneity and hierarchy within each configuration while inflating their 'external' relationality. New subject positions thus came into being, deployed in the violent relations of non/belonging institutionalized in a shifting matrix of rights and entitlements. As Europeans (initially British and French) were absorbed into nationality, state and nation became bound in their mutual reproduction of whiteness; cast as outsiders, immigrants were caught in the vagaries of a perpetually contested citizenship; and the governance of indigenous peoples vacillated between physical, cultural and legal extinction (Thobani 2007; Stasiulis and Jhappan 1995; Bolaria and Li 1985). Rather than enabling a transcendence of violence as envisioned within liberal

political philosophy (Marshall 1992; Rawls 2012), the modernizing regime of citizenship served through the *laissez faire*, welfare and neo-liberal incarnations of the nation-state as a cipher constituting bounded communities out of the heterogeneity within the polity.

Placing in the same analytic frame indigenous, immigrant and white women, and drawing upon my earlier work on the *constitutive* link between violence and citizenship, I examine here how the raciality of these communities is produced in the field of *gendered* violence in contemporary Canada. The questions that interest me in this paper include the following: How is gendered violence distributed among the different communities within Canada? Is there an underlying pattern to the varied state and community responses this violence incites? How are contemporary modalities of governance and processes of subjectivity constituted through such violence within settler societies?

Contrary to the liberal claim of an ever-expanding civic realm of equality and fairness distributed by the benevolent institution of rights and entitlements (Marshall 1992; Rawls 2012), I argue this institution facilitates the asymmetrical distribution of violence that sustains racially violated subjects on gendered grounds within settler colonialism. Fanon defined the colonial order as predicated upon violence, giving rise to hierarchies among colonized populations. These hierarchies were reflected in the various psycho-affective affiliations and resistance among, and between, these communities (Fanon 1963, 1986). However, while Fanon highlighted the racial and gendered nature of this violence and its affective regulation, he did not attend specifically to the entanglement of this violence with the juridical institutionalization of rights.

Walter Benjamin, prominent among theorists of law and violence, famously argued that law is founded—and preserved—in violence. Since law seeks dominance, he pointed out, neither law's ends nor means could be separated from its aggressions. So, for example, peacemaking after war reveals the 'demonically ambiguous' way in which both parties become 'equally' bound to the new relation of domination expressed in the establishing of new borders between them (Larsen 2013). Drawing on Benjamin's reflections on law and violence, and highlighting Fanon's insights into the centrality of violence to race and gender-making, I examine how this violence is encapsulated within a mechanism—citizenship—that claims egalitarian credentials as the rule of law. Attending also to indigenous, immigrant and white women's activist engagements, I provide a glimpse into how these articulate discrete forms of (dis)affiliation—sovereignist, culturalist and/or rights-based—with/in the Canadian polity.

The overall argument I develop here is that white (Canadian) women's activism overrides indigenous and anti-racist feminist critiques of the relation between race, violence and the law to advance a rights-based approach for the former's gendered inclusion into nationality.

Demonstrating how the activities of a number of anti-violence feminist organizations extend the reach of settler sovereignty, I argue that by definition, this liberalizing regime of rights can offer nothing other than the erasure of indigeneity in the field of feminist politics. Indeed, the rights regime has yet to protect even white women vulnerable to (largely white) male violence, but mainstream feminism clings to this regime as it does secure white women's status as national subjects.

On the other hand, immigrant women's activism largely ventriloquises the very discourse that engenders their racial violation, caught as immigrants are in an endless struggle for inclusion into nationality. Given that the extension of immigrant women's rights is premised upon their confirmation of the barbarism of their cultures, this very affiliation precludes their entry into nationality. Moreover, in seeking parity with the national subject, immigrant women's activism turns them away from alliance with indigenous women while sustaining the whiteness of settler sovereignty. In contrast, indigenous women's activism largely rejects the liberalizing regime of citizenship, highlighting how this extinguishes indigenous sovereignty as a daily ongoing practice. Their politico-cultural re/mobilization of community envisions transformation of the edifice of the racial/gendered logic of Canadian sovereignty.

The Gendered Politics of Violated Indigeneity

To the forms of dispossession lived by indigenous peoples in Canada can be added the deaths and disappearances of indigenous women that have been escalating over the last three decades in major cities across the country, including Vancouver and Winnipeg, as well as in rural areas, including the Highway of Tears in British Columbia. Violence against indigenous women clearly has a long history, but for the purposes of this paper, I focus only on the recent instances that have been referred to above.

After documenting approximately 500 cases of missing and murdered Aboriginal women, some of them working in the sex trade, the Native Women's Association of Canada (NWAC) and Amnesty International (AI) launched an international campaign in March, 2004 against this violence. It was notable that not a single non-indigenous women's organization was party to this campaign. The Report that launched this campaign, 'Stolen Sisters', highlighted the 'dangers of being an Aboriginal woman in Canada' to argue that sexual violence was endemic in these women's lives.ⁱⁱⁱ Linking indigenous women's vulnerability to violence with their marginalization in Canadian society, the Report identified 'poverty, homelessness and prostitution' as issues of particular concern (AI & NWAC, Stolen Sisters Report 2004, p. 2). Framed within the discourse of international human rights, the campaign called on the Canadian government to live up to its obligations under international conventions to protect the human rights of indigenous women.^{iv}

Whereas marginalization and discrimination against indigenous women within Canadian society was the framework for the NWAC/AI campaign, colonial practices of dispossession that crystallized the loss of indigenous sovereignty in daily life was the focus of indigenous women's activism in Vancouver, including the women working in the Downtown Eastside Women's Centre and the Aboriginal Women's Action Network (AWAN). In the decades preceding the NWAC/AI campaign, indigenous activists had already been tracking the disappearances and murders of women and girls in their communities, urging police action against perpetrators and memorializing the lives of the lost women. As Dara Culhane noted, during this period Vancouver's Downtown Eastside emerged as a key site for indigenous women's activism. Following the murder of yet another woman in this neighbourhood in 1991, indigenous women began to mark February 14th—Valentine's Day—with the Memorial March to publicly remember and honour all the murdered and missing women (Culhane 2003). The organizers described the March as a means to transform their 'hopelessness and anger' into 'compassion, community and caring for all women in Vancouver's Downtown Eastside, Coast Salish Territories (Ajik 2009)'.

Discussing the significance of this event, Culhane noted that it delineated indigenous women's activism as distinct from other Aboriginal and non-Aboriginal activism in the city by shifting 'the focus away from regimes of disappearance to resistance, survival and possibility' (Culhane 2003, pp. 600, 595). Led by families of the missing and murdered women, indigenous elders, activists and supporters, the Annual Women's Memorial March transformed anti-violence organizing as well as indigenous activism in the city. It enabled indigenous women's 'self representation in public culture', which critiqued the depiction of indigeneity 'embedded in Canadian colonial history and culture'; the March also challenged the 'race-blindness' that imposes a culture of invisibility upon the women (Culhane 2003, p. 594).

The impact of this self-presentation of the indigenous women cannot be underestimated, as Culhane has so rightly noted. In the years I have been following the March, what also appears significant is the women's transformation of urban space by their claiming of Vancouver as traditional (Coast Salish) territory. Aboriginal subjectivity is distinguished by its link to the land, indigenous scholars have argued (Coulthard 2014a), and this was certainly true of the organizers of the March who redefined the urban landscape as they redefined their depiction. In a pamphlet distributed at the event (2001), this is how the women described themselves: 'We Are Aboriginal Women. Givers of life ... We stand on our mother earth and we demand respect' (Culhane 2003, p. 593). This was an assertion of selfhood that symbiotically tied land to dignity; it was also a rejection of settler sovereignty with its relations of private property. Challenging the logic of indigenous extinction that infuses the national imaginary, this future-oriented indigenous mobilization was a declaration of will to onto-epistemological survival. Dian Million has found that indigenous

women have 'worked with an indigenous symbolic that does not see the polity organized around a white male subject or a female indigenous one. They moved to transform the order. Indigenous women articulate a polity imagined in indigenous terms—a polity where everyone—genders, sexualities, differently expressed life forms, the animals and plants, the mountains—are already included as subjects of the polity' (Million 2013, p. 132). This 'indigenous symbolic' is certainly to be found at the heart of the organizing of the Memorial March.

Exposing the state's political malaise as sanction of the murder of indigenous women, the Memorial March challenged the nation's self-representation, including its most progressive sectors. It exposed non-indigenous feminist organizations' complicity with the state while confronting hegemonic feminist narratives of violence against women that privilege gender as the primary social relation. Re-defining indigenous women's sexual exploitation, rape, disappearance and murder as practices of the destruction of indigenous sovereignty in the daily life of the nation, the women's activism grounded the visceral link between gendered indigeneity and rapability—named as direct and causal—in the lives of the women lost and in the practical politics of grassroots remobilization of indigenous communities.^v Highlighting the indigenous nature of the March, the women were reinscribing indigenous cultural practice.

Moreover, the women's statement 'We stand on *our* mother earth [emphasis added]' (Cited by Culhane 2003, p. 593)—amounted to an implicit challenge to the nation-state, going well beyond the national discourse of treaty rights and reservations. Instead, it centered an indigenous conception of territorial sovereignty that laid claim to the city of Vancouver as traditional indigenous (Coast Salish) territory. One of Canada's major cities is 'our' mother, claimed the authors of this declaration, and their demand for 'respect' articulated a basis other than the subjugating regime of rights for their relation with the state and nation. 'This is our land and we belong here', an AWAN activist stated in the women's reclaiming of the city (Culhane 2003, p. 604). Notably, such claiming of territory was not articulated in exclusionary terms; the March invited non-aboriginal people to 'come together' to grieve the lost women. 'Please join us (all genders welcome)' read the public announcement for the event (Ajik 2009).

Settler sovereignty has extended an individualizing incorporation of indigenous peoples into the burgeoning regime of Canadian citizenship since the mid-twentieth century. Previously genocidal and culturally assimilationist, the mode of governance of indigenous peoples shifted towards accommodation as the Canadian polity was liberalized (Coulthard 2014). Recognition of the 'distinct' identity and culture of indigenous peoples, and negotiation with them on this basis became the dominant strategy henceforth. This shift, which Coulthard has defined as the 'politics of recognition', reconfigured coloniality by relegating some measure of self-government to indigenous peoples

while harnessing their resources for ongoing capitalist exploitation. Such politics of recognition shifted the political horizon of many indigenous organizations towards political reconciliation and neo-liberal capitalism (Coulthard 2007).

Indigenous women's activism, however, revealed that gendered/colonial violence was co-terminus with such indigenous self-government and that this violence could not be considered a phenomenon of the past. By claiming their standing on their mother earth, the activists foreclosed the politics of recognition as the limiting horizon of their politics. Instead of demanding 'recognition' and protection of 'rights', the Memorial March built momentum for a different political vision, one in which state and law were identified as institutions sanctioning murderous violence. Rejecting a rights-based approach exemplified in, for example, the recommendation of the Royal Commission on Aboriginal People for a 'unique form of dual citizenship' (Kane 2000, p. 2), the March inscribed indigenous sovereignty into the political and cultural landscape of inner-city activism.

Culhane records how, in the 2001 March, indigenous speakers recounted the transplanting of European patriarchy onto their lands and cultures, the abuses of the *Indian Act* and the Residential School system, the break up of family and community, and the homophobia, poverty and illness in these communities, linking these to the murders and disappearances in an ongoing chain of violence.^{vi} Such public recounting of indigenous history as informing present day struggles rejected reliance upon the state and national institutions to end the violence and, in rejecting the authority of these institutions, the women identified themselves as both advocates and protectors of indigenous sovereignty. As such, the women were to inspire other indigenous women and men, and their non-indigenous supporters, across the country to reclaim the inner city as indigenous space as the Memorial March spread to other Canadian cities.

Indigenous women in the Downtown Eastside were thus redefining urban space, modernized 'global' cities and highways, as the terrain—like the institution of citizenship—for the erasure of indigenous sovereignty, not as remote or recent past, but as living practice. Yet in their activism, indigenous women were demonstrating that the inner city could be the site for articulating indigenous sovereignty *through their remobilization of community*. This expression of the possibility of indigenous sovereignty over urban space has been winning over the support of (some) non-indigenous supporters to the women's vision for the last decade-and-a-half of the organizing of the Memorial March. In the process, non-indigenous social movements are increasingly being challenged to engage indigenous claims in their own politics and organizing.

In challenging the heteropatriarchy of a state that sanctions their murder, and the gendered racism of a nation that relegates them to

invisibility, indigenous women were reiterating a post-genocidal understanding of indigenous 'culture', drawing upon while simultaneously moving beyond the notion of 'tradition' as understood in the essentializing terms of Canadian nationhood. Culture is integrally connected to politics in indigenous frameworks, Coulthard argues in his study of the Dene, their separation into different realms being an effect of colonization (Coulthard, 2014b). The women's activism revealed that whatever else Canada may attempt to transform itself into—that is, liberal democratic, welfarist or neo-liberal/multiculturalist—its gendered/colonial culture is still a foundational logic of power.

What is the Canadian nation's response to indigenous women's linking of sexual violence with the logic of colonial-modernist forms of governance? I have already referenced above the Prime Minister's rejection of such linkage by his insistence on the individualizing logic that the murder of indigenous women be treated as any other crime. In her analysis, Culhane argues the '[r]ecognition of the burden of social suffering carried by Aboriginal people in this neighbourhood [the Downtown Eastside]—and in Canada as a whole—elicits profound discomfort within a liberal, democratic nation-state like Canada, evidencing as it does the *continuing* effects of settler colonialism, its ideological and material foundations, and its ongoing reproduction' (2003, p. 595). If this is the case for mainstream society, how do non-indigenous feminists—white and immigrant—relate to the politics of indigenous self-assertion? As I demonstrate in the next two sections, immigrant and white feminists, with few exceptions, have yet to come to terms with the transformative politics of indigenous women's activism.

Migrating Cultures, Culturalizing Gender

During the Senate hearings on the 'barbaric cultural practices' discussed briefly in the introduction, the Minister of Citizenship and Immigration was grilled by a Senator who took umbrage at the title of the Bill. 'Are you calling those people barbarians?' asked the Senator, to which the Minister retorted, 'The community at which this Bill is addressed is the community of those who perpetrate violence against women. It knows no bounds of culture, nationality, language' (CBC 2014). Pressed further about the necessity for the legislation given the existing legal prohibitions against gendered violence, the Minister argued '[t]he defense of honour as a basis for provocation has been used dozens of times in Canada and its very existence under our criminal law weakens the defense that women and girls deserve to have in their own homes from their own relatives. We should not be allowing there to be any concept of family honour, however construed, as a mitigating factor for the murder of a family member'. Unwilling to back down, the Senator pointed out that the courts have not accepted such a defense, but the Minister remained undeterred. 'It could be used in the future and its very existence sends a message to men ...

that their honour is somehow at stake and could be used in a court of law to defend them against the charge of murder', he insisted.

It is notable that despite the Minister's comment that gendered violence knows no 'bounds of culture, nationality, language', his government's institutionalization of the discourse of 'barbaric cultural practices' in the Immigration and Refugee Act reinvoked an anthropological discourse largely discredited since the mid-twentieth century, and even within Canadian practices of sovereignty articulated in the discourse of multiculturalism. Moreover, the Minister's comments identified the immigrant and refugee family as the foremost site of danger for immigrant/refugee women, their relatives the source of an unparalleled threat to their lives. Ironically, marriage is also posited, this time in the form of its 'enlightened' variant, as the Canadian way out of this violence.

The significance of attributing 'barbarism' to alien, particularly Muslim, cultures in the contemporary Islamophobic moment was not lost on the many Canadians following this debate. 'ISIS is barbaric!'; 'The things this Bill addresses have no place in Canadian society. They are barbaric and those that perpetrate those acts are barbarians'; and 'Canada is way too soft on all these anti-human practices being brought in here', were among the online comments posted in responses to the media report of the testy exchange between the Senator and the Minister. However, such views were not limited to proponents of the Bill as even its critics reproduced the notion of essential 'cultural' difference and the normalization of the sense of Canadian superiority. Unpacking a series of misleading statements made by the Minister, a respected columnist took the Bill to task for 'pandering' to anti-immigrant and anti-Muslim sentiments in the country. Yet this chiding of the conservative government did not hinder the columnist himself from exalting Canadian values: 'It is true that Canada does not tolerate practices more common in other countries. Americans who want to come to Canada must give up their handguns. Chinese billionaires, if they wish to settle here, may have only one wife apiece. Murdering wives and daughters—for any reason—is just not on' (Walkom 2014). Murdering wives and daughters is apparently 'on' in Other countries.

Mahmood Mamdani has argued that the settler and native were instituted in colonial law as distinct kinds of political identities, with the settler—by means of conquest—having the power to enforce his institutional force over the native (Mamdani 2001). Caught between a powerful settler society and dispossessed natives, neither national nor indigenous, 'immigrant' emerged as a category without a rights-based claim to the former or ancestral relation to the land. Yet, as the bearer of violent gendered alterity requiring Canadian tutelage, 'immigrant' was a constitutive feature of national identity, an embodied entity anchoring the cohesion of national politics since the mid-nineteenth century (Narayan 1997, Razack 1998, Thobani, 1999). Expansion of the state's domain required European immigration, particularly of

women, while immigration of women from China, Japan and India threatened to exponentially erode the whiteness of the nation through the ensuing generations (Dua 2007). Forged at the intersection of settler raciality and gendered nationality, the category 'non-preferred race' was transformed into 'immigrant', rendering invisible histories of slavery and indentureship, as well as colonization and displacement in country of origin and resettlement alike. This category conflated the immense heterogeneity among the Black and third world peoples that it held captive; involuntary migrations were collapsed with 'voluntary' migrations, workers and professionals with investors and families. Specificities of class, gender, sexuality, dis-ability and ethnicity were rendered invisible as every new generation and incoming cohort was to be subsumed into its totalizing grip.

The equation between immigrants and gendered barbarism was reconfigured in official multiculturalism, but it is instructive to attend to how this conflation has presently come to dominate the immigrant imaginary. Following the unrelated violent deaths of two elderly South Asian women recently at the hands of their spouses in British Columbia, an anti-violence immigrant activist was interviewed about these deaths in a newspaper serving the South Asian community. The veteran feminist activist explained the violence as follows:

... our men somehow or other have never really learned to control their anger and they haven't stopped thinking that a wife is something they own—a 'thing' they own and not even a human being. So every time anything happens, they get angry and it goes to this extent, which is really surprising. I was also very surprised—two cases in our community about our seniors'. (Mall 2014)

This explanation reveals an orientalizing self-representation that dovetails with the state's culturalizing discourse. The feminist's surprise at the occurrence of these deaths in her community did not stop her from concluding that 'the abuse has been going on between the couples for the longest possible time' (Mall 2014). Even when the dominant culturalist paradigm was ruptured by her experience and knowledge of her community ('I was amazed'), the narrative of gendered barbarism sutured over the incongruence as she advocated for state recognition of immigrant women's violent oppression in the form of more funding for immigrant women's organizations.

Interestingly, the potential for undermining the culturalist narrative was to be found in the media report in which the reporter went on to list a number of specific issues (other than 'culture') as pertinent to the problem elderly women in the community experienced, including social isolation, added household responsibilities, financial abuse and depression. These issues were mentioned but did not carry enough weight to deconstruct the politically sanctioned and readily available culturalizing discourse. The power of this discourse has been embedded in, for example, the official guide, *Welcome to Canada*, that is provided to new immigrants. The guide warns immigrants that 'Canada's openness and generosity do not extend to barbaric cultural

practices that tolerate spousal abuse, honour killings, female genital mutilation, forced marriage or other gender based violence' (Citizenship and Immigration, Canada 2013, p. 36). Such institutionalization of the discourse of barbarism thus always already precedes the actual arrival of immigrants into national space. Consequently, the lack of opposition to the Barbaric Cultural Practices Bill from the immigrant communities compelled to live within its confining colonial constructs reveals just how deeply these constructs have been internalized within their political horizon.^{vii}

The resilience of the culturalist paradigm has to be contextualized also by its endorsement within Canadian feminist discourse, which advances the notion that Canadian values—with all their sexist limitations—are nevertheless still superior to gendered 'barbarism'. So, for example, a recent report produced by a mainstream anti-violence organization applauds immigrant women for bringing a 'wealth of knowledge from their own experience, and from working with other immigrant women', into the feminist organization. The report does this by underscoring how well these 'women spoke about their communities and how culture affects immigrant women's lives in every aspect' (Escolar & Nizher 2008). Although the authors of the report noted that '[t]he cultural context in which immigrant women live is unique to each community', they went on to conclude 'however, similar themes of women's oppression, manifested through cultural norms, values, histories and beliefs, emerged' in the accounts provided by immigrant activists. Needless to say, no mention was made of the 'cultural' context that sustains the mainstream (white) feminist organization's power to authorize immigrant women's 'feminism'.

Furthermore, the feminist report identified the 'collectivistic nature' of immigrant cultures as particularly problematic and claimed that 'at times, there is no separation between the individual, the family and the community' in these cultures (Escolar & Nizher 2008, p. 1). Such 'collectivism' is, of course, anathema to the individualizing paradigm of Canadian feminism, as well as of Canadian citizenship. The report then explained that 'patriarchy, tradition and religion are very strong and influential in an immigrant woman's life', but these issues are not taken seriously enough within the legal system. 'Taking culture into account', the report stated, would mean 'workers can engage with immigrant women in a different way than they would with non-immigrant women' (Escolar & Nizher 2008, p. 1). The issue of language (*de rigueur* in this field of feminist politics) was considered a particular cause of concern in the problems faced by immigrant women, for it '... affects her feelings of being understood in a system that speaks, in every sense, a different language' (Escolar & Nizher 2008, p. 1). In other words, the report claimed that Canada speaks—'in every sense'—a different 'language' than immigrants. This feminist report mirrors the discourse of the Barbaric Cultural Practices Bill as it, too, relegates immigrant women to the realm of culture, tradition and religion. Not surprising then, a plethora of barbarisms awaits discovery by feminists in immigrant worlds.

'Immigrant' consciousness has been forged in, and harnessed to, the Canadian culturalizing socio-political environment. In this milieu, discovering and decrying the barbarism of their own cultures functions as the condition of possibility for immigrants' entry into political identity (Bannerji, 2000); claiming the position of native informant is seen to allow access to rights. The contradictory impact of this (non)citizen status—simultaneously integrationist and ejectionist—aligns the immigrant political horizon with that of the nation/al. Unlike indigenous women's activism, which challenges heteropatriarchal settler sovereignty, immigrant women have, for the most part, been disciplined into internalizing its racial/gendered discourses. Seeking the political recognition of white feminism, they have internalized the latter's colonizing practices. Alliance with indigenous activism, on the other hand, necessitates a rethinking of the relation between the 'patriarchy' of immigrant communities and that of the nation-state.

It is pertinent to note that the political vision that shaped migrant political horizons in the late nineteenth and early twentieth-century was overtly anti-colonial and internationalist. Immigrant communities were strongly connected to their counterparts in the Third World, the US and Europe during this period, as evidenced in the abolitionist, anti-colonial and anti-racist dimensions of various strands of immigrant politics. For one example, Austin has analyzed how Montreal was an important site in the circuit of Black radical politics in the early to mid twentieth century. In the South Asian context, the forming of the Ghadar Party and the organizing of the voyage of the Komagata Maru connected Vancouver and San Francisco to Hong Kong and the anti-colonial struggles in South Asia. These politics were domesticated into the realm of the nation-state by their struggles for Canadian (and US) citizenship. The rights-based paradigm demands patriotic fealty, it has forced the radical dimensions of anti-colonial internationalism to the margins of marginalized communities, where they are to be found even now, albeit to differing degrees.

In claiming space within national politics, radical anti-racist and anti-colonial politics within immigrant communities were dealt a near-death blow by official multiculturalism. These communities became disaggregated into discrete culturalized communities, the revolutionary traditions within their communities now derided in the state's elevation of conservative and reactionary forms by way of multicultural funding. Imbibing the discourse of cultural otherness allowed access to a measure of rights and services, but at the cost of an insecure citizenship that could be readily stripped away, as is evident with the contemporary Islamophobic practices of the state.^{viii}

As a constellation of practices, Canadian sovereignty is constituted within this culturalization of immigrants, which exalts nationals as culturally advanced and harnesses the resources of immigrants to further the politico-economic-disempowerment of indigenous peoples. Immigrant labour fuels economic growth and helps keep indigenous peoples, whose economic and professional advancement may well

strengthen their capacity to challenge the nation-state, on the fringes of the labour market. Anti-racist politics within immigrant communities—with the power to contest this racial segmentation of the labour market, debunk the culturalizing practices that sustain the nation's whiteness, and develop political alliances with indigenous peoples—are actively sidelined by state sponsorship of compliant immigrant organizations.

In closing this section, I turn to one of the most prominent Indo-Canadian politicians in British Columbia to highlight the immigrant collusion with the state that I have described above. The Honorable Wally Oppal, lawyer and former BC Supreme Court judge, served as Attorney General of British Columbia during a period when indigenous women were being killed in the streets of Vancouver in significant numbers (2005-2009). Subsequently appointed to head the provincial Commission of Inquiry into the Missing Women, Oppal rejected calls by indigenous activists for the appointment of an indigenous woman to head this Commission. In his final Report, *Forsaken*, the Commissioner reiterated the by now standard narrative of state and national innocence, apart, of course, for the 'systemic bias' of law enforcement agencies that led to serious oversights in police practice (Ball 2012). The Inquiry concluded the disappearance and murder of indigenous women was 'a tragedy of epic proportions', indigenous women 'had been forsaken by society at large and then again by the police', and that this 'pattern of predatory violence should have been met with a swift and severe response by accountable and professional institutions, but it was not' (Oppal p. 11-12).

The Report reiterated the national stance that indigenous women 'have a heightened vulnerability to violence', a standard practice within Canadian liberalism. Yet this narrative was ruptured by a searing, albeit unattributed, quote in the Report that pointed out indigenous women live in 'a society that poses a risk to their safety' (Oppal p. 14). In this claim, the nation was defined *in toto* as posing 'a risk' to the safety of indigenous women. Had Oppal taken the lead from this claim, the overall narrative of national innocence that frames his Report would have begun to unravel. However the Report sidestepped the implications of this insight to ultimately hold nobody in particular accountable by identifying the 'system' as having 'forsaken' these women (Doig 2012). Oppal's focus on the lack of professionalism and accountability in law enforcement as the major problem, and his recommendation that equal protection of the law be extended to indigenous women in practice ended up likening their status to that of immigrants, also struggling for inclusion into citizenship. The Report thus rendered invisible the political status of indigenous women as 'wards' of the state; it also concealed the foundational violence of the nation-state, which could then only be named as 'increased vulnerability' of the women. It is surely ironic that Oppal's South-Asian ancestry—pointed to by his supporters^{ix}—provided a handy alibi against the racism that permeates Canadian society even as this ancestry implicitly links him to the gendered barbarisms of immigrants as defined by the state.

Rites of Nationality: Gendered Makings of Whiteness

Violence against Canadian women remains an issue of major concern in mainstream feminism, the allegations of sexual misconduct by the women MPs referred to in the introduction being only the tip of the proverbial iceberg. Although this case garnered considerable public attention, sexism within police practices and the judicial system remains highly resilient. Changing social attitudes about violence against women can undoubtedly be considered among the most impressive achievements of the mainstream feminist movement, which has put issues like rape, intimate femicide, incest and sexual harassment on the national socio-political agenda. But gendered and sexual violence goes significantly underreported, or discounted by law enforcement agencies, argue women's organizations working with survivors. Statistics on sexual violence are notoriously difficult to compile, and women's organizations have prioritized the collection of such data as an important aspect of pushing for legislative change. Data collected by Statistics Canada as highlighted by one women's organization, for example, revealed that sexual assaults were as high as 472,000 in 2009 (WAVAW; Brown 2015). The severity of this violence clearly cannot be downplayed, but it is highly instructive to examine how anti-violence organizations go about identifying and analyzing such violence, and how they provide support services to survivors. As I demonstrate in this final section of my paper, such examination provides valuable insights into how settler ideology operates within the politics of feminism as Canadian (white) women negotiate their relation to state and nation, as well as to indigenous and immigrant women. These negotiations further the rights-based paradigm that has been central to extending white women's status and rights, as well as to securing their domination of feminist politics.

My analysis of this phenomenon begins by examining how a prominent anti-violence feminist group organizes the services it provides to women. These services are grouped into the following categories: 'women', 'Indigenous women', and 'Refugee and Immigrant women' (BWSS 2015). The poster advertising services for the first group features an illustration, a simple outline of three women's faces in silhouette, lined in a row; the poster for the second group has an image of an indigenous mask and an outline—full frontal—of a woman's face, two feathers sticking out of her hair; and for the third group, the same illustration as in the first poster is reproduced, but this time it features writing in Spanish, Farsi and Hindi, signaling, one assumes, the different languages in which services are provided.

It might be pointed out here that the needs of indigenous, immigrant and refugee women are different and hence ought to be taken into account in service delivery. This is quite right. However, the problems with such a seemingly transparent pluralism become evident immediately: it hides the classificatory practices that constitute the asymmetrical 'difference' of race among women, naturalizing these by

such un-self-reflexive reiteration. The 'difference' of indigenous and immigrant/refugee women is signified by racially coded cultural and linguistic markers (mask and feathers in the case of the former; Spanish, Farsi and Hindi script in the case of the latter), whereas the category 'woman' is not marked in the same register. This category is thus presumed to be, well, 'Canadian' and/or 'woman'. The equation of the culturally unmarked citizen with the national subject is so commonplace as to leave one embarrassed to continue drawing attention to its banality. This practice, despite repeated critique by critical race and indigenous feminists, remains central to white feminism as it elevates the category of gender to primacy, confirming for white women the status of the national gendered norm.

Historically, the settler state promoted the migration of European women to produce Canadian socio-cultural institutions as British and French, making the fate of this emergent bi-racial 'nation' reliant upon the success of this endeavor. Unlike indigenous peoples and peoples of colour, these women acquired access to domicile, mobility, employment and other such rights to advance their integration into the whiteness that is at the core of the Canadian racial formation. In turn, the women transformed these rights into the basis upon which to launch their feminist organizations to acquire full and equal citizenship. These women's organizations—furthering national interests as they secured their own racial status—are defined as 'first wave' Canadian feminism in feminist hagiography (Iacovetta and Valverde 1992). By thus constituting themselves as national subjects, the women grounded state practices in daily life by extending the racial Othering of indigenous, and Black and Asian women as the source of racial threats (Carty and Brand 1993, Bannerji 2000, Silvera 1993, Dua 2007). Moreover, mirroring the state's racializing practices, these early feminist organizations treated women of 'non-preferred races' as a sexual menace, threatening the seduction of white men and presenting the danger of miscegenation (Dua 2007). In other words, the history of 'Canadian' feminism demonstrates that European women were as invested as the men in producing whiteness as they expressed their gendered interests as 'national' in scope.

The production of such gendered nationality is evident in the contemporary politics of mainstream feminist organizations, including the anti-violence organizations that I am tracking here. In another contemporary example, an organization founded by sex workers (the PACE Society) defines as a key objective 'eliminating the conditions of rape, mutilation, assault and death' within the sex trade (Cler-Cunningham & Christiansen, 2001, p. 1). This feminist outlining of sexual violence delinks it from racism and colonialism, and produces the 'sex worker' who is the subject of the organization's activism as a racially—that is, white—unmarked category.

In a report that documents and analyzes the experiences of sex workers in the inner city, an anti-violence organization provides no

information on the racial demographic of the interview subjects. The sole reference to Aboriginal women notes they are 'overrepresented' in the sex trade (Cler-Cunningham & Christensen 2001, p. 4). No attempt is made to study why this is the case, nor does the 'overrepresentation' feature as the starting point for the report's analysis of the sex trade in the inner city. Surely if indigenous women are 'overrepresented' in this trade (as much as 70%, by other estimates), the link between indigeneity and the sex trade is crucial and demands attention (Culhane 2003, p. 597).^x At the same time this report makes an explicit commitment to include in its analysis 'all genders' in the sex trade, specifically naming men and transgendered people. Presumably these would be white men and white transgendered people, given that race and colonialism are not explicitly acknowledged. This, in a city where almost half the population is made up of racial minorities, and the downtown core is a key site for indigenous women's organizing.^{xi}

Yet race and colonialism cannot be entirely suppressed by the report, for they permeate the analytic approach in an important manner. The conditions in the city that make the organization's anti-violence work necessary are described as follows: 'Residents feeling under siege, a rate of rape and assault that would shame third world nations, an expanding list of murdered and missing women, and an international embarrassment of infectious disease transmission rate are the consequence of misguided laws and ill thought out social policies' (Cler-Cunningham & Christensen 2001, p. 1). The report cites the use of an unlicensed drug during an outbreak of a sexually transmitted disease to demonstrate what it calls a 'Third World parallel' in the treatment of sex workers as it faults Vancouver Health authorities for using 'a method more common to the Third World than First' (2001, p. 19). This not-so-subtle exaltation of the 'sex worker' (a First World subject) as a Canadian who seeks redress from the state makes this subject the barometer for measuring the success of the city's health services. But the bid to extend this subject's rights is reliant on a strategy of racial shaming of the state. Canada's record is described as—horror of horrors—worse than that of a Third World country; extending legal protection and social entitlement to First World sex workers would restore the nation's international standing in relation to the Third World. That many indigenous peoples in Canada live in conditions that are defined as worse than those found in many a Third World country, and that many Third World countries struggle to protect their populations is conveniently overlooked in such denigration of the 'Third World'.

The report is shaped by a feminist politics that seeks legislative protection of sex work as self-employment, defining the right to such work as in any other field of labour. This convergence of the discourses of citizenship (rights, entitlements, protections), neo-liberalism (market relations, commodification, self-employment, individualism) and feminism (choice, agency) are all too obvious, but what requires attention is how the report integrates the experience of ('overrepresented') indigenous women into its depiction of the

violence associated with the sex trade to advocate for legal and social protection of the racially unmarked (white) sex worker. The report's aggregated data on violence against sex workers serves to highlight its severity, but disaggregation of such data is vital to account for the actual distribution of this violence, as it is to transform the conditions that produce this unequal distribution. The report, however, overlooks this critical information. This practice—aggregating data to disappear indigeneity and race—enables the sex worker who is to be protected to emerge as representative of the (Canadian-First World) 'sex worker', the national subject as transparently white. Given the qualitative and quantitative overrepresentation of indigenous women in survival sex work, inclusion of data on their experiences can be anticipated to inflate the statistics and severity of the overall violence in the sex trade. This is reflected in indigenous women's rates of mortality due to violence, which is three times higher than non-indigenous women, and five times higher for those aged 25-44 (Hunt 2007). Indeed, reports suggest that the murders ('homicides') of Canadian women have been decreasing in the last few decades, while those of Aboriginal women have increased.^{xii} The report does not highlight such complexities. To put the matter bluntly, the report appropriates the violence done to indigenous women to further the rights of white sex workers.

This appropriative practice can also be found in relation to immigrant women. Among Vancouver's earliest residents (1880s), recounts the report, was a woman named Birdie Stewart who established a brothel. Vancouver's history is thus 'intertwined with prostitution' and prostitutes were subject to a specific fine during this period, explains the report as it goes on to define the fine as 'a veritable head tax' (Cler-Cunningham & Christensen 2001, p. 4). The Head Tax was a notoriously racist policy put into effect in the late nineteenth to mid 20th centuries to bar Chinese and South Asian migration, particularly of women, into Canada. As a result of this tax, families and communities were torn apart, often for decades as their reunification was effectively barred by the state. To recast a fine for prostitution during this period as a Head Tax is to obfuscate the racialized gender politics of the period; it is also to render invisible the actual practices legislated to secure the social, economic and political control of the province, along with its trades and industries, by white subjects, including in this example, Birdie Stewart. Equating the status of a woman who could establish and run her business—and thus emerge as an economic agent within a market system that commodified sexuality—with that of Chinese and other Asian women who were barred from entering the country because their sexuality was defined as racially polluting can hardly serve the interests of immigrant women. The report's authors thus use a key racializing practice of the immigrant experience and deracialize it as they inflate the extent of victimization of the white gendered subject. Moreover, this appropriative retelling of the gendered history of the city vacates indigenous presence from the lands upon which the city of Vancouver was established by enterprising settlers, including Birdie Stewart.

The appropriative power of feminist whiteness is evidenced in another example of sex work activism. 'An adult 'sex' club recently established in Vancouver by a white transgender sex work activist is named 'Forbidden City' (Forbidden City 2015). The club invites its customers to 'explore the forbidden' and welcomes 'alternative and open-minded lifestyle communities', who are identified as 'Crossdressers, T Girls, F2M, Admirers and Open-Minded lifestyles including swingers' (forbiddencityvan.com). The naming of the club as the 'Forbidden City' (the Peking palace of Chinese emperors) reiterates the link between 'Chinese/Asian-ness' and sexual promiscuity that permeated nineteenth and early twentieth century moral panics regarding Asian migration to North America. Now celebrating transgressive sexuality but reiterating its historical linkage to 'Asianness', the transgender sex worker—and presumably her clientele—are enabled to constitute themselves as sexually liberated subjects by embracing this exoticized sexual signification while escaping its racial consequences. Yet another example of such appropriation is to be found in the bid for 'reparations' for sex workers who were forced out of the city's West End in the 1980s. The campaign for 'Reparations' is the international movement launched by Black activists advocating economic justice for the descendants of the cross-Atlantic African slave trade. This trade stretched across centuries and enslaved millions of Africans, and is now widely considered a crime against humanity. The eviction of sex workers from the West End of the city of Vancouver was most certainly a violent injustice in its own right, but this appropriative/association with a campaign linked to the historical experience of transatlantic slavery is surely questionable.

Such appropriative practices have underwritten the claims and campaigns for full inclusion into citizenship of partially disenfranchised Canadians—women, sex workers, and transgendered subjects. However, as these subjects constitute themselves as 'nationals' as the means to acquire this inclusion, they extend the racialized practices intrinsic to settler colonialism. Reliant on these colonizing practices, feminist and anti-violence organizations elevate whiteness as property of the national subject at the cost of erasing or containing the 'Aboriginal' and 'immigrant' subject in their own practices. White women's constitution of themselves as 'Canadian', which, by necessity requires the extension of their access to citizenship, remains reliant upon their extension of settler sovereignty.

Conclusion

In this paper, I have argued that settler societies are predicated on a complex set of incommensurable relations of violence that are enmeshed in the institution of citizenship. If the gendered dispossession of indigenous peoples remains a cornerstone of Canadian sovereignty, instituting the 'insider' status of a 'national' population through immigration is another such foundation. As the settler was transformed into the rights-bearing citizen, her claim to the status/space of the nation/al became predicated on protecting the

singularity of her claim. The relation that binds nationals-as-citizens to the state is unlike that which binds indigenous peoples to the Canadian state, as is the relation that binds immigrants-as-aspiring-citizens to the state and nation. Racialized as perennial outsiders, immigrants have sought parity with the national, but on grounds laid out by the nation-state. Conjoining an unreconstructed culturalism with a dominant feminism, immigrant women's activism routinely replays their racialization in their self-representation, garnering state, feminist and public recognition in the process. Placing indigenous, immigrant and white women in the same analytic frame, I have examined the irreducible violence to which they are subjected by these triangulated processes of racialization, which remain foundational to Canadian state and nation formation.

Liberal theories of egalitarian fairness are confounded by this race-making function of citizenship within settler colonialism. As citizenship grounds these relations of violence, it helps constitute particular forms of violated and violent gendered subjectivity. As a result, indigenous sovereignty has been made as inconceivable within the immigrant imaginary as it is in that of the national gendered subject.

Indigenous, immigrant and white women's negotiations with citizenship, I have argued, reveal the gendered (dis)affiliations that sustain the Canadian polity. The egalitarian ambitions of immigrants within a legislative landscape grounded in colonial dispossession produces a complicity they have yet to transcend, while white women constitute themselves as 'Canadian' by eliding from their political horizon race and coloniality. Indigenous women's activism, however, seeks a transformation of the entire edifice of the Canadian nation-state. The significance of this difference cannot be overstated.

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Notes

ⁱ Aboriginal leaders and activists have been calling for a national Inquiry into the crisis of escalating violence against indigenous women for some years now. Most recently, the Chair of the Truth and Reconciliation Commission (TRC) investigating the effects of the residential school system, Justice Murray Sinclair, called for Canada to attend to these cases (Kennedy 2014).

ⁱⁱ The Royal Canadian Mounted Police had earlier released a report on approximately 1200 such murdered or missing indigenous women. Indigenous activists estimate the figure to be much higher.

ⁱⁱⁱ Press release, Jan 31, 2004, Ottawa, Ontario.

^{iv} The objective of founding NWAC is as follows: 'to enhance, promote, and foster the social, economic, cultural, and political well-being of First Nations and Metis women and Canadian societies' (NWAC 2015). Although it could be argued that NWAC works within a 'rights-based' framework as it seeks to protect the status of indigenous women, the organization's treatment of First Nations, Metis and Canadian societies as co-eval implicitly contests the status of the Canadian state as the sole sovereign authority within Canada.

^v Indigenous and critical race feminist scholars have also elaborated on this link. See Razack, S (2002, p. 125); Smith, A (2005); Simpson, A (2014) and Maracle, L (1998).

In her ground-breaking essay on the murder of Pamela George, an Ojibway (Salteaux woman), in Regina, Saskatchewan, Sherene Razack connected the spatial politics of settler colonialism to the racial murder of indigenous women. George had been working in the sex trade when she was picked up, severely beaten and left to die by two white men who were out on a drinking binge during their college vacation. Defining George's murder as 'gendered racial or colonial violence', Razack argued that the subsequent trial was a form of 'spatialized justice' (2002, p. 125). Rejecting the idea that the murder could be explained solely within the terms of patriarchal violence, Razack pointed out that '... the men's and the court's capacity to dehumanize Pamela George came from their understanding of her as the (gendered) racial Other whose degradation confirmed their own identities as white—that is, men entitled to the land and the full benefits of citizenship'. (p. 126). White identity, in other words, was tied to settler identity with its power to erase indigeneity. Arguing against the hegemonic feminist discourse on patriarchy that elevated gender to primacy, and on prostitution that conceived of this as a contract, Razack emphasized instead how 'race overdetermined what brought Pamela George *and her murderers* to this brutal encounter' ... and how '[e]qually, race overdetermined the court's verdict that the men bore diminished culpability for their actions' (p. 126). Sexual violence functions as a 'tool of genocide' within settler societies, Andrea Smith has argued, as she recounted how, in her work as a rape crisis counselor, 'every Native survivor I counseled said to me at one point, "I wish I was no longer 'Indian'"' (2005, pp 7-8). More recently, Audra Simpson likewise argues that the murder of indigenous women is 'required' to secure the sovereignty of the Canadian state.

Lee Maracle has connected aboriginal men's relations with aboriginal women to the settler violence that made these women rapable. 'For us', Maracle states, '... rape is not an oddity, but commonplace' (1998, p. 55). As she goes on to explain, 'Our men know we have been raped. They watched it happen ... We are like a bunch of soft knots in dead trees, chopped down by white men, the refuse left for our own men-folk' (p. 56). She highlights the settler violence experienced also by indigenous men. Tina Fontaine, for example, had lost her father in a beating and was described by her relatives as afterwards going into a 'downward spiral' and 'drifting away' (Lambert 2014). 'After her father was beaten to death, Tina Fontaine went astray: "She

only lasted two months in Winnipeg” (Lambert, *The National Post* 2014). See also Razack, 2011.

^{vi} This recounting has continued into the present, as during the Memorial March in 2012 and 2013 in which I participated.

^{vii} The Harper’s government’s use of the colonial/Islamophobic discourse linking ‘barbaric cultural practices’ with immigrants and refugees received little public attention for a number of years. This was to change quite dramatically in the federal election of October, 2015. During the course of the election campaign, the Conservative Party was losing considerable support within its core constituency as a result of the downward slide in the economy. Harper turned to the issue of the Niqab, making its ban in public places, including at Citizenship ceremonies, a key component of his election campaign. The Liberal and NDP parties picked up the Conservative stance on ‘barbaric cultural practices’, attacking Harper on this issue to attract liberal and immigrant voters. Mainstream commentators skewered the Conservatives on this issue, as did many political activists among immigrant communities. Harper’s focus on the Niqab, along with his party’s right-wing positions on the economy, led to a humiliating defeat for the Conservatives. Given that my paper was written well before the election of 2015, I am unable to integrate a fuller analysis of how the discourse of ‘barbaric cultural practices’ played out during the election, and what the public attention generated at this time signals for the post-election treatment of this issue by the Liberal Party as it forms the new government.

^{viii} Japanese internment; ongoing deportation of undesirable immigrants/migrants/refugees; the stripping away of the citizenship rights of Muslims.

^{ix} Stevie Cameron, journalist and author of two books on the murdered and missing women, defended the Oppal report, pointing out that his ancestry meant he ‘knew all about racial discrimination’ (see Cameron 2012).

^x It is estimated that 70% of the street sex trade is made up of indigenous women under the age of 26 years, most are mothers (Culhane 2003, p. 597).

^{xi} Indigenous people make up one third of the Downtown Eastside population, and this site has been defined as having been made into a ‘containment zone’ by public health and law enforcement officials (Culhane 2003, pp. 595-596).

^{xii} This decrease in the violent deaths of Canadian women was pointed out by Dawn Lavell-Havard, the President of the Native Women’s Association of Canada (see Galloway 2015).

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