VIOLENCE AGAINST INUIT WOMEN IN THE CANADIAN EASTERN ARCTIC

by

Evelyn Zellerer

M.A., University of Toronto, 1989

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

in the School

of

CRIMINOLOGY

© Evelyn Zellerer 1996

SIMON FRASER UNIVERSITY

NOVEMBER 1996

All rights reserved. This work may not be reproduced in whole or in part, by photocopy or other means, without permission of the author.
The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

PARTIAL COPYRIGHT LICENSE

I hereby grant to Simon Fraser University the right to lend my thesis, project or extended essay (the title of which is shown below) to users of the Simon Fraser University Library, and to make partial or single copies only for such users or in response to a request from the library of any other university, or other educational institution, on its own behalf or for one of its users. I further agree that permission for multiple copying of this work for scholarly purposes may be granted by me or the Dean of Graduate Studies. It is understood that copying or publication of this work for financial gain shall not be allowed without my written permission.

Title of Thesis/Project/Extended Essay
Violence Against Inuit Women in the Canadian Eastern Arctic.

Author.
(name)
Evelyn Zellerer

(date)
Nov. 30/96
APPROVAL

Name: Evelyn Zellerer

Degree: Doctor of Philosophy

Title of Thesis: Violence Against Inuit Women in the Canadian Eastern Arctic

Examining Committee:

Chair: Joan Brockman, LL.M.

Curt Griffiths, Ph.D.
Professor, Senior Supervisor

Margaret Jackson, Ph.D.
Professor

Brian Burtch, Ph.D.
Associate Professor

Ray Corrado, Ph.D.
Professor
Internal Examiner

Gordon Bazemore, Ph.D
Associate Professor
Department of Criminal Justice
Florida Atlantic University
External Examiner

Date Approved November 25, 1996
ABSTRACT

There exists a large and growing body of literature which deals with various aspects of violence against women. However, there is little information which looks specifically at violence against indigenous women or rural woman abuse. This exploratory study examines violence against Inuit women in the Canadian eastern arctic. The focus is on wife abuse in Inuit communities on Baffin Island. The definition of violence includes physical, sexual, and emotional abuse. The goal of the dissertation is to provide an understanding of the current responses to violence.

An interdisciplinary approach is taken, drawing on materials from a diversity of authors. Particular attention is paid to cross-cultural studies, Gelles’ exchange/social control theory, and feminist theories. The theoretical constructs guiding data analysis are “sanctions” and “sanctuary”. Sanctuary refers to the safe refuge, services, and support for abused women. For this dissertation, sanctions, or methods of social control, refer to the responses of the police, courts, and communities to violence against women. It is argued that immediate, effective sanctions and sanctuary are critical for the elimination of violence against women.

Findings are derived from five field visits to Baffin Island between 1992 and 1994. Data were collected from in-depth interviews, official records, and observation. Interviews were conducted with a variety of Inuit and non-Inuit community residents, service providers, police, members of the judiciary, leaders/government officials, and
abused women. Police occurrence files for 1991 and shelter files for 1992 were computerized.

Inuit women were found to experience startling amounts of violence. The data confirm the importance of having sanctuary for abused women that is immediately available as well as clear, effective sanctions against violence, particularly from the community. Overall, however, there was neither effective sanctuary nor sanctions currently available. Analyzing data gathered in Inuit communities of the Baffin region advances the theoretical literature and raises key policy issues in the development of community-based justice initiatives.
ACKNOWLEDGMENTS

Sincere appreciation is extended to all the individuals who shared their perceptions and experiences and to the women who entrusted their stories to me. The people of the north made this dissertation possible. Particular acknowledgments are extended to Lynn Johnson, the staff of Qimaavik, Bernadette Dean, and the Iqaluit Research Centre. I am grateful to Donna Robertson for tape transcriptions.

A special thanks to my supervisory committee, especially for working so hard with me to complete this dissertation. Curt Griffiths, thanks for that airline ticket to the arctic, you changed my life. Margaret Jackson, your warm support is always appreciated. Brian Burtch, I am so glad that we came full circle together.

To numerous friends and colleagues who provided support throughout the doctoral process. Thanks Greg and Shelly Saville for becoming family. The Ph.D. group and “women’s group” was a source of valuable information and friendship, thanks Susan Boyd, Kathleen Burke, Jane Seagrave, Rob Adamoski. Gratitude is expressed to Darryl Wood, Paul Wong, and Rod Knowlan for your support and computer expertise. To all my friends who understood when I had to disappear. River, your card campaign was wonderful.

To my own family who has always been there for me, thanks for the inspiration big brother and love to my Mom and Dad. Partners who survive Ph.D. candidates should get honorary degrees. Thanks Patz, for being there through the thick and thin.
TABLE OF CONTENTS

APPROVAL ........................................................................................................ ii
ABSTRACT ........................................................................................................ iii
ACKNOWLEDGMENTS .................................................................................... v
TABLE OF CONTENTS .................................................................................. vi
LIST OF TABLES ............................................................................................ xii
LIST OF FIGURES .......................................................................................... xiii

CHAPTER ONE

Introduction ...................................................................................................... 1
Central Questions of the Dissertation ........................................................... 3
The Research Setting: Baffin Region ............................................................... 5
Definition and Forms of Violence ................................................................. 11
Incidence of Violence Against Women in Canada ........................................ 14
Outline of Dissertation ................................................................................. 16

CHAPTER TWO: Literature Review of Violence Against Women and
Theoretical Framework of this Dissertation

Introduction: ................................................................................................... 18
CHAPTER THREE: Field Research in the Canadian Eastern Arctic

Introduction .................................................. 103
Baffin Crime and Justice Study ................................... 103
The Context of Field Research: The Canadian Arctic .................. 105
Inuit Communities of the Eastern Arctic ................................ 110
Collecting Data: Field Research in Baffin Island .................... 113

1. Police Files ........................................ 116

2. Shelter Files ...................................... 118

3. Interviews ....................................... 120
4. Participation and Observation .................................................. 128

Limitations and Parameters of the Study ...................................... 130

Summary ..................................................................................... 133

CHAPTER FOUR: Nature and Extent of Violence Against Inuit Women

Introduction .................................................................................. 136

Nature of Violence Against Inuit Women ....................................... 136

Incidence of Violence Against Inuit Women ................................. 139

Nature and Extent of Violence: Insights from Shelter Files ............ 142

Views on Violence Against Inuit Women in the Past ....................... 149

Summary ..................................................................................... 155

CHAPTER FIVE: “Sanctuary”: Refuge, Services, and Support for Abused Women

Introduction .................................................................................. 157

Safe Refuge for Women in Communities ..................................... 157

Nowhere to Go: The Absence of Sanctuary for Victims of Violence ...... 159

Qimaavik: The Shelter in Iqaluit ................................................. 162

Perceptions of the Shelter ............................................................ 164

Women Who Used the Shelter ..................................................... 167
CHAPTER SIX: “Sanctions”: Police, Court, and Community Responses to Violence Against Women

Introduction ................................................................. 193

Part I: Police Responses to Violence Against Women ..................... 194

Policing Inuit Communities ................................................. 194

Policing Violence Against Women: Under Reporting ..................... 196

Reporting Violence Against Women ....................................... 199

Increased Reporting due to Education ..................................... 205

The Charging Policy in Cases of Spousal Assault ......................... 206

Part II: Sanctions of the Territorial Court ................................ 212

The Territorial Circuit Court in the Baffin Region ......................... 213

General Perceptions of the Circuit Court ................................ 216
CHAPTER SEVEN: ANALYSIS AND CONCLUSIONS

Introduction ................................................................. 286

Police Responses: A Summary and Comparison of Findings ............. 287

Analyzing Court Responses to Violence Against Women .............. 295
LIST OF TABLES

Table 1: Population by Community .......................................................... 111
Table 2: Types and Details of Abuse .......................................................... 143
Table 3: Injuries ...................................................................................... 143
Table 4: Community at Time of Coming to Shelter .................................... 167
Table 5: Referral Source ........................................................................ 168
Table 6: Reasons for No Charges Laid ...................................................... 200
Table 7: Charges Laid in Cases of Spousal Assault .................................... 223
Table 8: All Sentences for Spousal Assault Convictions ............................ 227
LIST OF FIGURES

Figure 1: Geographic Location of Baffin Island within North America .................. 6

Figure 2: Communities of the Baffin Region, Northwest Territories ..................... 8

Figure 3: Nunavut Territory in Canada ..................................................................... 11

Figure 4: Adjudication of Spousal Assault Charges, Baffin Region, 1991 .......... 224

Figure 5: Sentencing of Spousal Assault Convictions, Baffin Region, 1991 ....... 226
Chapter One

Introduction

Violence against women is now recognized as a massive problem, both at the national and international level. Although there is a large and growing body of literature which deals with various aspects of violence, there is little information which specifically looks at violence against Indigenous women. As one American researcher comments, "despite the proliferation of studies on family violence … little attention has been focused on minority groups, including American Indians … virtually none has focused attention on issues of spousal assault" (Bachman, 1992:89-90). Aboriginal and Inuit women are only beginning to break the silence regarding the violence they are experiencing in their communities.

This dissertation examines violence against Inuit women in the Canadian eastern arctic. The focus is on wife abuse in Inuit communities on Baffin Island. Due to the lack of published material on violence against Inuit women, this is a descriptive, exploratory study. The goal of the dissertation is to provide an understanding of the responses to violence against Inuit women in contemporary times. It does not provide a legal analysis. Nor does the dissertation attempt to find the cause or causal model of wife abuse in the arctic.
Five field visits were made to the Baffin region and data were collected from in-depth interviews, police files, shelter files, and observation. The theoretical constructs guiding data analysis are "sanctions" and "sanctuary". The catalyst for my focus is an edited volume of ethnographic studies of wife beating entitled *Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives* (Counts et al., 1992). In the introduction, it is contended that "sanctions" and "sanctuary" are "the most important determinants of the frequency and the severity of wife beating and wife-battering" (Brown, 1992:10). Brown (1992:13) explains: "Not only is there cross-cultural variation from society to society, in the amount, frequency and severity of aggression against women, and in what is condoned or disapproved, but also in the sanctions that apply and in the availability of sanctuary for beaten wives".

Brown (1992:13) describes "sanctuary":

Effective sanctuary must provide the guarantee of safety to the woman (without imposing the penalty of separation from her children), as well as to those who provide her with a refuge. It must provide the wife with the possibility of prolonged support, whether by her own labors or by the generosity of others. And sanctuary must be available at the very moment when it is needed, no matter what hour of day or night ... sanctuary may be provided by neighbors, elders, community leaders, and, in complex societies, by specialized shelters.

Brown (1992:14) continues with a description of "sanctions":

Sanctions imposed by a society may be informal or formal, negative or positive. Informal negative sanctions include gossip about a wife beater or expressions of open disdain by his family and neighbors. Formal negative sanctions can take the form of court-ordered punishment ... whenever sanctions are certain, immediate and severe, the incidence of wife-beating is reduced.
I consider these arguments in terms of the sanctions and sanctuary in the Baffin region. For the purposes of this dissertation, sanctions refer to the responses of the police, courts, and communities to violence against women. Sanctuary refers to the refuge, as defined above by Brown (1992), but also more broadly to the support and services available to abused women in their communities. My theoretical framework is discussed in further detail in Chapter 2.

Central Questions of the Dissertation

Violence against Inuit women was found to be a huge problem in the Baffin region. The central question of this dissertation is:

**What are the responses to violence against Inuit women in the Canadian eastern arctic?**

As one researcher argues, "what is important about conflict is not its occurrence as such, but how people attempt to deal with it" (Larsen, 1991:3). Specifically, I ask several questions surrounding the sanctions and sanctuary for woman abuse:

1. Sanctions

   **What are the sanctions against wife abuse in Inuit communities in the Baffin region?**

   That is, what are the responses of:
(1) *The police*: Is violence against Inuit women reported to the police? Do police respond to spousal assault cases which come to their attention? Do they arrest perpetrators of violence? What are the perceptions of police responses?

(2) *The Territorial circuit court*: Are perpetrators of violence against women convicted by the court and, if so, what sentences are imposed? What are the perceptions of the circuit court and of the sentences in cases of violence against women?

(3) *Inuit communities*: Are communities confronting violence against women? What are the perceptions of the responses of communities to violence against women? What experiences have abused women had with community reactions to violence? What are the key issues surrounding community-based programs and services in cases involving violence against women?

II. Sanctuary

*What sanctuary is there for Inuit women who are abused?*

(4) What refuge and protection is offered to abused women in the Baffin region?

(5) What services and support are available for women within their communities?

The data are analyzed within a theoretical and policy framework:
III. Theory

(6) Do the findings support or refute theoretical arguments in the area of violence against women, particularly in terms of cross-cultural studies?

IV. Policy Implications

(7) What are the major policy issues raised by the findings in terms of community-based initiatives to confront violence against women?

The Research Setting: Baffin Region

The jurisdictional focus of this dissertation is the vast, remote geographic territory of the Baffin region (see Figure 1). For many centuries, Inuit of the Canadian eastern arctic lived in isolation from the rest of the world. Brief and limited contact with early 16th century explorers were followed by contact in the 1800s with whalers, then traders and missionaries. Interaction between Inuit and non-Inuit rapidly accelerated following the Second World War. Until the late 1950s, most Inuit lived a nomadic hunting/gathering existence on the land. It is difficult to fathom the massive changes the Inuit have undergone over the last forty years. It has often been said that the Inuit have gone from the stone age to the space age in a matter of a few years. It is beyond the scope and purpose of this dissertation to provide an in-depth description of the history, colonization, and changes of the Inuit (see Rasing, 1994; Irwin, 1988;

The traditionally nomadic Inuit now live in permanent settlements. The 13 communities of the Baffin Region, Northwest Territories are: Arctic Bay/Nanisivik, Broughton Island, Cape Dorset, Clyde River, Grise Fiord, Hall Beach, Igloolik, Iqaluit (formerly Frobisher Bay), Lake Harbour, Pangnirtung, Pond Inlet, Resolute Bay and Sanikiluaq (see Figure 2). The communities are accessible only by air (and by sea for a few weeks in late summer). Remoteness and isolation in the Baffin region are important factors that will be discussed in the data analysis.

The move to permanent settlements in the 1950s and 1960s brought extensive intervention by outside justice and social service agencies into all facets of Inuit life. The Euro-Canadian law and justice system, Christianity, and education through schools were imposed and, as a result, many traditional Inuit lifeways were displaced. Government policies and programs have increased the overall standard of living measured by material goods, health care, infant mortality rates, and longevity, this was accompanied by a decrease in self-reliance and a challenge to the maintenance of traditional cultural practices. In many ways, Canada’s Inuit have adjusted to the technological and lifestyle changes thrust upon them. Traveling by motorized snowmobiles, hunting with high-powered rifles, shopping at stores, and refrigerating food in homes with electricity and plumbing have been incorporated into Inuit lives.
Inuit communities are linked to each other and other jurisdictions by telephone and faxes. Commercial television is made available via satellite transmission, bringing the latest news, sports, and entertainment from urban centres in the south. Nevertheless, Inuit families still hunt and fish and enjoy time out on the land. *Inuktitut*, the Inuit language, has not been lost. It is commonly spoken in communities and is the primary language of community schools in grades 1-3. Remaining facets of traditional culture distinguish life among the Inuit from that of non-Inuit or First Nations communities.

There is evidence, however, that the Inuit have had difficulty creating a new and required "settlement culture" for living in an advanced, industrial society (Griffiths et al., 1995). Life in permanent settlements with many people of different families differs greatly from life focused on survival out on the land with extended families. In today's communities, there is a high unemployment rate and a high level of dependence on outside government (Griffiths et al., 1995; Irwin, 1988). Inuit were traditionally self-reliant but now communities depend on federal and territorial governments for the provision of education, medical care, criminal justice services, social services, and social assistance. From his study of Inuit communities, Irwin (1988:40) offers a rather bleak assessment:

The present economic prospects for the Inuit may well be one of the worst in Canada marked as it is by poor levels of education and high unemployment ... High Inuit unemployment ... is quite unavoidable in the kind of wage economy that has been introduced to the Arctic during the past 30 years. If current trends continue most of the Inuit living in the Arctic in the year 2025 will be second generation wards of the state whose society, economy and culture may have more in common with an urban slum than with life their grandparents knew.
Hope for an alternative future is being pursued by the Inuit, particularly through land claims negotiations. The largest land claim settlement in the history of Canada was reached by the Inuit in the eastern arctic. The process began in the 1970s and the final agreement was signed by Inuit and government representatives in Iqaluit on May 25, 1993 (Department of Indian Affairs and Northern Development, 1994; 1993). A new territory is being created called Nunavut, which means “our land” in Inuktitut (see Figure 3). It encompasses approximately 1,900,000 square kilometers plus adjacent offshore areas in what is now the eastern and central Northwest Territories. Inuit constitute over 80 percent of the population in this area. The map of Canada will be redrawn and the Inuit of this region will have a form of self-government, with province-like powers, in 1999.

There are many challenges facing the new Nunavut territory and government. One of these is crime and the administration of justice. Crime is a large problem in the Baffin region. The overall rates of Criminal Code offenses, of violent crime, and of property offenses in the Baffin Region are much higher than what is found, on average, in Canada (Griffiths et al., 1995:35-46). One prominent issue in the Baffin region is violence against women. This dissertation examines violence against Inuit women with a focus on the current responses to wife abuse.
Definitions and Forms of Violence

Violence within the home has been given various labels: family violence, domestic violence, conjugal violence, spousal assault, wife abuse, wife battering, and woman abuse. The broad term "family violence" should include "all forms of violence that take place within the family, from wife assault to childhood sexual abuse of both girls and boys, and
the abuse and neglect of elderly people “(Jaffer, 1992:46). As this dissertation is focused on violence against women, the term “family violence” is not used.

Feminists have argued that terms such as "domestic violence", "conjugal violence" and "spousal assault" disguise the gendered nature of the violence which occurs within homes. Most often it is the male partner who abuses the woman. Thus, feminists argue that the violence should be named and confronted for what it is through the use of such terms as "violence against women", "woman abuse", or "wife battering". These terms will be used interchangeably throughout this dissertation.

Wife abuse is defined to include violence by men towards their married, common-law, and intimate partners. Violence is seen as a means by which a man controls, dominates, and/or intimidates his female partner. It is important to recognize that violence takes different forms besides physical assault and that all forms can have devastating consequences. This study includes an examination of physical, sexual, and emotional abuse.

Physical abuse includes such behaviour as hitting, kicking, and biting. The legal definition of assault applies to sexual assault: “an assault is the intentional application of force either directly or indirectly without the consent of the other person, or an attempt or threat to apply such force if one has or causes the other person to believe in reasonable grounds that he has the ability to affect that purpose” (Mewett and
Manning, 1985:593-594). "Rape", as an offense in Canadian criminal law, was replaced by "sexual assault".

Perhaps the most striking feature of the new legislation is that there is no definition of sexual assault, but since the legislation repealed, inter alia, ss.143 (rape), 145 (attempted rape), 149 (indecent assault on a female), and 156 (indecent assault on a male), it seems apparent that what were formally included as being those offences are now included within the concept of sexual assault (Mewett and Manning, 1985:593).

For the purpose of this dissertation, sexual abuse involves any sexual act without a woman's consent. Emotional (also referred to as psychological and mental) abuse includes such acts as intimidating, humiliating, degrading, and isolating women.

A model of a continuum has been suggested with emotional abuse at one end, then physical abuse and finally sexual abuse at the high end (Kelly, 1987). This was an important theoretical contribution for it helped bring crimes against women into open discussion and it linked the different types of male violence. A continuum can also be utilized to assess the severity of violence from "mild" to "severe" (e.g. Currie, 1988:17-18). However, using a linear model has disadvantages. One of the most serious problems with this model is that certain forms of abuse may be judged as more serious. Survivors of abuse are saying, for example, that emotional abuse can be just as destructive or even more so than physical abuse. I will not be following a linear model or assessing abuse severity but rather will recognize all forms of abuse as interconnected.
Incidence of Violence Against Women in Canada

The women's movement has brought issues of violence against women into the public and political arenas over the last 25 years. One fact which has emerged is that many women experience startling amounts of violence within their own homes. Although statistical figures are only estimates of the incidence of violence, particularly due to under-reporting, they do provide insight into the enormity of the problem.

It is generally stated that at least one out of every ten women in Canada is physically and/or sexually assaulted by her husband or live-in partner each year (Lupri, 1989; MacLeod, 1980; for a critique of Canadian incidence figures and studies, see Fekete, 1994). In attempting to take into account that many women do not report abuse to official agencies, it has been estimated that approximately one million women in Canada are battered each year (Lupri, 1989; MacLeod, 1987). Statistics Canada (1993) recently conducted a national survey on male violence against women (see Johnson and Sacco, 1995). It was found that one in four women previously or currently married have experienced spousal violence. One in six currently married women reported violence by their spouses. The data also show the recurrence and escalation of assaults.

There is a lack of information on the incidence of violence specifically experienced by Aboriginal women. Studies have focused almost exclusively on urban and Caucasian populations. Available data indicate that the extent of violence against Aboriginal women is
extraordinarily high, more so than for non-Aboriginal women (for a critique of these studies, see Fekete, 1994:120-132).

In one study presented to the Aboriginal Justice Inquiry of Manitoba, comparing the statistic of one in ten women being abused in Canada, the figure for Aboriginal women was estimated as closer to one in three (Hamilton and Sinclair, 1991:482). The inquiry concluded that violence in Aboriginal communities has "reached epidemic proportions" (Hamilton and Sinclair, 1991:481).

Important findings have recently been provided by Aboriginal agencies which have undertaken their own studies. The Ontario Native Women's Association (1989:85) states that "it is evident that Aboriginal women suffer excessive and unnecessary hardships in the context of family violence. The incidence of family violence is eight times higher than for the non-Aboriginal population". In their 1989 survey of Ontario reserves, it was found that 80% of the women had been abused (Ontario Native Women's Association, 1989:19). The Native Women's Association in Nova Scotia interviewed Micmac women on reserves and found that 70% of married women and 80% of women in common-law relationships experienced mental and physical abuse (quoted in Dumont-Smith and Sioui-Labelle, 1991:18).

This dissertation is not concerned with determining the exact amount of violence against women in Inuit communities. This study shows, however, that violence against
Inuit women is an enormous problem in the Baffin region. The findings on the nature and extent of violence are presented in Chapter 4.

Outline of Dissertation

The objective of this dissertation is to shed light on responses to wife abuse in contemporary Inuit communities in the Baffin region. My approach is in keeping with Bowling's (1993:1, emphasis in original) conceptualization of victimization and offending "not as events, but as processes". Bowling (1993:2) argues that attention needs to be drawn "to the dynamic of social relationships among victim, perpetrator, communities, the police, and the criminal justice system". My dissertation will examine these relationships in terms of the responses to violence against women.

Chapter 2 discusses the theoretical literature on violence against women and conceptual framework for this research. The discussion focuses on cross-cultural studies, violence against minority and Indigenous women, and the issues surrounding responses of the criminal justice system. Particular attention is paid to Gelles' (1983) exchange/social control theory and feminist theories.

Chapter 3 provides an overview of my research. This study evolved from a larger project known as the "Baffin Crime and Justice Study". A brief description of the Baffin study as well as of the social context of northern research is given. My five field visits to the region and the data collected by in-depth interviews, official records
(police and shelter files), and observation are summarized. The limitations and parameters of this study are noted.

Chapters 4, 5, and 6 present the research findings. Chapter 4 discusses the nature and extent of violence against Inuit women. Appreciating the prevalence of violence provides a context in which to view sanctions and sanctuary. Chapter 5 focuses on sanctuary for Inuit women who are abused. This includes a discussion of the only shelter for women in the region as well as the services and support available for women in their communities. Chapter 6 presents findings surrounding sanctions against woman abuse in terms of the responses of the police, Territorial Court, and communities. In conclusion, Chapter 7 provides a summary of key findings, an analysis and discussion of these findings, and recommendations for future research.

Although there has been a considerable amount of work done on violence against women, studies have focused mainly on urban areas and non-Aboriginal populations. There is very little research on violence against women in isolated, Aboriginal and Inuit communities. Analyzing data gathered in Inuit communities of the Baffin region advances the theoretical literature and raises key policy issues in the development of community-based justice initiatives.
Chapter Two

Literature Review of Violence Against Women and Theoretical Framework of this Dissertation

Introduction

It is only since the early 1970s that the issue of violence against women has begun to be recognized as a social problem. Understanding violence against women has predominately come from women who have had the courage to break the silence surrounding their abuse and from feminist theorists. As Schechter (1988:300) notes: "Feminists were the first to see that battering is not a gender-neutral experience".

Research into violence against women is relatively recent. However, over the last twenty years there has literally been an explosion of written material on the subject. This large body of literature covers a range of topics, including historical analyses (e.g. Dobash and Dobash, 1979), first-person accounts (e.g. Flood, nd), the responses of the criminal justice system (e.g. Buzawa and Buzawa, 1992), services for women, such as shelters (e.g. Ferraro, 1981), treatment for abusive men (e.g. Burns et al., 1991), marital rape (e.g. Pagelow, 1988), costs of victimization (e.g. Miller et al., 1996), and policy responses (e.g. Steinman, 1991).

There have been debates and polarized views concerning the different theoretical approaches to understanding and responding to violence against women in intimate
relationships. It can be argued, however, that there have been changes to the conception of male violence since the 1970s. "Violence has come to be seen as a socially-produced and often socially-legitimated cultural phenomenon, rather than the 'natural' expression of biological drives or an innate male characteristic" (Edwards, 1987:26).

It is beyond the scope of this dissertation to review the entire range of published literature (see, for example, Patrignani and Ville, 1995; Dobash and Dobash, 1992; Smith, 1989; Russell, 1988; Okun, 1986). As this dissertation is not directly examining the causes of violence nor attempting to construct a causal model, I will not include a review of this extensive literature as is typical of many other authors writing in this area. Rather, I will focus on the notion that violence against women is "socially-legitimated" and "culturally sanctioned". In the following sections, my theoretical framework will be presented, drawing upon those authors who provide insight into my perspective. Particular attention will be given to written material about violence against Indigenous women, women of colour, minority women and women in non-western or so-called developing countries.

This literature review will, therefore, be an original contribution because many of these writings and perspectives have not been given wide distribution or recognition. This chapter is also unique due to the interdisciplinary approach taken by drawing upon published and unpublished materials from a diversity of authors, including anthropologists, sociologists, criminologists, feminists, government officials, and front-line workers.
An international bibliography on violence in the family with a review of the literature from 1985 to 1992 confirms that the current "data, information and knowledge of the problem merely represent the tip of an iceberg" (Patrignani and Ville, 1995:5). The majority of available materials come from only select countries. The United States, United Kingdom, Australia, and Canada published approximately 91% of the 1,558 entries and are the countries under discussion for 86% of the bibliography. Of the 473 entries specifically related to women, only 17 (3.6%) focus on developing countries. "This points to an urgent need for studies of violence in the family within the context of developing countries and countries of different cultural backgrounds" (Patrignani and Ville, 1995:5). This dissertation provides a contribution to this void and to theoretical knowledge by examining violence against Inuit women in arctic communities.

This chapter begins with a discussion of my theoretical focus on sanctions and sanctuary and a review of cross-cultural studies on wife abuse. The literature on violence against Aboriginal women and violence against Inuit women are discussed in two separate sections. Studies and arguments surrounding the responses of the criminal justice system to wife abuse are examined next. Particular attention is paid to the arguments and dilemmas of feminists and minority women. Theoretical connections between feminist arguments, theories of social control, and criminology in terms of criminal sanctions against wife abuse
are made. The final section of the chapter examines sanctuary in terms of the refuge, services and support for abused women.

Theoretical Focus of Dissertation: Sanctions and Sanctuary

The central focus of this dissertation is on the responses to violence against Inuit women in the Canadian eastern arctic. The catalyst for this focus is a book entitled Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives (Counts et al., 1992), an edited volume of ethnographic studies of wife beating said to be "the first collection of ethnographic explorations (largely first hand) devoted to the subject" (Brown, 1992:1).

I am taking one of the central propositions of the editors of the book as the foundation for the analysis of my data. In the introduction, it is contended that "sanctions" and "sanctuary" are "the most important determinants of the frequency and the severity of wife beating and wife-battering" (Brown, 1992:10). Brown (1992:13) explains: "Not only is there cross-cultural variation from society to society, in the amount, frequency and severity of aggression against women, and in what is condoned or disapproved, but also in the sanctions that apply and in the availability of sanctuary for beaten wives".

Brown (1992:13, emphasis added) argues that effective sanctuary "must provide the guarantee of safety to the woman ... as well as to those who provide her with a
refuge. It must provide the wife with the possibility of prolonged support ... And

sanctuary must be available at the very moment when it is needed, no matter what hour
of day or night”. Sanctuary may be provided by community residents or specialized
shelters. For the purposes of this dissertation, sanctuary refers to the refuge, as defined
by Brown (1992), but also more broadly to the support and services available to abused
women in their communities.

Sanctions, as described by Brown (1992:14), include community responses such
as “gossip about a wife beater or expressions of open disdain by his family and
neighbors” as well as responses from the criminal justice system such as “court-
ordered punishment”. This dissertation defines sanctions against violence in terms of
the responses of the police, courts, and community.

One key argument of the text Sanctions and Sanctuary is that “the extent of
wife-beating in any particular society can be predicted in large part from the certainty,
immediacy and severity of the sanctions that apply and from the sanctuary that is
available to wives” (Brown, 1992:14). The main argument can be illustrated by the
following:

<table>
<thead>
<tr>
<th>Immediate and Effective Sanctions</th>
<th>= Low Levels of Violence against Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td>Effective Sanctuary</td>
<td></td>
</tr>
</tbody>
</table>

The key question of this dissertation became: what are the sanctions against wife
abuse and sanctuary for abused women in Inuit communities in the Baffin region? As
will be shown in the following chapters, the findings of this study support those of
Counts et al. (1992) although important cultural differences between societies in the
responses to violence offer further insight into the attributes which contribute to low
rates of wife abuse.

Sanctions and Sanctuary (Counts et al., 1992) provides important theoretical
insights into violence against women through the analyses of wife abuse in a variety of
cultural contexts: Mangrove, an Australian Aboriginal community; the !Kung of
Botswana; the Lusi-Kaliai, Bun, Wape, and Nagovisi, are four societies in Papua New
Guinea; Ujelang Atoll of the Marshall Islands; Garifuna in Belize, Central America;
Las Flores, an Andean community in Ecuador; Mayotte, an island in the western Indian
Ocean; India; Indo-Fijians of the Fiji islands; Iran; and Hsin Hsing, a Taiwanese
village (see also Counts, 1990).

Rather than provide an overview of all 17 chapters, I have chosen to focus on
those societies or villages in which wife abuse is rare or infrequent. While many
scholars point to the "universality" or "near universality" of wife abuse, this book is
unique in that it offers a rare glimpse into communities in which violence against
women is infrequent. While I recognize the complexity of the issue and the
impossibility of providing a simple model for the presence or absence of wife abuse, I
will select passages that contribute to my theoretical framework rather than summarize
the entirety of each author's analysis. The following findings are from anthropologists
who conducted field research in the societies under discussion. Although there are likely limitations to these studies, as in all research, the information provided does not enable a critique of their methodology or data collection. As such, their findings will be taken at face value.

Unlike both the Lusi-Kaliai and the Bun of Papua New Guinea, the Wape, also of Papua New Guinea, are unusual for "Wape men do not beat their wives" (Mitchell, 1992:89). In his conclusion, the author summarizes a list of constraints against wife abuse to explain why Wape men, in a country where wife abuse is a serious problem, do not beat their wives. Of the 12 points, the following five are directly relevant and supportive of the importance of sanctions and sanctuary: "A pacific and conciliatory cultural ethos supported by churches and the state; punitive intervention by watchful ancestral spirits; married couples domiciled among watchful relatives; solidarity bonds among hamlet women; and women’s [relatives] responsive to their welfare" (Mitchell, 1992:95-96).

With respect to the first point of a "cultural ethos", the author explains that the Wape’s social life includes keeping emotions under control. "The preferred Wape response to potential violence is conciliatory, not confrontational ... quarrels tend to be defused before culminating in physical violence" (Mitchell, 1992:90). The Wape are socialized and learn that public anger is unrewarding and humiliating.
A powerful sanction against wife abuse is the spirits of dead ancestors.

"Ancestral spirits are believed to see and hear all. This strongly discourages arguments among villagers because a spirit may avenge a descendant" (Mitchell, 1992:91).

A husband knows that relatives are concerned about the welfare of his wife and will act. For example, relatives may call upon the ancestors or sorcery. Her mother's brothers in particular watch over her well-being. With respect to sanctuary, they will offer a woman their homes as a refuge. "A woman who feels that her husband is abusive to her does not hesitate to move in with relatives, where she may stay for a week or more until they return with her to her husband's house. In no case may he seek her return. In the meantime, he becomes dependent on his agnates' wives to feed him or must find his own food. Neither choice is a pleasant one" (Mitchell, 1992:93).

The women of the village create strong bonds and are themselves a strong sanctioning force. "In the unlikely event that a couple becomes so angry during a quarrel that they begin to shout at each other, women of the hamlet, a few sometimes armed with large sticks, descend upon the house and stand around it until the woman joins them outside" (Mitchell, 1992:93).

The Nagovisi, another society where wife abuse is rare, is also found in Papua New Guinea. Like the Wape, the Nagovisi strive to control the expression of emotion. "People dread having their outbursts mocked as a form of gossipy entertainment" (Nash, 1992:108).
The author found no instances in which victims were blamed for "provoking" violence. Furthermore, "fights in public or in houses with leaf walls draw attention and intervention of others. People come to the aid of quarrelling couples: they feel that they should intervene" (Nash, 1992:107).

Physical violence between couples is not condoned. One important element that keeps violence in check is the legal recourse that is readily available. "A favored method of resolving nearly any kind of argument is to go to court. Wrongs can be righted through system of fines ... Married couples do not give up their right to sue one another. In fact, the fines paid as a result of arguments are part of the continual adjustments - the evaluation of credits and debits - between husband and wife that go on during the course of a marriage" (Nash, 1992:102).

The third society discussed where wife abuse is rare is in Gariuma communities in Belize, Central America, where strong sanctions are also imposed through immediate intervention by relatives and neighbours:

While people prefer to let spouses settle their differences by themselves, if a man begins to hit his wife, someone always alerts older kinswomen and neighbors. These women usually need do nothing more than make known their presence as witnesses to the act. This is said to shame the man, who knows he has no right to beat his wife. In only one case that I was told of, the man 'had no shame' and continued to hit his wife until another woman and man, both neighbors, restrained him (Kerns, 1992:132).
The author was told by many people "that a man is especially ashamed to treat his wife roughly in front of her mother, and her mere presence is said usually to make him stop" (Kerns, 1992:134).

Intervention occurs because, not only are the wife's relatives nearby, but importantly, they "have the right (and duty) to intervene" (Kerns, 1992:132). Violence is not kept secret nor is the domestic sphere considered private. In these small communities, everyone knows everyone, they watch each other, and they openly discuss what occurs.

In other words, everyone does know what goes on behind closed doors, and people inevitably criticize a man who beats his wife. More to the point, they do not encourage her to stay with him, in order to 'keep the family together' or to avoid the stigma of separation or economic hardship. Physical abuse is considered a legitimate reason to leave a relationship, and the expectation is that a woman will separate rather than endure mistreatment (Kerns, 1992:133, emphasis in original).

A woman who leaves can count on her relatives for food and shelter. If she owns the house, "she must convince him to leave, and for this purpose she has a strong weapon at her disposal: sorcery ... In a sense, this would be her version of an eviction order" (Kerns, 1992:133).

The final society in which there is infrequent wife abuse that is discussed in this volume is Mayotte, an island in the western Indian Ocean, about half-way between Madagascar and Tanzania. Lambek (1992:160) gives the following case example which illustrates the sanctions against wife-beating:
On the evening of a Muslim feast day, an ex-husband of Zainaba’s had arrived at her home in order to visit his children. Zainaba’s current husband, Kolo, who was drunk at the time, became enraged and tried to beat Zainaba. Zainaba’s brothers and nephews came running to her defense, fending off Kolo, a large, strong man, with sticks. The next day, after consultation with the village elders, Zainaba’s relatives announced that they wanted Kolo out of the village … The relatives had both the right and the power to force Kolo to leave and public opinion was firmly on her side. They said that they found Kolo’s behavior intolerable.

The relatives not only personally intervened, but they also threatened to go to the civil authorities even though this is recognized as undesirable and a last resort. This case example “illustrates both that domestic violence is unacceptable and that it is not entirely a ‘private’ matter, that the wife’s kin will intervene and that they are prepared to render the whole thing ‘public’, whether at the level of the village or the state” (Lambek, 1992:160).

Interestingly, not all forms of violence are frowned upon. It is permissible, for example, to hit children. A man told a group of other men about his goat being killed. “With humorous resignation the man said ‘if it had been one of my children who had been so careless with the animals I would have beaten him, but what could I do - it was my wife!’” (Lambek, 1992:163). Husbands do not have parent-like authority over their wives so wife abuse is illegitimate. However, a wife should not take abuse and if she does, she is seen as partly in the wrong for she would be seen as acting like a child.
In the conclusion, Lambek (1992:169) states that "what is more important, I think, is to demonstrate that the presence of a strong disapproval of marital violence can and does work reasonably effectively to control it".

These four societies contrast sharply with the other descriptions of societies in which wife abuse is common. For example, in the Fiji islands, "the vast majority of both men and women accept, seldom question, and even positively sanction men's right to control 'their' women by the occasional slap, punch or push ... Wife-beating is the right and prerogative of husbands" (Lateef, 1992:194). Abused women must endure the violence because taunts from husbands such as "'Where can you go?' 'No one wants you' ... are generally true. The majority of women have nowhere to go ... women are locked into violent relationships" (Lateef, 1992:197).

In the Taiwanese village, Hsin Hsing, not only do relatives not intervene to prevent or stop wife abuse but sometimes they contribute to the violence. "The cruelty of a Chinese mother-in-law toward her daughter-in-law is common knowledge ... Many describe the capricious ways in which the older woman exercised their authority, by cursing, harassing, and even beating them on occasion" (Gallin, 1992:222).

The editors, in the introductory and concluding chapters of the book, provide an analysis of the issue by drawing upon all the contributing authors (Brown, 1992 and Campbell, 1992 respectively). Several chapters point to the importance of community intervention. One key argument is that the responses of relatives and neighbours have a
great impact on wife abuse. It is argued that "as a rule, when a wife's kin are nearby, their presence provides a deterrent against wife-battering ... a wife is in a much more vulnerable position and there is a far greater likelihood that she will be ill-treated, if she is isolated from her family" (Brown, 1992:12).

The conclusion affirms that sanctuary for abused women is necessary in all cultures and communities. "There should also be strong sanctions against wife-beating and battering, but our data show that community action can be more effective than official sanctions in preventing battering" (Campbell, 1992:245). It is argued that:

... the society's response to the beating is based in cultural differences ... His sexual jealousy and her failure to adhere to prescribed female role behavior are widespread reasons given for wife-beating. However, communities vary in their acceptance of these reasons (or excuses) for violence against wives ... It is apparent, however, that social and cultural constraints against wife-beating can overcome individual propensities to violence (Campbell, 1992:245).

The data provided in the text are also related to some of the major theories of wife battering. Two theories particularly relevant to this dissertation are Gelles' (1983) exchange theory and feminist theory.¹

"A central (and perhaps greatly oversimplified) proposition of exchange/social control theory of family violence is that people hit and abuse other family members because they can" (Gelles, 1983:157, emphasis in original). One proposition of his

¹ I use the term "feminist" and "feminism" throughout this dissertation knowing that there is no consensus among feminists and that there are many feminisms. For a review of different feminist perspectives see Tong (1989).
theory is that "family violence is more common when nonnuclear family members (e.g. friends, relatives, bystanders) are unavailable, unable, or unwilling to be part of the daily system of family interaction, and thus unable to serve as agents of formal and informal social control" (Gelles, 1983:160; Nye, 1979).

The data in Sanctions and Sanctuary provide support for Gelles’ theory, as discussed by Campbell (1992:244):

Our findings, that negative sanctions against wife-battering are important factors in its prevention, support exchange theory ... the Ujelang, Garifuna, Ecuadorian villagers and Mayotte peoples illustrate the point that community sanctions against battering outweigh individual proclivities for beating and control expressions of dominance that well might escalate to battering.

Mixed support was found for feminist theory (Campbell, 1992:235-237).

Although feminists generally insist that the societal and historical context be taken into account, they have only given limited attention to the cultural context from an anthropological perspective. The data from this book support some feminist premises “in their most basic form ... Yet our data, which emphasize the influence of different social and cultural context, also challenge feminist ideas” (Campbell, 1992: 237).

Sanction and sanctuary would be seen from a feminist approach “as concomitant with female power and antithetical to a strictly patriarchal society. Our evidence shows a strong association between sanctions against battering, sanctuary for those severely beaten, and low levels or absence of battering” (Campbell, 1992:236). Examples from the chapters are provided which “suggest that the existence of female solidarity groups,
in addition to negative sanctions against battering, may protect women against severe violence. In contrast, Taiwanese, Bun, and Indo-Fijian women are divided and are often battered. This contrast is highly supportive of feminist theory.” (Campbell, 1992:236-237). Their anthropological data supports feminist calls “to change societal structures which allow or facilitate battering” (Campbell, 1991:245).

I am interested in the sanctuary and sanctions within Inuit communities. The responses of outside agencies and of Inuit communities to wife abuse will reveal both similarities and differences to the experiences of abused women in other cultural settings. The data from this dissertation will also lend support to Gelles’ exchange theory.

Cultural and Cross-Cultural Studies

We are at an early stage in understanding wife abuse in cross-cultural settings. As mentioned earlier, one of the largest gaps in the literature is the lack of research in different cultures. This section will present materials that examined violence against women in a variety of cultural settings and non-western countries. In keeping with the theoretical framework of this dissertation, the discussion will focus on materials and present excerpts that provide insight into the sanctions and sanctuaries of wife abuse. For example, there will not be a review of correlational studies which discuss and/or test the relationship of wife-beating to a variety of factors such as divorce rate, other
forms of aggression, stress, education, child punishment, jealousy, status of women, inequality, and access to resources (Erchak and Rosenfeld, 1994; Hoffman et al., 1994; Levinson, 1989, 1988; Campbell, 1985; Straus, 1983; Lester, 1980; Masumura, 1979; Mushanga, 1977-78; Aycock, 1976).

Cross-cultural research suggests that the socio-cultural context must be taken into account when researching and responding to violence. Different authors provide support for the importance of considering the responses to wife abuse. For example, one anthropologist noted that a cultural group in Liberia, the Kpelle, do not appear to have any problem with spouse abuse. Erchak (1984:332, emphasis in original) states:

It is not that spouses in Liberia never think of hitting each other but rather that they can’t. The Kpelle live essentially out of doors, in full view or in earshot of several relatives, friends, and neighbors, who (in contrast to Americans) quickly intervene. This pattern applies to strangers as well ... It is (1) this readiness to confront and interfere in conjunction with (2) the embeddedness of families in network of other families (3) living publicly, able to be seen and/or heard, (4) in close proximity that prevents spouse and child abuse.

The author compares experiences in these traditional, rural villages with those of the Kpelle who live in a more urban setting, Monrovia, where ethnic migrants including some Kpelle live in slums and shantytowns. In contrast to the village, in the urban setting “interference is not automatic ... Family arguments can get out of hand far more easily than in the villages in the bush ... A late night visit to the central police station was like a descent into Dante’s Inferno ... including several women bloodied and swollen from beatings by husbands and boyfriends” (Erchak, 1984:332). Thus,
there appeared to be a breakdown of cultural norms and practices in the move from a rural to an urban environment.

Erchak refers to Gelles’ (1983) exchange theory, which was discussed above, arguing that his findings also support this theory. He simply states that “in the villages of Liberia, they can’t; in Monrovia, they can” (Erchak, 1984:332).

Levinson (1989, 1988), a cultural anthropologist, examined various forms of family violence, including wife beating, by analyzing 90 small-scale and peasant societies from around the world using the Human Relations Area Files data archive. This archive is a collection of primarily ethnographic reports describing well over 300 different cultural and ethnic groups. Although there are limitations to his study and the data archive, his work is important for it is said to be “the first systematic, worldwide comparative study of all the major forms of family violence, including wife beating” (Bernard in Levinson, 1989:6). The details of this study will be the focus for most of the remainder of this section.

Levinson (1989; 1988) provides a number of quantitative analyses and tests various theoretical hypotheses. One quantitative analysis he calculated is the amount and type of intervention in wife beating. For example, in 17.6% of societies, immediate intervention by kin or neighbours takes place, in 14.7% a wife is provided temporary shelter, and in 17.6% a wife can obtain judicial or supernatural sanctions (Levinson, 1988:444). He concludes that “determining what types of intervention are
effective in preventing family violence and what societal conditions encourage the use of those interventions is an important next step for cross-cultural research on family violence” (Levinson, 1988:444).

Levinson (1989) discusses types of interventions that directly relate to both sanctions and sanctuary. His Type I intervention, “Immediate intervention by kin, neighbor or mediator” and Type II intervention “Wife given shelter by kin or neighbors” are classified as informal help. Type III “Public censure of husband by gossip, judicial proceeding, supernatural sanction, payment of compensation” and Type IV “Wife can divorce husband” are formal sources of help. Levinson compares his findings with a study in Wisconsin, United States (Bowker, 1983) which reports that formal interventions are more effective than informal ones in stopping wife beating. Levinson found the opposite.

The lesson here is that immediate intervention designed to stop the beating or to prevent it from ever starting is a key first line defense in controlling wife beating. When neighbors or relatives or mediators jump in quickly to break up verbal or physical battles or to provide the wife with shelter, wife beating does not occur in many families. But, when the wife must wait for a judicial hearing or other public relief or when help arrives only when the beating goes too far, wife beating occurs in many families (Levinson, 1989:99).

Further studies are required to more fully inform the debate regarding the relative effectiveness of informal and formal interventions.

Levinson (1989) tests a number of hypotheses relating to social structure, including social support and isolation. For example, Levinson compared the type of
household (extended, polygynous, nuclear, or mixed) for the 90 societies and found that it was not a predictor of violence. This finding "runs counter to the widely held belief that wife beating will be less common and less severe in extended-family households in which relatives are present to intervene in wife-beating incidents" (Levinson, 1989:54).

With respect to the degree that families are embedded within community, "we can conclude that the degree of family involvement in the community is not a predictor of family violence. However, it is worth keeping in mind that community involvement might indirectly affect family violence by influencing the nature and level of a community's response to family violence incidents" (Levinson, 1989:57).

The final hypothesis tested that will be mentioned here is the effect of all-female work groups. Such groups are not common, occurring in only 20 of the 90 societies examined. They can be of different forms, "including groups of female traders, women's village associations, and sex-segregated work teams ... such groups provide women with a stable social support network as well as economic independence from their husbands and families" (Levinson, 1989:76). The presence of these women groups is predictive of infrequent wife beating. "Thus it appears that the presence of exclusively female work groups, whether an indicator of female solidarity or of female economic power, or both, serves to control or prevent wife beating" (Levinson, 1989:58). Interestingly, one of the constraints accounting for the lack of wife beating
among the Wape of Papua New Guinea is strong solidarity bonds among the hamlet women, as discussed above in the *Sanctions and Sanctuary* text (Mitchell, 1992).

We have much to learn from examining societies which have rare or infrequent wife abuse. Levinson (1988) found, out of the 90 small-scale societies he analyzed from the Human Relations Area Files data archive, that 16 essentially do not have family violence. He gives four factors that distinguishes these from societies with high levels of violence. The first two refer to sexual equality and marital stability. The other two are relevant to the theoretical framework of this dissertation. The third factor is that “disagreements between adults in the society are resolved peacefully through avoidance of conflict situations, mediation, or disengagement, rather than violently or through threats of violence”. The fourth is that “immediate outside help by neighbors who intervene or provide shelter is provided to family members who are victims or are threatened with physical harm by other family members” (Levinson, 1988:452).

The informal and formal mechanisms used to control wife beating are varied. Learning from societies that are not plagued by wife beating, those which seem most effective “are ones that provide immediate protection for the wife. After-the-fact protection, while perhaps removing a wife from an abusive situation, does not seem to prevent wife beating in any general sense” (Levinson, 1989:101). This lends further support to the necessity of sanctuary for abused women.

Levinson’s conclusion, therefore, should come as no surprise:
... it seems fairly clear that the presence of kin or neighbors who will intervene in violent or potentially violent situations is a characteristic of societies with low rates of wife beating and the regular use of nonviolent child rearing practices. This finding strongly suggests that, in the absence of intervening neighbors, shelters for battered women, and swift criminal justice and social welfare intervention must play a prominent role in any effort to control family violence (Levinson, 1988:452).

Levinson (1989:83), like Counts et al. (1992), found support for Gelles' exchange theory in that there are "norms that allow men to hit their wives (and to keep the costs of doing so low)". Levinson also examines feminist patriarchal theory and argues that the theory is too general and "the concept of patriarchal society is too broad a notion for cross-cultural testing" (Levinson, 1989:84). He conceptualized female status and male dominance in specific ways in order to test the theory. An in-depth analysis of sexual inequality is provided but this will not be reviewed here as this dissertation is not analyzing inequality nor Inuit women's status. He concludes that "there is no unidimensional relationship between female status and power and wife beating" (Levinson, 1989:84). One key finding in support of feminist theory and relevant to this dissertation was that "solidarity with other women is a powerful predictor of the absence of wife beating" (Levinson, 1989:84).

This glimpse into wife abuse in different societies reveals that cultural differences exist so that "claims to universalism can easily become ethnocentrism in disguise" (Morley, 1994:43). In examining explanations, however, similarities emerge and it can be argued that at the root "lie men's continuing motivation to control their
wives and a social structure that allows them to do so. At this root level, both urban and traditional Papua New Guinea would seem to have much in common with other societies in the 'developing' and industrialized world” (Morley, 1994:47).

This dissertation does not provide an in-depth exploration of familial relations in Inuit culture nor provide a case study of an Inuit community. However, the responses of relatives and communities to wife abuse in the Baffin region, as revealed through interviews, are examined. In the last chapter, my findings will be compared to the findings from these cultural studies.

Violence against Aboriginal Women

The term "Aboriginal" refers to all Native peoples in North America (status and non-status Indians and Métis), except Inuit, who will be discussed separately. Although Inuit are included within the broad term "Aboriginal" when used by government, Inuit tend not to refer to themselves with it. "Inuit" means "the people" and is the preferred term used by the Inuit to describe themselves, also in preference to the term "Eskimo" which was derived from an Aboriginal language meaning "eaters of raw meat". The literature on violence against Inuit women is reviewed in the next section.

It is important to acknowledge at the outset that Aboriginal peoples do not comprise a homogenous group. There exists a diversity of culturally and linguistically
distinct Aboriginal nations throughout North America. However, as violence against Aboriginal women is only beginning to be documented, the following discussion will provide an overview of what is available concerning this population as a whole. This in itself is important for “Aboriginal women’s needs in the area of family violence have been poorly served by non-aboriginal studies. Either our interests have been lumped in with ‘ethnic minorities’, misunderstood or ignored” (Ontario Native Women’s Association, 1989:6).

Overall, there is very little research on violence against Aboriginal women. As LaRocque (1993:1), an Aboriginal woman, noted, “the issue of domestic violence in First Nation and Métis communities is one that demands urgent study and action”. I completed a comprehensive literature review on violence against Aboriginal women for the Royal Commission on Aboriginal Peoples (Zellerer, 1993). This section will draw from that report and from a variety of published and unpublished materials, particularly documents written by Aboriginal women. As will become apparent, there are few empirical studies of violence against Aboriginal women and theoretical analyses are only in their infancy.

Aboriginal women are now entering "a new era" where their experiences and perceptions are being made public and where Aboriginal women are leaders in the resistance against assimilation and in the healing necessary within their communities (Kirkness, 1987-1988:408; Faith et al., 1990; Osennontion and Skonaganleh:ra, 1989;
Allen, 1986; Monture, 1986). However, they are only beginning to break the silence regarding the violence they are experiencing in their communities. The Canadian Council on Social Development and Native Women's Association of Canada (1991:2) argued that "the voices of aboriginal women who have been battered attest to the same victimization and brutality echoed by other women in violent circumstances ... But family violence in aboriginal society also has its own unique dimensions. It is not simply aboriginal women who have been rendered powerless - it is aboriginal society".

The majority of authors refer to colonization and its impact on communities and individuals. It is beyond the scope of this chapter to discuss the processes and impact of colonization. Suffice it to say that government policies and practices have attempted to assimilate, "civilize", and Christianize Aboriginal peoples who were viewed as "pagan", "child-like", and "primitive" versions of white people. This was done through legislation such as the Indian Act, the establishment of reservations, forced schooling in residential schools, the banning of spiritual practices, and the imposition of the Euro-Canadian criminal justice system (e.g. Hamilton and Sinclair, 1991; Miller, 1989; Getty and Lussier, 1983). Traders, missionaries, settlers, and government officials brought with them values which often conflicted with cultural values of Aboriginal peoples (Supernaught, 1993; Allen, 1986).

There is debate concerning the roles and status of Aboriginal women prior to European contact. Gaining insight into the lives of Aboriginal women in early times is limited by a number of factors: Aboriginal women did not record their experiences; there is
a scarcity of materials which directly discuss gender; those that did record information often interpreted events from a European, Christian, male perspective which could result in ethnocentric bias; and "traditional" societies were quickly transformed through the processes of colonization (Brodribb, 1984; Etienne and Leacock, 1980).

In uncovering historical experiences of Aboriginal women, a picture is emerging where women in many societies traditionally played a central role in family, government, spiritual ceremonies, and creation stories (Anderson, 1991; Osennontion and Skonaganleh:ra, 1989; Allen, 1986; Baskin, 1982; Leacock, 1981). Throughout the period of contact, women’s roles were altered by the imposition of European values and models of gender roles. An example of discrimination against Aboriginal women was the determination of status under the Indian Act. Until 1985, an Aboriginal woman who married a non-Aboriginal man automatically lost her Indian status but this did not apply to Aboriginal men marrying non-Aboriginal women. In fact, in such marriages the non-Aboriginal woman gained Indian status (Silman, 1987; Jamieson, 1978). This piece of legislation has had devastating consequences for Aboriginal women and their children. They lost their rights, homes, cultural identity, and tribal network. Aboriginal women have had to fight hard to regain their rights.

It is important to keep in mind that Aboriginal peoples have not experienced a uniform history. It would be a romanticized view of Aboriginal peoples to argue that violence never occurred in traditional societies. Not all Aboriginal women belonged to
matriarchal or matrilineal societies (for a review see Brodribb, 1984). Some Aboriginal cultures had social classes which included nobles and slaves (e.g. Morrison and Wilson, 1986). There have been accounts of abductions and rape of women from other Nations, such as when there was an attack by a war party. A Northwestern explorer in the 1770s observed that women were taken by force and he recounted that his Chipewayan guide beat to death one of his wives when she protested against him taking another wife (quoted in Brodribb, 1984:88-89).

There is little information available which reveals the extent and nature of family violence in early Aboriginal societies. There is also not enough information regarding how societies traditionally dealt with violence against women. The relationship between colonization and subsequent wife abuse and between colonization and the social control of violence needs to be further explored. Some authors argue that traditional Native leadership and methods of dispute resolution were displaced which meant that community members could not “enforce proper behaviour ... Behaviour by example could be ignored. Instead of mediation or negotiation, disputes were settled through political nepotism or survival of the strongest” (Supernault, 1993:18). Ceremonial practices had been outlawed which meant that “social control based on spiritual beliefs was lost, abandoned and forgotten” (Supernault, 1993:15). In her study of the Haida, Stearns (1981:283) argued that the loss of the traditional authority system left them with “no formal machinery for defining and sanctioning disapproved behaviour”.
Supernault (1993) identifies seven traditional Native principles about relationships and describes, in the contemporary context, how these values and the subsequent changes have a very negative impact on victims of violence:

Traditional principles of individual respect through subtlety, indirectness and gentle humour remains intact and comforting ... Acceptance of another’s mistakes carries the flip side value of not passing judgment, not ridiculing and not condemning. Native people are very forgiving. Unfortunately, this is one reason why victims will not charge their abusers. Women may go to shelters until the crisis blows over, but to the frustration of the police and shelter staff, they will return to their abusers. Family unity is still the most important factor ... Combining this behaviour with the traditional value of not interfering in one another’s affairs meant nobody stopped the violence or helped the victim ... Tolerance of human mistakes expanded to a bizarre degree (Supernault, 1993:14).

I am not arguing that culture causes violence or that violence is part of Aboriginal culture. What is being argued is that culture plays an important role in the responses to violence against women, specifically the sanctions and sanctuary for wife abuse. As Feinman (1992:137) found, “although battered women of all backgrounds experience similar pains and problems, the responses of victims, batterers, and those in a position to help them vary significantly depending upon the history and traditional cultural values of the people involved”.

In her work and research on the Navajo nation, Feinman (1992:142) found that “in traditional Navajo culture, people do not show emotion in public, do not criticize others in public, and do not complain to outsiders about one of their own ... Cultural values also prevent many battered women from seeking help”.

44
Many Aboriginal communities do not confront or intervene in situations of violence against women. As in mainstream Canadian society, there are often no sanctions against it and no sanctuary for abused women. One strong theme which emerges from the literature and which is relevant to my theoretical framework is the silence and denial within many Aboriginal communities. According to an Aboriginal community-based agency active in this area, "many communities tend to be trapped in a state of denial which then perpetuates the cycle of violence" (Ma Mawi Wi Chi Itata Centre, nd: Section 9, p.3).

If communities do not openly acknowledge the violence then they are unlikely to sanction against abuse and reach out with support for victims. "As long as you keep silent, you are leaving the abuser free to harass. Exposure is the first step" (Ktunaxa\ Kinbasket Newsletter, 1992:7). Community members have said that "‘talking’ about the issue is something individuals, families and communities can do to prevent violence and create awareness. But people need to feel safe to denounce violence” (Chambers et al., 1993:55). Another researcher states that communities will have to see “wife battering as community-sanctioned oppression” (Whipp, 1985:33).

This said, a healing process has begun. Many communities are going through a revitalization process and some communities are actively confronting the issues surrounding violence and are looking for solutions. There have been numerous initiatives which range from traditional healing circles and small, focused programs within one community through
to extensive initiatives that involve more than one community and numerous agencies (see Zellerer, 1994). A well known coordinated response to sexual abuse is the Hollow Water Community Holistic Healing Circle (Hollow Water First Nation, 1991). It is a unique approach that follows numerous steps based on traditional values. “The Community Holistic Circle Healing (CHCH) aims to restore balance by empowering individuals, families and the community to deal productively, and in a healing way, with the problem of sexual abuse” (Lajeunesse, 1993:1). The process is guided by an Assessment Team which is comprised of various individuals and representatives from different agencies. The team works together with the criminal justice system.

A theme which runs through material presented by Aboriginal people is that a holistic, community-based approach is required. The first key word is “holistic”. This means that attention needs to be paid to all aspects of our being: mental, physical, emotional, and spiritual. A holistic approach also means looking at “the individual in context of the family; the family in context of the community; the community in context of the larger society” (Frank, 1992:8).

The second key word is “community-based”. Due to the great diversity of Aboriginal cultures and communities across Canada, a generic model will not be effective. For example, an Aboriginal community within an urban centre may have different needs from a small, isolated reserve. “There is no ‘one’ solution that will fit the needs of all aboriginal communities or women of these communities … If solutions
are going to work, they have to be made by, and within, the community, however that community may be defined” (Frank, 1992:17).

Again, traditional values will influence the responses to the violence. Supernault (1993) argues that cultural values are both part of the problem and part of the solution. Another Aboriginal woman explains that despite the attack on Aboriginal communities and families, traditional values of extended families and "community-mindedness" were not completely displaced by the nuclear family system of mainstream society (Hodgson, 1990:35). The strength of extended family networks and of community cohesion can serve to end violence in homes. Equally important, however, as elder Abe Barnstick said, is that "Our greatest strength as an Indian community can be our greatest weakness" (quoted in Hodgson, 1990:37). The great strength of an extended family becomes a great weakness when it cloaks violence and leaves victims unprotected.

Violence Against Inuit Women

There is a huge body of literature that discusses virtually all aspects of Inuit history and culture. “It has been said that the ideal Inuit family in the Arctic consists of a husband and wife, four children, and an anthropologist” (Freeman, 1988:242). However, analyses of gender are much more limited: “Descriptions of Inuit society have rarely taken into account the role which women have played and continue to play
in it, and thus the position of Inuit women has been demeaned as well as inadequately described in the literature” (Matthiasson, 1976:211).

There were some references to Inuit women in early ethnographic works (e.g. Giffen, 1930; Rasmussen, 1908). Various authors have since written about such topics as the roles of women and changes to these roles (Pauktuuitit, 1991; Crnkovich, 1990; Matthiasson, 1976; Briggs, 1974), marriage practices (Burch, 1975; Damas, 1975; Kjellstrom, 1973), spouse-exchange (Guemple, 1961), female infanticide (Riches, 1974; Freeman, 1971; Balikci, 1967), family life, socialization and emotions (Briggs, 1985, 1970), traditional roles and models of gender (Bodenhorn, 1990; Guemple, 1986), sex role identification and gender identities (Billson, 1991; Dorais, 1988; McElroy, 1976, 1975), male and female shamanism (Oosten, 1986), and self-government (Pauktuuitit, 1991; Dybbroe, 1988; Thomsen, 1988). There are gaps, a questionable male bias of some ethnographers, and conflicting perspectives. For example, a debate has emerged concerning whether or not there was male dominance in traditional Inuit society (see Wachowich, 1993; Pauktuuitit, 1991, nd; Ackerman, 1990; Guemple, 1986; Briggs, 1974, 1970; Freuchen, 1961).

With respect to violence against Inuit women, there is very little published material and fewer research studies, particularly for the Canadian eastern arctic where this dissertation is focused. Inuit women and women’s groups have begun the painful process of breaking the silence surrounding violence. An Inuit woman stated: “the men
are still very quiet about violence in the family. The women are the ones who should be
given credit for breaking the silence on family violence” (respondent in Pauktuutit,
1991:27). A contribution to this goal is a booklet of the stories of 10 women from
Baffin Island (Flood, nd).

Pauktuutit, the Inuit Women’s Association of Canada, continues to engage in
public education through such mediums as workshops, radio, booklets, and other
written publications. For example, Pauktuutit has produced an informational booklet
entitled “Does Your Husband or Boyfriend Beat?” (nd), a book of collected artists
works entitled “Naalatsiarluit: A presentation of artwork by northern artists on spousal
abuse” (1992), and a book entitled “Arnait: The Views of Inuit Women on
Territories has also been very active in this area. They have conducted workshops,
completed projects, and produced such publications as “We Must Take Care of Each

The government of the Northwest Territories has also produced some materials
on violence against women. For example, a Task Force on Spousal Assault (1985) was
formed and a review of gender equality within the criminal justice system completed
(Peterson, 1992). The final report of the Task Force (1985) confirmed that spousal
assault is a problem of grave proportions in the Northwest Territories and that women
are most often the victims. Their report examined services and support for victims and
batterers. It also looked at institutional responses of social workers, educators, churches, medical professionals, the media, and the criminal justice system. A total of 110 recommendations were made.

At the national level, the Canadian Panel on Violence Against Women (1993) documented the forms and experiences of violence in a variety of settings and specific populations. Their final report devotes a chapter to violence against Inuit women (Canadian Panel on Violence Against Women, 1993:101-142). The chapter begins with a historical analysis and refers to social changes. Forms of abuse are described followed by an examination of the responses of various institutions including religious, social and justice institutions. The related issues of housing, poverty, education, employment, health, and substance abuse are also briefly discussed. Much of their critique of the responses, or the sanctuary and sanctions currently available, are supported by my findings.

To my knowledge, the only “academic” research conducted to-date on violence against Inuit women in the Baffin region is by Billson (1990). Billson conducted a large study which involved interviews with women from different cultural communities across Canada, including the Inuit. The main purpose of the study was to let the voices of a diversity of women inform analysis of gender and ethnicity (Billson, 1991; 1990). She discusses gender, identity, ethnicity, culture, social change, and women’s perceptions on a number of issues.
One issue that Billson examined is violence against women. She specifically addresses violence as a consequence of dramatic social changes in the north. Rapid social change and colonization is said to have had particularly negative consequences for Inuit men in comparison to Inuit women. Billson (1990:152) argues that Inuit women have adapted better than Inuit men when families moved into the permanent settlements and "men feel threatened by their loss of status and identity, by the increased power and status of women".

Theoretically informed, empirical work is required to understand the connections between violence and social change. Levinson (1988:450) cautions that studies of the effects of change "suggest that social changes influences the nature and frequency of family violence in developing nations, it should be noted that this finding is anything but conclusive". Levinson points to four studies that found wife beating decreased with social change. Social change is best viewed "as an ongoing, open-ended process rather than as a narrow cause and effect sequence" (Levinson, 1988:451). My dissertation does not directly address the impact of rapid social change on wife abuse although the need for a new "settlement culture" that includes mechanisms of social control to confront violence against women is discussed.

Sorensen (1990:94), an anthropologist who lived and worked in Nuuk, Greenland, found that the problem of violence against Inuit women is "relatively undescribed in the literature on Greenland. The relationship between gender and
violence is likewise most inadequately dealt with in the anthropological literature in
general”. Sorensen conducted research on violence against Inuit women in Greenland.

In exploring differing local explanations for wife abuse, Sorensen (1990:94) was
interested in the tendency of “excusing or explaining away wife-beating, thereby
acquitting the perpetrator of his personal responsibility for the act”.

Sorensen (1994:5) argued:

Instead of asking why wife-beating takes places we may as well ask: why not? Considering that many men have found out that they can make use of violence without any big risk and without any severe retaliation from society or from the beaten wife, and considering that the same men experience that they can intimidate their wives into good docile women, then why not make use of a means that is directly at hand?

He continues:

It seems clear to me that wife-beating only makes sense in relation to power. It is always possible to find supposed reasons why a specific man beats his wife and present these as explanations of his violent acts: his personal because. Making use of violence, however, is not an act forced upon people. It is rather an act which involves a choice. Most women and men choose the right to decline the use of violence against their spouse, whereas too many do not. They seem to take it to be their right, a kind of male prerogative, to make use of violence if need be. That is why I suggest asking why not? instead of why? (Sorensen, 1994:5-6, emphasis in original).

In a recent article, Sorensen further notes that “wife-beating is in general
leniently treated … The public invisibility and belittlement of wife-beating means that
acts can … take place without interference and without any legal and social
consequences for the perpetrator” (Sorensen, 1995:12).
Sorensen refers to the perspective of Riches (1986) who discussed anthropology and violence generally. Sorensen agrees with Riches that violence should be seen as a social and cultural resource which is strategically and consciously employed (see also Goode, 1971). In the original article, Riches further argues that “the relationship between social structure and violence is one of influence and opportunity; there is no suggestion that social structure compels violence - there are always alternative courses of action” (Riches, 1986:25). This implies that abusive men make choices within their social environment as to whether or not to be violent. It also supports Sorensen’s argument that individual men should take responsibility for their actions and be held accountable.

Larsen, another Danish scholar, has also done research on violence among Greenlandic Inuit. Most of what he has written is in Danish. However, in an unpublished article available in English, Larsen (1991) develops an explanatory model and provides some suggestions for confronting interpersonal violence.

Larsen argues that traditional conflict management was based on personal restraint and the avoidance of confrontation. Conflicts were dealt with indirectly or through songs. He notes that this avoidance has “led to the stereotype of ‘the peaceful Eskimo’. But it is important not to confuse a peaceful interactive style with its outcome. The non-confrontational style of behaviour has not always been particularly effective in preventing violence. Pent-up emotions now and then exploded in violent
attacks. The preference for withdrawal from conflict situations meant that bystanders would seldom interfere” (Larsen, 1991:3). Interestingly, non-confrontation was identified as an important cultural attribute for constraining wife beating in some of the cross-cultural studies discussed earlier. In the final chapter of this dissertation, an analysis of the findings from my study will contribute to the understanding of cultural influences on wife abuse.

Larsen argues that another consequence of a cultural prescription for non-confrontational behaviour “is the lack of training in verbal conflict resolution” (Larsen, 1991:5). While conflict avoidance is an important strategy within Inuit society “where institutional authority is minimal and personal autonomy is highly valued … there is a price to pay, and this price seems to be a high potential for serious interpersonal violence. Whether this potential will materialize or not depends not only on individual factors but on situational factors and social context” (Larsen, 1991:6). The factors in the social environment that Larsen discusses are alcohol, jealousy, male dominance and changing gender roles, sex identity conflicts, and inter-ethnic and social tensions.

Larsen notes that non-confrontation and violence has been found in other Inuit groups. It has been argued that while Inuit culture and social organization may differ across locations, “interpersonal values vary very little across the Arctic” (Briggs, 1985:40). Indeed, different authors have pointed out the cultural values of non-confrontation, non-interference and restraint or self-control of the Inuit (e.g.
Pauktuutit, nd; Rasing, 1994, 1984; Briggs, 1985, 1970). For example, an anthropologist who spent time with Canadian Inuit noted that “Inuit prefer to live in a nonconfrontational manner. They dislike and fear confrontation … Inuit tend to withdraw from the aggressor … offenders are not punished, they are reassured and pacified” (Briggs, 1985:47-48).

Although Inuit traditionally did not have a formal legal structure or authority, they did have customary laws or rules as well as beliefs and taboos that governed their behaviour (see Rasing, 1994). Traditionally, unacceptable behaviour was dealt with in a number of ways. “The primary reaction to such behaviour would be either ignoring the behaviour entirely and withdrawing from the situation, or mocking, shaming and gossiping about the person who is acting inappropriately” (Pauktuutit, nd:7; Rasing, 1994, 1984). More formalized methods of social control, particularly involving men, included fist fights, wrestling and song duels.

The nature and extent of violence against Inuit women in the past is unknown, although there is some evidence that it existed. The Task Force on Spousal Assault (1985:8-9), for example, found that wife abuse was “not a new problem” and instances of violence in pre contact times “have come down to us in the written and oral histories of the aboriginal peoples … Some instances, apparently motivated by perceived need to chastise a lazy mate, were condoned to the extent that they did not give rise to action by the group or community. Others … caused both criticism and group action”. The
exact nature of traditional methods of social control in cases of wife abuse, when they were invoked, and whether they were successful in preventing abuse in pre-contact times requires examination.

An important question is whether traditional responses are effective in contemporary Inuit communities. In an article describing the changes that northern peoples have undergone, Billson (1988:307) states that “living in larger communities with strangers meant that traditional means of informal social control, like gossip and ostracism, were now empty threats. The hunting group and its mutual responsibility and sharing was gone, only to be replaced by pensions, welfare, and family allowances” (see also Rasing, 1994). The data of the present study raise issues regarding the community sanctioning of violence against Inuit women.

Responses of the Criminal Justice System to Violence Against Women

For more than a decade, the criminal justice system has been a key player, and some would say the leader, in developing policies and programs to reduce the impact and incidence of wife battering. Although the criminal justice system has been generally lauded, domestically and internationally, for the very prominent role it has played, this role has been the subject of intense debate and considerable change over the years (MacLeod and Picard, 1989:1).

The criminal justice system can invoke powerful sanctions against violence. Prior to the 1970s, however, the criminal justice system rarely intervened in “domestic
violence" cases (for historical analyses see Strange, 1995; Gordon, 1992, 1988; Buzawa and Buzawa, 1990; Pleck, 1987; Dobash and Dobash, 1979). Canadian laws, legal practices, and attitudes were derived from 18th century England. The adopted perspective was that women and children were the property of men who were given the right to control and discipline them. Violence against women in their homes was seen as a "family" and "private" matter which did not warrant state intervention. Crimes committed against women by men were effectively ignored so the message was no one will intervene nor will there be any sanctions.

Recognition that wife abuse was a serious social problem and a crime came from its exposure through studies, articles and books and through the women's movement. Feminist activists launched an education campaign and pressured governments to punish batterers and protect victims. Although women's advocates worked for social change and the empowerment of battered women, the central focus became the reform of the criminal justice system (Currie, 1990; Walker, 1990). One key goal was to have wife assault recognized as a crime (like any other criminal assault) and treated as such (charge and prosecute men who assault their partners).

A political climate oriented to law enforcement and crime control may have helped governments be receptive to feminist pressures. The 1980s saw the beginning of numerous changes in the responses of the justice system. For example, in 1983, the Canadian Parliament replaced its rape law with sexual assault legislation. This is
significant because prior to 1983, the rape law "granted a man an absolute right of sexual access to his wife ... husbands could not be charged with raping their wives" (Begin, 1989:154).

Canada is said to have been the first country in the world to adopt nation-wide police charging policies in wife assault cases (Begin, 1991:17; MacLeod, 1989). Directives have been issued by all provincial and territorial governments to the police, and most Crown Attorneys, "encouraging rigorous investigation and prosecution of wife assault cases. In most cases, police need not actually witness the violence but must have reasonable and probable grounds to assume that an assault took place" (MacLeod, 1989:25). Mandatory charging or pro-arrest and no-drop prosecutorial policies have since been adopted in numerous jurisdictions across North America (e.g. Hilton, 1993; Buzawa and Buzawa, 1990).

Further changes in the Canadian criminal justice system's response to wife abuse include training for officials (e.g. Skoog and O'Sullivan, 1993) and amendments to the Criminal Code as well as the implementation of programs to assist victims (Begin, 1991:17-24). Treatment programs for men who batter have been developed and many of these have formal links with the justice system such as at sentencing or within corrections (Zellerer, 1994; Bell et al., 1992; Burns et al., 1991). Pilot projects were initiated, such as the coordinated response in London, Ontario which includes mandated police charging (Jaffe et al., 1991; Jaffe and Burris, 1981). In a ten-year evaluation of
this project, researchers found that the police clearly implemented the policy and that “victims had a high level of satisfaction with police officers’ interventions and reported a significant reduction in violence when criminal charges were laid” (Jaffe et al., 1991:iii).

Another first in Canada was the establishment of the Winnipeg Family Violence Court in 1990 (Ursel, 1994, 1992). As an innovative experiment, this court recognized the vulnerable position of battered women and attempted, among other goals, “to ensure that family violence cases were prosecuted as rigorously as other cases of interpersonal violence” (Ursel, 1994:2). An evaluation of the court’s handling of spousal, child and elder abuse cases concluded that “early results indicate that the goals of expeditious processing and more consistent and appropriate sentencing for family violence cases have been achieved in the first two years of operation” (Ursel, 1994:13; 1992).

An aggressive criminal justice response became the leading approach to wife abuse. Internationally, as well, “most governments confronting various forms of violence against women have tended to approach the problem as one requiring legal solutions” (Connors, 1994:183). Efforts to enforce existing laws or changes to laws have occurred in numerous countries (Davies, 1994; United Nations, 1993:12-13).

In Brazil, the police often did not investigate crimes of violence against women and were sometimes hostile to women who reported abuse. Brazilian authorities created
women’s police stations (delegacias) throughout the country (Thomas, 1994). “The women’s delegacias represent an integrated approach to the problem of domestic violence. They were designed to investigate gender-specific crimes, and to provide psychological and legal counselling. The female police officers (delegadas) were to receive training in all aspects of domestic violence” (Thomas, 1994:37). Although there are problems and limitations with the women’s police stations, they succeeded in raising the visibility of violence against women as a crime and in changing the attitude that wife beating is socially acceptable. Special all-female police stations which deal only with violence against women have been implemented in Argentina, Uruguay and Peru (Alvazzi del Frate and Patrignani, 1995:8).

Many activists and academics argue that “implementation of quick and consistent sanctions against woman abuse by all components of the criminal justice system is seen as a necessary ingredient in successful efforts to end it” (Edleson and Tolman, 1992:115).

Criminal Justice System: Criticisms and Debates

Despite changes in policies and legislation, there remains a chorus of criticisms aimed at the criminal justice system’s actual responses to violence against women within the literature. From the 1970s to the present, feminists put a great deal of energy into exposing the inaction of police who did not charge men who assaulted their
intimate partners, prosecutors who would not prosecute such cases, and the judiciary who would not pass appropriate sentences against these offenders. Overall, it is argued that violence in the home is still not treated like a crime.

The criticisms of criminal justice responses cut across borders and types of government. At the international level, the authors of a report on violence within developing countries state that “despite existing laws, the criminal justice system is not active enough in prosecution and reports confirm a high degree of impunity and discrimination in favour of perpetrators” (Alvazzi del Frate and Patrignani, 1995:9).

One problem is that laws and procedures that protect victims are not being implemented. In Pakistan, “the state not only condones the abuse by turning a blind eye to specific acts of violence, but has itself become a leading perpetrator of violence against women … Domestic violence and marital rape are not cognizable as crimes - much less punishable as such” (Shaheed, 1994:215). While legislation is an important step, “implementation of such laws has been disappointing in most countries … implementation has been hampered by the attitudes of police, prosecutors, judges and magistrates and other major actors in the legal system” (Connors, 1994:187).

In Brazil, in 1990, “women registered over four thousand complaints of battery and sexual assault in the home at the main police station. Of those complaints, only three hundred - less than eight percent - were forwarded to the court for processing and only two men were ever convicted and sent to prison (Brazil Report, 1991 quoted in
Beasley and Thomas, 1994:323). Overall, although information about government responses in numerous jurisdictions is limited, "the research suggests that investigation, prosecution, and sentencing of domestic violence crimes occurs with much less frequency than other similar crimes" (Beasley and Thomas, 1994:330).

A great deal of research has occurred in North America, especially in the United States. This research has generally confirmed arguments by women's advocates and front-line workers of inadequate criminal justice responses. The argument that abused women are "revictimized" by the system is a recurring theme (e.g. Peterson, 1992; Hughes, 1992). The Canadian Panel on Violence Against Women (1993:213), for example, stated that "women survivors of violence are often left unprotected, under-served, marginalized, demeaned and further harmed in their dealings with the legal-judicial system".

One issue is the reluctance of women to follow through with charges and testify (Langer, 1995:83-85). "One of the reasons of the withdrawal of charges by wives is the failure of the criminal justice system to protect them from their violent spouses and from those people who threaten witnesses, an issue that urgently requires research and debate" (Patrignani and Ville, 1995:51; Quarm and Schwartz, 1985).

Based on existing knowledge it is assumed that assaults of strangers are more likely to be convicted and sentenced more severely than assaults of intimates (for discussion and evidence, see Ferraro, 1995:226-268; Cahn and Lerman, 1991; Crites,
1987). Some authors point to the problem that “the courts are wantonly lenient re
sentencing … This in itself is a chilling message” (LaRocque, 1993:10).

Ford (1983) found that only 30 cases of the 325 battered women who sought
prosecution reached the courts (see also Ford, 1993). Dutton (1987:189), in his review
of the studies, estimated that perpetrators only had “a 0.38% chance of being punished
by the courts” (see also Dutton, 1995; Fagan, 1989; Davis and Smith, 1982). Among
the reasons given for the importance of prosecuting wife abuse are, first, “if we want
woman abuse to stop, we must prosecute those who abuse women. If we do not
prosecute them, we give them tacit permission to continue” and secondly, “unless
there is prosecution following arrest, law enforcement is a fiction” (Cahn and Lerman,

It is difficult, however, to evaluate the effectiveness of sentence outcomes based on
the research currently available. A unique study by Ford and Regoli (1992; 1993) tested
various prosecutorial responses and found evidence that prosecuting wife abuse is
important for the deterrence of violence. The Indianapolis Prosecution Experiment
“also suggests that empowering the victim by allowing her to make choices in the
prosecution process (i.e., whether to drop charges) can increase her security. Policies
that exclude the victim from the process must be carefully examined … The focus
should be on providing victims with the information and protection needed so they can
make truly free choices” (Ford and Regoli, 1993:159).
Most of the literature focuses on the police (for a review see Hirschel et al., 1992; Buzawa and Buzawa, 1990; Edwards, 1989; Hanmer et al., 1989). The police are often seen as the key players in the criminal justice system:

Although prosecutors, the judiciary, and probation officers must all play a role in protecting women from abusive partners, it is the role of the police, who are the first to respond, that usually determines whether victims ever get to a courthouse. Police are the actors who must decide whether to arrest the abuser or to tell the victims about her rights. Without police help, few victims will even realize what their options are (Zorza, 1992:60).

I take the stance that police responses, primarily through arrest, constitutes a sanction. "The jurisprudence of the criminal sanction … has rarely recognized arrest as a form of sanctioning, despite the widely acknowledged use of arrest for that purpose … arrest may be the only criminal sanction ever applied" (Sherman et al., 1992:137-138).

Some themes emerge within the literature on policing and wife abuse. One is the under-reporting of such crimes. It is generally estimated that half of all incidents are not reported to the police (Hirschel et al., 1992:257). Massive under-reporting is not explained by any single factor. "Perhaps … victims do not consider their assaults to be crimes. If they do, they do not report the incidents … considered a private or personal matter … because they feared reprisal … believed the police could not, or would not, do anything" (Hirschel and Hutchison, 1992:79; Langan and Innes, 1986; Bowker, 1983).
A clear focus of the literature is on police charging policies and deterrence. There is no consensus and "the basic question at the center of the current public debate is the proper role of law enforcement in spouse abuse. Significant research now has been conducted on the police response to spouse abuse, but the findings are not entirely consistent ... Nationwide there has been considerable momentum toward the adoption of pro-arrest policies" (Hirschel et al., 1992:248-249). Advocates of mandatory arrest policies use the premise that "police discriminate against victims of domestic violence ... indisputable evidence cited in support of this premise is that police often fail to make arrests" (Sherman et al., 1992:140).

Numerous studies on the police have been conducted. For example, unlike the London, Ontario police who clearly implemented the pro-arrest policy (Jaffe et al., 1991), Ferraro (1989) found that the Phoenix police department resisted their presumptive arrest policy. Her research team found that arrests were made in only 18 percent of domestic assaults (see also Yegidis and Renzy, 1994). Ferraro (1989) argued that police ignored the arrest policy due to legal, ideological, practical, and political factors.

Battered wives' perceptions of police responses and policies are important (Robinson, 1996; Jaffe et al., 1991). However, adequate attention has not been given to "the important information which could be provided by these victims' voices" (Bowman, 1992:203; Robinson, 1996). Studies tend not to consider victim preferences
and, overall, a victim is seen as a passive rather than an active participant in the justice system. In one study of police in Massachusetts, "the officers in over 75 percent of the cases could not report the victim's preferences" (Buzawa et al., 1992:258).

Although victim dissatisfaction has been documented (see Edwards, 1989:172-175), some research suggests that battered women prefer arrest and aggressive police policies and are satisfied with recent police responses (Robinson, 1996:47; Yegidis and Renzy, 1994; Buzawa et al., 1992). There are many potential police responses and "women calling the police are demanding active intervention to bring the violent encounter to an end" (Hanmer et al., 1989:192-193).

The most widely cited and discussed study is Sherman and Berk's (1984) experiment of the Minneapolis police. This was the first study to test the deterrent effect of arrest in cases of domestic violence. Cases were randomly assigned to either (1) advising the couple (included informal mediation), (2) separating the couple by ordering the offender to leave for eight hours, or (3) arresting the offender (included the night in jail). Arrest was most effective in deterring subsequent violence. This study had a dramatic impact and furthered the implementation of mandatory or pro-arrest police policies across the nation (see Sherman, 1992; Sherman and Cohn, 1989).

Six replication studies in other cities of the United States were conducted to further examine the deterrent impact of arrest (see Robinson, 1996:13-28; Sherman, 1992:25-36; Hirschel et al., 1992:269-272). The results of the original experiment
were not replicated and the subsequent results are inconsistent. Data from some cities showed a deterrent effect while in others there was an apparent increase in violence. Three studies, Omaha, Charlotte and Milwaukee, “present an unambiguous picture: arrest of misdemeanor spouse abusers is no more or less effective in preventing recurrence of abuse than the other responses examined ... At this point, the hope that arrest alone could contribute significantly to solving the problem of spouse abuse is unfulfilled” (Hirschel et al., 1992:271).

There are limitations of the studies and controversies over the results (for discussion and critique, see the special issue of Journal of Criminal Law & Criminology, 1992). A finding from these police studies particularly relevant to this dissertation is that arrest may have different effects on different people. For example, “employed suspects tend to be deterred by arrest, while unemployed suspects tend to become more frequently violent following arrest” (Sherman, 1992:25). Authors have alluded to theoretical explanations of this finding: “According to Social Control Theory, employed individuals have stronger ties to the local community and, therefore, are more likely to feel shame after an arrest for domestic violence ... According to Labeling Theory, suspects with little to lose will not be deterred by an arrest; and if they blame the victim for it, they may be more likely to retaliate” (Berk et al., 1992:173-174).
One interesting hypothesis for the diverse findings is the impact of the social structure of the community setting. "Unemployment or social bonds may simply be a correlate of a more powerful neighborhood effect on suspects' reactions to arrest ... plausible that there are structural characteristics of neighborhoods ... that could determine how neighborhood residents react to arrest for domestic violence" (Sherman, 1992:35). Among the demands for nation-wide and consistent police charging policies is Sherman's (1992:43) unusual suggestion of "different police polices or practices for different neighborhoods. Police discretion already varies widely by neighborhood, and community policing is trying to make it vary even more explicitly in response to community preferences. A local option approach, informed by research ... might be the best way to develop a workable policy".

Sherman (1992:37) is concerned that the battered women's movement does not seem to care about the evidence that "arrest positively harms black women in at least one poverty ghetto, where the majority of the suspects are unemployed and unmarried". This finding raises questions about the effectiveness and appropriateness of criminal justice sanctions. Sherman quotes Zorza (1992:66) who said that "even if arrest may not deter unemployed abusers in ghetto neighborhoods, arrest still deters the vast majority of abusers ... We do not consider eliminating arrest for other crimes (e.g., robbery), however, because it may not deter a particular individual or class of individuals. The studies may suggest that to deter more batterers, the stakes may need
to be higher, not lower or nonexistent”. Sherman (1992:38) finds this argument problematic: “to pursue a policy beneficial to women who do not live in poverty stricken ghettos - primarily white women - displays an unfortunate racial and economic insensitivity to the overall effects of mandatory arrest”.

In a feminist critique of the arrest studies, Bowman (1992:204) argues that Black and poor women, “if given a choice, might nonetheless want the validation of an arrest or the time and space it gives them. Their answers might be very different, moreover, if the choice were not posed in a vacuum. What might they say if they were offered both arrest and a variety of supportive services?”. It seems that women have yet to be asked these questions nor have these speculations been empirically studied.

Roberts and Henry (1996) found different complaint rates for the racial or ethnic groups under discussion. “The magnitude of these differences in per capita family offense complaint rates strongly suggest that domestic violence offenses come to the attention of the police more frequently within predominately African-American and Hispanic neighborhoods than in predominately white neighborhoods” (Roberts and Henry, 1996:92). Although this study was unable to test or analyze the reasons for such differences, the authors offer some suggestions arguing that “no basis exists to suppose that officers might be enforcing their mandate to arrest more stringently in one neighborhood than in another” (Roberts and Henry, 1996:93). An alternative, untested explanation is that “African-American and Hispanic communities selected for this study
are confronted by social problems and conditions which are not as prevalent or as extreme in white communities … minority communities may lack many of the resources and continuing social services” (Roberts and Henry, 1996:93). Furthermore, it is hypothesized that batterers in white communities have more resources “or that the social stigma attached to arrest within those communities effectively discourages future family violence” (Roberts and Henry, 1996:93).

Such debates and hypotheses will likely continue for some time. Due to limited research, it is still too early to know the actual impact of police policies on minority and indigenous women and men.

Bowman’s (1992:201-202) feminist critique discusses how the police studies may “distort rather than clarify” the effects of police responses to wife assault by (1) isolating arrest from the larger context of violence and the criminal justice system; (2) relying on statistics rather than focusing on the voices of the victims; and (3) analyzing the problem and policy implications “solely in individualistic, non-relational terms” (see also Lerman, 1992). Both Bowman (1992) and Zorza (1992) point out that ninety-five percent of the cases of domestic violence in the original deterrence studies were not subsequently prosecuted. This may have an impact on both abusers and victims which was not acknowledged in the police studies.

Focusing on deterrence may be too narrow a measure of the impact of police responses. Dutton et al. (1992) examined how arrest may help change the power
imbalance in the relationship by empowering the victim and making the abuse public thus potentially invoking informal social sanctions (see also Staubss, 1995; Bowman, 1992; Lerman, 1992). Increased visibility leads to potential legal intervention but also other social controls, “ranging from informal (e.g., social disapproval) to formal (e.g., treatment) sanctions. In addition, disclosure can generate social support for the victim” (Dutton et al., 1992:121). Their tentative findings and analysis “supports the potential for pro-arrest policies, combined with prosecution and court-mandated therapy, for the reduction of repeat wife assault” (Dutton et al., 1992:124).

Frisch (1992) notes that calls for changes in the responses of the justice system, including the police, were originally premised on equal justice or equitable treatment of victims. “Deterrence as the major impetus for change was promoted not by victims, advocates or policymakers, but by those engaged in academic research … Deterrence is but one goal of the justice system, and it is largely a hypothetical one … arrest would be only one component” (Frisch, 1992:211-212). Hirschel et al. (1992:276) argue that spouse assault is likely the only crime “in which it has been considered necessary to justify the arrest of offenders on the grounds that such arrests will serve as a deterrent … abuser should be arrested for a variety of other reasons beyond any deterrent value … Not to arrest may communicate to men the message that abuse is not serious and to women the message that they are on their own” (see also Zorza, 1992).
It is a great challenge to effectively confront violence against women given the complexity of the problem. Numerous authors have called for inter-agency, multi-disciplinary approaches, in which the police are but one component. “Almost all authors strongly stress the need for closer and improved co-operation among the various related institutions, such as police, court, health, education, social services, and so forth” (Patrignani and Ville, 1995:60). The most widely recognized coordinated approach to wife abuse is the Duluth Domestic Abuse Intervention Project in Minnesota (Pence and Paymar, 1993; Pence, 1983).

Currently, the criminal justice system can be seen as “poised at a crossroads” (Buzawa and Buzawa, 1992:viii). In reviewing the research on the criminalization efforts, Fagan (1996:40) states:

there remains inconsistent and inconclusive knowledge about the effectiveness of criminalizing domestic violence … We simply do not know what the effects of legal sanctions for domestic violence are, whether there are differences in these effects for specific population groups, what the theoretical bases are for their effects or noneffects, and what the risks and limitations of a policy of ‘criminalization’ are.

Contradictions and Controversies: Feminism and Minority Women

The criminal justice system has yet to fulfill promises such as the reduction of violence and protection of victims. A debate has emerged as to its appropriateness and effectiveness in this area. Many feminists and other academics continue to argue for the
imposition of criminal justice sanctions. Other authors express concern about such an approach. Currie (1990:86) asks: “wife battery appears to have been transformed from a private trouble into a public issue of national concern. Given both the speed and scope of responses to the issue, why do feminists now hesitate to claim these as victories?”.

Contradictions have emerged for feminists, especially Marxist, socialist and critical feminists, who find themselves both critiquing patriarchal institutions and powers of the state while calling for further state intervention into women’s lives. A “law and order” lobby has raised some concerns (Snider, 1995, 1994; Ferraro and Pope, 1993; Currie, 1990; Smart, 1989; Davis, 1988; Findlay, 1988; MacLeod, 1987; Pitch, 1985; Burstyn, 1985). Feminists find themselves in an uneasy alliance with those more conservative forces also arguing for stronger social control. “Ironically, it might appear that in struggling against the state, feminist reformers have become complicitous with the state” (Currie, 1990:88).

MacLeod (1980) conducted the first national study of wife abuse in Canada on behalf of the Advisory Council on the Status of Women. An emphasis was placed on reforming the criminal justice system to be more responsive to female victims. The recommendations were predominately accepted by the then conservative government.

It is interesting that in a follow-up report, MacLeod (1987) does not claim the original report and its impact as a complete success. “We have simplified the problem -
focused on the physically violent act, provided support and protection to individuals ... For the purposes of action, wife battering was individualized” (MacLeod, 1987:6; see also Currie, 1990 who discusses both reports). Struggles over the “ownership” of the issue of wife abuse emerged while the realities and perspectives of battered women were typically ignored.

Currie (1990:89) argues that the Canadian Advisory Council on the Status of Women “became a vehicle primarily for white, middle class, educated women”. She goes on to say that the centralization of women’s groups resulted “in the under-representation of working class women and the virtual absence of other minority women” (Currie, 1990:90).

Jamieson (1987:3) acknowledges that achievements in dealing with wife abuse have been made in Canada but argues that “the theoretical basis upon which this response has been constructed pertaining to Aboriginal women has been neglected ... their interests still appear to be eclipsed by mainstream feminism”. The experiences of minority women and the distinct contexts in which their victimization occurs has typically not been included in theoretical research. The literature is “thus hampered by an abstract generality” (Jamieson, 1987:1). Generalizations are made from “either that of the white, middle class woman, or of an otherwise undifferentiated ‘victim’” (Martin and Mosher, 1995:7).
The inadequacies of feminist theories and approaches have been illuminated by women of colour and Aboriginal women (Brown, 1992; Razack, 1990-91; Collins, 1990; Herbert, 1989; hooks, 1988, 1984; Osennontion and Skonaganleh:ra, 1989; Bhavnani and Coulson, 1986; Ramazanoglu, 1986; Lorde, 1983; Davis, 1981). Black feminists “have demanded that race, religion and culture be incorporated into the analysis of violence against women” (Mama, 1989:4). Mama (1989:84) also observed that “the class, race and cultural dynamics of agency responses to domestic violence have been grossly neglected by feminists”.

In support of the theoretical framework of this dissertation, arguments seem to point to the differences between white women and women of colour or Aboriginal women not being in the experiences of violence but rather in the responses to it. “The available data, admittedly anecdotal, strongly suggest that racial and ethnic minority women experience the battering in much the same way white women do. A punch in the eye or a kick in the stomach is probably the same no matter what color you are or what language is being shouted” (Rasche, 1995:257). However, minority women may face different or additional problems when attempts are made to confront the violence.

Mama (1989) conducted the first comprehensive study in Britain on violence against black women (referring to women of African, Asian and Caribbean backgrounds). Mama (1989:299) concludes that “measures must be taken to stop woman abuse by demonstrating to the perpetrators that such behaviour is not
acceptable. More immediately, strategies must be developed to ensure that women are not forced to tolerate violence in the home, and to support those who wish to leave”.

Non-intervention is a central concern of this dissertation. Studies such as Mama’s (1989:84-85) have found that “high levels of violence and cruelty to women ... are being tolerated, by the communities themselves, as well as by statutory organizations”. This finding of black communities is consistent with findings from other communities, including Aboriginal ones in Canada (e.g. Supernault, 1993).

Numerous issues and dilemmas have been raised in turning to the criminal justice in response to violence against minority women. Many women call for men to be held responsible for the violence they commit. There is no consensus, however, on whether and how the criminal justice system should be utilized.

Martin and Mosher (1995), from their study of Latin American immigrant women in Toronto and from the literature, identified a number of fears, risks, and harms when invoking the criminal justice system. These included fear of deportation, loss of children, racism, shame, betrayal of family and community, ostracism or backlash from their community, and further violence from their husbands. “In sum, there exist many valid reasons why women are reluctant to invoke a criminal justice response” (Martin and Mosher, 1995:32).

In her study of the Navajo in the United States, who have an autonomous criminal justice system, Feinman (1992) found that abused women rarely turn to it.
Because it is modelled on the Anglo-American system, it is still elicits suspicion and hostility. Furthermore, “police officers and members of the judiciary may be related to the victim or offender ... If legal action is initiated, criminal justice personnel and the victim face the risk of being reprimanded by members of their respective families and clans, and by those of the accused” (Feinman, 1992:143).

Rasche (1995) also identifies racism and cultural attributes as critical problems minority women may face. While there may be different levels of abuse and tolerance among ethnic groups, “attributes of ethnic or cultural tradition may be the biggest hurdles faced by abused women in getting help” (Rasche, 1995:252). In many Aboriginal and minority groups, it is culturally unacceptable to seek outside help or interference.

Minority women, like many non-minority women, may feel fear and guilt in turning to the criminal justice system for protection. While all women want the violence to end, it has been argued that minority women do not want to further expose their men or communities to the racism of this system. This dilemma, however, may also be used as a psychological weapon by abusive men. “All of the minority feminist literature on domestic abuse, new as it is, addresses this concern, and warns minority women not to be distracted by that ploy” (Rasche, 1995:254-255). Richie-Bush, for example, argues that “while it remains critical that black people continue actively
struggling against racism and discrimination, it must not be done at the physical and psychological expense of black women” (quoted in Rasche, 1995:225).

Mama (1989) examines how both racism and sexism exacerbate the problems abused black women face. She notes the loyalty many black women feel to black men and black communities and the expectation that women should “show sympathy and understanding when the men that live with them also turn violent” (Mama, 1989:xiii). Inadequate, and at times abusive, police responses are criticized. Her study found that “the police can and often do treat black men and women punitively when they are called to intervene in domestic violence ... the law is not enforced by the police, and often not upheld by the courts” (Mama, 1989:304).

Dobash and Dobash (1992), in examining the practices of various agencies in relation to violence against women and social change, acknowledge that when racial oppression is considered, “ideas about male domination may be less clear, or contradictory” (1992:52). They argue that the double oppression of gender and race along with cultural, family, and community factors leads to "additional problems and priorities" for women of colour (Dobash and Dobash, 1992:52).

The woman of colour who lives in a racialist society and is also beaten by her partner faces impossible choices: she may escape her man's violence but at the cost of family and community membership and solidarity, or she may remain ensconced within family and community but at the cost of her personal safety and well-being. Unless the ethnic community actively rejects male violence among its members and polices it themselves or allows others to do so, women of colour are, in fact, being expected to bear the brunt of gender violence within a racial or ethnic group in order that the group itself or its violent members not be exposed to further racial oppression (Dobash and Dobash, 1992:53).
Another author speculates about the impact of racism on black women who are abused. Tong (1984:170-171) argues that “the battered black woman finds herself in racist binds that do not affect battered white women. Black women are even more prone than white women to excuse their husband’s violent behaviour … Black women are more likely than white women to wonder whether a policy of arrest is the best strategy”. She adds that “because the law has dealt more harshly with black rapists than white rapists, there is reason to believe that it will deal more severely with black woman-batterers”. She acknowledges that the opposite may occur due to the devaluation of black women and assumptions about violence in black families. The lack of empirical data leaves such questions unanswered and the above assertions unsubstantiated.

The recurring reference to oppression and racism in the literature leads to questions of how to respond to minority men who are abusive. Most authors argue that oppressive circumstances should never excuse the violence inflicted on minority women. LaRocque (1993), a Canadian Aboriginal woman, is opposed to the argument that assaultive men are victims of society who should not be held responsible nor punished. “Political oppression does not preclude the mandate to live with personal and moral responsibility” (LaRocque, 1993:8). She asks: “What are we saying of Native men - that when conditions of oppression, poverty or abuse exist, they cannot think of anything else but to turn on innocent women and children? And this then should be met
with sympathy? And what about the other statistics, namely, of all the poor men and abused men who do not turn to violence?” (LaRocque, 1993:11, emphasis in original). Mama (1989:21) also points out that the majority of racially oppressed men do not automatically become abusers.

LaRocque (1993:12) takes a clear stance against justifying or tolerating violence, regardless of the explanation advanced: “we should never use any ‘explanation’ - be it psychological, personal or political - as absolution for the offender”. She also takes a clear stance in support of the intervention of the criminal justice system both for the healing of victims and for the message that violence is not tolerable. Furthermore, “offenders must be made accountable” (LaRocque, 1993:23).

LaRocque emphasizes that she is well aware of the dismal record of the criminal justice system’s responses to Aboriginal peoples. “I grew up watching police abuse my parents’ generation … But I also saw or heard of police/courts neglect Native victims of Native violence. This is the ultimate form of racism. It is this latter fact that must be addressed as much as the former … why should Native victims of Native violence bear the ultimate brunt of colonization/racism and negligence of the Criminal Justice System?” (LaRocque, 1993:28).

The voice of a battered woman of colour supports LaRocque’s argument: “I feel badly about the way minority men are treated, but that doesn’t mean that I deserve to be the scapegoat” (quoted in Stallone, 1984:517). Another author echoes
LaRocque's argument that while racism needs to be eliminated, violence against women should not be excused or ignored in the process:

Absolving men of color from responsibility for criminal acts against women, however, is an inappropriate means to achieve that end. The solution lies in reforming the criminal justice system and holding it accountable for racial abuse, not in decriminalizing violent acts. The sexism that prompts some people to sacrifice the physical well-being and the lives of women of color in order to end racism is as repugnant as the racism itself (Stallone, 1984:517).

This is not to say that a consensus exists as to the use of the criminal justice system. Like feminists, women of colour and Aboriginal women have differences of opinion as to the appropriateness and effectiveness of the criminal justice system in cases of violence against women.

Martin and Mosher (1995), authors of a study of immigrant women in Toronto mentioned earlier, conclude that criminal justice intervention has not only failed on its promise of confronting violence and protecting women, but that it is inherently not capable of it. They disagree with the two assumptions underlying the criminalization strategy, namely "that wife assault is the 'same' as other assaults; and that criminal justice intervention is efficacious in reducing or eliminating violence" (Martin and Mosher, 1995:33). With respect to the first assumption, their research "confirms what individual women have always said - that wife assault differs fundamentally from stranger assault, most compellingly in that it is situated within an important and complex relationship ... ignores the personal and familial politic surrounding abuses ..."
and thus ignores the harms generated by aggressive criminal justice intervention” (Martin and Mosher, 1995:33; see also Fagan, 1996:28-30).

Along the same lines, a criminalization response further “assumes a homogeneity of experience of abused women … the evidence strongly suggests to the contrary. Ignoring the differences among women in terms of the appropriateness and efficacy of an aggressive criminal justice intervention exposes some women to risks of grave harm” (Martin and Mosher, 1995:33).

Martin and Mosher (1995:38) question the efficacy of the criminal justice system and the focus on individual men rather than the ways in which society legitimizes and supports the power over and abuse of women. Focusing on the criminal justice response diverts attention from the “transformative work” required to protect women “so that men are truly not able, in the parlance of exchange theory, to ‘get away with it’ … it is much, much more than the criminal justice system that permits men to get away from it” (Martin and Mosher, 1995:40). These authors argue that the criminal justice system must be not “a significant player” in a strategy for the protection of women and elimination of violence. “We more than deceive ourselves when we rely upon it; we perpetuate harms against women” (Martin and Mosher, 1995:40-41). The focus of the battered women’s movement, it is argued, should be on reducing and eliminating the harms identified by abused women.
As scholars have pointed out, the potential of gender, racial, and ethnic oppression is very real. The over-representation of native peoples in the Canadian justice system, for example, has been well established. It would be easy to agree with Monture-OKanee (1994:135) that "any program which successfully keeps an Aboriginal person from a sentence of incarceration is laudable". However, issues such as the safety and protection of women are crucial. Another Aboriginal woman stated that "at no time should the desire to reduce the proportion of Aboriginal men in prison impact on the response to women's needs for a safe living environment" (Atkinson, 1990:17).

Stubbs (1995), an Australian, feminist scholar, acknowledges that the criminal justice system is a blunt tool and that the justice system may be oppressive. However, she challenges "the contention that this is the singular and inevitable outcome of such intervention ... The outcome of policing, and of criminal justice intervention more generally is likely to be varied, perhaps contradictory, and in part determined by context. The effects of legal intervention cannot be adequately represented as necessarily, or always opposed to women's interests" (Stubbs, 1995:262). Rather than dismissing criminal justice intervention, Stubbs (1995:262) argues that "women do need recourse to the criminal law in dealing with the violence they experience, and that criminal justice intervention may provide personal protection which is both crucial, and unlikely to be forthcoming from other sources".
The Ontario Native Women’s Association (1989:47) sums up the issue: “On the one hand, there is a reluctance to utilize the justice system because of its treatment of Aboriginal people and the animosity which exists between us, and on the other hand, Aboriginal women and children need protection”. Therefore, they call “upon the protection of the Canadian justice system with reservation” (1989:47). They also call for the development of an Aboriginal criminal justice system but, until then, say the present justice system needs to be relied on. “Abusers should be charged and required to take mandatory counselling” (Ontario Native Women’s Association, 1989:47-48; Supernault, 1993).

The numerous and complex issues require further examination and much more empirical research. “The question which arises of course, is whether there is in fact a need to treat minority women in some special way when attempting to understand the causes of and appropriate responses to domestic violence” (Rasche, 1995:248, emphasis in original). There is a belief “that there are special, unique problems faced by minority women victimized by family violence. No empirical evaluation of this belief has ever been undertaken, and most of the concerns remain to date at the grassroots organizing level” (Rasche, 1995:248, emphasis in original). Due to the lack of empirical studies, many “conclusions about the contributing and inhibiting factors of violence in minority families remain speculative at best” (Asbury, 1993:167).
Further Theoretical Connections

This chapter shows that theories and propositions have been advanced by a variety of authors in different disciplines. Often, theories are advanced in relative isolation and those with divergent views may not converse. In discussing different forms of family violence, Gelles (1993:5) notes that “each field has its own ‘experts’, funding sources, and even scholarly journals”. This dissertation is unique in that it draws links between divergent theorists and academic disciplines. The concepts of sanctions and sanctuary are my theoretical focus which allows such links to be made.

Sanctions relate more broadly to the concept of social control. This dissertation adopts Cohen’s (1985:1) conception of social control as “the organized ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable in some way or another”. This definition is useful for it includes both formal and informal forms of social control.

The concept of social control has a long history and has been utilized by numerous and diverse theorists, especially sociologists, to all kinds of aspects of life (see, for example, Edwards, 1988; Chunn and Gavigan, 1988; Cohen, 1985; Janowitz, 1985; Rothman, 1983; Cohen and Scull, 1983). Questions have been raised about the effectiveness of such an overused term (Rothman, 1983), the fact that critical and non-critical theorists both use the same term (Chunn and Gavigan, 1988), the term being
ahistorical and deterministic (Chunn and Gavigan, 1988), and that inequality is poorly understood in relation to the term (Bridges and Myers, 1994).

Despite such questions, I agree with Edwards (1988) and Boyd (1996) who argue that “social control” is a useful conceptual tool. Edwards (1988) argues that it is particularly useful with respect to relationships with power differences and with enabling theoretical linkages to a variety of institutions and practices.

With respect to violence against women, feminists have argued that “domestic violence is considered a problem of social control … society protects the family which in turn protects men” (Patrignani and Ville, 1995:19). Social control relates to wife abuse on two levels. On a societal and institutional level, there is often a lack of intervention and sanctions against wife abuse. On an individual level, some men exert social control over women through violence. Men’s abuse is often justified or condoned while female victims are often blamed for the violence. “Without this cultural acceptance and the structural support of men’s authority over women, violence would be less effective as a means of social control” (Patrignani and Ville, 1995:25).

Attention has primarily been focused on the formal sanctions of the criminal justice system, as discussed in this chapter. Theoretically, I argue that a criminalization approach is consistent with deterrence, exchange, social control, and feminist theories. Rather than examine the differences between these perspectives, the focus be on a few
key theoretical arguments and the similarities or linkages between these otherwise diverse approaches.

Proponents of a criminal justice response have argued, for example, that it would have a deterrent effect through the increased risks and costs of violence to intimate partners. "One point is clear, given rational choice conceptions of deterrence: wife assault can never be deterred through sanctions as long as men believe that such sanctions are not certain and severe" (Carmody and Williams, 1987:36).

Such arguments for deterrence takes us back to the historical roots of criminology: classical criminology and Beccaria (1963; see Vold and Bernard, 1986). The main argument of this school of thought is that humans have free will and choose behavior based on their assessment of potential benefits and risks. In order to deter criminal activity, punishments must be swift, certain, and severe. Some scholars have argued that such punishments have not been applied to men's violence against women, but should be (Robinson, 1996).

Often feminist theories are in agreement with these basic arguments of classical deterrence theory. For example, feminist arguments often support the view that men make rational choices to engage in violence and that they should be held responsible. "Men of all backgrounds, cultures, classes and economic status assault women ... Most adults violate persons often from a place of awareness and choice" (LaRocque, 1993:11). According to Okun (1986:xvii), "one of the crucial contributions of the
battered women’s movement to the analysis of battering is the emphasis on violence as behavior so unacceptable and avoidable that the violent person must be held solely responsible”.

Many feminists call for clear punishment of abusers. The criminal justice system is an important site for change. However, critical feminists recognize that “the law does not constitute a neutral force, but reflects the interests of those who are dominant in any society ... Therefore, law and law reform regarding violence against women must be constantly challenged so that laws and the legal system do not act, no matter how subtly, to reinforce male control” (Connors, 1994:184). Feminists have further argued that criminalization of wife abuse should lead to the protection of victims, reduction of violence, and an educative, transformative message.

The claim that criminal justice intervention would benefit women as a class in the long term was premised upon the belief that criminal justice intervention would work to erode the beliefs sustaining violence against women ... privacy of the family; women as property; the right of men to control ‘their’ women; that women were to blame ... more significantly ... it would communicate to men, women, and children that as a society, we do not and will not tolerate wife abuse (Martin and Mosher, 1995:19).

These symbolic messages of more certain and severe legal sanctions can be seen as important for both specific deterrence of individual offenders and general deterrence. Pro-arrest or mandatory arrest police policies are an example of the justice system applying the theory of specific deterrence. The issues of arrest and deterrence were discussed above (see also Robinson, 1996:7).
Sanctions could also symbolize public contempt for male violence against women and potentially lead to general deterrence. Strong legal sanctions, it is argued, "signaled societal rejection of domestic violence and communicated important cultural messages rejecting norms supporting battering" (Fagan, 1996:5).

As will be recalled from an earlier section of this chapter, Gelles (1983) put forth an "exchange/social control theory" of family violence which drew from behavioral exchange theory and criminology's social control theory. This exchange theory argues that men abuse women because they can (Gelles, 1983:157; see also Gelles and Straus, 1988; Humphreys and Humphreys, 1985; Nye, 1979). Gelles (1983) believes that if the benefits (such as power and control) outweigh the costs of violence (such as jail terms), then family members will be violent. In terms of sanctions, Gelles sees the lack of negative sanctions "as a defect in social control" (Campbell, 1992:243).

Social control theory would lead to the "proposition that family violence occurs in the absence of social controls which would bond people to the social order and negatively sanction family members for acts of violence" (Gelles, 1983:157). Gelles (1983) himself acknowledges the difficulty of applying social control to violence in the home because the family has been found to be a violent institution and there are norms which perpetuate such violence. "Thus, there is the dilemma as to whether social
control is exerted to maintain a certain level of violence in families, or whether social control is designed to keep violence from occurring” (Gelles, 1983:157-158).

Another author argues that in examining interpersonal violence, particularly when we take into account gender, race and class, it would be better to “move from imagining violence as a breakdown in the social order - something gone wrong - to seeing it as the sign of a struggle for the maintenance of certain fantasies of identity and power” (Moore, 1994:154).

A study of perceptions of sanctions provides support for Gelles’ theory when Carmody and Williams (1987:36) conclude that “coupled men in the United States think they can get away with hitting their female partners … perceive sanctions as uncertain. This perception may result from a shared belief that assaultive behavior is not very objectionable; therefore, nothing of great consequence will happen”. The criminal justice system thus permits men “to get away with it” when it does not respond. According to criminalization theory, “increasing the costs of abusive behaviour through arrest and the possibility of incarceration will mean that men can no longer ‘get away with it’” (Martin and Mosher, 1995:19).

Gelles (1983:161, emphasis in original) states that our goal must be “to make it so they can’t” use violence by increasing both social control and costs. “For the costs of family violence to be raised and for the social control to be effective, there must be a certainty of response by agents of social control” (Gelles, 1983:163). Gelles’
Theoretical approach is consistent with many feminist theoretical arguments. A basic argument by feminists is that patriarchal organizations or institutions (which includes the criminal justice system) allows, legitimizes, and even encourages male violence against women (for a classic description, see Dobash and Dobash, 1979).

Feminists and battered women's advocates generally argue that women will continue being abused unless the justice system takes the violence seriously and abusive men take responsibility for their behaviour. "Prosecutors who chose not to prosecute, judges who threw the cases out of court or refused to impose more than token punishment, or probation officers who never bothered to ensure compliance with probationary terms all left the batterer with the last laugh. This left the abuser free to flout to his victim the reality that society allowed him to beat her, or least would do nothing effective to intervene" (Zorza, 1992:65).

Statements that society and/or the system has "allowed" men to abuse women were frequently made. For example, in a needs assessment of battered native women in Alberta, LeBlanc (1990:2) stated that "men make choices about using violence to control women, often because they know they can get away with it". In an article in the native newsletter, Windspeaker, Howell (1994:9) wrote: "He beat her, he told her because she was looking at another man ... because she was a poor housekeeper ... because the children cried ... because he was upset, things were going bad at work ..."
because she wasn’t pretty anymore ... But the real reason he beat her was because, he could”.

Sanctuary for Battered Women

Although governmental responses to domestic violence have focused upon legal reform, legal remedies are generally the last resort for victims of domestic assault, who typically turn for help first to family and friends, religious leaders, health care professionals and social workers. While some non-governmental sectors have long recognized the problem of domestic violence, most societies have been slow to provide services (Connors, 1994:187). Worldwide, local women and women’s groups have been at the forefront of developing services, support, and refuge for abused women. The Canadian Panel on Violence Against Women (1993:152) found that “Aboriginal women’s advocacy groups … have become Aboriginal women’s strongest allies in their struggle against violence”. Cross-cultural studies have pointed to the importance of women’s solidarity.

This issue and the sanctuary offered in diverse cultural settings were discussed in earlier sections of this chapter.

This subsection will briefly discuss the literature on services and sanctuary, through shelters, for women. I have argued that not only are sanctions against wife abuse necessary, but also sanctuary for women who are abused. The focus will be on Canada and Aboriginal women.

The Canadian Advisory Council on the Status of Women (1991:19-21) has identified the following general needs of women who have experienced violence: (1)
inclusion - women need to be involved, equal, and respected members of their communities and society in general; (2) validation - women's experiences and feelings need to be validated and respected; (3) protection - women need to be safe and have effective options available; (4) information - women need honest, complete and realistic information about violence and options; (5) men's responsibility - men have to take responsibility for the violence they commit and all men have to be part of the solution; (6) just treatment - women need to be treated fairly by service providers, authorities, and community members; and (7) empowerment - women need to be able to be independent and to have opportunities to make decisions about their own lives.

There have been various difficulties and barriers identified regarding services and programs to confront violence against women. Most fundamentally, in many communities, especially isolated rural ones, there simply are no services. Twin's (1992:5) study of 35 Aboriginal communities across Alberta found that family violence was a major problem but "there are very limited, or no resources to deal with it. None of the reserves or Métis settlements has a resource person to specifically deal with family violence issues". The Aboriginal Justice Inquiry of Manitoba in reviewing services for women in that province reported that "the contrast in services provided to Aboriginal women is shocking: there are no Aboriginal shelters, other than one in Winnipeg, no Aboriginal safe homes and no Aboriginal second-stage housing anywhere" (Hamilton and Sinclair, 1991:487).
The literature on violence against women "focuses almost exclusively on urban areas. Rural woman abuse has therefore been much neglected in the burgeoning research" (Websdale, 1995:309-310). A study of rural Kentucky (Websdale, 1995) and rural Maryland (Petersen and Wessert, 1982) found that woman abuse was a serious problem. One of the key issues identified is isolation. Geographic and social isolation may involve no public transportation, no access to a vehicle, no telephones, distant neighbours, and no social services such as shelters. Forms of emotional abuse may be a particularly important strategy of social control of abusive men "because they serve to intensify the isolation of rural women" (Websdale, 1995:319).

There are a diversity of rural communities across Canada. According to the 1991 Census, 3.1 million women live in rural Canada (Canadian Panel on Violence Against Women, 1993:71). MacLeod (1989:28-30; see also Vis-A-Vis, Summer 1993) pointed to some special problems faced by abused rural women. For example, there tend to be fewer support services and resources, transportation is limited, there is often only sporadic access to the police and courts, officials and service providers are likely relatives or friends, information may be unavailable, and public awareness may be low. The Canadian Panel on Violence Against Women (1993:72) concludes that women in isolated and rural communities are particularly vulnerable to violence not only due to isolation but also "the current economic crisis in many rural communities, the shortage of resources and services ... community denial or a lack of confidentiality".
Where services and programs are available, barriers may still exist for minority women. Women who use mainstream services may find that their linguistic, cultural and spiritual differences and needs are not understood nor respected. A report in British Columbia identified the following issues concerning the use of mainstream services by Aboriginal women: racism; women's fear of losing children; fear of re-victimization by institutions; fear of not being understood; not culturally relevant; lack of follow-up; fragmentation of services; lack of resources; ineffective communication; and jurisdictional disputes (Frank, 1992:10).

A national study conducted by the Indian and Inuit Nurses of Canada found that various problems which interfere with violence being dealt with in communities included the following: lack of professional resources; lack of funding; lack of community support; low priority of family violence in local politics; lack of firm policies or guidelines; family dynamics (Dumont-Smith and Sioui-Labelle, 1991:49).

In some locations across Canada, there are various services such as safe house networks, shelters, crisis lines, and support groups (e.g. MacLeod, 1989:29-30). If services and support are unavailable, women are forced to tolerate the abuse or leave their community. "Until Aboriginal communities create family violence awareness programs and provide resources such as crisis shelters, women and children will have to leave their community. This in itself poses additional isolation for them" (Ma Mawi Wi Chi Itata Centre, nd: Section 9, p.3). Jamieson (1987:98) points out that "banishment, a
traditional means of restoring justice through the removal of the offender from the community, is ironically the victim’s chief option”.

Battered women and their children require, first of all, and have the right to, safety and protection from violence. The shelter movement is said to have begun in Britain with the first shelter, or refuge, in 1972 in Chiswick (see Dobash and Dobash, 1992:60-98; Pleck, 1987:187-192). The Chiswick Women’s Aid gained intense media coverage which was effective in raising awareness of the need for emergency housing for battered women. Throughout the mid-1970s and 1980s, shelters for women were established in numerous countries as part of an international movement (Alvazzi del Frate and Patrignani, 1995:8).

In Canada, as in other countries, shelters were “created by small groups of concerned women, many of whom had direct life experience with wife battering” (MacLeod, 1989:36). British Columbia and Alberta opened the first transition houses in 1972 and since then, over 300 shelters have been established across Canada. The sheltering movement has played a key role in increasing public awareness and services for women and their children. Shelter workers were pioneers in confronting wife abuse and they continue to offer “emotional support, counselling, referrals to other services, friendship networks and hope” (MacLeod, 1989:36). Shelters stand “at the heart of the battered-women’s movement” (Dobash and Dobash, 1992:60).
In many Aboriginal communities, there is a lack of safe places for women and their children to turn to in abusive situations. The Task Force on Spousal Assault (1985:28) in the Northwest Territories, for example, found that "there is a need for more crisis shelter accommodation throughout the Territories. We found almost universal agreement on that point".

Establishing safe houses in Aboriginal communities offers certain advantages (Albertson, 1993). They are immediate, safe places for women which are familiar and close to their own support systems. Women would be able to stay in their own area so they can continue to work if employed and children can stay in their own school. Safe houses can also be used as a stepping stone to transition houses or independent living if this is chosen by the woman.

There are also disadvantages in establishing safe houses (Kirkpatrick, 1993). In small communities everyone knows everyone’s business so it is highly likely that a woman’s husband will find and perhaps further harass her. Women often know the hosts personally and they may be close to her husband. Hosts and their homes may be put at risk when women who are fleeing from abusive situations are taken in. If the woman brings her children, they may add stress to the safe home’s family. In isolated locations, transportation may also pose a problem.

There are further barriers caused by attitudes and myths about women who are battered. An Aboriginal crisis shelter worker explains that "contrary to popular belief that
we are ‘breaking up families’, we help women become more aware of the journey that will build a healthy life-style for the whole family. It should be remembered that women who seek shelter at Ikwe do so as a last resort to escape from situations that have become intolerable’ (Maracle, 1993:9-10). Stereotypes and misinformation have at times caused Aboriginal women to experience discrimination and racism at some shelters run by non-Aboriginal staff with primarily non-Aboriginal residents (MacLeod, 1987:25; Canadian Panel on Violence Against Women, 1993:165).

Lack of housing and overcrowding are often critical issues for women seeking safety. Women are often forced to stay in violent situations because there is literally nowhere to go. “If a violence-free home cannot be found, a woman cannot be free from violence ... The importance of housing cannot be overestimated” (Dobash and Dobash, 1992:92-93). Shelters are extremely important but they can only offer a temporary haven.

Aboriginal women are further discriminated against by the Indian Act. They have been denied matrimonial rights for property on reserves since husbands were given authority over family assets (Supernaut, 1993; Turpel, 1993). Provincial statutes do not apply to reserve lands which come under federal jurisdiction. Under the Indian Act, “Indian women have no legal recourse or protection to keep their homes. In a home of violence, Native women, not their husbands, may have to leave” (Supernaut, 1993:17). Aboriginal women have complained of “unfair selection procedures for
housing allocations and favouritism by band administrations and leaders” (Canadian Panel on Violence Against Women, 1993:172).

Aboriginal women, like most other abused women, emphasize that they want the violence to end, want to stay in their home community, and they often want to keep their family together. “As with most abused women, the initial reaching out for assistance is so that the violence will end, not the relationship” (LeBlanc, 1990:3).

In recent times, there has been a questioning of why abused women are encouraged to go to shelters thereby removing her from her own home for being an innocent victim. "It is the abuser who should leave, if anyone has to. There should be supports in every community that will assist the abused woman to stay in the home and to have the abuser removed" (Hamilton and Sinclair, 1991:489). If batterers are removed, for example to a secure treatment centre, it must be ensured that "adequate support and crisis services for women and children are not jeopardized by this shift" (MacLeod, 1989:11).

This dissertation acknowledges the importance of providing services and support for abused women. The sanctuary offered Inuit women is the topic of Chapter 5.

Summary of Literature Review

This chapter has reviewed the literature on violence against women. The path through the massive literature was determined by my theoretical focus on sanctions and sanctuary. The chapter began with a review of cross-cultural studies of wife abuse.
Arguments from researchers who found wife abuse to be rare in the communities under study were summarized. Arguments for the absence of violence against women included the following: non-confrontational cultural values; immediate intervention by relatives and/or community residents; solidarity among women; and protection and refuge immediately available to abused women. One of the key findings from the cross-cultural ethnographies was that the responses of relatives and neighbours had a great impact as sanctions against wife abuse. This points to the importance of community intervention.

This dissertation considers the relevance of Gelles’ (1983) exchange/social control theory for Inuit communities of the Baffin region. His theory that men are abusive “because they can” is supported by the findings from cross-cultural studies, particularly the proposition that violence is more common when relatives and community residents do not act as agents of social control.

There are major gaps and limitations in the literature. Analyses of violence against women have not given adequate attention to distinct cultural settings, non-white populations, and rural areas. Most studies “have focused on wife abuse as a generic problem” (Petersen and Weissert, 1982:187). Feminists have brought many issues surrounding violence against women to the attention of the public and academia. While they have been highly critical of traditional approaches which do not take into account gender, feminists themselves have been criticized by women of colour, including Aboriginal women, for not sufficiently taking into account race and culture into their analyses. It is
time that theorists, including feminists, see that battering is not only gendered but also influenced by cultural settings.

There is little theoretical, empirical work on violence against Aboriginal and Inuit women. Materials about violence against Aboriginal and Inuit women were presented. Cultural values, social change, and methods of social control were highlighted. While some communities are confronting violence against women, one strong theme which emerges from the literature is the silence, denial, and lack of intervention within many Aboriginal communities.

The literature on the responses of the criminal justice system to wife abuse was summarized. There was a number of criticisms of the criminal justice system’s responses to violence against women. Feminists in particular have exposed the inaction of police who did not charge men who assaulted their intimate partners, prosecutors who have not prosecuted such cases, and the judiciary who have not given appropriate sentences. Most of the literature focuses on the police, primarily with respect to charging policies and deterrence. The numerous police studies do not provide consistent findings and there is debate over the effectiveness of police responses. One finding of importance to this dissertation is that arrest may have different effects on different people. This emphasizes the importance of considering community and cultural settings. Due to the limited research, it is still too early to know the practice and impact of police arrests and policies on minority and indigenous people.
There are numerous controversies over invoking the sanctions of the criminal justice system in cases of violence against women. There is no consensus on whether and how the criminal justice system should be utilized. The concerns of authors were highlighted. There was a recurring reference to racism and speculations were made as to its impact on abused women and the responses to violence. However, often assumptions are made and conclusions drawn without the necessary data to support them. Much more research is required.

Rather than take one theory and apply it the findings of this study, I am focusing on the theoretical constructs of sanctions and sanctuary. Following Counts et al. (1992), it is argued that sanctions, from the community and the criminal justice system, against wife abuse as well as sanctuary for women who are abused are critical for the elimination of violence against women. This argument also provides a bridge between diverse theoretical perspectives. Particular attention was paid to Gelles’ exchange/social control theory and feminist theories.

In this exploratory study of violence against women in Inuit communities of the Canadian eastern arctic, sanctions against woman abuse are defined by the responses of the police, courts, and communities. The sanctuary offered to Inuit women who are abused, in terms of safe refuge, services, and support, is also examined. The following chapter discusses the methods used for this study and summarizes the data collected.
Chapter Three

Field Research in the Canadian Eastern Arctic

Introduction

The central questions of this dissertation are: (1) what are the sanctions against wife abuse in the Baffin region?, and (2) what sanctuary is available for Inuit women who are abused? In order to gain an understanding of the sanctions and sanctuary currently available in Inuit communities, data were collected from in-depth interviews, police files, shelter files, and observation. Each source of data is explained and a summary of the data provided.

This research evolved from a larger project known as the "Baffin Crime and Justice Study". Before discussing the field research and data collection, a brief description of the Baffin study is provided as well as a description of the social context of northern research. The limitations and parameters of this study are noted at the conclusion of this chapter.

Baffin Crime and Justice Study

This dissertation developed as part of an extensive project known as the "Baffin Crime and Justice Study" (Griffiths et al., 1995). This multi-year (1990-1995) study investigated crime and justice issues in the 13 communities of the Baffin Region,
Northwest Territories. The Baffin study is the first systematic inquiry into law and justice in all communities of the eastern arctic. The purpose of the project was to gather information that could be used by communities, agencies, organizations, and government.

Prior to my involvement, an interdisciplinary research team from Simon Fraser University (principal investigator Curt Griffiths) was formed and the first year of the project was focused on obtaining support and cooperation from key "gatekeepers" at the federal, territorial and community levels. Gatekeepers are "individuals who play a key role in granting or denying access ... the gatekeeper has a great deal of power in dictating the parameters of a study" (Bailey, 1996:50).

Due to the sensitive nature and location of the study, substantial resources were spent negotiating access. The support and cooperation of the Hamlet Councils (in Iqaluit, the Municipal Council) in each community were obtained, as well as the approval of the Baffin Regional Council. Full cooperation from the Royal Canadian Mounted Police (hereafter R.C.M.P.) was also granted. The research team obtained access to official agency data and permission to interview criminal justice and social services personnel, political representatives, and community residents.

To ensure that community residents had a voice, three Inuit (from Hall Beach, Pangnirtung, and Pond Inlet) were hired to conduct interviews in each community in their native language, Inuktitut. To help make questions culturally sensitive and
relevant, they collaborated in writing the interview schedule for community residents. This schedule was completed when the Inuit researchers were flown to Vancouver for meetings and training sessions in September of 1991.

I became involved in the research project at this time. As a research associate, I was involved in all aspects of the project: negotiating further funding, working with Inuit field researchers, collecting and analyzing data, and distributing findings. One of the most prominent issues which arose early in the Baffin project was violence against Inuit women. This became my focus and subject of inquiry. Data from the larger Baffin Crime and Justice Study are also utilized for this dissertation.

My research was supported by a number of sources. The primary source came from the larger Baffin Crime and Justice Study which was funded by Social Sciences and Humanities Research Council of Canada (grant #411-90-0014) and supplementary funds from the Aboriginal Justice Directorate of the federal Department of Justice (grant #19081-2-C16-01-1). This study was aided by three grants (1992-1995) from the Northern Scientific Training Program, Department of Indian Affairs and Northern Development.

The Context of Field Research: The Canadian Arctic

Both the philosophy and the practice of science are affected by the context in which we work (Bielawski, 1984:1).
The arctic has been seen as a home, frontier, and laboratory. The Inuit who live there have been a source of intrigue for a long time and have been "closely identified with the Santa Claus myth" (Coon, 1962 quoted in Balikci, 1989:103). As noted in Chapter one, the Inuit have undergone massive changes in the past fifty years.

The political climate of the north has changed with the politicization of indigenous peoples in their quest for self-determination, land claim negotiations, and demands for cultural recognition in such areas as education (Purich, 1992). Changes in the north affect how research is conducted. The arctic can no longer be viewed as a "ready-made laboratory" (Cruikshank, 1988:28). Rather than accepting the imposition of dominant society and scientific endeavours, northerners are increasingly demanding academic accountability, local participation, and cross-cultural exchange of knowledge (Bielawski, 1984).

It is unclear if ethnographic research in the north has declined. Balikci (1989:107) argues that anthropological research in the north has decreased due to a number of reasons including the "sad image of the field anthropologist as a sophisticated exploiter of native goodwill". He states that government and native officials assume that "investigations are lacking in local relevance and utility ... [and] fear that anthropological research may reveal patterns of social pathology or bureaucratic malfunctioning that can be misused for political purposes" (Balikci, 1989:107). Balikci calls for a holistic model to overcome fragmentation, limited methodology, and exclusion of policy analysis. Cruikshank
(1988:27), on the other hand, argues that there has actually been an "explosion of critical local interest in ethnographic research in the North, generating ... lively discussion about research questions and methods". Ethnographic research remains but the social context of fieldwork has changed.

The promotion of a model of collaboration between northern residents and southern researchers is diminishing the power of unilateral decisions about fieldwork. "[I]ndividuals conducting scientific research in the Canadian North have been subjected to many pressures and constraints which are not encountered by their compatriots in other parts of the nation" (Patenaude, 1991:2).

One requirement for conducting research in the north is a science license. Applications are sent to the Science Institute of the Northwest Territories (S.I.N.T.) located in Yellowknife (see Patenaude, 1991:73-76). S.I.N.T. was established in 1984 and oversees both physical and social sciences research. This regulatory agency is government-funded but operates at arm's length from the territorial government, providing annual reports to the legislative assembly. The present research was included in the science licenses obtained for the broader Baffin Crime and Justice Study.

Researchers in the north are to follow various guidelines and ethical principles "to promote cooperation and mutual respect between researchers and the people of the North" (Association of Canadian Universities for Northern Studies, hereafter ACUNS, 1982:3; Savoie, 1983). In the past, scientists and researchers worked in isolation, were
unfamiliar with the social context, did not recognize their impact on communities, utilized local resources without consultation, fulfilled their own agendas, and were not held accountable (Bielawski, 1984; ACUNS, 1982).

Researchers must request permission from the northern communities, consult with and, if possible, involve community members. Researchers are expected to stay in touch with communities and provide copies of final products in lay terms to both the Science Institute and the communities. The privacy, dignity, knowledge, traditions, and language of the community residents are to be respected and taken into account.

There has been discussion in the literature concerning overt and covert research (see Bailey, 1996:11-16; Berg, 1989; Burgess, 1984, Hammersley and Atkinson, 1983; Bulmer, 1982). In the northern context, many of the ethical principles guiding research focus on informed consent (Principles 5 through 12, ACUNS, 1982:4). In order to follow the procedural guidelines, and acknowledging the history of colonization, the Baffin Study and my research collected all data with informed consent.

Science licenses were obtained, ethical guidelines followed, and communities under study consulted. In addition, key justice personnel from the Northwest Territories were flown to Vancouver for three days of consultation and seminars and consultations were held with national, regional, and local political officials. Prior to data collection, introductory visits were made to Inuit communities. The distance from
Vancouver to Baffin Island and between the communities, cultural and linguistic
differences, as well as the political climate were all challenges for this research project.

Commitment, patience, and resources are needed to address the socio-cultural
context. Bielawski (1984:4) notes that “there is no tradition of cross-cultural
communication between academic institutions and communities. Hence, the skills,
procedures, and positive reinforcement for it are in short supply”. In academia,
researchers are not given professional incentives or support to fully correspond with
residents of a native community. In local communities, the few individuals who have
the necessary skills and experience to deal with projects and agencies are often
overwhelmed.

Conducting research in a cross-cultural context is not only a question of values
but also of power. There is a need to accept local knowledge as valid. Cruikshank
(1984:18) calls for collaboration between researchers and northern residents arguing
that the “oral tradition could provide an ideal focus for shifting conventional power
relationships in northern research”. She feels that “an understanding of oral tradition
may provide the scientist with additional data, support for hypotheses, or even new
questions” (Cruikshank, 1984:7).

Cruikshank (1988) notes that changes are occurring in the questions being
posed, the methods being utilized, and the ways of writing results. “The most striking
change during the last decade has been the growing interest of both elders and younger
people in documenting their own culture in their own voices” (Cruikshank, 1988:31-32). Another change has been an increasing number of individuals who both live in and study the north. Consequently, “an indigenous scholarly community is beginning to emerge in the North, one which is still seeking its own voice” (Senkpiel and Easton, 1988:11).

Although the control of research remained with the Simon Fraser University research team, great value was placed on perceptions of local residents. We were told that few people had come to the eastern arctic communities to directly ask residents their views and experiences of crime and justice. The interview data were central to the Baffin project and my own research. In presenting my findings in chapters four, five, and six, numerous quotes will be provided in order for other voices to be heard.

**Inuit Communities of the Eastern Arctic**

A striking feature of the Baffin region is the isolation of the Inuit communities. The eastern arctic is accessible by either flying from Yellowknife in the western arctic or from Ottawa or Montreal in the south. All flights from the south land in the largest community of Iqaluit, from which all connecting flights to outlying communities must be taken.

The population of today’s communities ranges from approximately 3,500 in Iqaluit to 130 in Grise Fiord (see Table 1). Only Cape Dorset, Pangnirtung, Pond Inlet,
and Iqaluit have populations of over 1,000 residents. There is currently a rapid population growth in the region (Griffiths et al., 1995:13).

Table 1: Population by Community

<table>
<thead>
<tr>
<th>Community</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arctic Bay</td>
<td>540</td>
</tr>
<tr>
<td>Broughton Island</td>
<td>460</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>960</td>
</tr>
<tr>
<td>Clyde River</td>
<td>565</td>
</tr>
<tr>
<td>Grise Fiord</td>
<td>130</td>
</tr>
<tr>
<td>Hall Beach</td>
<td>535</td>
</tr>
<tr>
<td>Igloolik</td>
<td>940</td>
</tr>
<tr>
<td>Iqaluit</td>
<td>3,550</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>360</td>
</tr>
<tr>
<td>Nanisivik</td>
<td>295</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>1,135</td>
</tr>
<tr>
<td>Pond Inlet</td>
<td>960</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>170</td>
</tr>
<tr>
<td>Sanikiluaq</td>
<td>525</td>
</tr>
<tr>
<td>Baffin Region</td>
<td>11,125</td>
</tr>
</tbody>
</table>

Iqaluit, the largest community, has a number of central agencies that oversee services in the Baffin region, including the Department of Social Services, the R.C.M.P. Subdivision Headquarters, and a resident court which completes circuits to the other 12 communities. The only correctional institution for adult male offenders in the region is the Baffin Correctional Centre located in Iqaluit. The only shelter for
women as well as the only hospital in the region are also located in Iqaluit. There is a high school and, although students can take adult education courses in their communities, Arctic College is situated in Iqaluit.

All other communities have a social services office, nursing station, and police detachment. Each of these are typically staffed by one or two people. All communities have primary schools and some have high schools. There is a Northern store (formerly the Hudson’s Bay) and often a co-op store. Visitors can stay at the only hotel in each community. Each of the communities has a church which is either Catholic or Anglican, or occasionally more than one if missionaries reached the community at approximately the same time. There are satellites in all communities that transmit numerous television and radio stations. Some communities have places of interest, such as a visitor’s centre in which local arts and crafts are sold in Pangnirtung or a print shop in Cape Dorset.

Each of the 13 communities has a local governance structure that consists of a hamlet council and mayor. There are various administrative and management positions in each community, such as the government liaison officer. There are also local Justice of the Peace and courtworker positions. Most communities have a number of committees, some more active than others, such as an alcohol committee. Each community determines how alcohol is managed so that some are designated “dry” while others are “controlled” or “open”.
Collecting Data: Field Research in Baffin Island

Walked onto a plane which holds 27 passengers and flew for about 3 hours to Iqaluit [from Ottawa]. Flying in, all you could see was a vast landscape of snow and rock. We’ve definitely entered a different reality! (Zellerer, field notes, June 17, 1992)

Over a three year period, five field trips to Baffin Island were completed. Three trips were made in 1992 (June, July, August, and December). The fourth field visit was in November of 1993, and the fifth in February and March of 1994. I travelled with one colleague from the Baffin project on the first two field visits in 1992. I then travelled alone for the subsequent three trips which were focused on researching violence against women.

I visited the communities of Broughton Island, Cape Dorset, Clyde River, Iqaluit (5x), Lake Harbour, Pangnirtung and Pond Inlet (2x). Iqaluit was visited a number of times for a variety of reasons. On a practical level, in order to visit most communities, I had to first stop in Iqaluit. For the collection of data, Iqaluit is the largest community with the most services, including the only shelter for women, the only resident court, and the most extensive initiative in the region to meet the needs of female victims of crime. I chose to return to Pond Inlet to conduct further interviews with service providers and elders. This community has an active elders group. An Inuit researcher worked with these elders and agreed to fly with me to Pond Inlet during my fourth field visit in November of 1993. She made introductions and was my interpreter.
These visits involved substantial preparation. Each community has a hotel and all accommodations were prearranged. I stayed at hotels, at the Iqaluit Research Centre, and once with community residents. The prohibitive costs of conducting research in the arctic was reflected in airline tickets, room prices, and food bills. In my field notes in the first community visited, I wrote: “My reservation says ‘single with bath’ to which the manager said ‘we have no singles and we have no baths’! I was reminded of youth hostels but the difference is that they cost about $10 and this costs $185!”.

There are numerous ethical, political, and methodological issues in field research. Violence against Inuit women is a crucial area which needed examination. One important question was whether I, as an "outsider" (i.e. non-Inuit, southern woman), should conduct such a study. I decided to go to Baffin Island to see if I should and could carry out research on violence against Inuit women. I presented myself and the research study honestly. Any apprehension quickly disappeared and I was warmly received. Inuit women chose to tell their stories and service providers and officials wanted to talk about many issues of concern. Numerous individuals supported my research stating that violence against women is a serious problem that must be confronted.

I discovered some advantages to my outsider status in small, isolated communities where everyone is related and known to one another. Although the Baffin
region is geographically large, there are extensive family and friendship networks
within and between the communities which reduce the level of confidentiality. Some
Inuit community residents openly talked about issues with me precisely because I was
from outside the region. This was also the experience of LaPrairie (1991) in her
fieldwork among the Cree in northern Quebec.

One Inuit woman, for example, told me that she wanted to tell me her story
because she did not want anyone to know about the abuse she was suffering. "I'm
talking to you because you're not from [here] and I don't know you ... I'm not going
to keep seeing you". Women repeatedly told me that it helped them to talk about their
experiences and perceptions. It is Inuit people who gave me the authority to continue
this research in their communities.

During the field research, data were collected from a variety of sources.
Combining methodologies in one study, as in my dissertation, has been termed
"multiple strategies" or "triangulation" (e.g. Denzin, 1989:234-247; Burgess,
1984:143-165). I used the multiple methods of interviews, official records and
observation. To understand the sanctions and sanctuary for wife abuse within
contemporary Inuit communities, as discussed in the previous chapter, data were
collected from police files, shelter files, in-depth interviews, and observation, each of
which is described below.
1. Police Files

Police files were computerized and analyzed in order to determine the responses of police to spousal assault cases. These files contain information on reported cases, the response of police, whether and what charges were laid, and court outcomes. The findings offer insight into sanctions against wife abuse in contemporary Inuit communities which are discussed in Chapter 6.

Prior to my first field visit to the region, the Baffin project had secured access to R.C.M.P. occurrence files kept at each detachment in the thirteen communities. All police occurrence files for the year 1991 were computerized by the "Baffin team", including myself. Darryl Wood had created a database program (Alpha 4) which was put onto laptop computers. Each R.C.M.P. detachment was notified of our stay and our access to the files. Upon arrival in each community, arrangements were made to go through files in the detachment and record relevant information on the database template. Information pertained to the nature of the occurrence for each file, suspects/offenders, victims, charges, court appearances and outcomes, and any relevant narrative accounts of incidents.

The number of occurrence files varied between each community, ranging from 97 to a high of just under 3,000. In every community except Iqaluit, all police files for 1991 were computerized (n=3,164). In Iqaluit, the number of files was high so that a
random sample of twenty percent was taken (n=667). In all, a total of approximately 3,831 police files were computerized.

All cases of spousal assault found within the police files were analyzed. Files involving spousal assault were tagged by the police with a specific code. This assisted in the identification of these cases. A total of 105 spousal assault cases were recorded for the year 1991.

Collecting data from the police files was time-consuming and often tedious. Nevertheless, the information was clearly valuable and insights were immediately gained about criminal justice issues in that particular community. Data collected from the files were unobtrusive and provided quantifiable data. In addition, certain files inspired questions and areas that could be further pursued, particularly through interviews.

Overall, the police were very supportive of, and interested in, the study. The support of R.C.M.P. officials in Iqaluit headquarters turned out to be particularly beneficial. The individual members in each community were very helpful as contacts and initial informants. The only detachment that was not initially receptive was the first community visited. Getting off the Twin Otter on the dirt runway, it was a relief to see the R.C.M.P. truck waiting. My assumption that it was there for our arrival was quickly dispelled when we walked over to talk to the police officer. He was an Inuk constable who made it clear that he did not like researchers and simply drove off!
Apparently, researchers who had come before us did not leave a good impression and they left without ever returning information to the community. It was an example of the importance of ethical and procedural guidelines discussed above. One’s impact on small, isolated communities should not be underestimated.

This first community would turn out to be the “worst” (yet enlightening) experience with the R.C.M.P. In fact, it was a complete anomaly for at every other community, we were welcomed and fully accommodated. The files were made available to us any time of day or night and working space was always provided, even in extremely small detachments. Some officers extended their hospitality by providing tours of the local area, coffee breaks, meals, and boat rides.

2. Shelter Files

There is only one shelter for women in the entire Baffin region. The shelter, Qimaavik (formerly Nutaraq Place), opened in Iqaluit in 1987 under the Baffin Regional Agvik Society. The executive director and staff were extremely supportive of my research. I was given access to their client files as well as permission to conduct interviews with ooth counsellors and clients. The interviews, discussed below, and the shelter files are data sources which reveal the sanctuary available to abused women.

During my field trips to Iqaluit in November 1993 and February - March 1994, I computerized all the client files for 1992 onto my laptop computer. Darryl Wood
created a database program based on the shelter's intake forms. Information collected included the woman's community, her age, whether she was working or on social assistance, who referred her, the length of the relationship, children, type of abuse and injuries, whether the R.C.M.P. were involved, and witnesses. I also wrote a summary of relevant information contained within each file. This included information on other visits to the shelter.

Each woman who comes to the shelter is given a numbered file. All information and subsequent visits to the shelter are recorded in this one file. The files are kept in numeric order. The files varied with respect to the amount of information recorded. Some women had very little information in their files, due primarily to the short length of stay at the shelter (for example, one night). Others had a tremendous amount of information pertaining to their experiences of violence. The amount of information recorded has increased over the years since the shelter opened and new intake forms were created.

A total of 134 files were computerized. These files were analyzed in terms of the sanctuary that is offered to abused women. They offer further insight into the experiences of victims, the nature of abuse, and responses to violence. The findings from the shelter files are discussed in the following two chapters.
3. Interviews

The most prominent source of data comes from the in-depth interviews.

Interviews have been defined most generally as a conversation with a purpose and have been classified according to their degree of structure or standardization (Bailey, 1996; Palys, 1992; Berg, 1989; Denzin, 1989; Burgess, 1984; Schwartz and Jacobs, 1979). The interviews conducted can best be described as semi-structured. Interview schedules were created and used as a guideline to cover specific areas of interest but the interviews did not conform to a set order of precisely worded questions. In more unstructured interviews, "it is assumed that the interviewer does not know in advance which questions are appropriate to ask, how they should be worded so as to be nonthreatening or unambiguous, which questions to include or exclude to best learn about the topic under study, or what constitutes an answer" (Schwartz and Jacobs, 1979:40). Interviewees are free to digress and interviewers are expected to probe for more information, utilizing words which are familiar to the interviewee (see for example, Berg, 1989:17-22).

The structured interview, on the other hand, "which has the potential of eliciting common information from all respondents, rests on the assumption that questions can be worded and ordered in a way that will be understood by all respondents" (Denzin, 1978:172). It would have been impossible to create predetermined questions worded in a manner which was equally meaningful to, and identically understood by, every
respondent in my study for those interviewed had widely disparate perspectives and backgrounds. Speaking with an elder was different than speaking with a southern trained, non-Inuit employee. People have different ways of thinking and speaking about themselves and their environment which do not always match terms or concepts utilized by academic researchers. Semi-structured interviews were also most suited for the exploratory nature of my research.

In creating the interview schedules (see Appendix A), the Baffin Study research team identified the following five major areas:

(a) *Personal Background*: where they grew up, education, family, etc.;

(b) *Community Life*: what they did in the community, changes that have occurred in the community, thoughts about the roles of elders and youth, etc.;

(c) *Types of Trouble in the Community*: individuals were asked to discuss various types of "trouble" such as fighting, substance abuse, sexual assaults, spousal abuse, etc.;

(d) *Contributors to Trouble*: economic, social, cultural and demographic issues were raised for comment;

(e) *Criminal Justice System*: individuals were asked about personal experiences and opinions regarding the different components of the justice system, such as the circuit court.

These areas provided the framework for all interviews. Further questions were added for specific groups or individuals working in specialty jobs. For example, the
police were asked specific questions about their role and experiences of policing.

Members of the territorial court were asked detailed questions about the circuit court.

I also created an interview schedule for women who had been abused. This schedule covered the following areas: background information; nature of victimization; reporting; reactions to the violence; community dynamics; and the criminal justice system. Interviews with victims tended to follow a chronological pattern. Women described their experiences, from childhood to adulthood, and abusive relationships.

Prior to conducting interviews in Baffin communities, in May 1992, my colleague, Darryl Wood, and I spent two weeks interviewing police members throughout Alberta and British Columbia for the larger Baffin Study. In order to gain a better understanding of policing in the eastern arctic, numerous R.C.M.P. members who had served in the Baffin communities were interviewed. We were given pre-training for these interviews by an experienced interviewer on the research team. This was my introduction to oral narratives about Inuit communities which helped prepare me for fieldwork in the north.

During the visits to the north, there were many people in each community I wanted to interview. A random sample was not drawn. This would not be feasible nor desirable given the information I was seeking about violence against women. There were key perspectives that I sought to understand, such as those of the police and social workers. Some interviews were prearranged but many were spontaneous. When I
arrived in a community, numerous phone calls were made and a variety of places visited for personal introductions.

The police and Inuit researchers also became our informants leading me to individuals I would interview. Once I began talking to people in the community, a "snowball" effect occurred facilitating introductions to more and more individuals. It was not possible to predict or plan exactly whom to interview given that I did not know who would be in the community and available during my visits. I always had to be prepared to conduct interviews for I frequently met or called someone who responded that "now" was a good time for an interview. I quickly learned to carry my tape recorder and spare tapes and batteries with me everywhere.

Prior to each interview, informed consent was obtained verbally from each respondent. This included permission to tape the interview and assurance that confidentiality would be upheld. The only interview which was "for the record" was with the current Territorial judge for it would be impossible to provide confidentiality when she is the only resident judge in the Baffin region.

Interviews took place in a variety of locations, depending on what was convenient for the interviewee which was often homes and offices. Each interview typically lasted two hours but no set time frame was imposed. The interview times ranged from approximately one to three hours. All respondents were given opportunity to discuss issues in their own words, tell stories, and provide anecdotes. It was
emphasized that they were free to discuss issues they felt were important and that they
did not have to talk about anything they chose not to discuss. The conversation was
allowed to proceed on an individual basis. Choosing less structured interviews allowed
flexibility, respect for the interviewee, and offered some empowerment regarding what
was said and in what order. In the case of professionals, they were informed that I
wanted their experiences and opinions, and that they were not speaking on behalf of
their particular organization, such as Social Services in the case of social workers. In
the vast majority of cases, the person did not have questions or concerns and readily
agreed to an interview. There were no refusals and no interview needed to be unduly
terminated.

There were many factors which influenced rapport. Berg (1989:30) in
discussing these factors, argues that “rapport, like interviewer role development, must
be actively sought and worked out” (see also Bailey, 1996:61-65). Overt aspects of
appearance and demeanor as well as types of accreditation and sponsorship can affect
the development of interviews. For example, the police force and judiciary are known
to be rather conservative and I found it best to remain slightly more professional,
utilizing my academic affiliations for credibility. On the other hand, some Inuit
residents did not know of Simon Fraser University and were more interested in what
kind of person I was, in which case I stayed informal and simply presented myself
honestly. Introductions by an informant were also helpful. In all cases, the fact that
S.S.H.R.C. was the project's financial sponsor confirmed that I did not have a particular political agenda which had a very positive impact on access and rapport.

Overall, I was amazed at the warm reception I received and the extent that individuals openly shared their experiences and opinions.

Concepts and issues were allowed to emerge and then were brought back to interviews for further discussion. I intentionally did not begin my data collection with a theoretical model or set of hypotheses to be tested. Rather, the ideas and contentions of this dissertation emerged from the field research and from the perceptions of those interviewed.

My research thus concurs with aspects of both feminist research (e.g. Reinharz, 1992; Fonow and Cook, 1991; Gluck and Patai, 1991) and "grounded theory" (Strauss and Corbin, 1990; Glaser and Strauss, 1967). In grounded theory, "data collection, analysis, and theory stand in reciprocal relationship with each other. One does not begin with a theory, then prove it. Rather, one begins with an area of study and what is relevant to that area is allowed to emerge" (Strauss and Corbin, 1990:23). Although I would note that feminists engage in a diversity of research, one author states that "feminist writers identify the variables only after studying the specific contexts within which the violence occurs" (Smith, 1989:28).

It has also been found that semi-structured interviews have "become the principal means by which feminists have sought to achieve the active involvement of
their respondents in the construction of data about their lives” (Graham quoted in Reinhartz, 1992:18). Rather than testing hypotheses, some feminists prefer utilizing less structured interviews so that women’s ideas, thoughts, and experiences can be shared in their own words. Remaining open and flexible is particularly important for many feminists because “learning from women is an antidote to centuries of ignoring women’s ideas altogether or having men speak for women” (Reinhartz, 1992:19). It should be noted, however, that no method is inherently feminist and that different types of methods are appropriate depending on the particular study.

By the end of my fieldwork, I had interviewed a wide variety of individuals, male and female, Inuit and non-Inuit, in English and at times in Inuktitut with a translator, young and old, professional workers and lay persons. All interviews were completed by the spring of 1994 and were transcribed by the end of that year. Translators and transcribers were hired by the larger Baffin Study.

Approximately 370 individuals were interviewed for the Baffin project. This included 157 R.C.M.P. members who were either working in the detachments in the Baffin communities or had been previously posted to the region. The research team was able to interview retired members who had policed the region from as early as 1933. An additional 210 interviews were conducted with a variety of both Inuit and non-Inuit individuals. This sample included Inuit community residents, political leaders, government workers, criminal justice practitioners, other service providers such as
nurses, social workers, teachers, ministers/priests, and also interested individuals who had knowledge of community life.

I conducted 74 in-depth, taped interviews. I interviewed 13 women who had been abused, ten of whom were at the shelter at the time of interviewing. Ten counsellors for women or victim advocates were interviewed. These were four shelter workers, four advocates from a newly formed victim services project in Iqaluit, and two from a community victims support group. In addition, innumerable discussions took place over the course of my field research.

Content analyses were completed for all taped interviews conducted by myself and colleagues on the Baffin Study team, including interviews in Inuktitut by Inuit field researchers. Strauss and Corbin (1990:61), describing coding procedures, define the analytical procedure of open coding as "the process of breaking down, examining, comparing, conceptualizing, and categorizing data". My first step to the analysis of the interview data was an exhaustive search. Key words such as women, wife, girlfriend, boyfriend, husband, gender, spouse, violence, beat, batter, hit, rape, abuse, assault, sex, and sexual were employed for a computer search. This search resulted in 303 single-spaced pages of relevant quotes. I individually analyzed every interview I conducted.

All resulting quotes from the computer search were then coded by hand. These quotes were put into the following categories: incidence; the past; causes/contributors;
alcohol/drugs; offenders; services/support; shelter/safe houses; victims/women; community/families; elders; police/reporting; court/legal system; and community justice. Finally, data pertaining specifically to my theoretical constructs of sanctuary for abused women and sanctions against wife abuse within these categories were analyzed.

I agree with Billson (1991a:210) that “transcripts provide the heart of my writing”. The interviews reveal important insights into both sanctuary and sanctions. As such, the findings from the interview data will be presented in detail in the following chapters.

4. Participation and Observation

The final research method that was used was observation. “When most of us think of observing, we tend to think of observing with our eyes. Watching is certainly an important part of collecting data in the field setting; however, so are listening, smelling, touching, and tasting” (Bailey, 1996:65). Field researchers can make important observations of physical surroundings, people, as well as nonverbal and verbal behaviours.

At the start of your research, you have the almost overwhelming task of observing everything ... However, as your research progresses, as your understanding grows, and as your goals become more specific, your observations will become more focused. Decisions about what to observe are part of the researcher’s daily reflective process, and these decisions are affected by the social relationships in which the researcher takes part (Bailey, 1996:70).
In the literature, observation has been classified according to the degree of participation by the researcher in the setting under study (e.g. Jorgensen, 1989; Adler and Adler, 1987; Patton, 1987; Hammersley and Atkinson, 1983). The various roles generally relate to a continuum from complete observer to complete participant. In my fieldwork, roles along the continuum were not clearly separated. I did not choose one role to the exclusion of all others. In each community, I played various roles so that at times I was an outside observer while at others I was an active participant.

It was impossible to predict which roles I would play each day for I did not know the events that would take place nor how I would be received. Sometimes I would watch an activity, such as children playing, sometimes I would be invited to participate, such as a baseball game. Sometimes I would go to an event as a participant, such as a local dance. I attended numerous events, including committee meetings and Pauktuutit's (the Inuit Women's Association) 1994 Annual General Meeting. I also facilitated a workshop on violence against women at "The Baffin Regional Women's Conference" in February, 1994.

Observations were recorded each day on my laptop computer. "Aside from getting along in the setting, the fundamental concrete task of the observer is the taking of field notes. If you are not doing so, you might as well not be in the setting" (Lofland and Lofland, 1984:72). Field notes are an important means of documenting observations, experiences, and impressions. However, they "are much more than a
memory tool. Their creation is part of the analytic process” (Bailey, 1996:80; see also Hammersley and Atkinson, 1983:145-161).

I tried to record experiences right after they occurred. Usually, however, detailed notes were written at the end of each day. One of the things that struck me early on in my fieldwork was how exhausting it was to be a researcher effectively 24 hours a day. Rather than being a traveller visiting a community, I was paying close attention to my surroundings and listening closely to everyone with a desire to gain a better understanding and to remember details to record in field notes.

By going into communities to collect primary data, I learned beyond what textbooks could provide. I learned to be flexible and to keep a sense of humour. As one author wrote, a fieldworker should be able to:

... go without food and sleep, read and write by candlelight, see in the dark, see in the light, cooperate without offending, suppress sarcastic remarks, smile to express both pain and hurt, experience both pain and hurt, spend time alone, respond to orders, take sides, stay neutral, take risks, avoid harm, be confused, seem confused, care terribly, become attached to nothing ... The nine-to-five set need not apply (“Halcolm’s Evaluation Laws”, Patton, 1980:119).

Limitations and Parameters of the Study

This dissertation is a study of violence against Inuit women in contemporary communities in the Baffin region. Time and resources did not permit an in-depth, ethnographic examination of the Inuit communities. This is not a “case study” of a particular community. In discussing violence against Inuit women, I generalize to the
Baffin region. However, I acknowledge that there are variations between the communities and that more in-depth, extended research is required in order to fully appreciate the nuances of each community.

My data represent only a “snap shot” of the responses to violence against women. The police and shelter files were recorded for only a one year period (1991 and 1992 respectively). In addition, the interview data recorded the perceptions and experiences of individuals which may change and evolve. Programs and initiatives may begin or dissolve.

The file data are dependent on the accuracy of those who recorded the information, in this case, the police and shelter workers. Information may have been missed. The interview data were obtained through snowball sampling. Thus, a representative sample from each community was not guaranteed. Furthermore, the sample size of abused women is small. The majority of these women were at the shelter which could also reflect a subsample of women who sought help. A gap in the data is that interviews with abusive men were not conducted.

A related point is that I, and the three other research associates (including the principal investigator) for the Baffin project, are non-Inuit and from the south. As mentioned earlier, there were clearly advantages to my outsider status. However, non-Inuit researchers may not be able to fully peel back what one respondent called the “layers of the onion” of life in Inuit communities. Three Inuit field researchers also
gathered interview data which may assist in gaining a clearer understanding of the issues. They too, however, bring potential methodological biases. The indigenous field researchers seemed to rely on family and friendships for gaining interviews through snowball sampling.

It is arguable, however, that team-based research such as the Baffin Study which combines methodologies provides important advantages. "By combining multiple observers, theories, methods, and empirical materials, sociologists can hope to overcome the intrinsic bias and problems that come from single-method, single-observer, single-theory studies" (Denzin, 1989:247). Among the diversity of Inuit and non-Inuit individuals interviewed, there was considerable agreement concerning numerous issues. For example, there was consistent criticisms of the Territorial circuit court. Discussions and comparisons by the research team also confirmed many of the findings and observations. This helped reduce the impact of personal biases and increased reliability and validity.

The themes and issues which clearly emerged from the data will be presented in the following chapters. As noted earlier, I will be making extensive use of quotes. I agree with the argument that "the findings of our research stand a better chance of being valid if we include the subjects as expert witnesses about their own lives" (Billson, 1991a:205).
This is the most comprehensive study of violence against Inuit women in the
Baffin Region completed to date. Still, it is an exploratory study. It is hoped that the
findings and identified issues will stimulate further discussion, research, and policy
initiatives. These will be highlighted in the final chapter.

Summary

This chapter has provided an overview of my research. The present study
evolved out of the larger Baffin Crime and Justice Study that investigated crime and
justice issues in the region (Griffiths et al, 1995). The northern context of research was
discussed with a focus on practical and ethical issues. These included the requirement
for a science license, the permission from communities to conduct research, and
informed consent.

The largest section of this chapter described my field research and data
collection. This was broken into subsections to provide a more detailed account of data
gathered from police and shelter files, interviews, and observation. Some of the
parameters and limitations of the study were then noted.

The following provides a summary of my data from the multiple methods
discussed in this chapter:

1. Police Files: a total of 3,831 files, which included 105 spousal assault cases, were
computerized from the thirteen community detachments for the year 1991.
2. *Shelter Files*: all client files for the year 1992, a total of 134, were computerized.

3. *Interviews*: A total of approximately 370 individuals.
   
   (a) *Police*: previously serving members (from 1930s through to the 1990s),
   currently serving members, and Inuit special constables.
   
   (b) *Criminal Justice System*: judges, defense lawyers, crown council, court
   workers, justices of the peace, and the community justice specialist.
   
   (c) *Service Providers*: nurses, social workers, teachers/adult educators,
   ministers/priests.
   
   (d) *Community Residents*: both male and female, including elders.
   
   (e) *Leaders/Government Officials/Political Organizations*: members of hamlet
   council, administrators, government officials, Pauktuutit (Inuit Women’s
   Association), etc.
   
   (f) *Counsellors/Advocates*: staff at shelter, newly formed victims' advocacy
   group (Ikajuqtiiit in Iqaluit) and members of a community-based support group.
   
   (g) *Victims*: women at the shelter, counsellors/advocates who themselves had
   been victimized, and women who held other positions who disclosed their own
   victimization during interviews.

4. *Participation and Observation*: detailed field notes from five field trips to the Baffin
   region.
Findings from these data are presented in the following three chapters. Chapter 4 discusses the nature and extent of violence against Inuit women. Consistent with my theoretical focus, the following two chapters are broken into "sanctuary" and "sanctions". Chapter 5 presents my findings on sanctuary for abused women. Particular attention is given to the shelter and to services and support within communities. Chapter 6 describes the findings on sanctions against wife abuse in terms of police, court, and community responses. The findings are analyzed in the final chapter.
Chapter Four

Nature and Extent of Violence Against Inuit Women

Introduction

The goal of the dissertation is to provide an understanding of the responses to violence against Inuit women in contemporary times. More specifically, sanctions against woman abuse and the sanctuary available for abused women are examined. In order to appreciate the necessity of sanctions and sanctuary, it is important to grasp the extent and nature of violence against Inuit women in Baffin region communities. This dissertation is not concerned with determining the exact amount of violence against women in Inuit communities. However, shelter files and interviews with community residents, service providers, police, members of the judiciary, and other resource persons confirm that violence against Inuit women is an enormous problem in the Baffin region.

Nature of Violence Against Inuit Women

Wife abuse is defined as violence by men towards their married, common-law, and intimate partners. It is important to recognize that violence takes different forms besides physical assault and that all forms can have devastating consequences. This study includes an examination of physical, sexual, and emotional abuse.
Physical abuse includes such behaviour as hitting, kicking, and biting. Many cases of physical abuse involved a great deal of violence. According to one police officer, "you couldn’t even make out who they were, a lot of them, they were so swollen and beaten up". People who were interviewed talked about seeing women in the communities with bruises. However, as one counselor explained, "most of the women you cannot see because they’re being abused by guys that tend to beat them where nobody can see it". This was the experience related by the following Inuit woman:

"The first time he did that to me, I was black and blue everywhere. Both of my eyes, I couldn’t hardly open them. I couldn’t open my eyes the first time he did it and when people started seeing how he was treating me with bruises on the face all the time, he decided he would hit me where nobody can see."

Sexual abuse involves any sexual act without a woman’s consent. One woman still within the abusive relationship revealed during the interview: "I got pregnant when I was fourteen … He raped me but I didn’t tell anyone".

Emotional (also referred to as psychological and mental) abuse includes such acts as intimidating, humiliating, degrading, and isolating women. The following quotes by two Inuit women further explain mental abuse and the subsequent loss of self-esteem, freedom, and friends:
"He started putting me down, saying that I'm stupid, I could not do that job, I'm too stupid to do it. So I just quit ... I didn't have any self esteem at all because he was putting me down so much ... when he was traveling, I wasn't allowed to go out or anything like that. If he had tried to call and missed me at home, then I would sure get it when he comes back."

"I lost all my friends. Even girlfriends. I lost all of them. I used to have a lot of male friends. You know, just friends ... I couldn't even say hi to anybody when he was around."

Violence is seen as a means by which a man controls, dominates, and/or intimidates his female partner. Although the abuse can refer to a single incident, most often the abuse is ongoing and escalates in severity. Insight into the cycle of violence is provided by the following quote by an Inuit woman who was abused by her husband:

"After he had beaten me up, the next morning he would apologize, serving me coffee, serving me breakfast. The whole day he would be very nice to me, treating me like a queen. And then by evening, we drink, he starts treating me badly again. But he wasn't beating me up every night but whenever he felt like it I guess. But I was always on constant watch. "

138
Incidence of Violence Against Inuit Women

Information on the official incidence of violence against women was obtained from occurrence files in each R.C.M.P. detachment in the 13 communities. These police files contain information on all occurrences of crime and "trouble" that come to police attention. Excluding Iqaluit, a total of 88 spousal assault cases were reported and recorded for the year 1991 in the Baffin Region. At least 1 in 20, or 5 percent, of women over the age of nineteen in the Baffin region were victims of spousal assault reported to police. Based on a 20 percent random sample of police files in Iqaluit, a total of 19 offenses were reported. A simple projection for 1991 suggests that about 90 to 100 spousal assault cases were recorded in official reports in Iqaluit alone. For all Baffin Region communities, including Iqaluit, it is estimated that approximately 1 in 15 or 7 percent of women over the age of nineteen were reported victims in the R.C.M.P. files.

From the R.C.M.P. operational files it was also possible to look at the relationship between victims and offenders in all reported violent offenses. Where the relationship was recorded, nearly two-thirds (65.9%) of all cases involved family violence. This is important because it shows that violence is occurring mainly in the home.

As in other regions of the country, however, official statistics do not capture the amount of violence against Inuit women in the communities. The actual amount of
violence is missing in such figures because abuse is often not brought to the attention of police. Two R.C.M.P. members commented:

"I found there's a lot that's going on in those communities, probably a lot in society generally, in our society, that we don't know about. A lot more goes on than statistics show."

"I honestly think that is only the tip of the iceberg. I would say that for every one that is reported, there is five or ten that go unreported."

A greater understanding of violence within the communities was gained from interviews with community residents (including women who had been abused), police, justice officials, and service providers. Respondents referred to violence against women as "epidemic", "rampant", and "an everyday occurrence". A community resident said: "most of the people I've met so far are sexually abused. There's not one single person I've met that's not it seems like. And it's sad".

A social worker believes that wife abuse needs to be confronted because "spousal assault is happening just continuously. All the workers here are victims. It's just so common and it's quite violent". An adult educator also confirmed this:

"It's a horrible shock to come in the morning and sort of lift your eyes from your desk and see a black eye or a split lip looking at you. And it's so common, it's epidemic proportions."
Violence is not confined to specific groups within Baffin communities. Inuit women of all ages, backgrounds and occupations are abused. It appears that abuse occurs in different families across all communities. As one nurse said, “it’s in every community whether they’re traditional or not”. Another respondent referred to the finding that abuse occurs in all age groups:

"Spousal assaults, sexual abuse - you see that these crimes seem to go right across the age segment. I think with things like break and enter and vandalism, they’re restricted almost to. I’ve not done any statistical reviews of this, but I think they’re restricted to the younger age groups. But the sexual abuse, assaults, they go probably right through the whole society."

Violence did not appear to be related to income levels. Inuit men who abuse women are both employed and unemployed. As one counselor stated: "there’s some men who don’t provide around here and they just beat up their spouse and they don’t even want to work and they’re living off their wives". Abusive men were welfare recipients, hunters, police, ministers, mayors, and officials of numerous agencies and organizations. An elder spoke of her abusive ex-husband who was a minister, saying "it takes all kinds of people to be abusers". Some men hold prominent positions. One woman said her abusive husband was “a president” for an Inuit organization. Another woman said "he was a well respected guy in the community".

141
Nature and Extent of Violence: Insights from Shelter Files

The only shelter for women in the Baffin region is located in Iqaluit. A total of 134 shelter files of women who used the shelter in 1992 were analyzed in order to gain an understanding of the nature of violence and experiences of abused women. Issues surrounding sanctuary are discussed in the next chapter. This subsection summarizes the findings from these shelter files in terms of the nature and extent of violence experienced by Inuit women.

In 60 files, information on the types of abuse was recorded on the intake forms. Table 2 provides the number of women who indicated whether they experienced physical, verbal, emotional and/or sexual abuse. It also provides more detailed information about the abuse these 60 women suffered. A woman may have indicated more than one form of abuse.

The number of women who indicated that they were being sexually abused is relatively small. Upon reviewing the contents of the shelter files, however, it was found that many women who were clearly being sexually abused did not mark “sexual abuse” on the intake forms for the shelter. A staff member of the shelter confirmed that women do not always equate unwelcome sexual actions with sexual abuse. For example, two uncles had sex with a woman but she said it was not rape because she was drunk. Many respondents in interviews felt that education about the types of abuse and their consequences was required.
Table 2: Types and Details of Abuse

<table>
<thead>
<tr>
<th>Type of Abuse</th>
<th># Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical</td>
<td>46</td>
</tr>
<tr>
<td>Verbal</td>
<td>42</td>
</tr>
<tr>
<td>Emotional</td>
<td>38</td>
</tr>
<tr>
<td>Sexual</td>
<td>11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Details of Abuse</th>
<th># Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoved/Pushed</td>
<td>33</td>
</tr>
<tr>
<td>Hit with Open Hand</td>
<td>28</td>
</tr>
<tr>
<td>Hit with Fist</td>
<td>28</td>
</tr>
<tr>
<td>Threats of Violence</td>
<td>27</td>
</tr>
<tr>
<td>Kicked</td>
<td>21</td>
</tr>
<tr>
<td>Pulled Hair</td>
<td>19</td>
</tr>
<tr>
<td>Hit with Objects</td>
<td>15</td>
</tr>
<tr>
<td>Use of Weapons</td>
<td>14</td>
</tr>
</tbody>
</table>

Information on injuries was not available in all the files. A total of 45 women disclosed injuries from the abuse that were recorded on the intake forms. Table 3 summarizes the injuries recorded.

Table 3: Injuries

<table>
<thead>
<tr>
<th>Injuries</th>
<th># Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruises</td>
<td>36</td>
</tr>
<tr>
<td>Black Eyes</td>
<td>16</td>
</tr>
<tr>
<td>Cuts</td>
<td>15</td>
</tr>
<tr>
<td>Sprains</td>
<td>8</td>
</tr>
<tr>
<td>Broken Bones</td>
<td>2</td>
</tr>
</tbody>
</table>
In Tables 2 and 3, the types of abuse and injuries are reduced to statistics which do not capture the extent of the abuse suffered by women who came to the shelter. The detailed summaries recorded from each file provide further insight into the severity of abuse. The following are 12 examples from shelter files. They were chosen to indicate the types of abuse that were mentioned in the files and thus, are not unusual cases of women who used the shelter.

*Her boyfriend tells her not to go out anywhere or talk to anyone.*

*She gets beaten regularly. She was hospitalized.*

*He threatens to kill her.*

*She has been sexually abused by her boyfriend for a long time. He puts things inside her, puts gas on her and burns her "down below".*

*He is very possessive. He follows her and when she tries to go out visiting, he takes off her clothes.*

*He hits her and if she doesn't cry, he takes it out on the kids until she cries. He said he wanted to kill her little girl and said he could do it.*
He had pushed her against the wall. She blacked out. She came to in the
bathroom with him shoving her head in the toilet. All the furniture and stuff in
their place was broken (she estimated $5,000 worth). He used a steel pipe to hit
her and kicked her when she was down on the ground.

She is afraid of him. Sometimes in bed, she is so scared she shakes. He gets
mad because she is scared so he beats her.

He doesn't hit her on the face or places that people can see.

Emotional abuse in that he puts her down, calls her devil, bitch, slut and he
isolates her so she loses her friends.

Pulls her hair and drags her around by it. She got accepted to college but the
day before school started, he beat her up so she couldn't go.

He spends all their money, sometimes there is no food in the house. She has to
sell his carvings and all the money goes to him (they have 4 kids). He has sex
with other women and has given her VD a lot of times.
The shelter files corroborate the findings from interview data that women of all ages and backgrounds are abused. In 1992, the year files were computerized, the youngest woman to visit the shelter was 15 and the oldest 67 years old. The average age of the 134 women was 29.8 years old. The women were born between 1925 and 1977. 103 files had information on whether the woman was on welfare. 61 (59%) indicated yes and 42 (41%) no. It was not possible to determine how many of those not collecting social assistance were working.

On the intake forms, 28 women indicated that there were witnesses to the abuse. Most of these were their children (13), relatives (7), or friends (7). In one case, neighbours were reported to have witnessed the abuse and in another two cases an unspecified “someone” saw the abuse since it occurred in public. The shelter files indicate that most abuse was not witnessed and if it was, it was predominately witnessed by children. This finding means that most of the abuse occurs “behind closed doors” rather than in public places. This is consistent with the experiences of abused women in other regions of the country. The isolation of women in their own homes was a large barrier that the women’s movement worked hard to break down. The exposure of the amount of violence in homes was an important first step, one that is only beginning in the north.

Some women at the shelter talked to shelter staff about their relatives. Fifty-four files had information on the abused woman’s experiences with relatives. One prominent
theme in the shelter files was that many women are also abused by their relatives. This is a significant finding because if an abused woman is also being abused by her relatives, then she will find neither support nor sanctuary from them. Abusive relatives have a vested interest in preventing the disclosure of abuse and will likely not sanction women’s abusive partners. The finding that many women have also been abused by relatives is also significant because it reveals the pervasiveness of violence in the communities. The remainder of this subsection summarizes abusive experiences that were disclosed and recorded within the shelter files. The amount of abuse disclosed is likely a conservative view as more abuse occurs than is reported.

Most abuse by relatives was by fathers and step-fathers. There were nine women who said their fathers sexually abused them. A further three women disclosed sexual abuse by their step-fathers. One woman was sexually assaulted by her father between the ages of 5 and 7. She said she thought it was normal until she was 12 years old. She never reported it or told anyone until coming to the shelter. Another woman who had been molested by her step-father asked the shelter staff if it is all right for a close relative to do that.

Another woman was afraid to disclose that her father has been beating and sexually abusing her over a long period of time because he threatened her. She had run away and her mother was one of the people who told her to come to the shelter. Her mother does not do anything about the abuse. She apparently has sat watching him
trying to sexually touch her, seeming afraid to respond. Her father told her that since she is his daughter and that he loves her, “I can go to bed with you and have sex”.

One woman tried to get help from her boyfriend, who also abuses her. She revealed that her step-father abused her so her boyfriend beat up the father. The step-father then got mad at her for saying anything and threatened to come after her again.

Some women were abused by their mothers or step-mothers. One disclosed that she was abused by her mother when growing up so she ran away from home and met her husband who then began abusing her. Another did not want her mother to know that she was at the shelter because she is also abusive. Two files recorded verbal abuse by mother-in-laws.

There were also files which documented abuse by brothers, brothers-in-laws, uncles, and cousins. One woman recorded her abusive past in her file which included sexual abuse by her brother, cousin, and father-in-law. Her parents did not believe her when she said that her brother sexually abused her. When she was young, her parents found her in bed with her brother so they hit her. Later, she and her abusive husband lived with his parents. Her father-in-law tried to have sex with her. She said that when he sexually abuses her, everyone knows about it but no one does anything.

One woman tried to seek sanctuary in her sister’s home but her sister’s husband tried to have sex with her so she went to the shelter to have a safe place to sleep.

Another said that when her abusive husband leaves her alone with his brothers, they
rape her. They warn her not to say anything. She had also been raped by her uncle when she was young. She said that she never had anyone to talk to and nowhere safe to go without being scared. When she went to her mother’s, her husband would come and abuse her in front of her mother.

Interview data corroborate the finding from shelter files that abuse by relatives is a serious problem. A woman who was currently being abused by her husband stated: “I’ve been beaten since I was about 7 or 8”. A service provider believed that “it is not uncommon that the first sexual encounter that an Inuit female has is with a brother, father, or uncle”. A community resident stated, “I know a lot of young people who have been abused by their father or stepfather. Since a long time ago, it’s been common. It’s not talked about but I know it’s common … I know, I went through that”.

Views on Violence Against Inuit Women in the Past

Billson (1991:61) argues that “rates of spousal assault have skyrocketed” in Inuit communities. While this may make intuitive sense, no empirical evidence is provided to support this assumption. It has been assumed that the abuse of indigenous women began only after colonization, the move of Inuit to permanent settlements, and the resulting cultural breakdown. My study provides some evidence from interviews to the contrary. The comments of a mental health worker are instructive: "It wasn’t
actually identified as spousal assault until just recently. It used to be called wife discipline. They've never defined it as an assault on someone. It was just something men did".

When the R.C.M.P. were travelling to outpost camps in the Baffin region and in the early years of the communities, there were few reports of sexual and spousal assault. The issue is whether there was not very much abuse or whether the violence existed but was not reported.

Many R.C.M.P. members who policed the region from the 1930s to 1970s believed there was little, if any abuse in the past. A retired police officer who was in the region in the 1960s said that "there was very little assaults. You didn't have wife beatings". Another officer who was north prior to the move of Inuit to permanent settlements, stated: "I never heard of a case of rape. Well, where the hell was I? I was in a place where there were two Special Constables, their wives, and about six kids. That was the whole community. So there was no crime".

Other police members believed abuse existed but was not talked about. A police member revealed: "I'm not naive enough to think that it wasn't going on back in the early days but nothing was ever said. No one ever complained". Another officer said that "spousal assaults were something that you knew existed but ... it wasn't a matter for the police".

A resource person cited historical documents in which wife abuse was recorded:
"I managed to get some journals from the Royal Geographical Society in England left by some of the officers of Captain Perry who was here in 1822/3. In one journal, this officer is just horrified by a brutal beating that one of his wives, this fellow was in a polygamous marriage, was given when she refused to sing properly when he was doing a drum dance. And two things shocked this observer. One was that the beating took place for what he considered to be a trivial reason. And the other thing that shocked him was the complete lack of sympathy that anyone in the audience or anyone viewing this performance had for the woman ... There was no public outcry. Some people are saying this happened only in modern times. Other people will say that what this officer was writing in his journal was all wrong and mistaken. But this wasn't a published journal. It was him confiding really to himself."

Although there was not a complete consensus on the issue, overall, community residents believed that wife abuse occurred in pre-settlement times. According to several Inuit respondents, violence against wives "used to be called wife discipline" and abuse was "not new" for it occurred "before Qallunaat [white people] came". One Inuit community resident stated that "it's something that the culture generally frowns on and doesn't like, but at the same time, it's happened for centuries". In reference to sexual abuse, another female Inuit resident stated:
“There was sexual assault in the little camps ... They kept it so quiet and they kept it so secret that we didn't know a thing about it until we were the victims ourselves. It's something that is very ugly. It's something that is not sex, it's violence. And people still think it's sex. But it's not, it's violence ... There had been sexual assaults in previous generations but they don't talk about it so we don't really know why or what happened. If it's culturally accepted or not, I don't know that. But speaking for myself, it shouldn't be. In any culture, it shouldn't be.”

The perspective that violence occurred in the past was also shared by several elders. For example, one female elder said that men did have sex without women's consent and that women "never accepted it but they didn't speak out". Another female elder recounted:

"There was a few of them who were abusing their wives. Like my grandfather I was telling you about, he abused my grandmother, beating her up ... to hit somebody or kick a little bit but never in the face and never broke the skin, never broke the bone. That's too much. That's too far. That's never been allowed. Or a bruise. You can slap around somebody or push them but without damaging the body."

Still another male elder stated:
"A long time ago there were sexual assaults too ... As for spousal assaults, this has been going on since way back then ... These days we hear of these issues so often on the radio. These things happened back then but we never heard of them as often as we do now."

There were different opinions about whether there is more violence today compared to the past. Some respondents argued that the incidence of sexual and spousal abuse has increased. A senior administrator noted, "I really don't think it was there to the degree that it is now. I can't speak to that for sure. In my own mind, I am certain that it is on the increase". A minority of respondents suggested that abuse was actually worse in the past, particularly due to the practice of arranged marriages. As a retired police officer said, "let's face it, the Eskimo marriage consisted of a guy going and dragging a woman from her place to his". A community resident believed that "spousal assaults used to be worse. Honest to God, spousal assaults used to be worse. They used to marry by force". One R.C.M.P. member shared the following experience when he was policing in the early years a community:

"there was a man who came from another village because there was an arranged marriage. This girl did not want to go and she was screaming and hollering. This was part of marriage, take them by force ... Some white people got all upset and came to me and said that I was not supposed to permit this to
happen. It is a kidnapping. I said that I was not going to interfere. It is their culture”.

Many respondents believed that the amount of violence has not increased, arguing that abuse may appear to be worse only because, unlike the past, people are now talking about it. An Inuit R.C.M.P. member, for example, said that abuse has always been going on and "it is not slowing down and it is not getting worse ... It looks like it is getting worse right now because the people are starting to open up”. A community resident speculated that the violence has not increased but it may appear so “because of the media exposing it and the fact that our population has increased”.

An official in the justice system referred to the greater awareness and increased reporting in both the Baffin region and southern Canada:

"There was an article in the current issue of Maclean’s magazine that shows that a lot more sexual assaults are reported now generally in Canada then was the case ten years ago. Dramatically more. The same thing seems to be happening here. Everybody is at a bit of a loss as to know whether or not it’s because there’s an increased incidence or whether its because there’s an increased willingness to report these things. I’m inclined to think that they’re being reported more than it’s a case of increase in incidents."

It is impossible to know the exact amount of woman abuse that occurred in the past. Nor is this study able to determine the impact of the move to permanent
settlements and whether or not violence has substantially increased. This area requires further study, particularly with respect to traditional methods of social control as responses to woman abuse.

Summary

This chapter summarized the findings from interviews, police files, and shelter files on the nature and extent of violence against Inuit women. It was not possible to determine the exact amount of abuse, either in the past or in contemporary times. An Inuit counsellor simply said, "we'll never know how many there are". The Task Force on Spousal Assault for the Northwest Territories (1985:10) went to over 30 communities and found that no one could say with confidence "how many victims there were or the frequency of spousal assault". The Task Force (1985:11) utilized indicators of spousal assault to state that "it is a problem of serious proportions ". The present study, by analyzing interview and shelter file data, confirms that violence against Inuit women is a pervasive problem in today's communities. As one nurse said, the amount of violence is "too much to fathom".

This is not to argue that violence against women is unique to the north. As a service provider said "that's common sense, it's not just an Inuit problem, it's prevalent throughout the whole of society". A police member agreed: "It's a problem [in this community], it's a problem everywhere in the Baffin, it's a problem down south ... and it's not stopping".

155
The key question which emerges is: how do we effectively respond to woman abuse? The finding that violence is “rampant” and is “not stopping” as well as the need for answers to this question inspired the focus of this dissertation. Before developing a strategy for the elimination of violence, the current responses to violence and the issues surrounding such responses need to be documented. This dissertation takes a step in that direction. The findings on sanctuary for abused women are presented in the next chapter while sanctions against violence in the Baffin region are discussed in Chapter 6.
Chapter Five

"Sanctuary": Refuge, Services, and Support for Abused Women

Introduction

The previous chapter documented the high incidence of violence against Inuit women. The finding that Inuit women are physically, verbally, emotionally, and sexually abused shows there is a need for sanctuary for abused women. Sanctuary refers to the refuge and protection available for abused women. It refers more broadly to the services and support available to women within their communities. This chapter presents findings from interviews and shelter files on the sanctuary currently available for Inuit women.

Safe Refuge for Women in Communities

One important issue that emerged was the safety and protection of abused women and their children. In some communities, there are "safe houses" in which families offer space within their own homes to provide short-term accommodation for abused women. Most often, safe houses are made available on an informal, voluntary basis by people in the community for women in crisis.

There were numerous problems with safe houses identified by respondents in interviews. Of particular concern was the limited housing available and overcrowding.
One counsellor referred to the difficulty families had when required "to give up a room in their house when they've got 12 people sleeping in a three bedroom house". A nurse spoke of the impact on family members in stable homes which are used as safe houses: "How long do you crowd 4 or 5 extra people into that home without it causing problems in what was a stable home?" One social worker noted:

"When he beat her up this last time, they said, 'You come over and stay with us' but it was just so crowded, it doesn't make sense for her to stay there very long because she has a three year old daughter. But I sat down with the father and mother and this girl and said, 'Okay. What's the best option? She can't stay here. Where else can she stay?' There's no one else she could stay with in the community. We thought the best thing for her for her safety was to put her in Nutaraq [the shelter]."

Respondents were concerned about the difficulty of confidentiality in small, close-knit communities. As one resident noted, "everyone knows where the safe house is". Another issue was abusive men seeking out victims and endangering the host family. A social worker found that "people are very afraid to keep someone overnight or a couple of days".

One nurse discussed possible solutions to the lack of confidentiality and the potential danger of abusive men. It involved organizing a network of safe houses that had stable families and a man in the house. It also meant creating "a list of so many
people that would volunteer and take them to that house so nobody would
necessarily know which house they were using".

Nowhere to Go: The Absence of Sanctuary for Victims of Violence

A central theme from the interviews was that victims had nowhere to go. Many
communities did not have safe houses. If a woman needed a safe place, she would have
to be flown to the only shelter in Iqaluit or stay with her abusive partner. A victim
shared her experiences in a small community: "I just stayed home and put up with it
because I don’t have a place to go. Even if I go to a friend’s place, he’s just going to
come and get me". One counselor noted that women often "end up going back home
because they have nowhere else to go".

Since there is often no safe refuge for women in their communities, women may
have to leave the community which poses additional problems. Communities are small,
isolated, and there are no roads between them. One hamlet council member noted that
in his community there was no safe house and it was hard for women to get to the
shelter in Iqaluit: "If you happen to have your problem Monday afternoon, well, there
is a plane next Wednesday night. You have got to get by until then".

The community is her home and it is likely that all her family and relatives also
live there. As one nurse said:
"I sometimes think that women are prisoners because they can't get out.

… if you're abused, where are you going to go? Nine times out of ten, if you move to another house, it's within the same family … If you move out of your own home community, you're literally an outcast in any other community because you have no family, no support … You walk away from your whole life."

Some respondents argue that shelters are needed in the communities. Several nurses recalled instances in which women had called the health centre asking, "can I come there?". One nurse felt that a shelter in her community "would be a definite benefit" for it would provide safety for women. She believed violence might sometimes be prevented if a woman could go to a shelter when her husband has been drinking and she knew there would be trouble.

This sentiment was echoed by a social worker who believed that if women had a safe place to go, they would have time to examine other options until the situation calmed. She added that if a woman had "a place that she was safe and that he was not allowed to go near and he respected that, maybe we could do some work with them".

Some respondents believed that it should not be women and their children who are removed from the home but rather the men who abuse them. Respondents questioned why families are flown to the shelter in Iqaluit for protection while abusive men are allowed to stay in the home. One nurse commented, "we punish the victim by
sending them away from the community as opposed to punishing the abuser so it’s a terrible, terrible thing”. A counselor suggested the following:

"It seems to me on the one hand everybody is saying, 'Yeah, but what about the men? The men need counseling too. What about the men?' And, in fact, in a sense there is a lot of truth in there. I mean, you can’t do one without the other. You need both. And it seems to me the optimal circumstances would be if there’s violence, the man needs to be taken out of the home and stuck in another place, either within the community or outside the community, where they get counselling and where there are people to tell them that 'What you did is wrong but who you are is not wrong'."

The need for men to be removed was reinforced by a woman at the shelter speaking about her abusive husband: "He now understands what this place is. He also said that men should get a place like this too … because it’s the men who have the problem. Not the women".

Others were more skeptical about a shelter for men. Some argued that the criminal justice system should be involved. A former mayor felt that "surely if a man insists on beating up his wife, then the law should take care of that. That’s a criminal act". Similarly, a Justice of the Peace stated that jails were the proper facilities for men, not shelters:
"I've heard people say, 'Well, why don't they throw the men in the shelters and leave the women and children?' Well, we have jails for people that are offenders and you can have men's programs there."

Qimaavik: The Shelter in Iqaluit

The only shelter for women and their children in the Baffin Region is located in Iqaluit. The Baffin Regional Agvvik Society was formed in 1985 as a sub-committee of the Baffin Women's Association. This Society opened the shelter, then named "Nutaraq Place" after Leah Nutaraq, "an Iqaluit woman who spent much of her life involved in issues concerning the family" (Sammons, 1990:121). According to unpublished material by the Baffin Regional Agvvik Society (1992), the shelter was established because "it quickly became obvious that women who were being abused by their partners had few resources in the community ... By March 1987 the shelter known as Nutaraq Place was opened. The response from women in the community was immediate and within one year the shelter was operating at maximum capacity".

In the first newsletter produced by the shelter, the executive director described the history of the shelter:

... in 1987 the main goal was to provide a safe place and an empathetic ear for victims. The staff had little training, they did have poor wages, bad hours and lots of interference from friends, family members and others. This all resulted in a high turnover of staff. In truth, for the first few years the staff and Board had problems just making ends meet. This was due to limited resources and increasing demand for services. Gradually, things began to change, a solid core
of staff stayed long enough to get training and a whole new world of programs opened up ... Everyone here is still learning (Johnson, 1993:1).

Due to increasing demand for space, the shelter was expanded in 1992. The number of bedrooms increased from 6 to 10 and a children's playroom and staff offices were built. The shelter was renamed "Qimaavik" which I have been told means "a safe place to run to".

An information pamphlet for the shelter states: "Qimaavik is a transition house that provides a safe and healthy place for women (and their children) who want to end the violence in their lives. It has a staff available 24 hours a day to provide support, information and comfort to people in crisis" (emphasis in original).

Staff at the shelter provided information about the shelter in interviews. Women are given shelter, food, and friendship. A counsellor explained that they "just try to be friends with the lady and make her feel like she's not the only one". They listen to their experiences and believe them. "Because a lot of them say, 'you won't believe me if I tell you. You won't believe what happened to me.' And all the stories are the same. They start out the same and they usually end the same. That's what's sad".

If they are able, women must do chores, "like it's their own house, to take care of it". There is a curfew "mainly for their own safety and so we can keep track of them if they're from out of town". The women are given basic rules to follow, such as no alcohol, and three warnings if they break house rules. "If they screw up all three
chances, they’re out. And their social worker is informed that this is why they’ve been asked to leave because they cannot follow the rules”.

The stay is limited to six weeks. This is to allow women to deal with the immediate crisis of the abuse, express emotions such as depression and anger, and make a statement to the police if they want. Staff assist women who want to "look into a job or getting upgrading or finding where else they can go". Contrary to the belief that the shelter is an easy way "out" for women, a staff member states:

"It’s not easy for anybody from the settlements, ever. Sometimes they’re very frightened. Iqaluit can be a frightening place if you’re from a small community ... So, although they’re physically safe because they’re here, there are a whole bunch of other things to make them feel unsafe. ... So it’s no picnic."

Perceptions of the Shelter

A former staff member of the shelter remembered when the house first opened and "everybody in town figured we were out to break up families". The communities felt that "it was the worst thing that had ever happened, having the women’s shelter open". However, this respondent felt that over time attitudes have changed somewhat. A staff member of Qimaavik believed that community residents are "slowly beginning to understand what it is because when it first opened, I don’t think anybody quite
understood what it was for. People used to think that it was just breaking up families but it’s the opposite.

There were mixed perceptions of the shelter, even among Inuit women. Many respondents opposed women leaving their homes and communities to go to the shelter. The belief that the shelter breaks up the family still persists. Several male and female respondents questioned the ability to work through problems when women are sent out of their community: “Sooner than have people resolve their difficulties … they just go and hide away in a shelter which costs a lot of money and doesn’t have any real benefits”. One community resident asked: "Why is the guy who beat up his wife left behind while the whole family’s sent to Iqaluit … how are they supposed to fix their problems anyway?"

One respondent commented: “Women sometimes play the poor little wife role … the women are sent out to a safe house before reconciliation is made with her husband, or consideration given for the husband’s feelings. I think that this safe house business is very frustrating for men”. Another resident believed that the women’s shelter was just another example of a “white man’s institution that is being forced down the throats of Inuit”. There were some concerns that women were taking advantage of the shelter to go to Iqaluit. A community resident spoke of “rumours where they go to Iqaluit and they end up spending their time at the bar".

165
Most respondents agreed that the shelter was "not the answer" to wife abuse and that it could only offer temporary sanctuary. Many respondents, however, said that a shelter is still necessary. Many recognized that it was the only source of sanctuary currently available to many women. An adult educator pointed out that "for a lot of women, it's the only place that they can go that's safe. A lot of times people's relatives don't want to get involved ... I consider it a necessary evil". A woman who had been abused prior to the existence of the shelter said it is "a great place, a safe place for women. When I needed it, it wasn't here".

Some respondents offered positive comments about the shelter. This was particularly true for women who had stayed at the shelter and women's advocates. Abused women mentioned how helpful it was to have somewhere to go and someone to talk to. One woman recalled the night she decided to go to the shelter with her children: "it was around 2:30 ... We had no place to go. We were out for almost two hours just sitting around and I was crying. ... and I started thinking, 'Maybe I should come here'". Many women required the safety of the shelter. As one victim said: "I thought for sure if I didn't come here, he'd kill me". Another woman came to the shelter "because I'm scared that I will kill myself".
Women Who Used the Shelter

Shelter files for 1992 were computerized. An analysis of the 134 files offers insight into the women who used the shelter and their experiences with violence. Table 4 shows that the majority of women (63%) who utilized the shelter listed Iqaluit on the intake form as the community where they lived. Within the files, 9 women mentioned that they currently live in Iqaluit but were originally from another community. Therefore, the following table should not be interpreted as giving the original home communities of the women. Iqaluit is a transient community for many people.

Table 4: Community at Time of Coming to Shelter

<table>
<thead>
<tr>
<th>Community</th>
<th># Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iqaluit</td>
<td>84</td>
</tr>
<tr>
<td>Cape Dorset</td>
<td>11</td>
</tr>
<tr>
<td>Pangnirtung</td>
<td>7</td>
</tr>
<tr>
<td>Pond Inlet</td>
<td>6</td>
</tr>
<tr>
<td>Hall Beach</td>
<td>5</td>
</tr>
<tr>
<td>Igloolik</td>
<td>4</td>
</tr>
<tr>
<td>Arctic Bay/Nanisivik</td>
<td>4</td>
</tr>
<tr>
<td>Clyde River</td>
<td>2</td>
</tr>
<tr>
<td>Lake Harbour</td>
<td>2</td>
</tr>
<tr>
<td>Resolute Bay</td>
<td>2</td>
</tr>
<tr>
<td>Broughton Island</td>
<td>1</td>
</tr>
<tr>
<td>Sanikiluaq</td>
<td>1</td>
</tr>
<tr>
<td>Outside Region</td>
<td>4</td>
</tr>
<tr>
<td>[Coral Harbour]</td>
<td>[2]</td>
</tr>
<tr>
<td>[Rankin Inlet]</td>
<td>[2]</td>
</tr>
<tr>
<td>Unknown/Unlisted</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>134</td>
</tr>
</tbody>
</table>
Although it was not possible within the present study to determine how much the incidence of violence varies between communities, interview data indicate that women abuse is pervasive across the region. The finding that most women who come to the shelter are living in Iqaluit rather than outlying communities may mean the shelter is not very accessible. There are numerous obstacles to flying great distances and leaving behind a home community in order to escape an abusive partner. As this chapter shows, abused women do not have much support within their communities. Social and geographic isolation adds particular barriers for Inuit women.

Table 5 indicates who referred the woman to the shelter as recorded on the intake forms. The majority of women indicated that they referred themselves (60), followed by the R.C.M.P. (33) and Social Services (25).

<table>
<thead>
<tr>
<th>Referred By</th>
<th># Women</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>R.C.M.P.</td>
<td>33</td>
<td>25</td>
</tr>
<tr>
<td>Social Services</td>
<td>25</td>
<td>19</td>
</tr>
<tr>
<td>Hospital</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Other Shelter</td>
<td>2</td>
<td>1¹</td>
</tr>
<tr>
<td>Judicial System</td>
<td>2</td>
<td>1¹</td>
</tr>
<tr>
<td>Housing Authority</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Relative</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Friend</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Unknown</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>134</td>
<td>100</td>
</tr>
</tbody>
</table>
The finding that most women seek sanctuary at the shelter on their own indicates initiative and courage of abused women. Not all abused women want to come nor do come to the shelter. However, many abused women go through tremendous challenges in order to get to the shelter. Many women have to escape from their abuser. Some arrive at the shelter with no boots or coats in deadly cold weather. One woman said she had to fool her common-law who was abusing her and then run to the police station. That relatives and friends rarely refer women to the shelter may mean women do not have support so are left to their own devices to obtain safe refuge. The support of relatives, police, and social workers are discussed later in this chapter.

Almost three-quarters of the women (103) who used the shelter had children. Only 26 files indicated that they did not have children (5 were unknown). The age of the children ranged from small babies (one file mentioned a 6 week old baby) to 21 years old. The fact that the majority of abused women have at least one child means that not only do women need to be concerned about their own safety but also that of their children. It means obtaining sanctuary may involve finding a safe place that can also accommodate their children. There were some cases in which an abuser used the children to try and prevent a woman from seeking sanctuary or disclosing violence. One husband would not let his wife leave with their daughter. When she escaped, he used the little girl to make her to come back home.
Women came to the shelter because they were abused by their husbands or boyfriends but there were additional reasons recorded within the shelter files: they had nowhere safe to sleep; they were scared; their husbands/boyfriends were drinking and/or drunk; they were threatened; or they were told to leave or get out of their house by the abuser. There were a few cases where a woman came to the shelter because she was abused by her father, mother, or brother. Two cases of elder abuse were recorded. One was abused by her daughter, the other by her son.

Sanctuary prevented some violence. In at least six cases, women said they came to the shelter before their partner became violent. In some cases, the boyfriend or husband went out drinking so the woman came to the shelter, often with children, before he returned. One woman said that her common-law husband was angry and she was afraid so she left the house before she got hit. Another said that she knew right away that he was going to start hitting her when he told her not to sleep with him so she left. She uses the shelter for crises, never staying long and returning home. Another had “talked back” to her common-law partner which she had never done before. She was scared so came to the shelter.

The importance of sanctuary to women were noted within shelter files. Many women said that they were thankful to have the shelter. Women mentioned that after being at the shelter, they know they are not the only ones being abused. An older woman said a prayer for the shelter and its staff. One woman said she would like a
shelter to open in her community. One woman said she was happy about the shelter because she never had anyone there for her or anyone to talk to. She said the shelter was helping her a lot, especially being able to talk about herself for she thought she was going crazy. Many women were just beginning to talk about the abuse. One woman said her relatives told her not to talk about her problems because she would only create more problems. She says when she keeps everything to herself, she feels suicidal.

The shelter files contained numerous notes of women’s thoughts of suicide. Many who thought of suicide said they did not follow through because of their children. Others, however, attempted suicide, sometimes more than once. This shows the importance of providing abused women with support. As one woman shared in an interview: "one relative and a friend of mine committed suicide because of this situation. No place to go and nobody’s there for them. ... So we have to find a way to help the victims".

**Leaving the Shelter**

The length of stay at the shelter was determined by the intake and discharge forms in 84 cases. The average stay in 1992 was 7 days. The length of stay ranged from 1 day to 45 days. Almost half (49%) stayed for only one day. The sanctuary offered by the shelter is used as a temporary respite from abuse. As an Inuit woman
said, "it’s a temporary thing. The women always end up going back to the community'.

According to shelter files, the vast majority of women return to their husbands or boyfriends after leaving the shelter. Many women mentioned that they loved their husband/boyfriend and didn’t want to leave them. A woman said she was going home, "where I belong". Others said they wanted to leave but always went back home. Some felt homesick or had nowhere else to go. One woman went back home because she was afraid that he would look everywhere for her and find out that she had come to the shelter.

Some men called the women and convinced them to return. For example, one abusive husband said he was sorry and that it won’t happen again. A woman’s boyfriend told her he would "be nice" to her and another promised to get counselling. Some men promised to quit drinking or taking drugs. In another case, a woman was badly abused and while she was at the shelter, he was very nice to her. She told him she did not want to be beaten up anymore and he promised not to so she went back home. Some men threatened to further abuse or kill them if they ever tried to leave. In some cases, the men threatened to kill themselves if the women left them.

According to the shelter files, men’s promises were often broken and the abuse typically continued. Many women return to the shelter. For example, one husband said he would get help and she was proud of him because this was the first time he
mentioned this so she returned home. At first, he was good to her but then the abuse started again. She subsequently used the shelter on several occasions.

A continuation of abuse was confirmed in interviews. Respondents mentioned that after women leave the shelter, they often end up in the same abusive situation because nothing has changed at home. The women may benefit from the temporary sanctuary of the shelter but the men remain in the same situation, except for the brief absence of their partners and children. The problem is, as one counsellor said, that "nobody’s talked to her husband. Nothing’s happened there. He still has the same attitudes … she’s walking right back into getting beat up again". An abused woman said, "maybe that is one of the reasons why there’s some females who come back. They go back into the cycle of violence". Furthermore, nothing has changed in the communities in terms of the sanctions against violence.

In the shelter files, some women said they were planning to leave their abusive boyfriends/ husbands. A few talked of moving to another community or even another region. Others mentioned that they were starting new relationships. Some stayed with friends or relatives rather than return home. One woman wanted to stay in Iqaluit and find work. However, she was unable to get housing so returned to her community.

There is a recurring theme in the files that abused women had nowhere to go. This affects women in a number of ways. The options are limited when trying to leave an abusive relationship. Women spoke of having trouble getting housing. One woman
said that there are 11 people in the house where she is staying while on the
waiting list for housing. Another woman was in the process of trying to kick her
husband out of the house by going to social services and the police. She was hoping
that the housing authority would tell her husband to leave. She is afraid of how he will
react and thought of leaving town instead with her three children.

Support of Relatives

Some women at the shelter talked to shelter staff about the responses of their
relatives to the abuse. 54 files had information on the abused woman's experiences with
relatives. There were some positive experiences recorded in the shelter files. One
woman said her father would listen to her and her husband when they had problems.
Another women found that it helped her to talk to her relatives. One father told his
daughter not to go back home to her abusive boyfriend and was happy that she was
planning on going back to school. One abused woman's sister convinced her to go the
shelter and called on her behalf. Another woman's aunt went with her to the hospital
after she had been raped. One woman was scared to talk to her family and tell them
that she was leaving her abusive husband. She was shocked when they supported her.
There was one other case in which a woman said that she is only alive today because
her sister came into the house when her partner was choking her, almost killing her.
The majority of experiences recorded in the shelter files, however, indicated that relatives were unsupportive of abused women. Many mothers, fathers, and in-laws wanted the woman to return to the abusive partner. One man called his daughter at the shelter to tell her to go back to her husband who badly beats her. She had been hospitalized in the past. This woman told the shelter staff that her mother-in-law told her husband to beat her when she is "bad" or does not listen to him. In another case, when one woman finally told her mother that she was at the shelter, her mother told her not to separate from her husband then hung up. Another woman's mother-in-law called the shelter several times asking her if she was going back home. She accused the shelter of keeping her there and making women run away from their husbands.

Some relatives blamed women for the abuse. One woman said she felt all alone for neither her parents nor her in-laws support her. Her husband abuses her and she is blamed for her husband sexually abusing their daughter. Another woman tried talking to her relatives but she said they do not care how she feels and her aunt "gave her shit". Another woman said his family does not like her and will not talk to her because "they are on his side".

The family of one husband who badly beats his wife knows about the abuse but does not do or say anything. Another woman who has also been severely beaten said she tried to get his mother to talk to him but his mother is afraid of him so she refused.
One woman revealed that she was afraid of her husband and his parents. In another case, her partner threatened to kill her and beat her so badly that she had to go to the hospital due to head injuries. His sister and her boyfriend watched and laughed, saying “you deserve it”.

At times, a woman was able to stay with her relatives. However, often an abusive partner would find her and make her return home. Relatives typically do not interfere. One woman, for example, told shelter staff that when they had arguments she would go to her mother’s. He would go to the house and literally drag her back home.

**Police Assistance to Abused Women**

The R.C.M.P. referred a quarter of the women who used the shelter in 1992 (see Table 5 above). The shelter file data show that the police responded to violence against women. In Iqaluit, they frequently transported women, and often their children, to the shelter at all hours. Some women did not want the police involved while others went to the police for assistance. There were 46 cases which recorded that the R.C.M.P. were called to situations of wife abuse. Of the files in which information was recorded on whether or not women wanted the police involved, 27 women (59%) indicated that they wanted the police involved while 19 (41%) said they did not.

It was not always possible to determine from the shelter files who called the police. In some cases, neighbours, witnesses or children contacted the police. In one
case a woman ran to a neighbour’s house who called the R.C.M.P. and in
another the woman’s daughter called the police. Some women contacted the police
themselves. One woman ran to the police station and they brought her children to the
shelter. Another woman called the police who brought her to the hospital and then to
the shelter. These two cases also show that the police provide such assistance as
checking on or getting children for women or bringing women to the hospital. Women
from communities other than Iqaluit are sometimes escorted to the airport by police.

Shelter workers did not hesitate to call the police to get them to bring a woman
to the shelter. One woman who did not want police involvement agreed to let them
come to her house and bring her to the shelter. At other times, the R.C.M.P. called the
shelter to see if they could bring a woman to them.

The police also served as a form of protection for women at the shelter. When
the shelter first opened, some abusive men came to the shelter looking for their
girlfriends/wives. The staff were instructed to not open the door but to call the police.
The police have responded by coming to the shelter and men have now learned that it is
not worth coming around. A staff member of the shelter said in an interview: “as near
as I can figure out, we get just about the best support of any shelter in Canada”. Doors
are kept locked and everyone has to knock or ring the bell to be buzzed in. Women are
thus ensured a safe sanctuary.
There were only 4 negative comments in the shelter files about the actions of the police. In one case, the police did not respond to a call. In another, it took them 1/2 hour to come to the house and by that time, the abuser had left. One woman from a small community said that if she called the R.C.M.P. at night, she only got a recording on an answering machine that they dealt with in the morning. There was one complaint in the files in which a police member picked up both partners outside a bar and took them home. The husband beat her when they got home so their son went to get help from another apartment. The police were called and the same officer told the man to go to another apartment but did not take the woman to the shelter. She left on her own with her son in the middle of the night to seek a safe place.

It was sometimes noted that the police came to the shelter to take statements but at times the women were told to come to the station. There were instances when the police called to inform a woman that her abuser had been charged or detained. Very little information about charges and outcomes was written in the shelter files. There does not seem to be any follow-up provided to the shelter staff once a woman leaves the shelter. Information is only gained upon subsequent visits from the woman. The reporting of abuse and charging of men are discussed in the following chapter on sanctions.
Assistance from Social Services

Every community in the Baffin Region has a social services office which is a potential resource for abused women. Social workers can act as advocates for abused women. They make referrals to safe homes or the shelter for women in Iqaluit. As shown earlier in Table 5, 25 women (19%) were referred to the shelter by social services in 1992. Social workers can grant free airplane tickets from communities to Iqaluit for abused women who require shelter. They can also transport women who wanted to return to their home communities or to relocate.

Social workers are to assist women in obtaining sanctuary, regardless of whether or not the police are involved. As one social worker explained, "we have made it a policy in this particular region that a charge isn’t necessary for social services to provide these services for women".

There were only two complaints in the shelter files about the response of social services. In one case, a social worker in a community told a woman she could not go to the shelter unless she charged her boyfriend which she did not want to do. The second case shows that social workers have discretion in the help that is offered to women. A woman had been to the shelter a number of times and wanted to relocate so she approached social services. They told her she could not go to her first choice, Yellowknife, because it would not solve her problems and would be a culture shock for
her. They finally agreed on another community but apparently the social worker was not very supportive so the shelter staff helped the woman make phone calls and plans.

In the shelter files, the references to social services often involved children. Some women did not take care of their children or were abusive to them. Some women were warned by social services that their children would be apprehended if the abuse continued and some children were taken away. Social services also intervened to bring about charges under the Child Welfare Act. One social worker came to the shelter to talk to a woman about her boyfriend abusing her son and, in the end, she and her son agreed to make statements to the police.

There were numerous problems identified in interviews with arrangements for the delivery of social services. These included the high turn-over of personnel, a lack of adequate training, and a large workload. This often resulted in situations where victims were not provided with the necessary support and services.

One issue that was repeatedly mentioned in interviews was how social workers in Baffin Region communities were overloaded with too many mandates; providing social assistance, supervising probation and parole, preparing pre-sentence reports, responding to child welfare and all cases of family violence, meeting the needs of elders, assisting persons with disabilities, providing family support services, and doing
paperwork. As one nurse said, "their job description is so large it's not even funny". A social worker related her experience with the Department of Social Services:

"One person to do one mandate is understandable. One person to do five mandates, that's crazy. They know that we're getting tired all the time. They know that we get burnt, we get shouted at, we get all kinds of junk from people but they say we don't have any money for another worker."

The problem of over-burdened social workers undermines efforts to confront violence against women in the communities. A nurse stated that the social worker in her community cannot offer anything in the area of spousal abuse "because he just doesn't have the hours in a day".

It seems the majority of social workers' time is spent dealing with social assistance (welfare). This severely limits the time available to provide other services including counselling. One social worker felt that being a welfare worker, in addition to all the other responsibilities, compromised his position: "you can't hold the purse strings and deny people money for food and then expect them to come to you and talk about their problems". He went on to argue that having the responsibility of child welfare, which means the possibility of apprehending children, may also prevent people from coming forward to talk about abuse.

Another issue raised in interviews was training and education in the area of family violence. Some spoke about the need for professionally trained counsellors for
both men and women. An Inuit social worker stated: "I'm not a psychiatrist, I'm not a psychologist. I didn't even finish grade 12 ... it would have to be a person who knows how to talk to that person ... there should be one person aside just for that". The lack of assistance was emphasized in an interview with a woman who had been abused by her husband:

"I'd been to see the social services a couple of times due to my bad marriage. I had just tried to get advice ... I'd go and ask questions, 'how do you make a marriage work?' Those types of things. Last time I went down to see social services and I told them I was fed up. I was crying also, 'I can't take it any more. I just can't take it.' I was so tired that I heard myself crying inside emotionally. I heard myself scream and crying. For sure, I thought I was going to die ... it didn't help at all. I wasn't given any advice."

Yet another issue is that some social workers are from the community they serve and are related to many of those in need of services. One social worker said that "every single one of the families in the community is just about related to me. I have conflicts in that". These conflicts affected the ability to write pre-sentence reports, look after someone placed on probation, and provide counselling. The advantage was that "you know exactly what's going on in the community. Right from the time that they were babies". However, in addition to conflicts of interest, the disadvantages included increased pressure and stress on social workers from factions in the community. There
is also a great disadvantage for abused women when social workers are related to her abuser. Many women simply cannot turn to social services.

Confidentiality is a related issue. Some women who were victims of violence expressed concerns that information provided in confidence would get around the community through informal social networks and be relayed to their abuser. One abused woman said she did not like talking to social services because "they let things out even though they're supposed to be confidential". For this reason, some women preferred to talk to someone who was not from their community. One woman stated: "Since she's from out of town, I feel like she won't tell my story to people ... My experience is that yap yap it goes around, gossip floats around".

Some respondents offered suggestions to deal with the issues of family interrelationships and confidentiality. One possible solution that was suggested by a social worker was to have "a person go into the community who is Inuit but from a different community". A counsellor argued that another solution was to have at least two people in every community trained to do counselling: "This is an era of fiscal restraint but you need somebody from outside and somebody from inside and they both need to be very well trained in all of the issues. And they both need to understand concepts of confidentiality".
Support for Abused Women in Communities

Given the prevalence of violence throughout the Baffin Region and the fact that abused women literally have nowhere to go, there is an obvious need for support and services within each of the communities. An Inuit woman argued that "every community should have victims services ... a woman is given so much pressure to continue being in that relationship and she's looked down at if she leaves ... the woman is all by herself, she has nowhere to turn". Respondents repeatedly spoke of the lack of support for victims of crime. One R.C.M.P. officer simply said "there was nothing for the victims".

The shelter files show that many women were trying to get help and to have a healthy relationship and that they needed support. Many abused women were confused about what to do. One woman told shelter staff that her husband had been abusing her for 14 years and she doesn’t know how to go about getting help. An abused woman at the shelter stated: "I think I need counselling and help. I think I need a lot of support when I go back home and support to see that [-] doesn’t try to hurt me if I don’t want to go back to our relationship”.

There is very limited support available in communities. Some abused women rely on friends or family. In some communities, certain residents offered counselling on an informal basis. For example, one resident said: "My husband and I are usually called to do counselling, sometimes in the middle of the night". 
Many respondents identified the importance of having support groups
within communities. Some communities have established such groups. One adult
educator noted that her "community is finally coming around to realizing that there is a
lot of problems with violence against women, particularly spousal assault, and we've
had counselling groups set up".

Positive comments were made about how helpful groups in communities have
been to the victims of violence. One community resident referred to the importance of
victims finding out that they were not alone and that there were others in the
community who understood. A nurse in another community observed positive results
from women being able to talk about their experiences and share their emotions in a
women’s group.

One community in the Baffin Region established a group specifically for girls
who had been sexually assaulted. According to respondents familiar with this group, it
was very helpful:

"So the girls in the community now have a place to go and at least have
someone to talk to about the problem and what not that was always kept in
before and now it is in an open forum and they know that they are not alone.
That seems to have really helped a lot. The group has helped a lot in a couple
of regards, for the girls themselves for inner healing. ... girls are better
prepared when it comes to court." (R.C.M.P. Member)
"Three of the girls were ready to commit suicide when we started this support group." (Community Resident)

This particular support group, however, no longer exists. One problem was "burn out" for those few individuals involved in providing support. One community resident explained:

"It kind of died. Well, it was dying off towards the last half, I guess. We were really exhausted. And I knew we should have supported each other but we had no energy. Sometimes it used to be crazy ... people seemed to have all these problems and dump them all on you all at the same time."

Often there are only a few individuals involved in providing services and they are unable to respond to all of the needs of the community. A nurse also identified limited human resources as an important issue:

"You also have to look at when something is staffed by a group of volunteers, no matter how committed they are, they get tired after a period of time. And there's not enough people that are volunteering or that have received some training ... there has to be some reprieve for them, where they can go and where they can get rejuvenated. You know, it's one thing on top of another and we just don't have enough resources locally to meet, to combat the problem."
Concerns were raised about individuals and groups who attempted to keep couples together but did not confront the violence. A social worker characterized a view typically held in communities:

"The woman should stay because that’s her husband. It’s not the woman should stay because that’s her husband but you as a husband better smarten up and stop smacking her. It’s that you’re in this relationship and this is where you stay … nobody talks to the husband about getting counselling and changing his ways."

Another issue identified in interviews is that abused women are frequently blamed for their victimization. This is often compounded by the victims’ feelings that they are somehow responsible for the abuse. According to one community resident, there was a belief that "she was bad and she didn’t listen to him so she got the black eye. It’s her fault". A nurse observed that it was common for women to say "I did something wrong. It’s my fault. I deserved it". This was reinforced by a woman who was sexually abused who said: "I blamed myself and I felt dirty".

Case Example: Addressing Abuse in Iqaluit

A project in Iqaluit was established to provide the much needed support for abused women. This was the most extensive initiative undertaken in the Baffin region to provide support for female victims of violence. A large group of individuals working
in various fields, such as social services, the medical profession, justice, and the shelter for women, gathered to develop a strategy for dealing with family violence.

This project attempted to bring people in the community together. One problem has been the lack of communication and case management between currently existing agencies. According to a social services worker:

"One of the most striking things is that it's odd that we aren't working together. ... groups of people who all at some point deal with women who have been abused, have never consulted. They don't do case management on a regular basis."

One of the goals of the group was to develop common procedures so that abused women would be given the same information and would be treated the same way no matter where they went in the community. One social services worker stated that this included saying "that the woman was not to blame, that wife beating was not acceptable, she didn't have to live with one, there are options." Another goal was to ensure that "nobody could fall through the cracks".

Out of this process, a victim’s advocacy group, called Ikajuqtiiit Victim Services, was formed. This three year pilot project began in late 1993. According to a brief written overview of Ikajuqtiiit, it is aimed at: "developing an effective model for victim's advocacy in the Baffin region; providing victims of spousal and sexual
violence with information about and support through the justice system; and
giving counselling and referrals after the assault”.

Five advocates were hired as well as a coordinator/trainer. Referrals to the
program began in December, 1993. Initial responses to the program were very positive,
one member of Ikajuqtiiit noting:

"They say finally they have somewhere to go, someone who can believe them
and someone who can just hear their story and not have to judge them or be
worried about spreading what they've told us. They just like to be heard is the
biggest thing I've seen with them. And having someone to just support them ...
this is one of the most important services that a community needs that they
should really seriously look into it and try and fund it."

The advocates have an on-call system using pagers. This means that someone
was available 24 hours a day. One advocate explained that it is important to have
someone available for victims right away, no matter what time of day or night.

It would be useful to learn from the experiences of Ikajuqtiiit Victim Services
and the interdisciplinary group. One issue that was identified by respondents involved
in providing services to victims is the general lack of follow-up on programs or groups.
Typically, no information is gathered which could be helpful for establishing future
services. One counsellor complained that bureaucrats were only concerned about having
something set-up but are not concerned about the quality of programs. When that
bureaucrat quits their position, "nobody bothers to follow up on the
effectiveness of these groups".

This led to the related concern that groups and programs started by an outsider
often collapse when that individual leaves the community. Respondents repeatedly said
that programs and groups need to "come from the community" and that they require
"more than 1 or 2 individuals". One teacher stated: "I can come in and run wonderful
programs for the time I'm here, but then when I leave the program falls flat on its face,
it's not worth it".

Summary

Interviews, shelter files, and observations revealed that there is little sanctuary
for abused women. One central theme from the data was that abused women have
nowhere to go. Safe houses exist in some communities. However, there are numerous
problems with these that were identified in interviews. Of particular concern was
limited housing, overcrowding, lack of confidentiality, and fear of abusive men. Many
communities did not have a safe refuge for women and it was difficult, and
undesirable, to leave. The isolation of the communities made escape difficult.

The only shelter for women in the region is located in Iqaluit. There were
mixed opinions about the shelter. Some believed that it breaks up families and does not
resolve problems. Others recognized the need for a safe place for women and their
children. Abused women who used the shelter often expressed gratitude that
the shelter was available.

Most women who used the shelter lived in Iqaluit and had children. The average
stay at the shelter was 7 days and almost half of the women stayed for only one day.
The vast majority of women returned to their husbands or boyfriends. The abuse
typically continued.

Most women were referred to the shelter by themselves, the police, or social
services. The police were found to be very active in responding to violence against
women. They transported women and their children to the shelter as well as to the
hospital. They provided protection of the women once they were at the shelter.

Abused women related their experiences with the responses of their relatives.
For most, relatives were unsupportive. Most often they wanted the woman to return to
the abuser but no attempts were made to stop the abuse. Some relatives blamed the
woman for the abuse. Others did not want a woman to talk to others about their
problems. Relatives typically did not interfere to stop the violence.

Within the communities, there was a widely shared perception among those
interviewed that victims of violence received little support or protection. Social workers
are a potential source of support for abused women. They helped women by providing
transportation to the shelter and assisting some women to relocate. However, there
were numerous problems identified with the current delivery of social services. Of
particular concern was the huge workload of social workers which makes it impossible for them to provide adequate services. Other issues included lack of training, high turnover of staff, and conflicts when social workers are related to most people within the community.

Some communities established support groups which were seen as extremely helpful. The most extensive project to meet the needs of victims of violence is a pilot project in Iqaluit. A victim's advocacy group, called Ikajuqtii, was formed in 1993. Five advocates were hired so that someone was available to meet with victims and offer support 24 hours a day.

The shelter files and interview data confirm the importance of having sanctuary for abused women that is available 24 hours a day, seven days a week. Some individuals and agencies do offer support and protection to abused women. Overall, however, there is little sanctuary available for women who are victimized in Baffin region communities.
Chapter Six

“Sanctions”: Police, Court, and Community

Responses to Violence Against Women

Introduction

Sanctions, or methods of social control, refer to the “ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable” (Cohen, 1985:1). Sanctions include community responses such as “expressions of open disdain by his family and neighbors” as well as responses from the criminal justice system such as “court-ordered punishment” (Brown, 1992:14). For the purpose of this dissertation, sanctions refer to the responses of the police, Territorial Court, and community to violence against women. It is argued that certain, immediate, and effective sanctions against wife abuse help create low levels of violence. Inuit women experience high levels of violence and as will be shown, few sanctions currently exist in Inuit communities.

This chapter is divided into three parts. Part I examines police responses to violence against women. Part II summarizes the responses of the Territorial Court to men charged with spousal and sexual assault and how such responses are perceived by community residents, police officers, resource workers, and victims of violence. Part III examines community-based sanctions against violence.
Part I: Police Responses to Violence Against Women

Police can sanction against violence by responding to reported cases and making arrests. After providing general background information on policing in the Baffin region, the findings from interviews and police occurrence files are presented. The reporting of violence against women is a large issue which is examined throughout this section.

Policing Inuit Communities

The Royal Canadian Mounted Police (R.C.M.P.) have been a permanent representative of the Canadian criminal justice system in the Baffin region from the 1920s to the present. Unlike many Aboriginal communities in Canada, each of the thirteen Inuit communities in the Baffin region now has an R.C.M.P. detachment. Most detachments are staffed by one or two members who typically stay in the community for two years. The detachment is open during specific hours but members are on call 24 hours a day.

The vast majority of police members are non-Inuit men from southern Canada. Inuit have been involved in policing Baffin region communities for many years, first as guides and translators, then as Special Constables, and more recently as regular members. However, the R.C.M.P. Force has had difficulty recruiting and retaining Inuit members. This is due to a variety of factors including the difficulties Inuit
constables face when policing their own communities. Inuit constables are also reluctant to leave their home communities, even to police another Baffin region community. One respondent explained in an interview:

"It's a very unpopular career. They don't last long because you're really getting involved in the personal affairs of people that you know, even if you are from another community. You speak the language and you soon come to be very well known here. And the Inuit don't like to be involved in each other's personal affairs. Individuals are responsible for their own lives and their own families and that's the way it should remain. An Inuk police officer is put right into the middle of this and they find it very difficult."

The police have a multi-faceted role in the communities. Living and working in small, isolated communities means that police members do a wide variety of administrative and maintenance tasks. According to one R.C.M.P. member:

"Our mandate is to do just about anything that needs doing in the town and that includes everybody else's job. I've done everything - filling out income tax returns, being involved in funerals, hunting with the elders, fixing the hamlet truck or doing plumbing repairs at the teachers houses. It just goes on and on and on. It's part-time policeman, part-time maintenance man."

Another member stated: "Any policeman who says that he is not a social worker is not a realist because they go hand in hand". One officer relayed his experience of having to
deal with a European who arrived in the community to ride a motorcycle to the North Pole.

Numerous police members talked about the lack of preparation and information for policing Inuit communities. The lack of an orientation course for officers posted to the Baffin region means that each member must determine, often by trial and error, the most effective way to police the community (see Saville, 1997). Most police members, however, spoke very positively about their experiences living and working in the north. Given the small size of the communities, the lack of mobility between the settlements, and the honesty of Inuit, it is generally not difficult for the police to solve offenses brought to their attention.

While some police members were viewed more favourably than others, overall, the relationship between the police and community residents was characterized as very positive. In the words of an Inuit Constable: "I think that most of the Inuit people respect the police very much".

Policing Violence Against Women: Under Reporting

A central finding from the interview data is that the majority of violence against women was not reported to the police. The police were aware of this: "The husband beats them up every night and they put up with it. They don't report it". Another
R.C.M.P. officer confirmed this: "I can count on one hand how many spousal assaults are ever reported to us in a year. They’re here but the women don’t say anything".

The interviews revealed a variety of reasons that violence against women was under reported. The majority of respondents pointed to factors such as family pressures, victim blaming, the lack of support, fear, and the fact that women had nowhere to go. One police officer referred to the lack of support and victim blaming, saying: "victims were told, ‘It’s your fault. You let yourself get raped. You let yourself do this’. And they never got any sympathy from their parents, and they assume they won’t get any from the police as well". Another officer spoke about women blaming themselves for the abuse: "There are women in town that actually feel they deserve it. I’ve had women here tell me, ‘I deserved that. I deserved the beating. I couldn’t go to you’".

One R.C.M.P. officer related a story which indicated that Inuit traditions and cultural practices may have an impact on reporting:

"There was one sexual assault or rape on an older woman by her nephew and another male, which was fairly violent. And then, that one always struck me as kind of strange because it wasn’t reported until a couple of days after. Because the nephew’s father was the oldest brother in the family, the husband of the victim wouldn’t report it to us until he had the okay from his brother. It was a traditional family … he couldn’t report to us because that was his older brother"
and his older brother told him not to report it now. He actually committed

another sexual assault after that."

One community resident added that abuse was not reported because of the Inuit belief
that "it was very important for the family to stay together".

Respondents also talked about the possible financial implications of reporting
and the lack of housing options for women. A respondent noted that most victims have
young children and they may not have a job so their husband "is their meal ticket [and]
they basically have nowhere to go ... That is why they don't report it." Fear among
victims was found to be one of the main reasons why violence was under reported.
Respondents often referred to the intimidation by the abusers. One victim said: "I'm
terrified of him ... I know for sure he's going to kill me. I'm not laying any charges
against him". A police member felt that "all the reaction that I've seen is out of
complete utter fear".

Many women feared that reporting the violence would only makes things worse.
One counsellor related: "she's been beaten almost to death but she knows that if she
makes a statement ... if she says anything, he'll be charged and she'll get it worse. So
she doesn't". Often men who were abusive directly threatened the woman so the
violence was not reported. One woman said that her husband threatened if she told
anybody, "he was going to kill my family and myself".
Reporting Violence Against Women

All police occurrence files for the year 1991 were computerized for every community except Iqaluit. Due to the high number of police files in Iqaluit, a random sample of twenty percent was taken. The information from police files was used to examine the reported cases of spousal assault. During 1991, for all 13 communities, a total of 105 spousal assaults were recorded in the police files. Of the 105 spousal assault cases, 7 listed women as the suspect and the remaining 98 as men. Therefore, 93.3% of the reported spousal assaults in 1991 were allegedly committed by men against their female partners.

Of the 98 spousal assault cases by men against women, 70 (71.4%) were charged while 28 (28.6%) were not charged. This indicates that the police are actively responding with the formal sanction of arrests and charges in the majority of spousal assault cases which come to their attention. The outcomes for the 70 men charged are discussed in the section on court responses.

Table 6 summarizes the reasons given in the files that no charges were laid in 28 spousal assault cases. In the vast majority of cases where charges were not laid (75%), the victim did not want any further police involvement and/or was not cooperative with police. This issue is discussed further when examining the police charging policy below.
Table 6: Reasons for No Charges Laid

<table>
<thead>
<tr>
<th>Reasons for No Charges</th>
<th>Number #</th>
<th>Percent %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim Request / Lack of Cooperation</td>
<td>21</td>
<td>75.0</td>
</tr>
<tr>
<td>More Evidence Required</td>
<td>3</td>
<td>10.7</td>
</tr>
<tr>
<td>Police Discretion: both parties abusive</td>
<td>3</td>
<td>10.7</td>
</tr>
<tr>
<td>Unknown</td>
<td>1</td>
<td>3.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>28</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

The following are summaries of three cases written in the police files which exemplifies "victim request/lack of cooperation":

Witness called to report hearing an assault. Alleged victim said she was not assaulted and was very hostile to the police. Alleged offender also denied an assault. Since there was no cooperation, police did not lay charges.

A woman called to say she was assaulted and her boyfriend was held overnight.

The girlfriend then would not give any information, saying nothing happened.

Police decided to close the case.

Wife refused to cooperate and give information, both parties had been drinking.
There was very little criticism by those interviewed about the police responses to reported offenses against women. The police seemed to take such cases seriously. One R.C.M.P. officer, for example, said that for violent offenses: "I would arrest the offender and keep them in a cell and try and get them out of the community ... I would rather be deemed to be a bit over-reacting at the time than have her hurt or injured badly". Another police member tried to protect women by telling offenders that it was the police not the spouse who laid charges: "If you have a problem with it, the problem is not with your wife, the problem is between you and me".

In the interviews, some respondents talked about the importance of reporting cases of violence to the police. Many abused women, whether they called the police themselves or not, felt that the men should be charged. One victim gave statements to the police, saying that "he's going to keep on doing that if I don't charge him. He knows he's getting away with it". The following Inuit resident also referred to the importance of reporting assaults in order to stop the abuser from re-offending:

"I know five girls who never reported it [sexual assault] and we found out it was the same person who did it to us. So just imagine. If there are five of us, there could be five more out there he did it to ... The sad thing about it is that nobody's reporting it. When we don't report it, that person's still going ahead and doing it again to a lot of other people. Sexual assault is high in our
community and it's high time people started talking about it instead of trying to protect somebody."

In one police file, violence may have been prevented by the sanctioning actions of the police:

*A victim called saying she was afraid he would assault her. Police went to her house and found no evidence of assault. The situation calmed down and police felt that by attending, an incident may have been prevented.*

For those cases that were reported, often it was not the victims who reported it. One R.C.M.P. officer recalled that "in all the sexual assaults that have been reported here, not one of them has come to us directly from the victim". Assaults were usually brought to the attention of police by either social services, the nursing station or sometimes, a concerned friend or relative.

Some women reported the abuse to police. One woman "was grateful that she finally had the courage to charge him ... that's when she started to heal a bit". Some victims were glad that the violence was reported to the police:

*"Someone tried raping me when I was 13 years old and a virgin. He had been doing that to a lot of my girlfriends and a lot of older women and they didn't come forward, they were too scared to say something. I guess they are scared to come up and say, hey he raped me. When I got him arrested and jailed, a lot of*
my girlfrien's and older women came to me and said thank you. I felt really bad that it had to happen to him but I felt good at the same time."

Many victims, however, did not have positive outcomes after reporting. Their abusers typically stayed in the home and women were extremely vulnerable to further abuse. Women also spoke of the pressures they endured from family members after the abuse was reported. One woman shared her experiences after her brother was charged with sexual assault:

"My parents were blaming me for it. They said, 'If he goes to jail, you're going to go out selling carvings. You're going to go out selling carvings with your baby on your back and you're going to try and work at the same time. Is that going to be fun? Is it right to call the cops on your brother? He helps the family out.' ... How can you call the cops on him?' I said, 'I didn't. Somebody else did.' And they said, 'Why did you talk to people?'"

In some cases, women did not want charges laid but did want the police to intervene, particularly to remove the abuser from the home. For example, one police file noted that a husband hit and pushed his wife. She refused to press charges saying she only wanted her husband spoken to. R.C.M.P. sometimes expressed frustration that victims did not want to follow through with charges. One officer said that after police were called and the initial action is over, "the next day they don't want anything else done about it and two days later it starts over".
Other officers found that women may give statements but often wanted to have the charges withdrawn before the Territorial Court arrived. A justice system official was concerned about "the phenomena of these women at the Crown’s office begging the charges be dropped, it’s kind of sad".

Police were often frustrated with cases of violence against women. Most often, this frustration was directed at the outcomes of the Territorial Court. According to one counsellor, there are a lot of frustrated police who would say: "We try our damnedest to gather the evidence, we want to support the women or the victims of this violence, and then they get to the court system and the guy gets six months probation and community work."

The decision of whether or not to report violence to the police is influenced by the outcomes of court. This was confirmed by one victim whose husband was charged but "got off". After the case was dismissed, she said: "Forget about the cops. They’re not going to do anything … I had a big, bruised face and a broken nose at the time". One R.C.M.P. officer explained: "They phone the cops and the cops come around and the people get charged and nothing happens and she has learned her lesson. She is not going to report it any more." The responses of the circuit court are discussed in a later section.
Increased Reporting due to Education

More cases of violence against women, including sexual assaults, are now being reported to the R.C.M.P. than in the past. Many believed that the increase in the number of reported cases is due to education and an increased awareness of violence against women. Sometimes the R.C.M.P. felt that they themselves had to do some of that educating:

"With spousal assaults, the husbands felt that 'it's my wife, and if I want to discipline her, I'll discipline her' … So those things you had to explain to them, that it's an offense and you can't do it. You had to do a lot of explaining."

Part of the challenge for communities has been to fully understand violence and to name the abuse. One R.C.M.P. officer cautioned that it was important to be aware of language differences. He referred to rape, saying "the term that they used was 'going with'. Because they lacked the term, the actual term. Sometimes, you had to listen rather closely … to get the true meaning of what was being told".

The following scenario related by an R.C.M.P. member reveals the lack of understanding of sexual assault. It also reinforces the point that R.C.M.P. members often took such assaults very seriously:

"This was a very sober girl who gets invited in and [-] jumps her bones and she gets up, dusts herself off, and goes on her way and I get word of it three or four days later. I said, 'I hear that so and so raped you. Were you raped down there
on Saturday at the co-op after work like I'm hearing?' 'Well, I don't know.'

'What do you mean you don't know. Either you were or you weren't' sort of thing. 'Well, yes, he had sex with me.' 'Did you want sex?' 'No, but it's no big deal.' I'm trying to relate to this. I finally asked if she wanted to complain about it. She said, 'Well I don't think he should have done it but nah.'

I hauled him up and said, 'Look, have you been doing this regularly? Because it's against the law. You can get into a lot of trouble doing that sort of thing.'

'Well, she's my old girlfriend and I just wanted sex and she didn't seem to mind too much.' I'd say, 'Look, you don't do that again because if I get another complaint like that, it doesn't matter what happened, I'm going to go ahead with a sexual assault charge against you.'"

Many respondents credit the work of women's groups for raising awareness. One R.C.M.P. officer found that after groups or seminars are held in communities, "you see the active complaints of sexual assaults rise". Another R.C.M.P. officer said that in his community, "they're not at the point yet where they will come to the police and want any action done. But it's coming ... It will just be a matter of education".

The Charging Policy in Cases of Spousal Assault

There was some discussion in the interviews about the national policy which directs police to lay charges if there is evidence of spousal assault. An R.C.M.P.
officer explained that the policy on spousal assaults means that police no longer have discretion. That is, if there is enough proof, charges will automatically be laid and "her wishes will no longer be taken into consideration".

Many community residents, including abused women, did not seem to be aware that such a policy existed. This was consistent with the finding that many community residents did not understand the judicial process. For example, a police file noted that a woman called the police detachment to ask what would happen if charges were laid against her husband. Another woman asked the police if her common-law would go to jail for assaulting her if charges were laid. The shelter files, police files, and interviews confirm that much more education is required about the criminal justice system.

Those who discussed the police charging policy had mixed opinions. Some respondents made positive comments. One counsellor felt the policy has improved the response of the police to spousal assault cases and has taken some pressure off victims because they no longer either lay or withdraw charges. Women can now "turn around and say 'I didn’t lay the charge. The R.C.M.P. did’. So it takes a lot off the women'.

An adult educator felt the policy was necessary because of the transiency of the police. If the police were part of the community and they knew the abuse that was occurring, they could use some discretion for minor incidents. Currently, however, police do not know if there were other calls to that house and whether the problem is escalating.
One R.C.M.P. officer said that the policy was important:

"It’s time that people are made aware of what’s going on, otherwise, if you don’t take a hard line towards it, nothing’s going to change. The abuse is going to continue and these offenders are just going to be on their merry way ... it brings it to the attention of the public and that’s partially what the court system is all about in the first place."

The police seem to be taking the charging policy seriously although they still use discretion. The police files show that of the 98 reported spousal assault cases, 28 (28.6%) were not charged (Table 6 above). The reason for not charging was typically the lack of cooperation from victims and witnesses which made it difficult for police to gather evidence and proceed with charges. This contributed to the frustration of police in such cases. It appears that police used their discretion to make an appropriate choice in most cases given the lack cooperation, lack of evidence, and unlikelihood of charges proceeding to court.

According to police files, however, there were 4 cases where the victim refused to cooperate and no charges were laid but there was clearly evidence of an assault:

_Husband beat wife and she went to the nursing station. The nurse reported assault to police. Victim did not want charges laid, despite being asked by police, social services, and the nurse. Police decided she would not be a good witness so no charges laid._
Victim totally refused to cooperate with the police. She was punched and had to go to the nursing station for what appeared to be a broken nose.

Victim ran out of the house with a little blood around her mouth. She refused to cooperate. Police did not lay charges.

Husband and wife were drunk and had an argument. Wife had fresh bruises but she refused to cooperate with the police so no charges laid.

According to the national charging policy, charges should be laid in such cases regardless of victim’s wishes. Deciding not to lay charges with evidence of an assault seemed to have occurred in a minority of cases for there were many cases where the victim was uncooperative or did not want charges but police made arrests nonetheless.

A police member described one case in a letter sent to the Department of Justice in Iqaluit in which the victim said she does not remember the assault and told the four witnesses not to talk to the police. Three of the witnesses said they did not want to be involved and the fourth said she did not want to be the only one to testify in court.

Police said they will subpoena all witnesses, noting that “it is a common practice here for witnesses not wanting to be involved”.

209
It also appears police utilize discretion in spousal assault cases when there was evidence of both parties being abusive. In a strict application of a pro-arrest policy, both would be charged with assault and brought to court. Feminists and front-line workers have begun to question this unforeseen consequence of the policy for they fear abused women will inappropriately be charged, particularly if they act in self-defense.

It seems that the police in the Baffin region have not been charging both parties in such cases. There were only 3 such cases found in the police files:

*There was an argument between a husband and a wife where she hit him in the face first and then he slapped her in the stomach. The officer wrote both up as offenders in a file but did not charge either one. He wrote that “no charges laid as husband has no history of assaults and as slap was minor.”*

*Husband and wife got in an argument at a party and she started hitting him and then he hits her. No injuries. No charges laid because the police “cannot decide who is the victim and who is the offender and because of intoxicated state of suspects”.*

*Wife kicked husband and then he punched her, no injuries. Police felt this was a “family matter” and told them to work it out.*
There is indication that some police members, while not always pressing charges, were still proactive in conveying violence is wrong. This is illustrated by the following police file:

_The wife said that she started it by throwing the remote control at her husband and it hit him in the face. He slapped her in the face. She felt she provoked him._

_She refused to give a written statement so no charges laid. The police member said he advised the husband “that a man should not hit a woman regardless of circumstances.”._

Some respondents were cautious about the policy. One community resident pointed out that the victim "has to live here, if it’s their uncle, they have to live with the consequences of that uncle. They may prefer to charge, they may prefer to just have it publicly known. There’s no one right way but they should know their choices". A counselor at the shelter said that women may remain silent if they know men are automatically charged:

_"If she says anything, he’ll be charged and she’ll get it worse. Usually nine out of ten go back. And when they go back, they have to face that. That the charges are there. And it’s a lot easier for them just to go back without any charges so they can try to go on with their lives. But we encourage them to make a statement. This guy has to be punished for what he does”._
Resource workers, particularly those who have worked with abused women, said that a charging policy in itself was insufficient and that additional support and protection for abused women are required. A social services worker warned that women may be put in great danger when charges are laid given the lack of protection for women within their communities. Therefore, it is critical, as articulated by a service provider, to "make sure there was a proper safety net in the community and services available to ensure this woman's safety".

The question of whether a pro-arrest policy is appropriate for small, northern communities requires further research. Overall, this research points to the need to consider all the factors involved in violence against women in northern communities. The police are only one component of the justice system. Their actions cannot be considered separately from the actions of all other components and the communities in which they police.

Part II: Sanctions of the Territorial Court

The court can sanction against violence by sentencing abusers. A brief description of the Territorial Court in the Baffin Region is followed by perceptions of the court by community residents, police, resource workers, and victims of violence. The court sanctions for cases of spousal assault are summarized based on data from the
police occurrence files for 1991. Specific issues of lenient sentencing, case delay, and jury trials are raised.

The Territorial Circuit Court in the Baffin Region

While police officers live in the Baffin Region communities to which they are posted, judicial services are provided by the circuit court. Circuit courts were introduced to the Northwest Territories (N.W.T.) during the 1950s. In the words of Mr. Justice Jack H. Sissons, the first judge of the Territorial Court: "Justice shall be taken to every man's door" (Sissons, 1968:76). Comprised of a judge, court clerk, court reporter, defense lawyer, Crown counsel, and often, a legal interpreter, the circuit court travels to communities by plane. Many communities in the Baffin Region are served only once every three months or less frequently if there are no cases to be heard or if weather prevents a scheduled visit. The circuit court used to travel from Yellowknife but as of 1987, a court was established in Iqaluit. One resident Territorial Court judge lives in Iqaluit and presides over the Baffin Region.

Circuit court hearings are conducted in community halls or schools. Like the police, judicial decisions are highly visible and have a potentially high impact given the small size of the communities and the interrelationships among residents.
The circuit court is a foreign institution to Inuit of the Baffin Region. Generally speaking, there are differences between those who deliver justice services and those who are the recipients of justice. Persons involved in the delivery of justice services:

- are generally non-Inuit who were educated in the 'southern', urban areas of Canada;
- often reside in one of the regional centres in the N.W.T.;
- often do not speak Inuktitut;
- may have little understanding of Inuit culture and traditions or the communities which they visit on a periodic basis;
- are not required to complete a cultural awareness course.

In contrast, those persons who are processed by the justice system or who observe the administration of justice, both as victims of crime and community residents:

- are predominately Inuit;
- may speak English as a second language or not at all;
- may not understand the adversarial nature or the legal concepts of Western-style justice;
- often do not understand the roles of the different members of circuit court parties which visit their communities.
Judges, as in the rest of Canada, may impose a variety of incarcerative and non-incarcerative dispositions such as jail terms, probation, fines, restitution, and community service. There are three correctional centres for male offenders in the N.W.T. which are located in Yellowknife, Hay River, and Iqaluit. The Yellowknife Correctional Centre opened in 1967 and is a multi-level institution which holds minimum, medium, and maximum security inmates as well as maximum security accused who have been remanded into custody to await trial. The South MacKenzie Correctional Centre in Hay River opened in 1973 and is a minimum-security institution.

The only correctional institution for adult male offenders in the Baffin Region is the Baffin Correctional Centre (BCC) located in Iqaluit. The Inuktitut name for the facility, Ikajuratuvik, means “a place to get help”. The facility opened in 1974 and houses approximately 50 inmates. It is a multi-level facility in terms of security and program levels. BCC is the only correctional facility in the world where inmates may regularly handle firearms. Under its Land Program, inmates go hunting on the land under the supervision of an Inuit staff member. Community service projects are also carried out, including spring clean-up, construction of coffins, digging of graves, and assisting organizations.

Except in dispositions involving intermittent sentences or extremely short sentences where offenders serve their time in the local R.C.M.P. cells, incarceration
involves sending offenders out of their communities. Adult offenders from the Baffin Region who receive a sentence or sentences totalling up to two years less a day are sent to BCC in Iqaluit.

Community corrections is also the responsibility of the Territorial Department of Justice. In the communities, social workers are also probation officers so they oversee non-incarcerative sentences.

**General Perceptions of the Circuit Court**

The interviews revealed a widespread dissatisfaction with the Territorial Court in the Baffin region. Inuit and non-Inuit shared many common concerns about the Territorial Court and the effectiveness of its sentencing practices. The criticisms most commonly directed toward the circuit court are: case delay; sentencing, particularly with respect to the lack of deterrence; overuse and misuse of probation; difficulties that Inuit have in understanding court procedures and principles; and lack of knowledge and understanding members of the judiciary have about the Inuit communities, the victim, and offender. These are illustrated by the following four respondents:

"Since the court party is not from the community, they don’t have feelings for the victim or the offender. These people don’t know the situation and the factors that were involved ... From my experience, none of the members in the court
party ever really knows what it’s like in the different communities." (Inuit resident)

"To me, I find them useless. I am an Inuk and they are all Qallunaat. Yes, they deal with some people that have been charged with offenses and they hold court. But those that go to jail never learn from their mistakes. They are sent away to jail, but it does not deter them from repeating offenses once they are back."

(Inuit Elder)

"This mumbo jumbo ceremony really has no meaning for people here. They fly away. They take a few people with them who magically reappear six months or a year later. It’s like justice from another planet." (Social Worker)

"The general opinion around town is that the court system sucks." (Housing Manager)

The interview data suggest that, even in the 1990s, the court remains a foreign entity to many Inuit which is unconnected to community life. Asked whether
community residents understood what went on in the court, the Territorial Court judge responded:

"Whether they understand the process or not I think is a good question but I can't tell you whether the communities understand it or not. I do my best to keep the procedures that we carry out simple and do what I can to explain them".

The hurried schedule of the circuit court was also identified as hindering its effectiveness. One P.C.M.P member recalled:

"The justice system is a joke in the community. Here you have 5-7 people flying in the morning at 9 o'clock on a chartered plane. They get a ride down to the local gymnasium. They'd administer justice in a foreign language and leave at 3:00 in the afternoon thinking that they'd done great and wonderful things for the community. And when they left, everybody would say 'What was that all about?'".

Many respondents expressed concern that the court required Inuit to behave in non-traditional or non-Inuit ways. Inuit are extremely honest and non-confrontational. Many were uncomfortable with an adversarial approach and some questioned such things as a defense lawyer's insistence of pleading "not guilty" when someone is in fact guilty. Inuit appear to have difficulty using the public forum of the Territorial Court for the resolution of conflicts. A female Inuit resident observed: "The court system is not the way of Inuit life and it is hard for them. It's very difficult for the
people to go into the court. Things like sexual assault are difficult to talk about in a court”. This view was shared by another Inuit resident who stated that “I am scared to go to the court because they may not believe me. They will ask you lots of questions”.

Language remains a major barrier. For example, there are many legal concepts and terms such as guilt, which either have no Inuktitut counterpart or do not translate easily. Many respondents felt that court translators and interpreters were only partially successful in bridging the informational and cultural gap between the court and the community. An Inuit elder provided an example of the difficulties of court interpreters:

"The court interpreter has a really tough job because it’s up to him to try to be accurate about what the person is saying. He has to try and say exactly what the person said in order to interpret it. It’s really hard to do that without changing the story a little bit”.

A Territorial Court judge found that “language is a great barrier for me dealing with people in the communities … I’m a white person looking in on Native communities that I’m not sure that I understand that well … I’m a stranger looking in on another culture.”

Case Delay

Concerns were expressed over the length and impact of case delay in the Baffin Region. There were a variety of reasons why case delay occurs: 1) the infrequent visits
of the court to the communities, which may be extended due to weather or other unforeseen contingencies; 2) plea bargaining and other delaying tactics by defense lawyers; and 3) the difficulties in getting witnesses to testify in court.

Traditionally, Inuit resolved cases either at the time of the incident or shortly thereafter. This not only addressed the specific problem but also facilitated the return of harmony to the camp. Many respondents noted the negative consequences on the community when cases were delayed. An assistant hamlet manager felt that conflicts were best dealt with immediately, noting that delays caused tensions between the offender and victim and between the families involved. The best approach, according to this respondent was "to deal with it right away the best you can and get it over and start again".

Case delay is often a source of stress and anger for offenders. A hamlet council member described the effect on offenders:

"The person who has committed the crime waits 6 months to take the stand in the trial. He's just going around with nothing in his mind, wondering 'I've been charged. What am I going to do?' And they end up doing more damage. We should have our own court system so we can deal with the cases a lot faster and more efficiently and more economically".
Case delay also reduces the likelihood that the sanctions imposed by the Territorial Court will have any deterrent effect on the offender, as argued by an Inuit adult educator:

"If somebody's committed a bad crime, they should be punished for it. And if that punishment isn't there right away and if it is not meaningful for them, and they are not going to learn anything from it, then they are going to repeat the same thing over again. Right now, there is too long a time between the time the person committed the crime and when they go to court."

Case delay was perceived to have particularly negative consequences for women who have been abused. A staff member of the shelter explained that by the time the case gets to court, "she's usually back with him. He's making her life a living hell for having to testify against him. He's threatening her, 'you better not say this or that'. By the time it gets there, she just wants it all over with. She says 'I don't remember' which is a lie. And he usually doesn't get very much. And they don't really understand the court procedures".

A resource worker with experience assisting battered women stated:

"The answer is for justice to happen quickly. Often by the time they have come to court, there have been three or four more assaults. Whenever they say one of these victims is confused, well, if she has been beaten up three times since [the original incident] then how can she possibly remember exactly which one it was
anymore? Don’t tell me the witness is confused. Of course she’s confused. She’s been beaten every two weeks for a year”.

This individual added: “I’m a big proponent of some kind of a family court, a JP type tribunal court that would see these things within a week they happened … one of the biggest problems, especially with the serious ones, is it can take two years to get to a real trial”.

Once offenders are charged, there are delays in resolving cases and victims are typically left with their abusers with no protection or support. As the above quotes reveal, women are vulnerable to further abuse and threats. This decreases the likelihood that women will testify in court. Women may have to relocate or seek refuge in the only women’s shelter in the region in Iqaluit, often far from extended family and friends. A staff member at the shelter recalled women staying at the shelter because it was not safe for them to remain in their home during the long delays leading up to trial.

Court Sanctions for Spousal Assaults

It was not possible to analyze court files for the present study. Nor were data gathered which would facilitate a comparison of the sentencing practices of the circuit court in the Baffin Region with other court circuits in the Northwest Territories or in
other jurisdictions. However, an analysis of the R.C.M.P. operational file data provides insight into the sentencing of spousal assault cases in the Baffin Region.

Across the Baffin Region communities, there were 105 cases of spousal assault reported and recorded by the police in 1991. This represents all reported spousal assault cases for every community except Iqaluit. Due to the high number of police files in Iqaluit, a random sample of twenty percent was taken.

Out of the 105 reported cases, 70 men were charged and brought before the court. Table 7 summarizes the primary charge that was laid. In the vast majority of cases (82.9%), the offender was charged with assault. Of the remaining 12 charges, 8 (11.4%) were assault causing bodily harm, 3 (4.3%) were assault with a weapon, and 1 (1.4%) was breach of probation.

Table 7: Charges Laid in Cases of Spousal Abuse

<table>
<thead>
<tr>
<th>Charges</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td>58</td>
<td>82.9</td>
</tr>
<tr>
<td>Assault Causing Bodily Harm</td>
<td>8</td>
<td>11.4</td>
</tr>
<tr>
<td>Assault with a Weapon</td>
<td>3</td>
<td>4.3</td>
</tr>
<tr>
<td>Breach of Probation</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>100</td>
</tr>
</tbody>
</table>
Of the 70 men charged, 28 of them had more than one charge. Second charges included a second count of assault (10 cases), assaulting a peace officer (1 case), breach of probation (7 cases), breach of recognizance (1 case), breach of undertaking (2 cases), resisting arrest (1 case), obstructing justice (1 case), break and enter with intent (1 case), pointing a firearm (1 case), willful damage (1 case), uttering death threats (1 case), and mischief (1 case).

Figure 4 presents the adjudication of spousal assault cases that came before court. Out of the 70 charges, 59 (84.3%) resulted in conviction. The remaining 11

Figure 4

<table>
<thead>
<tr>
<th>Adjudication of Spousal Assault Charges, Baffin Region, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conviction 85%</td>
</tr>
<tr>
<td>Withdrawn 6%</td>
</tr>
<tr>
<td>Stayed 6%</td>
</tr>
<tr>
<td>Dismissed 1%</td>
</tr>
<tr>
<td>Held Over 1%</td>
</tr>
<tr>
<td>Unknown 1%</td>
</tr>
</tbody>
</table>
charges were either stayed (4 or 5.7%), withdrawn (4 or 5.7%), dismissed (1 or 1.4%), held over (1 or 1.4%), or unknown (1 or 1.4%). Of those cases in which the plea of the offender was known, 47 (67%) plead guilty and 14 (20%) not guilty.

Figure 5 shows the percentage of the types of sentences given by the court in the 59 convictions for spousal assault in the Baffin Region in 1991. In about one-half of the cases (30 or 50.8%), offenders convicted of spousal assault received probation (excluding probation along with a jail term). A quarter of offenders convicted of spousal assault (16 or 27.1%) were fined for their offense and less than a fifth (11 or 18.6%) were required to do community service work.¹ The fines ranged from $100 to $850.

Out of the 59 convictions, 24 (40.7%) resulted in a sentence of incarceration. There was a great deal of variation across the lengths of prison sentences. The shortest sentence was for 3 days in the local R.C.M.P. lock-up while the longest sentence was for 15 months in the Baffin Correctional Centre. The average sentence was 95.5 days or approximately 3 months.

¹ As it is possible for a convicted offender to receive more than one type of sentence, the percentages of the sentences do not add up to 100%.
Sentencing of Spousal Assault Convictions,
Baffin Region, 1991
Table 8 provides a more detailed breakdown of the sentences given in the 59 convictions for spousal assault.

Table 8: All Sentences for Spousal Assault Convictions

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incarceration</td>
<td>16</td>
<td>27.1</td>
</tr>
<tr>
<td>Incarceration + Probation</td>
<td>7</td>
<td>11.9</td>
</tr>
<tr>
<td>Incarceration + Probation + Fine</td>
<td>1</td>
<td>1.7</td>
</tr>
<tr>
<td>Probation</td>
<td>11</td>
<td>18.6</td>
</tr>
<tr>
<td>Probation + Community Service Work</td>
<td>9</td>
<td>15.2</td>
</tr>
<tr>
<td>Probation + Fine</td>
<td>8</td>
<td>13.6</td>
</tr>
<tr>
<td>Probation + Comm.Ser. + Fine</td>
<td>2</td>
<td>3.4</td>
</tr>
<tr>
<td>Fine</td>
<td>5</td>
<td>8.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>59</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Overall, the majority of spousal abusers reported to the police were charged with assault. The court convicted 85% of those charged. Most offenders received probation and/or a fine and community service, so remained in the community with their victims. A large percentage (40%) of convicted offenders, however, did have to serve some time in jail. Looking at all reported spousal assaults, only 24 out of 105 suspects (22.9%) received a sentence of incarceration. To put it another way, if a spousal assault was reported to the police, there was about a one-in-four likelihood that the offender would be sentenced to spend time in the local R.C.M.P. lock-up or in a correctional facility. Those who "did time" for spousal assault were sentenced on
average to three months in jail. The likelihood that a spousal assault suspect would not receive a prison sentence or would spend relatively little time out of the community away from the victim provides some validation for the perception that the criminal justice system does not impose serious sanctions.

Perceptions of Court Sanctions for Violence Against Women

Judges must balance the interests of the victim, the rights of the offender, the desires of the community, and the requirements of the Criminal Code. This is particularly difficult in cases involving women who have been the victims of spousal or sexual assault. Overall, there was widespread dissatisfaction among both Inuit and non-Inuit respondents about the court’s response to cases of violence against women in the Baffin region.

It is important to note that community-wide surveys of residents in the thirteen communities were not conducted and, therefore, the following materials cannot be taken as indicative of what all residents in a community feel about the Territorial Court and its sentencing practices. The views of community residents as to whether the sentence in a particular case was too harsh or too lenient may depend on who the offender is and who was victimized. In the words of one resident: "It depends on who you speak to. A large part of it has to do with who the person is related to. And some
people are going to say, 'Yes, he deserved that.' Others are going to say, 'No, he didn’t’.

Regardless of the specific viewpoints surrounding any one case, there were widespread and severe criticisms by both Inuit and non-Inuit interviewed for this study of the sentencing practices of the circuit court in cases involving spousal and sexual assault committed against women. The sentencing practices of the Territorial Court were characterized as "ridiculous", "a slap on the wrist", and "ludicrous". An Inuit female expressed concerns about what she perceived to be lenient sentences:

"They don’t get heavy sentences. I don’t understand why. I think everybody should be treated equally because some people get raped and then that person gets probation or community service hours. I think they should be removed."

This concern was echoed by another Inuit community resident:

"I’m going to keep coming back to the sexual assault cases. The court system is so lenient about giving sentences and there doesn’t seem to be equal justice. A lot of times, offenders get probation or a month or two months in BCC. For the number of months or years that the victim suffered, it’s not justified".

Anger, at times outrage, was expressed in some interviews about the sentences given in cases of spousal assault. A counsellor stated: “I think that for them just to get weekends for beating the shit out of their wife, that just saying ‘well, spending the
weekends in jail, that’s okay. It’s like a holiday. I can go out and do it again, nothing’s going to happen”.

A justice worker offered the following two case examples as illustrations of the types of sentencing decisions made by the Territorial Court in the Baffin region:

"A man [was] charged with aggravated assault upon his wife. Fifth count of spousal assault. Of his previous counts, two were aggravated and two were common. He had served jail time before. He got 90 days intermittent. He was sentenced two weeks before Christmas. His wife and all of their younger children under the age of 16 were in a shelter in Yellowknife trying to do something. He had literally bit off her upper lip in assaulting her. Because it was Christmas, the execution of his sentence was delayed until the 7th of January so he could be with his family over Christmas. And his wife and kids are in a shelter in Yellowknife. Now, you tell me what message that gives. It’s disgusting."

"A man took his wife’s dog and beat the dog to death in front of her and then beat her. He was given two months custody for assaulting his wife and he was given four months custody for beating the dog to death."
A staff member of the shelter argued that the sentences imposed by the court were inappropriate and offered her perception of how the court determines sanctions:

"Seven days for seven stitches".

Some respondents felt that offenders committing property offenses received more severe sentences than those who abused women. A counsellor at the shelter said:

"Let's just say property means more than human injuries or life. If you break into a house you'll probably get more than you would if you beat up your wife". This staff member further commented:

"The sentencing stinks. We can work with this woman for months and her boyfriend will go to jail. He might get weekends, he might get a fine, he might get probation and here she is maybe with broken bones, stitches in her head or her body, her kids are out of school because she's in here [shelter] and she's afraid if she sends the kids to school, he'll grab them and she'll have to go back home. Sometimes I want to bring her [the judge] up here and say, 'look at this. Look at it'... But she doesn't seem to see it that way. The guy just gets out of jail and goes and does it again".

The overwhelming majority of police members interviewed expressed exasperation with the circuit court. One member stated, "I can't recall a sentence in any instance that would have struck me as being fully appropriate". Members often
expressed frustration at the failure of the circuit court to respond severely to repeat offenders, one officer stating:

"Slaps on the wrist … Even in very serious cases like sexual assaults, the sentencing is light. Even though the person may go to jail, they are very lenient here and they are lenient to the same people time after time after time."

A widely held view among the police who were interviewed was that the courts must impose sentences which hold offenders accountable for their behaviour. The dispositions imposed by the courts were not only viewed by police members as overly lenient with little or no specific deterrent value but also with no general deterrence. This often results in the police enforcing one standard of accountability in the community and the court setting another standard. While the police and the courts have specifically defined roles in the criminal justice system, in remote communities which have a different cultural foundation this situation can result in "mixed messages" being sent to the offender, the victim and the community. The result was often confusion.

One member used incest to illustrate this point:

"On the one hand, you are trying to sensitize the community to the fact that incest is against the law. And then the circuit court judge and his magical mystery tour come over and dad gets two months on probation. So the daughter who has finally come out of the closet says, 'I thought I was confused before, but now I’m really confused.' And the community is saying, 'The Mounties are
sending me one message and the court system is sending another. What are we supposed to do here? There wasn’t any consistency in the approach.”

Police members would often recount specific cases which left them very frustrated with the decisions of the court. For example, one R.C.M.P. member had spoken out in court and was reprimanded by the judge:

"There was a case where three guys raped a 13 year old girl. The judge let these guys go. I jumped up and said, 'Before you release these men, please consider the offenses for which they are charged.' And the judge said, 'Sit down, Constable, or I will hold you in contempt of court.' He released them.

It was crazy and very frustrating."

The frustration with the circuit court is also reflected in the recollections of this police member:

"We got called as she was being dragged out of her house at knife-point. We went to his place and they weren’t there, so we went searching for them. We finally went back to his place and he had her at knife point and making her take her clothes off. He sees us coming and comes at us wielding a knife. Then he saw both of us there and realized his chances weren’t too good, so he dropped the knife and we arrested him. He was charged with forcible confinement, sexual assault and dangerous weapons. He had previous convictions for drugs
and B&E's. He got four weeks confinement at BCC. That just blew me away. I wrote a letter trying to get them to appeal but the prosecutor wasn't interested."

Respondents questioned why Crown counsel rarely appealed sentences of the Territorial Court, particularly those perceived to be grossly inadequate for serious, violent crimes against women. A justice worker felt that "the attitude of the judge is 'unless I'm appealed, what I'm doing is great'".

One Crown counsel was "a bit surprised" about the sentencing, noting that it seemed to fall below what was happening in other parts of the country. This attorney felt that there should be more consideration given to incarceration to protect the victim and in an attempt to provide some deterrence. However, with respect to appeals, one Crown counsel replied:

"We sort of have to pick and choose our appeals very, very carefully. Based on whether we perceive it to be such a gross error in principle that the court would be bound to overturn it. And, quite frankly, as well in terms of the resources that we have. When I say resources, I mean in terms of resources in the Crown's office to carry out the appeals, to do the paperwork. I hate to say it but it is a problem, it is a concern with the volume of stuff that goes through the office".

Crown counsel were also criticized for the limited time spent preparing cases in the community. One Inuit Senior Administrative Officer complained that Crown counsel never gets to know the people and that language barriers often prevented the
Crown from speaking with victims and witnesses. A social worker stated: "With the
Crown, I feel they’re not talking to the victims. They’re just going by the police record
... they should have more contact with the victim".

Several respondents suggested that the Crown, defense and the Territorial Court
judge may not be aware of the power relationships which exist in individual
communities, family interrelationships, or the extent to which women are vulnerable to
victimization. It seems that members of the Territorial Court party are generally
unaware of the impact of sentences upon the victim. One police member stated that
"the problem with the judge is that she doesn’t have to live here".

Many respondents expressed concern that offenders often do not comprehend or
acknowledge the severity of the offenses which they have committed. A Justice of the
Peace in one community stated: "The spousal assault cases are the ones that bother me
the most. The last case I had before me, the guy said, 'I only punched her three
times'". The shelter files had some references to women who had tried talking to their
boyfriends/husbands. One woman tried to get her abusive partner to go for counseling
which he refused to do. When another woman confronted her boyfriend about his
actions, he said there is nothing abnormal about the way he is.

A counsellor at the shelter found that men, even those who are convicted and
sent to jail, do not take responsibility nor show remorse: "there’s a lot of attitudes,
'Oh, I’m in for a couple weeks. I’ll be out soon. Good parties coming up. It’s winter

235
so at least I’ll be out in the summer’. Instead of saying, ‘I wish I never did that. I
wouldn’t be in here right now’. You never hear them say that. Like, ‘I’m sorry I did
that. I wish I never did it’”.

Defense lawyers were seen as hindering the process by which offenders would
assume responsibility for their behaviour. This view is reflected in the comments of an
Inuit educator:

"The defense lawyers try to make the defendant look really good. Too good
sometimes. When they make the defendant or the accused look good, it makes
me think, 'Well, what about the act that he did or what about what he has
done?' Sometimes it would be better if there were no defense lawyers. If he had
no one acting for him, making him look good, he would come to his senses and
hopefully change for the better."

Little faith was expressed in the ability of the justice system to sanction the
offender or protect the victim. An Inuit senior administrative officer said: "The justice
system doesn’t protect anybody from anything. If you are a woman or a child in the
system, forget about it. They’re just going to wreak havoc with you. The sentences that
the court hands out are just ludicrous". He added that "the present system is unfair to
the victim".
There was a widely held view that the circuit court is not effective in deterring offenders from re-offending. A staff member of the shelter noted that even those women who make an attempt to escape from their abuser are often unsuccessful:

"She tried everything. She relocated. She moved from one place to another and he followed her. As soon as he got out of jail, he went back and it started again. I'm really angry at a system that couldn't do any more for somebody like that because she did use the system. She did not sit there and let it happen. She used everything that was possible to use. It really bothers me that the system cannot protect women like that. It bothers all of us"

Many 'Inuit women have little faith in the justice system to either protect them or to intervene with the offender to reduce the likelihood of the abuse continuing. A counsellor referred to a woman who was reluctant to press charges against her husband for a long time. She finally turned to the criminal justice system but has not received any protection and her husband continues to beat her:

"He only gets very short sentences, then he gets out right away. And when he's out, he beats her up badly and then she would charge him again and then he would still get very short sentences. Even a couple of months at a time is not enough because her life is always in danger. And whenever he is in jail, she's more relaxed. Much more relaxed. And when he's out, she gets all nervous and comes back here [shelter] with a cut on her forehead or bruises all over. Poor
woman. I feel so sorry for her, especially when we hear that he’s going to get only certain time and that he’ll be out in a month or so. That’s the part I don’t like. I think the court should get tougher on those kind of men, violent men”.

An abused woman related her experience with the criminal justice system. The second time her husband was charged with assault, he was sentenced to three months in the Baffin Correctional Centre in Iqaluit:

"I was terrified. I was scared because I knew when he came back home we’d start all over again, maybe even worse now that he’s been in the Correctional Centre. I was all by myself … [I would have liked a sentence of] about six to eight months. That would have given me time to pack and go. Because I can’t stay in one community with him. Then he’d look for me in the houses and find me wherever I am”.

When he was in jail, “he was bored but things sounded good, hopeful for the future … He didn’t promise but he said he’d have to stop beating me up”. Upon release, he returned home:

"He was good for another month then we started all over again. He gave me a couple of broken ribs … the nurse asked me if I was going to charge him. I said no. She asked my why. ‘I’m terrified of him. What if I did, he’d go to the Correctional and still come back to [·]. I’d still be here. I know for sure he’s
... It seems like, how can I put this, either he kills me or I kill him. That was the only way to get out of that ... He's going to kill me”.

This woman decided to go to the shelter. At the time of interview, she was unsure of what she would do next.

Even in those instances in which an offender is incarcerated, the issues surrounding the offense have not been addressed. In the words of a mayor in one community:

"After the person has served their time, they return to the community and the victim's family is still there ... the healing process has never begun. They feel that no justice has been done because the same situation exists. The victim's family is still feeling pain. They should ask the victim's family if it is ok for the offender to return. To see if their pain is gone."

An Inuit elder criticized the courts for failing to address the underlying causes of crime: "The courts focus solely on whether the person has broken the law and on the fact that the law has to be upheld. But the courts fail to look at why he has behaved in such a way that he broke the law. They fail to look at the root causes of his behaviours”.

It is unrealistic to expect the Territorial Court to address the causes of sexual and spousal assault. To be an effective sanctioner, the court requires the support of other agencies and the community. However, the perception is that the court does not
impose appropriate sanctions given the severity of the offenses. This undermines the
court’s credibility and heightens the vulnerability of women in the communities. A
justice worker expressed pessimism that the needs of victims could be met under
current arrangements:

"Until such time as the justice system begins to act more responsibly in its
process of sentencing offenders, it’s going to be very difficult to achieve any
form of material change in victims’ experiences in communities, the degree of
vulnerability they exist in, and the degree to which the justice system continues
to perpetrate victimization on them. The reality is that victims continue to have
no voice and they continue to experience a secondary process of victimization
from the system."

With the creation of a permanent Territorial Court in Iqaluit and the
appointment of a female judge, there was an anticipation that there would be a
difference in the sentencing practices. However, the interview data suggest that more
severe sanctions have not been given. A staff member of the shelter said: “When she
was appointed we all thought it was wonderful. A lady judge, boy we’ll get some
decent sentences now. In fact, they got worse”. An Inuit resident agreed:

"Everybody assumed things would change. Nothing really changed. Oddly
enough, the sentences seem to have gotten weaker since our female justice took
The town was quite surprised to see that things like spousal assault and rape were not being dealt with more harshly than they were.

When asked whether community residents provided feedback on the sentencing practices of the court, the current Territorial Court judge responded: "I get as much as I can and they can tell you what they think of it. I'm not going to pass on the comments that I get". In response to questions about the effectiveness of the sentences imposed by the circuit court, the judge stated: "Obviously you do whatever's right in each particular case ... I don't try and keep statistics of what I do. I have no idea". She did not want to further comment on sentencing in cases of spousal or sexual assault, saying it was too "political".

Criticisms of Fines and Probation

Other types of sentencing besides incarceration were criticized by those who were interviewed. Fines for spousal assaults were seen as wholly inappropriate. Ironically, it is often the victim who ends up paying, literally, for the crime of the offender. Several respondents recalled instances in which women had paid the fines of men who had been convicted of assaulting them. A service provider noted that this was another factor which mitigated against women reporting assaults committed against them: "The women say, 'Why should I lay charges? He's only going to get a fine and
I’ll just have to pay for it.’ The man will say, ‘Well, you charged me. It’s your fault that I have to pay, so you pay it.’ And she’ll pay it. She’s always the victim”.

A nurse recalled the following story of a woman who was repeatedly abused by her husband but she hesitated to involve the criminal justice system. A new nurse came into the community and told this woman: “don’t let him push you around. Stand your ground, lay charges. Nobody has a right to beat you up. We all believe that, we know that is right. She really urged her and sort of pushed her to go and lay charges”. This woman finally did follow through with formal charges but the outcome illustrates how women are revictimized by their families and the system they turn to:

“She sweated for about five months because his family came after her for saying something … She was in so much turmoil, because she was not getting support from anybody except this one particular nurse who was, I guess, meeting her own needs by seeing ‘justice’ done and protecting women’s rights. So she just got thinner and thinner in this five months but she decided that she better go through with this. It got to court. Her husband told his side of the story and admitted to the beating and then she testified against him and told what happened. I saw her the next day and she looked not depressed but pissed and angry. I asked her what happened. She said that if he did it again, he would probably go to jail. They gave him a $500 fine, which had to be paid in two months or something. So, this $500 fine and she had to pay it and they had
three kids. She said they did not have that kind of money. She said she did not understand why she went through all this. Being tortured by two families, doing something that she questioned in the first place and then she has to pay out $500 which puts her family in a worse situation than before”.

The most frequently employed non-incarcerative disposition for convicted adult offenders in the Baffin Region appears to be probation. There was a widely shared perception among respondents that the Territorial Court judge is reluctant to remove offenders from the community, even in cases involving serious offenses and where the offender has an established pattern of law-breaking, often involving violence. The criticisms of probation offered by Inuit and non-Inuit respondents were extensive and the Territorial Court in the study area was often referred to as the "Traveling Probation Show".

A police member observed:

"We have a whole bunch of probation here. I have seen files where you have the same person placed three times on probation. Probation is a chance. The person is given a chance and if he blows that chance, maybe something a little harsher should be reinstated next time around. It is a joke, really, to see three probations and have somebody go to court and get another probation."

An Inuit resident agreed, arguing that the use of probation for many offenders was little more than a "slap on the hand":

243
"A slap on the hand meaning to me that the person being told that what they did was wrong and then just being put on a probationary period for some months and then having the same problem or another problem come up again; being brought into court and given probation again, which, in my opinion, is not an answer at all."

The overuse of probation for offenders who have been convicted of violent crimes has contributed to the erosion of confidence in the Territorial Court. As a Senior Administrative Officer noted: "People don't have any faith in the system. It's not looking out for them. In a recent case, a guy was beating up his wife and her friends. Another girl interfered and she ended up getting beat up too. The guy ended up with a small fine and a short period of time on probation. The girl that he hit lost partial feeling in her cheek - irreparable nerve damage."

In addition to the overuse and inappropriate use of probation, the problems identified with probation included: 1) the ineffectiveness of probation in controlling the offender and protecting victims; 2) the lack of enforcement of the conditions of probation; and 3) the absence of programs and services.

Such concerns are reflected in the following experience of an Inuit woman who was being abused by her husband:

"I had charged him for assault. Then a couple of weeks later, he was in JP court and he got six months probation. After he got out of the court he came
over to me and hugged me and told me 'I'll never, never beat you up again.

About a month later he'd started all over again ... I thought it was okay because
after JP court he said he had quit beating me up. I thought that was it. I was
very happy. He went to see his probation officer for the first month or two but
then he quit going. They never said anything. Nothing ever happened. He was
still drinking when he had probation. It's just a lot of words. No action.

Many of the police members who were interviewed thought that offenders who
received probation felt they had escaped punishment. A social worker/probation officer
offered the following assessment of probation:

"I think a lot of these people should start doing some time and start to think
seriously about what they've done. They don't take probation too seriously.

When they get probation, they kind of laugh and say 'Phew, got off with that
one.' It's not fair to fly in and give everybody probation and fly out again. It
leaves me, the R.C.M.P. and the families holding the bag. A good percentage of
these people, the court plane is hardly off the ground and they're being
breached for assault or drinking or for whatever. There's too much of this
probation."

The effectiveness of probation is seriously undermined when offenders do not
abide by the conditions of a probation order. These conditions may include the
completion of community service work, the requirement that the offender attend
counselling or a treatment program, and/or that the offender comply with a restraining order which sets out a no-contact order with the victim of the crime.

In many communities, there is no structure to ensure that probation orders are completed. Probation officers, who are also social workers, have difficulties in forcing compliance due to such things as overwhelming workloads and conflicts of interests. A justice worker explained:

"Supervision is hampered by the amount of time that any given worker has to devote to that program area. If you’re responsible for direct service delivery in eight other program areas, it becomes very problematic to take time that’s required to do probation supervision. And in some communities, we have extremely high case loads ... So delivery of those services is, at best, marginal. And that’s not going to change … You just can’t stretch staff any further than they’re already stretched".

Restraining orders are largely unenforceable due to the small size of the communities, lack of housing, and personal relationship between the victim and offender. Probation officers also had a difficult time setting up a program of counselling and in retaining offenders for the duration of the probationary period. As one probation officer/social worker commented: "I’d love to get them (offenders) into counselling, but they don’t want to hear me. I try it for awhile and they are totally disinterested, so I let them go". Most social workers/probation officers did not have
adequate training to provide counselling for sexual and spousal assaults. There was a lack of programs and services available for offenders in the community.

Nevertheless, a counsellor felt that offenders should have to go to whatever is available and that non-compliance with court orders was a real problem:

"Sometimes they're told that they have to go to AA or a program and nobody really keeps track if they do that. I think that's wrong because if they're sentenced through court, even if it is to go to an AA meeting, even if they go and sit there, they should go. Because then they'll at least have a chance to hear even if they don't want to hear. They'll hear other people talking and maybe it will trigger something in there".

Many felt that social workers/probation officers encountered difficulties in carrying out their tasks, particularly when they were Inuit. Some of the difficulty that Inuit justice and social service personnel encounter can be traced to the cultural practice against interfering in the life of another, criticizing, or exercising control over others. Traditionally, Inuit were able to move away from persons they did not like or with whom they had experienced conflict. Aspects of culture and tradition were seen by many respondents as antithetical to the supervision of offenders:

"We've brought in this probation system and we've got Inuk probation officers and we're telling them to go against everything that is in their culture relating to noninterference and to exercise direct control over people. So, in certain
situations, you may have a 30 year old female probation officer telling an Inuk male what to do. How far is that going to fly? He may sit there and listen to her, but the only reason he’s sitting there is because if he doesn’t she will squeal to the police and they will charge him with breach of probation and send him back to jail for 30 days. So he’ll sit there and go 'M-hm, m-hm.' And, as soon as he walks out, it's 'Fuck that' and he doesn’t do it."

Complicating the efforts of Inuit probation and social service workers are the family interrelationships which exist in the communities. One police member, referring to an Inuit probation officer, stated: "It was very difficult job for her because so many of the offenders were cousins and brothers". Another police member noted that the social worker in his community was "very much into not wanting to get involved and not wanting to get anybody mad at her. Half the town are her family members. She buries a lot of this stuff".

It is unrealistic to expect that Inuit justice and social service personnel will be able to avoid having extensive family relations in the community which may interfere with their job requirements. The difficulties which Inuit personnel experience indicate that specific attention should be given to this issue in the recruitment and training of persons who will be involved in the delivery of justice and social service programs.
The overuse of probation and the numerous difficulties encountered with probationary supervision, led one R.C.M.P. member to conclude that "we have worn out probation".

**Inuit Juries**

In recent years, attempts have been made to increase the involvement of Inuit residents in the administration of justice. The enactment of the *Jury Reform Act* provided the opportunity for unilingual residents to sit as jurors in criminal cases.

The criminal jury and the entire process within which the jury functions are foreign to Inuit. Many people interviewed noted that Inuit juries in the Baffin Region are extremely reluctant to convict Inuit accused, even in cases involving serious crimes and where the evidence that the crime has been committed by the offender is overwhelming. The following quotes reveal some of the experiences of police members:

"They had their first jury trial ever here. They had a local who was about 32 years old who was charged with sexual assault. They conducted a jury trial with jurors from the community. The victim took the stand and gave really good evidence. The accused took the stand and admitted that he sexually assaulted the victim. The judge addressed the jury. The jury went out and was back 20
minutes later, "Not Guilty". This was after he admitted it. It's not their nature
to convict one of their own."

"The evidence came out during the trial - more than enough to convict. They
[the jury] weren't in there any more than 45 minutes and it came back 'Not
Guilty' and the accused stands up and everybody is running over and shaking
his hand and hugging him - the whole town. I'm thinking 'How could they do
that?' Here is a guy who brutally raped a young Native girl and there is no
doubt that it happened and everybody is up shaking his hand. I was physically
and emotionally upset about that. Even if he had been convicted, he would only
have gone away for three or four months anyway."

"I don't think we have had a jury conviction in this community in ten years.
They won't convict their own."

One police member, noting that the prospect of having to serve as a juror was
"very tense" for Inuit, recalled the response of community residents when they were
served with a summons for jury duty: "As soon as I gave them the piece of paper, the
first question was 'How do I get out of this?'". 
It was not possible to do a statistical analysis of the jury trials in the Baffin and compare them to other jurisdictions. The interview data clearly suggest a pattern of Inuit juries not convicting Inuit defendants, even in cases where the offender has admitted guilt. This reluctance to convict can be ascribed to cultural reasons, family interrelationships, and fear. There are strong cultural prescriptions among Inuit against being confrontational or in appearing to pass judgment on another. In addition, jury members are often related to the defendant. Individual jury members may also be reluctant to pass judgment on another Inuit out of fear of reprisals. A police member, for example, said:

"I've seen dismissals in cases where there was no doubt in anybody's mind that the person was guilty. Because they are afraid, out of sympathy, or the accused is a friend of theirs. Everyone is entitled to a fair trial, but on the other hand the community is entitled to be fair, that if a person is a threat or has harmed the community, they should be removed. That doesn't happen in a lot of cases."

An Inuit Justice of the Peace noted that sexual and spousal assault cases were particularly sensitive issues in the community which made jury trials problematic. In addition, jurors "don't understand the Criminal Code". There are questions as to whether Inuit jurors, particularly those who are older, understand the court proceedings sufficiently to make a decision in what is to most Inuit a foreign institution. As one
R.C.M.P. member observed: "There is no doubt in my mind that 95% of what the lawyers and the judge said and the evidence that was presented went way over the heads of the jury”.

Despite the difficulties which residents experience when sitting in judgment of accused, the current Territorial Court judge advocated the increased use of juries in Baffin Region communities:

"It's the purest form of community justice ... I think it should be used more often. I think that they should make it easier to have jury trials and that jury trials should be held more quickly and more often in perhaps more cases. I think it's a very effective way of the community being involved in the decisions about guilty or not guilty."

Part III: Community-Based Sanctions

"The problems that are happening in the communities can only be fixed by the people in the community." (Inuit Resident)

"There's no balance in our lives, many of the Inuit lives. Our elders, their lives aren't balanced and the only alternative right now is to send child abusers and incest people to jail and hopefully get them treated there ... once they have done
their time, if and when the community is ready to do the mediating process or reconciliation process, when the people are ready to deal with offenders and victims, then that would be an alternative." (Inuit Resident)

Both Inuit and non-Inuit of the Baffin Region had negative opinions of the Territorial Court, saying that it is a foreign institution which gives inappropriate and ineffective sentences. While communities called for more severe sanctions, on the other hand, they often criticized incarceration. There are numerous instances in which, even when the offender has been convicted of serious offenses, community members asked for that person to remain in the community. The court is in a catch-22. If for example, judges sent large numbers of Inuit to territorial and federal correctional institutions, this would open the court to criticism of being cultural insensitive and contributing to the already high rates of incarceration of indigenous peoples. On the other hand, the failure of the court to impose severe sentences for spousal and sexual assault opens the court to criticism as well. A further dilemma is the perception among those interviewed that both non-custodial and custodial sanctions had little positive impact on offenders and did not address the causes of crime or the needs of victims.

In recent years, there has been an increased emphasis on the decentralization of justice services to communities throughout the Northwest Territories, including the Baffin Region. Decentralization is partly based on the principle that local justice
programs and services can better address the needs of communities, victims, and offenders. The exact process of a policy of decentralization, however, remains undefined and the numerous questions surrounding such a policy initiative remain unanswered.

At the time of data collection, there were no proposals by individual communities to assume complete control over the delivery of justice services or to develop autonomous justice structures. Discussions have been held, however, about community-based justice initiatives. The findings from the present study provide insights into the issues surrounding local justice services and programs in cases of violence against women. Any policy that decentralizes justice services in the Baffin Region must consider the impact on women.

**Serious Offenses and a Community Threshold**

There was general agreement among the persons interviewed that communities could assume responsibility for many offenders and local justice initiatives may be an effective response to certain types of behaviours such as minor thefts. However, there were more serious offenses which required social service and justice personnel to become involved. An elder, for example, said: "We have been thinking about dealing with people who have committed minor offenses, to deal with them the Inuit way ... If it is a major offense, let the courts deal with it". This threshold of seriousness may
vary across the communities and may depend upon a number of factors, including the personal and community resources that are available.

The question is whether violence against women constituted crimes above the community threshold and should, at this point, be excluded from community-based justice initiatives. There was no suggestion by those persons interviewed that communities wanted to assume full responsibility for these types of offenders. Some communities had started to create diversion committees. The police, Crown attorneys and judge can refer cases to these committees but generally excluded sexual and spousal assaults. The Territorial Court judge explained:

"The type of crime certainly is taken into account. At the beginning of the diversion committees, they do basically minor property crimes ... So seriousness, it depends who defines seriousness. But mostly the diversion committees are dealing with property crimes, not crimes of violence against people ... The committees aren't ready to deal with spousal assault".

**Breaking The Silence**

It is only in recent years that the silence surrounding violence against Inuit women has begun to be broken. Many communities are still not openly discussing abuse issues. Given the magnitude of the levels of violence which exist throughout the Baffin, such silence is deafening. According to an Inuit teacher, community residents
"are not vocal in preventing or speaking out against spousal assaults. We’re not active in that area at all". Another community resident referred to abuse as "a problem that the community still hasn’t faced … people in this community really have to talk about it and get it out in the open before we can start to solve the problems".

Other communities have begun to discuss violence against women and how best to respond to it. A mental health worker in one community claimed that people were beginning to talk about violence and "a part of that discussion was just figuring out what it is". Others mentioned the fact that some of the words were not easy to translate from English to Inuktitut. A nurse, for example, said that "spousal abuse in Inuktitut, that’s not what it is. They are trying to figure out what those things are".

Some respondents also felt that community residents and leaders need to begin to say that violence against women is wrong. As one counsellor pointed out, "people just have to say that violence is intolerable. That’s the basic question. There are so few people who are willing to say that".

Education and Awareness of Violence against Women

Many respondents agreed with one nurse who stated that "education is the key". Credit was given to the courage of women to speak about violence as well as to the work of women’s groups who have raised awareness about violence against women in the north. According to a community resident, "a lot of groups are trying to raise an
awareness in the communities. Like Pauktuutit [the Inuit Women's Association]. They're working hard to try and tell people that it's wrong that men are beating their wives and boyfriends are beating their girlfriends".

Even though there has been important progress made in educating northern residents about violence against women, many respondents pointed out that people still do not have a full understanding of this issue. Much more education and awareness programs are needed. One community resident said "all the communities are still not aware of violence, how bad it is". Other respondents said that people need to learn that spousal and sexual abuse is a crime. A minister commented that women "seem to think that it isn't a crime or that he can be excused". One R.C.M.P. officer further stated that men do not realize "the impact or the ramification of the act" for which they were charged.

Some respondents said that education must start with the basics and provide clear, understandable information about violence. One R.C.M.P. officer felt it would be helpful to give examples and to "keep it very, very clear". A community resident agreed, saying that it was not enough to just "throw out a pamphlet".

A recurring theme in many of the issues is that attention should not only be directed at Inuit women but also to Inuit men. This was also found in the area of education. As one nurse revealed, "very little is ever directed toward men ... Education
is being directed at women that you don’t put up with this kind of stuff anymore. It’s not acceptable. But what about men? It’s not acceptable to do it”.

Community residents pointed out that some men have much to learn. According to one resident, this includes learning to live without violence: "some guys grew up where it was very violent at home and they figured that’s life and they’re doing it to their wives. Not even knowing why".

There are various avenues for education and for raising awareness. For example, some respondents mentioned the importance of going on the radio to talk about abuse issues. One resident suggested that "people phone in on how we can solve the problem". Another community resident offered to go on the radio on a regular basis: "I used to go on the radio once a week and talk about depression, sexual abuse, spousal assault, suicide. I had a booklet that talked about each of the problems and that’s what I wanted to start again”.

Respondents agreed that more work is required for the prevention of violence. One R.C.M.P. officer pointed out that, currently, most responses to violence are after the fact: "the police and social services, we go there after the damage is done, after the sexual assault’s been committed, or after the spousal assault".

Many people felt that prevention starts with the children. Respondents said that education must take place within the school system and that children needed to learn that violence is not normal, it is wrong. Some felt considerable time should be devoted
in school to such things as life skills. In the view of one R.C.M.P. officer, such initiatives had to begin at "the grassroots. We'll try and help those who want to be helped and let's move on to the younger generation".

Some respondents argued that education needs to be directed at all members of the communities. As the following community resident states, it is necessary to have the resources to accomplish this:

"It seems like we need a lot of community education. And we need to make kids aware that it's not good, we need to make elders aware of the extent of the problem and we need to make the middle aged women and men aware that what they're doing is so destructive to themselves and to their kids. And there needs to be a lot of money for that. There needs to be a lot of resources and there needs to be methods of communicating this kind of stuff so it sinks in, so that the people will listen to it and understand."

It was argued by some residents and service providers that violence should not be seen as an individual problem but rather as a problem for the community. According to one community resident, "if somebody beats up their wife, that person is part of the community so that becomes the community's problem. We have to try and solve it".

Communities themselves must take a stand against violence against women. As one nurse stated, the violence will continue until the community says "No, enough is enough". A community resident agreed:
"people have to be made aware that it's not all right to hit their wife. It's not all right to slap your child in such a sense that the child is black and blue. It's not all right … that the minister goes to the abuser and lets him get away with it and not report it. There has to be a turning point I guess. There has to be a line that we have to draw."

The Absence of Programs and Services

A predominant feature in the Baffin Region is the lack of programs and professional counselling in the communities and in the Baffin Correctional Centre. At the time of data collection, there were no treatment facilities in the region. Several respondents mentioned psychiatrists who flew into the region from the south for short periods of time. One nurse recalled that "twice a year we have a psychiatrist from Toronto come in and she spends about a week here". Professional help was recommended but many criticized the lack of facilities and the absence of resident professionals in the communities. A social worker, for example, said:

"they have these teams coming up from the Clark Institute. The thing is, they come bombing in, they do a week in Iqaluit and see as many people, write their DSM stuff down on them and they say, 'Okay'. Then they're gone and they come back another three months or four months later and see the same people, say the same thing. There's no follow-up."
A police officer recounted his experience with the Territorial Court sentencing an offender to probation and ordering him to get counselling. The judge told the offender to see the police officer about getting this set-up. In this small community, there was no counselling available. The officer was furious that the court would leave knowing that this offender had severe problems with sexual and physical abuse. The police officer wrote letters through official justice and social service channels complaining of this intolerable situation but to no avail.

A social worker/probation officer identified this as an important issue:

"There’s not a whole hell of a lot we can do for anybody - the victim or the offender - because we don’t have the resources to do anything. We can help people with some basic problems like drug and alcohol counselling. But there has to be a much more grassroots movement in the community if you are going to deal effectively with the problems. The Territorial government has not moved to deal decisively with any of the problems like spousal assault and child welfare."

This view was echoed by another probation officer: "All we are doing is running from one fire to the next fire. The government here lacks any real coherent plan of action or strategy, either on a strategic level or a tactical level".

It was repeatedly stated in interviews that counselling was needed. "Quick fixes" and short term counseling were viewed as inadequate. One woman identified the
need for "counselling centres for each community because people are so desperate to talk to someone". Many of those interviewed agreed with one community resident who felt that "counselling would be the best thing. Try and convince the man that he needs counselling or give orders in that if you’re going to jail or if you’re going to go out on probation, you have to get counselling”.

Most respondents called for sentences that mandated treatment. A service provider felt that the system is "only a temporary solution because they’re not getting any proper treatment, they’re not getting any therapy on the real issues when they’re in custody". A counsellor working at the shelter noted that it was important for the justice system to adopt a more holistic approach in responding to criminal behaviour. This would combine more severe penalties from the court with treatment programs which would address not only the particular behaviour involved in the offense, but also the entire spectrum of attitudes and behaviours of the offender. This counsellor stated:

"Stiffer penalties and counselling. Some kind of program that they can work through with their alcohol, their drugs and their violent behaviour or sexual stuff. Because in each charge that’s laid, it’s just not the assault. There’s years of abuse. Mental cruelty, property damage. ‘If you don’t do that, I’m going to kill you or rip all your clothes, beat the kids’. There’s so much. But they look at it as ‘Oh, that’s only one little charge he did. He can get a fine for that and clear it up or probation’. And it doesn’t work. They need stiffer sentences and
help for the people that go into the correctional place, BCC or YCC because when they're just sitting there they're just getting more angry and thinking how am I going to get her when I get out. And it usually happens. Within a week, the guy's out, he does it, she's back here [the shelter]. It starts all over again ...

And if they get stiffer sentences, they might think twice before they do it. Especially if they know in jail they have to take some kind of counselling and they have to learn about the cycle of violence and maybe go into their childhood and talk about how they grew up and maybe they'll realize, "I used to be beaten up. Maybe that's why I'm doing this" and start making them think about why they're doing it. Make them learn some things about violence. Instead of just going in and sitting around and getting fed real good".

There were suggestions of using the criminal justice system to ensure that offenders completed programs, whether in the community or in a facility. Offenders could be brought through the system and mandated to a program, or be diverted out of the system. One Inuit resident felt that the courts would be good as "a last resort. For serious things and if the community programs or whatever is offered in the communities don't work, then the next step should be Territorial courts". An elder also felt that offenders can be given instructions and guidance but "if he does not smarten up or learn his lesson, then let the police and courts deal with him".

263
Rather than only relying on punitive sanctions and incarceration, it was suggested that there should also be an increase in resources and services available to Inuit families. Some respondents felt offenders could remain in the communities if facilities such as a half-way house or treatment centre were built. A woman who had been abused suggested: "Get a treatment centre built and get the whole family to treatment. Something like starting from scratch. From life skills to self esteem, all those things". In the words of another Inuit resident: "There's got to be something in place that will help everybody in the family to learn how to deal with anger better and to deal with their problems better. Our elders used to do that. Instead of going to jail, people who are having problems should start learning more about their own culture and that takes time."

Interviews with community residents and service providers revealed that groups and programs need to be community-based rather than imposed from the outside. Respondents also indicated, however, that outside professionals and agencies still have a role to play. For instance, many respondents felt that it would be very destructive not to provide the necessary resources and training for local residents to meet the needs of victims of violence. A social services worker argued that communities must assume ownership for the problem of violence against women but that communities required assistance:
"It's like sending a carpenter to build a house without the proper tools. The tools have to be there. And in terms of the North, we obviously have intelligent, hard working people who've always lived here. So what is the problem? Why are we having problems getting things done? It's because of an absence of tools."

Another respondent further explained the importance of having trained people providing services:

"Groups are fine, but there always has to be one key person in the group. Somebody with some form of training. You're talking about a person who's gone through abuse. I think they're emotionally distraught over the whole thing to start with and the last thing you want is somebody untrained or insensitive handling it."

It is unrealistic and dangerous to believe that developing the expertise and resources to treat such offenders is a simple or quick matter for Baffin communities. It is also unrealistic to assume that all communities are interested and willing to confront violence. One nurse stated:

"most people who come in are looking for quickies ... But it is incredibly complex and there are no simple answers and simplistic thinking I think actually is quite dangerous ... if you have a problem, go to government, get a quarter of
Power Relationships in Communities

There are divisions and conflicts which exist between families and residents in the communities. Some of these are historical and others are a result of different extended families being brought together in the same permanent settlement. These could have an impact on justice initiatives which are undertaken at the community level.

There are also leading families in each of the communities which may hold more political power than other families. An R.C.M.P. officer noted that there had been problems because of the position of certain families: "Certain people in town were definitely being favoured and got certain things they were not deserving of". Concern was expressed that such patronage would extend to justice services and programs. This was further reinforced by an Inuit justice worker:

"A lot of it has to do with who's the main family in power. There are families that are very, very influential. Powerful families because they're great in numbers and these people might hold the majority of the jobs ... There's quite a few groups that will have influence about what's being said and what's being done."
These power relationships could have a significant impact on all facets of justice initiatives, including the perception of the seriousness of the offense, how the victim is treated, what the response is to the crime and offender, and how decisions are made in community justice programs. Several respondents identified the possible "tyranny" of certain persons and families. This was illustrated by the recollections of a female Inuit:

"I was five years old when I started to know that this one family was the big, powerful family ... my sister got raped and it was by a person from a big family. ... that guy was charged. And they hated my family for that. Not just my family, not just my mother and father but my grandmother and my grandfather, my aunts and my uncles. ... I used to get hit by the family. I was the one who told on my sister being raped because I saw them taking her into the house? ... and when the family found out that I was the one who told on them, their people started hitting me."

Power hierarchies have implications for women in the community. Abusers from powerful families may not be confronted or may even be supported. One justice system official confirmed this problem:

"There are quite a few powerful, mean, nasty people with money. There’s one guy in that community who literally can just, if he sees a 15 year old girl walking down the street, he will take her behind a shed, he will rape her, and she better not say anything. That guy’s been caught once or twice ... but you
A police member shared the following experience:

"There was an incident in which a girl in the village was walking with another friend. Two fellows grabbed her from the middle of the road in the middle of night and dragged her into a nearby house ... Both of these guys repeatedly raped her ... I went to her to talk about it a week later, when the incident had finally filtered through the grape vine ... It was a friend of the victim who came and told us ... So I approached the victim ... her first thing was, 'Who told you? Who told you because I’m not going to talk to that person again'. The second thing was 'look, I don’t want anything done about this'. The third thing was 'the reason I don’t want anything done about this is that they are both from very big families and I’m scared' ... This victim is the victim for the rest of her life. The guys strut around."

In most communities in the Baffin Region, males control the political and social leadership. Hamlet councils may reflect both the power relationships and gender inequality in community life. Women seem to have little official authority in many of the communities and a fundamental restructuring may be required to empower women and reduce their vulnerability. A service provider commented:
"In any community, it's kind of staggering to look at who actually constitutes the political and social leadership. And many of those people are people who have gone through a generational process of abuse, of addictions, of sexual and physical assault. So very clearly, there is a vested interest in not changing ... So one of the places we have to start is with hamlet councils. From there, we have to go to the committees and start challenging their beliefs, encouraging them to look at other issues, at other ways of operating.

I look at their structure and format and I say, 'Gee whiz, what you're doing is really great. But your committee is made up of 9 people. Seven of you are hamlet councillors and two of you are Justices of the Peace. If I was a 23 years old woman who had been raped and beaten, I would look at you and say 'I don't think I'm going to tell you what happened to me. Why would I do that? You are scary people to me. You're not going to take care of my needs because I see you working in the community to meet other people's needs. You're the people that say we're going to outlaw divorce in our community so that women can't leave their husbands. You're the people who says it's shelters for women that cause family violence and that leads to the disintegration of the family unit' ... Can there be reconciliation if victims have no power and victims have no voice? We're looking at a long term process"
Many respondents felt the best approach to confront violence against women is for a community to have people of different generations and of both genders work together. An elder explained that there are three generations (elders, middle-aged, and youth), each with its own experiences. No one generation, on its own, has all the answers. "But if you get these three generations together, they can get together to come up with ways of developing solutions".

Some respondents further stated that it is important to ensure that it is not only men making the decisions. A member of a women’s group stated: "we don’t want to be silenced anymore. If it’s going to work, it has to be women too".

The Territorial Court judge agreed that local committees should be comprised of a cross-section of community residents but was cautious not to tell communities what they should do: "I think you can encourage people. If you have a committee that has mostly men on it, you can encourage them to have some women on the committee … I don’t want to put a model in place and say this is what community justice is, because then it’s not community justice".

An integrated and inter-agency approach to responding to crime is important. Discussions about the decentralization of justice services should involve representatives from policing, judicial services, corrections, social services, as well as other agencies involved in service delivery at the community level. It is important that the views and concerns of "average" community residents in the Baffin Region be considered. Any
discussion of community based justice programs and services must include women, especially those who have been victimized. A justice worker said "it is not, at this point, the offender we need to understand. It's the reality of the victim's world. And until such time as there is a power base there, most of the stuff we do is going to be decoration”.

Ensuring the Needs of Women are Met

Concerns were expressed about whether local justice initiatives will protect the rights and interests of women or whether women will become even more vulnerable to victimization. Given the small size of communities, no road access, lack of housing and overcrowding, abused women literally have nowhere to go. This places a particular onus on those persons involved in the delivery of justice services to ensure that women are protected. There was a widely shared perception among those interviewed that victims of violence often received little support or protection from the community. This is reflected in the comments of one community resident:

"So you're victimized twice, the way I see it. First of all you've been abused. Secondly, you are blamed for trying to deal with that abuse because you are going against men in your family if you do that. And women have been ostracized, have been condemned because they may have been instrumental in sending a brother or a father or a cousin to jail, or to court and having made
Respondents spoke of the importance Inuit place on keeping the family together and on forgiveness and what this means for women who are abused. For example, several respondents identified the church and Christianity as strengthening the traditional Inuit practice of forgiving the offender. They felt this may assist the offender in reintegrating into the community. But others felt the interests and needs of the victim are often ignored. For example, an Inuit justice worker reinforced the concern that more attention was given to the offender than to the victims: "Christianity can go towards reformation of a person but how good is it for the victim to see the minister saying 'she probably deserved it' ... the minister is telling this woman to stay with the man because that's her spouse and that she should forgive. I wish I could put on tape what my reaction to that is".

Another issue identified in interviews is that abused women are often blamed for their victimization. Many respondents believed that it was important to consider the way in which people are chosen for positions within the communities. If community residents are going to offer services for victims or offenders, it is important to examine their attitudes and whether they are currently an abuser. According to an adult educator, "I've seen some people in very powerful positions that call the shots, that are abusers themselves".
Conflicts of interest due to family relationships is another issue. A community resident related discussions in her community to have men who have been charged with spousal assault go to a committee instead of court. “A lot of the women who have been abused were against it and spoke out on the radio. They don’t want it in their community because they want it to be an outsider dealing with it because then it’s fair. Then it’s not so and so’s cousin trying to judge his cousin or another guy who’s abusive who says no big deal”.

In the view of one counsellor, violence cannot be stopped if committees are run by abusers or those "who maintain the community standard that it’s the perpetrator who’s to be supported and not the victim". This respondent felt that committees and programs can be successful in addressing the issue of violence if people who are involved have been given training, understand the issues, support women, and are willing to take a stand against violence.

Discussions of justice initiatives seem to have directed most of their attention toward the accused with less attention given to victims, particularly in cases involving spousal and sexual abuse. A service provider described a community meeting for everyone involved in the justice system and the reaction of her Inuit colleague who was a victim in the past herself and who now works with abused women:

"The whole meeting was geared towards what can we do for the perpetrator. Perpetrator, perpetrator, perpetrator. Finally, at the end of the meeting, she
Inuit Cultural Values and Community-Based Justice

There are a number of differences between Inuit and non-Inuit values and approaches to offenders and conflicts. For Inuit, apologies, reconciliation, and forgiveness are very important components of their culture for addressing conflicts. The Canadian criminal justice system operates on an adversarial model. As a result, while an offender may be found guilty and sentenced in the Territorial Court, in the view of Inuit, the conflict remains unresolved.

While the adversarial Canadian justice system focuses on stigmatizing offenders and excluding them from the community, Inuit take a conciliatory approach that attempts to reintegrate offenders. For example, community members support convicted offenders and may hold parties for offenders when they return from jail. One police member recalled: "Once that individual got back to the community, they had a big party for him. It didn’t matter that he might have done a bunch of B&E’s or that he had sexually assaulted somebody’s daughter. It was totally irrelevant. He was back."

just had enough. She stood up and [-] is a fairly quiet spoken woman but she was so annoyed by this she stood up and said, ‘What about the victim? You’ve been talking about the perpetrator all afternoon and you haven’t said a thing about the victim’. Afterwards, apparently [police officer] said it was just like the little girl pointing out that the emperor wasn’t wearing any clothes”.
There are other cultural values which may have an impact on justice initiatives. For example, Inuit are reluctant to intervene, confront, and pass judgment on others.

The Inuit cultural trait of non-interference is exemplified in the following recollection of a police member posted to the region in the 1970s:

"I went out on a hunting trip with [an Inuk from the community], the Hudson’s Bay manager, and my partner, to a place called Little Cornwallis Island. We were going hunting for caribou and it was right at the coldest time of the year. It was the end of November and we only had 20 minutes of twilight a day. And the day that we chose to leave, the temperature dropped from 25 below zero to 50 below in less than 12 hours.

Our trip was about 100 miles one way and we had a terrible time with the carburetors on our skidoos freezing up. The Inuit have an innate ability with mechanical things. It always amazed us. At 50 below zero, he’d stop the skidoo, and he’d take off the carburetor and disassemble it, clear the ice out and put it back on. Ten miles down the trail, the same thing all over again …

He was doing this - about the fifth time - and I’m watching. We couldn’t even take our gloves off at that temperature and he’s working with bare hands on this metal object. And, I said, ‘Do you have any idea what’s causing this?’ And he says, ‘It’s the antifreeze you’re putting in’. We had been putting this in a lot.
And we said, 'Why didn't you tell us?' And, he said, 'You seemed to want to do it.'

Now, that really sums up their attitude, particularly the older Inuit. If you were predetermined on a course, and it was your wish, they would not stand in the way of that. That was up to you. And, here was this guy paying for our stupidity, but he wouldn't interfere."

Cultural prescriptions against interference and confrontation has important implications for community-based justice. The data suggest that Inuit feel uncomfortable participating in a process which involves community residents passing judgment in a public forum on another resident accused of an offense. The reluctance of the community to become involved in sanctioning offenders is evident in the difficulties surrounding jury trials discussed earlier and community service work. An R.C.M.P. member recalled:

"When the judge or justice would give community service work, we had a hard time getting work from the community for the kids to do because people didn’t want to appear to be dishing out punishment. It was a difficult time getting the Hamlet Council or the church group to say, 'OK, we need this work done.' Because then it would seem like they were dishing out the punishment."

Another officer, in describing the experience of a Youth Justice Committee, recalled: "[It] lasted in name for a year...the problem with the committee was that they
were dead set against what the program was set up for and that was for them to become involved in the sentencing of their own people. They couldn’t fathom doing that.”

A social worker noted that the small size of the community and the reluctance of Inuit to be placed in positions of making decisions about others were primary obstacles to the creation of a local justice committee: “It’s too hard in a small community like this, where you have to live with your neighbours, to be the one who carries out a nasty sentence”. This social worker recalled a situation where several women called a meeting to address concerns about a particular group of children in the community:

"I was really pleased because it was the first time the committee of community women had ever take the initiative and said 'You must remove these children from this home. They’re not being well treated'. But then the next question was 'You won’t tell them we said this. None of us has to come with you do to it.' This is when they value an outsider - to do the dirty work. I'll carry out their mandate, but under very strict instructions not to say who gave me the information."

**Elder Involvement in Responding to Violence Against Women**

Elders are often considered a cornerstone of community-based justice programs. The findings of this study suggest that elders are important resources who should be
included in justice initiatives but there are critical issues in relying on elders to confront violence against women.

Concerns were voiced about whether the elders understood violence and whether they were able to support women who are abused. One counsellor stated:

"It seems to me like you have this older generation who don't know the extent of the violence and the abuse and who think that all men are good providers and the family unit needs to stay together ... the women who are caught in the destruction, don't have the older women's support because the older women don't understand what's going on ... How do you open people's eyes and how do you make the elders, who are the respected members of the community, more aware of the problems?"

There were concerns raised about situations in which elders blamed women for the abuse. One elder said that she would counsel the woman and ask what she did to make her husband angry, believing that "sometimes it's the woman's fault". Another female elder explained that "they were taught to follow their husbands ... they were also told not to provoke their husband ... not all elderly women but some elderly women feel they deserve whatever they got".

One woman related the reaction of her very old grandmother when she was beaten:
"I was black and blue in the face and I had my kids with me. So I went to my grandmother’s. ... when she saw me, she says, 'Get out of my house’. I said, 'Why?’ 'Because you deserved everything you got’ ... she just told me that it was my husband’s way of disciplining me. So I think the elders are still holding onto that so that makes it harder for the younger generation to fight for their rights."

Respondents spoke of the importance in Inuit culture of respecting elders and how this might affect attempts to confront violence against women. One community resident said it was not only hard on women but also potentially life threatening: "it must be really hard for the woman. Because they respect the elders they’re going to do what they’re asked ... If they have to listen to the elder, that person might end up dead”.

Caution should be exercised in using the term "elder" and the meaning which is attached to this term. A police officer noted: "All elders are not wise. We have many elder people that aren’t very wise and we certainly should not be going to them for directions". One social service worker argued that there should be some criteria for choosing elders to work in this area:

"There’s this tendency to view elders as being this almost holy, quasi-sacred group of people and it’s obviously not true. I mean, there’s some old fools in every culture and there’s some old fools in Inuit culture and it’s clear to people
in the community but they may not tell anybody ... There’s also elders who are sexual offenders and victims of family violence and all kinds of things happening in their own lives. People have been victimized from such an early age that we just think it’s normal. So in terms of asking them advice about how things should be, I think there has to be caution. You’d want to have a group of people proving themselves to be not only knowledgeable but knowledgeable about their culture and insightful and analytical and wise and who have garnered respect, real respect, because of the decisions they make in their own lives ... there should be criteria for choosing them."

This respondent was critical of the elders group in the community: "There are groups that are having an influence in court because they do a report saying 'the offender is remorseful' and then six months from now, they’ll say the same thing when the offender commits another crime."

Positive comments, however, were made about the efforts of some elders who attempted to assist couples, as shown in the following quotes:

"One friend who's having trouble with her husband told me that she called the elders and the elders came and talked to her ... you could see this load off of her and she was feeling so much happier and so much better about the situation." (Teacher)
"Occasionally we get involved with spousal abuse or disharmony within couples when the couples themselves contact one of the elders asking them for help. ... after having sessions with the elders, we've seen very good results where the couple is happier." (Elder)

The current Territorial Court judge, in an attempt to increase community involvement in the court process, asked elders to participate in case dispositions:

"They sit at the front table with me and when the lawyers are finished talking, the elders have an opportunity to talk to the accused if they have something to say. Or they can make suggestions to me as to what an appropriate sentence should be in any particular case."

Summary

This chapter discussed the sanctions currently imposed for violence committed against Inuit women in the Baffin region. The responses of the police, the Territorial Court, and communities were examined.

The police can sanction against violence by responding to reported cases and making arrests. It was found that in recent years R.C.M.P. members in the Baffin region have taken violence against women seriously. The police are responding to reported crimes against women and are pursuing charges in the majority of cases which come to their attention. There was very little criticism of the current police response.
The interview data suggest that the majority of sexual and spousal assaults against women was not reported to the police. A variety of reasons for under-reporting were given, including family pressures, victim blaming, lack of support, fear, and the fact that women had nowhere to go.

There were mixed opinions and experiences regarding the reporting of spousal assaults to the police. Some felt that it was important to report abuse to the police in order to help stop the violence. Many women, however, endured further victimization and family pressures once the abuse was disclosed. This raised questions concerning the appropriateness of a pro-arrest charging policy. Although many felt that it was crucial to send the message that violence against women is wrong and to take some pressure off abused women, others recognized that women are vulnerable within the communities and that a charging policy in itself is insufficient.

There were widespread and severe criticisms directed at the responses of the Territorial Court in cases of sexual and spousal assaults. These criticisms included the following: case delay; lenient sentences; the overuse and misuse of fines and probation; and the lack of understanding of court procedures. The issue of Inuit jurors’ reluctance to convict was also discussed.

The police files for 1991 revealed that most abusers reported to the police were charged with assault. The court convicted the vast majority of those charged. Most offenders received probation and remained in their home community with their victim.
although a substantial proportion were sentenced to a period of incarceration. There was variation in the lengths of incarcerative sentences with the average being three months.

There was great dissatisfaction expressed by those interviewed about the court’s response to cases of violence against women. Sentences were perceived to be too lenient and both Inuit and non-Inuit respondents expressed frustration with the court, often recalling specific cases which left them outraged. It was felt that offenders were not being held accountable and women were not being protected. Jail terms were seen to be infrequent and short while probation was problematic. Offenders would often revictimize women even after a period of incarceration and would not carry out probation orders. Probation officers, who were also social workers, had too many other responsibilities to be able to properly supervise offenders. Conflicts of interests and cultural values of Inuit workers contributed to the difficulties surrounding probation. Fines were seen as completely inappropriate in cases of violence. Women typically ended up paying the fines imposed by court.

Overall, Inuit and non-Inuit residents, service providers, and police members voiced similar criticisms of the circuit court. In other words, the same message came from many sources. Their message was that the sanctions of the criminal justice system were inadequate and ineffective. Sentences did not seem to have a positive impact on offenders to prevent further abuse nor did they protect or meet the needs of women.
Even if the court imposed severe sanctions, it is unrealistic to assume that the criminal justice system can eliminate violence against women. Effective sanctions require the support of the community. Discussions have been held about community-based justice initiatives. There seems to be a "threshold" of offense severity beyond which communities feel uncomfortable or unable to assume responsibility. At the time of data collection, sexual and spousal assault cases were generally excluded from diversion proposals and the findings of the present study suggest that communities are not ready to take control over these offenses. A number of key issues were identified which must be considered in designing and implementing community-based programs and services in cases involving violence against women.

The silence surrounding violence against Inuit women has only begun to be broken in recent years. A great deal of education and awareness about abuse is still needed. The interview data indicate that women are currently not supported nor protected within their own communities. There is danger of revictimization if such programs as diversion are implemented without further discussion and recognition of the vulnerable position of women. It cannot be assumed that violence is seen as unacceptable in all situations and that women will not be blamed.

The issue of power relationships and hierarchies within communities was seen as a potential barrier to ensuring women are supported and protected within justice programs. There is a danger of a "tyranny of the community" in which certain
individuals or groups of residents find themselves at the "mercy" of those in positions of power and influence. In developing local justice initiatives, care must be taken to ensure that family networks and power structures do not compromise the administration of justice nor perpetuate the victimization of women.

Concerns were raised about relying on elders to understand the extent and nature of violence and confront offenders. An inter-agency approach which involved healthy, non-abusive individuals was recommended. It was suggested that a collaborative approach with the criminal justice system and a cross-section of individuals from the community, including women, would help ensure that violence was confronted and women supported. A particular challenge for Inuit communities is the cultural values proscribing non-interference and non-judgment. There are fundamental differences between the Inuit approach to conflict and the adversarial model of the dominant Euro-Canadian justice system. Inuit communities must take a stand against violence and perhaps the best approach, in the words of an Inuit resident, is to "take what's good from the past and integrate what we have now and come up with hopefully something better".
Chapter Seven

Analysis and Conclusions

Introduction

The central focus of this dissertation was the current responses to violence against Inuit women. The catalyst for my focus was an edited volume of ethnographic studies of wife beating entitled Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives (Counts et al., 1992). I took a central proposition of the book as the foundation for the analysis of my data. The editors contend that sanctions and sanctuary are "the most important determinants of the frequency and the severity of wife beating and wife-battering" (Brown, 1992:10).

Brown (1992:13, emphasis added) argued that effective sanctuary “must provide the guarantee of safety to the woman ... as well as to those who provide her with a refuge. It must provide the wife with the possibility of prolonged support ... And sanctuary must be available at the very moment when it is needed, no matter what hour of day or night”. Sanctuary may be provided by community residents, leaders, or specialized shelters. Sanctions, as described by Brown (1992:14), include community responses such as “expressions of open disdain by his family and neighbors” as well as responses from the criminal justice system such as “court-ordered punishment”.

286
For the purposes of this dissertation, sanctuary refers to the refuge, as defined by Brown (1992), but also more broadly to the services and support available to abused women within their communities. Sanctions refer to the responses of the police, courts, and communities. My central question was: what are the sanctions and sanctuary for wife abuse in Inuit communities in the Baffin region?

This study confirms that Inuit women in the Baffin region experience startling amounts of violence. Community residents and service providers described violence against women as "epidemic", "rampant", and "an everyday occurrence". In-depth interviews, official records, and observation clearly show that there is neither adequate sanctuary for women nor effective sanctions against violence. This chapter provides a summary and analysis of my findings, linking them to key theoretical arguments found within the literature. The limitations of the present study are acknowledged and future research recommended.

Police Responses: A Summary and Comparison of Findings

Although prosecutors, the judiciary, and probation officers must all play a role in protecting women from abusive partners, it is the role of the police, who are the first to respond, that usually determines whether victims ever get to a courthouse. Police are the actors who must decide whether to arrest the abuser or to tell the victims about her rights. Without police help, few victims will even realize what their options are (Zorza, 1992:60).
The police are key players in the criminal justice system. I argue that police responses, primarily through arrest, constitutes a sanction. The following is a summary of my key findings surrounding the responses of the R.C.M.P. in the Baffin region to violence against Inuit women:

- Police were an important resource and source of protection for Inuit women. There is a R.C.M.P. detachment in every Baffin region community and police are on call 24 hours a day.

- Overall, there was very little criticism about police responses in situations of violence against women. Police actively responded to cases which came to their attention.

- According to interview data, most cases of violence against Inuit women were not reported to the police. A variety of reasons were identified for under reporting, including family pressures, victim blaming, lack of support, fear of the abuser/further abuse, lack of sanctuary for women, and ineffective court responses.

- More sexual and spousal assaults are currently being reported to the police due to education and an increased awareness of violence against women. This increased awareness was primarily attributed to the work of women’s groups.

- Many women and service providers believed it was important to report abuse to the police. Abused women often had negative experiences after reporting: they
suffered further abuse from their partners, pressures from family members, and unsatisfactory court responses.

- Police arrested and charged the majority of spousal assaulters brought to their attention. Most abusers were charged with assault.
- Police take violence against women seriously although they still use discretion in such cases. Discretion not to charge, at times, contravenes the national pro-arrest policy.
- Most community residents, including abused women, were unaware of the police charging policy. There were mixed opinions about a pro-arrest policy. On the one hand, it may have improved police responses, helped take pressure off abused women, and increased public awareness. On the other hand, women may remain silent if men are automatically charged, particularly given the lack of services and support within the communities.
- Women sometimes wanted the police to intervene and offer protection but not to follow through with formal charges. Abused women and witnesses were often very reluctant to provide information to the police or the courts.
- Police were often very frustrated in their investigations of spousal and sexual assault cases, primarily due to the reluctance of abused women and witnesses to testify and the outcomes of the court.
Police responses cannot be separated from responses of the community and court. Although the police respond to woman abuse, this is insufficient given the lack of community responses and ineffective court sentencing.

Some of these findings are consistent with studies of other jurisdictions. For example, one theme which emerges from the literature on policing and wife abuse is under reporting. It is generally estimated that half of all incidents are not reported to the police (Hirschel et al., 1992:257). Although the present study was unable to determine the actual number of unreported crimes against women, interview data suggest that more than half are not reported to police. As other researchers have found, "there is no single reason which adequately explains the massive under-reporting" (Hirschel and Hutchison, 1992:79; Langan and Innes, 1986; Bowker, 1984).

Much of the literature on policing and violence against women has centred on the failure of the police to adequately respond. Numerous researchers found that "police discriminate against victims of domestic violence ... police often fail to make arrests" (Sherman et al., 1992:140). Ferraro (1989) found that the Phoenix police department made arrests in only 18 percent of domestic assaults (see also Yegidis and Renzy, 1994). My data provide an unusual argument amongst the chorus of criticisms aimed at police responses to violence against women. The R.C.M.P. in the Baffin
region responded to violence against women which came to their attention and made
arrests in the majority cases.

The general support found for the police in the Baffin region is particularly
significant given that the research took place in indigenous, rural communities. Critical
and feminist researchers have argued that there is police oppression that targets
vulnerable groups based on gender, race, and class. A study of violence against Black
women in Britain, for example, found that “the police can and often do treat black men
and women punitively when they are called to intervene in domestic violence … the
law is not enforced by the police” (Mama, 1989:304).

As Stubbs (1995:262) cautions, policing (and criminal justice intervention
overall) “is likely to be varied, perhaps contradictory, and in part determined by
context”. While policing can oppress marginalized individuals, it is no longer adequate
to parrot the argument that policing is invariably oppressive to women and/or minority
groups. My data clearly indicate that we need to be open to the possibility that such a
unidimensional argument may not, in fact, be the case in all communities.

My study supports Stubbs’ (1995:262) argument that “women do need recourse
to the criminal law in dealing with the violence they experience, and that criminal
justice intervention may provide personal protection which is both crucial, and unlikely
to be forthcoming from other sources”. This is particularly true in communities which
do not take a stance against wife abuse nor intervene to stop or prevent it. Inuit women
rely on the R.C.M.P. for protection and safety. As a female resident in one community stated, "the R.C.M.P. officer in this community is all that stands between us and these offenders". However, it important to note that police can only offer short-term and limited protection of women by intervening in abusive situations. Abused women require effective sanctuary within their own communities.

A clear focus of the literature is on police charging policies and deterrence of abusers. There is no consensus and "the basic question at the center of the current public debate is the proper role of law enforcement in spouse abuse. Significant research now has been conducted on the police response to spouse abuse, but the findings are not entirely consistent ... Nationwide there has been considerable momentum toward the adoption of pro-arrest policies" (Hirschel et al., 1992:248-249).

Although my study did not focus on arrest policies, mixed opinions of a mandatory arrest approach were revealed in interviews. While the benefits of arresting offenders was acknowledged, some respondents felt that women and police should maintain some discretion in terms of the best course of action. Many women wanted police intervention but not charges. Bowman (1992:204), speaking about Black and poor women in the United States, asks a question which needs to be asked in the north: "What might they say if they were offered both arrest and a variety of supportive services?". Inuit women have yet to be given such a choice.
A finding from police studies relevant to this dissertation is that arrest may have different effects on different people. One interesting hypothesis for the diverse findings is the impact of the social structure of the community setting. Sherman (1992:35) argues that it is "plausible that there are structural characteristics of neighborhoods ... that could determine how neighborhood residents react to arrest for domestic violence". My data support his hypothesis. Responses of the Inuit communities under study had a great impact on whether women reported abuse and what happened subsequent to reports. The finding that community residents did not support abused women nor openly disapproved of abusive men, indicates that characteristics of communities or neighborhoods have an impact on the deterrent potential of arrest. This points to the need to understand the reporting of violence and the responses of police within a community context. Further research is needed to determine the actual impact of police policies on minority and indigenous women and men.

Inuit women and service providers said that the police are a crucial resource who must intervene immediately in abusive situations but that arrest alone is insufficient to stop the violence. In reviewing the inconsistent results of the studies which tested the deterrent effect of arrest in cases of domestic violence, Hirschel et al. (1992:271) conceded: "At this point, the hope that arrest alone could contribute significantly to solving the problem of spouse abuse is unfulfilled". Arrests, however, do have an important role to play in effectively responding to violence. If police no
longer arrested abusive men, this would "communicate to men the message that abuse is not serious and to women the message that they are on their own" (Hirschel et al., 1992:276; see also Zorza, 1992).

This study reveals, however, that the message given by police through arrests is affected by the message given by the court. If the courts do not follow through with a consistent message, the impact of a message that violence is serious through arrest will be greatly diminished. In the Baffin region, there is evidence of a "mixed message" in that the police are arresting the majority of perpetrators but there is a perception that the Territorial Court then imposes inappropriately lenient sentences. This can result in the police enforcing one standard of accountability in the community and the court setting another standard. As one police officer explained, on the one hand, police are trying to sensitize the community to the seriousness of spousal assault as a crime. On the other hand, the circuit court imposes what are perceived to be lenient sentences such as probation. "And the community is saying, 'the Mounties are sending me one message and the court system is sending another. What are we supposed to do here?' There wasn't any consistency in the approach".

It is a great challenge to effectively confront violence against women given the complexity of the problem. Numerous authors have called for inter-agency, multi-disciplinary approaches, in which the police are but one component. "Almost all authors strongly stress the need for closer and improved co-operation among the
various related institutions, such as police, court, health, education, social services, and so forth" (Patrignani and Ville, 1995:60). This study adds another voice to this recommendation.

I agree that police responses cannot be isolated from the responses of the community and the rest of the judicial system. Bowman (1992:201) argues that police studies may distort effects of police responses by “isolating one factor - arrest - from the larger context of domestic violence and the response of the criminal justice system”. Both Bowman (1992) and Zorza (1992) point out that ninety-five percent of the cases of domestic violence in the original deterrence studies were not prosecuted. This may have an impact on both abusers and victims which was not acknowledged in the police studies. Indeed, interview data from my study show that court outcomes impact women’s decision making, particularly with respect to reporting, and may influence the extent of further abuse. Court responses were severely criticized and one R.C.M.P. officer explained: "They phone the cops and the cops come around and the people get charged and nothing happens and she has learned her lesson. She is not going to report it any more".

Analyzing Court Responses to Violence against Women

The following are key findings surrounding court responses to violence against Inuit women in the Baffin region:
There was widespread and severe criticism of the Territorial Court. The criticisms centred on the following: a foreign institution imposed on Inuit; case delay; and ineffective sentencing.

According to police file data, in the majority of reported spousal assault cases, men were charged with assault and brought to court and convicted. In descending order of the percentages of sentences, offenders received probation, incarceration, fines, and then community service. That is, most offenders remained in the community with their victims. A large percentage of convicted offenders, however, received incarceration with an average sentence of three months.

There was widespread dissatisfaction among both Inuit and non-Inuit with the court’s sentencing of violence against women. Sentences were seen to be extremely lenient and ineffective.

Fines were seen as completely inappropriate for spousal assault cases. Victims often had to pay fines for their abusers.

Probation was seen to be overused and ineffective. Problems identified with probation included: the ineffectiveness of probation in controlling offenders and protecting victims; lack of enforcement of the conditions of probation; and an absence of programs and services. Social workers are also responsible for probation. Probation officers/social workers are overworked, may have conflicts
of interest, do not have adequate training, and, if they are Inuit, may have cultural values which conflict with the requirements of supervision.

- Sentences of incarceration were seen to be infrequent and short. Jail terms, however, did not seem to deter offenders from further abuse. This was primarily attributed to a lack of programs for offenders as well as the perception that jail terms were not a serious imposition given such factors as unemployment and overcrowding in the communities.

- There was a strong perception that Inuit juries were extremely reluctant to convict defendants, even with overwhelming evidence of guilt. The reluctance to convict was ascribed to cultural values, family interrelationships, lack of disapproval of violence, lack of support for victims, and lack of understanding of the justice system.

- There was little faith in the ability of the criminal justice system to either sanction offenders or protect victims. Women do not like to testify in court and often do not understand the judicial process. Typically, women endured further abuse from their partners, were blamed for bringing it into the public, and were not given support from relatives.

These criticisms of court responses to violence against Inuit women in the Baffin region echo those of other researchers. This study supports arguments by
women's advocates and front-line workers of inadequate criminal justice responses.

One issue found in this study and others is the reluctance of women to follow through with charges and testify (Langer, 1995:83-85). "One of the reasons of the withdrawal of charges by wives is the failure of the criminal justice system to protect them from their violent spouses and from those people who threaten witnesses, an issue that urgently requires research and debate" (Patrignani and Ville, 1995:51; Quarm and Schwartz, 1985). Inuit women are subjected to further abuse once crimes are reported, from their abusers and sometimes from their relatives. Typically, no one is there to support women through the justice process.

Another issue is delay. As Bourassa (1988:3) said: "There are a number of problems inherent in the delivery of justice services in any society or community, and delay always looms large". It was not possible to determine whether case delay was more or less than delays in other jurisdictions. Bourassa (1988:9, emphasis in original) concluded that "the issue of delay or timeliness is always a subjective one and controversy will always be expected when we ask, 'How long should it take?'".

There was a widely shared view that cases should be resolved much more quickly than under current arrangements. It was also suggested by several Inuit residents that the circuit court extend their stays in communities to several days or even a week. A cross-cultural analysis of 90 small-scale societies supports the need for immediate intervention:
The lesson here is that immediate intervention designed to stop the beating or to prevent it from ever starting is a key first line defense in controlling wife beating. When neighbors or relatives or mediators jump in quickly to break up verbal or physical battles or to provide the wife with shelter, wife beating does not occur in many families. But, when the wife must wait for a judicial hearing or other public relief or when help arrives only when the beating goes too far, wife beating occurs in many families (Levinson, 1989:99).

Among the reasons given for the importance of prosecuting wife abuse are, first, "if we want woman abuse to stop, we must prosecute those who abuse women. If we do not prosecute them, we give them tacit permission to continue" and secondly, "unless there is prosecution following arrest, law enforcement is a fiction" (Cahn and Lerman, 1991:96-97). As indicated above, the R.C.M.P are charging the majority of offenders but are very frustrated with the responses of the court. They feel that contradictory messages are being sent by the courts and the police as to the severity of spousal assaults. Without appropriate follow-up, arrests can do little to curb violence.

However, my data show that it is not prosecution in itself that is crucial. In the Baffin region, the vast majority of spousal abusers brought to court are convicted. This differs from the results of the few studies of prosecution. In Brazil, in 1990, "women registered over four thousand complaints of battery and sexual assault in the home at the main police station. Of those complaints, only three hundred - less than eight percent - were forwarded to the court for processing and only two men were ever convicted and sent to prison (Brazil Report, 1991 quoted in Beasley and Thomas, 1994:323). Dutton (1987:189), in his review of the studies, estimated that perpetrators
only had “a 0.38% chance of being punished by the courts” (see also Dutton, 1995; Fagan, 1989; Davis and Smith, 1982).

My data reveal much higher percentages of prosecution and conviction but that this alone is still insufficient. It is not enough to convict a perpetrator in a court. The actual sanctions imposed and follow-up seems to determine, at least in part, whether abusive behaviours continue. Respondents did not complain about the conviction rates but had serious problems with the sentences imposed. As LaRocque (1993:10) notes, “the courts are wantonly lenient re sentencing … This in itself is a chilling message”.

Numerous issues and dilemmas have been raised in turning to the criminal justice system in response to violence against minority women. Most women call for minority men to be held responsible for the violence they commit, however, there is no consensus on whether and how the criminal justice system should be utilized.

Martin and Mosher (1995), from their study of Latin American immigrant women in Toronto and from the literature, identified fears, risks, and harms when invoking the criminal justice system. These included fear of deportation, loss of children, racism, shame, betrayal of family and community, ostracism or backlash from their community, and further violence from their husbands. Inuit women share some of these harms, particularly ostracism, backlash from communities, and further violence. “In sum, there exist many valid reasons why women are reluctant to invoke a criminal justice response” (Martin and Mosher, 1995:32).
Rasche (1995:252) argued that while there may be different levels and tolerance of abuse among ethnic groups, "attributes of ethnic or cultural tradition may be the biggest hurdles faced by abused women in getting help". In many Aboriginal and minority groups, it is culturally unacceptable to seek outside help or interference. This was found in the present study as well. Abused women are thus placed in a terrible position. Dobash and Dobash (1992:52) argue that the double oppression of gender and race along with cultural, family, and community factors leads to "additional problems and priorities" for women of colour.

The woman of colour who lives in a racialist society and is also beaten by her partner faces impossible choices: she may escape her man's violence but at the cost of family and community membership and solidarity, or she may remain ensconced within family and community but at the cost of her personal safety and well-being. Unless the ethnic community actively rejects male violence among its members and polices it themselves or allows others to do so, women of colour are, in fact, being expected to bear the brunt of gender violence within a racial or ethnic group in order that the group itself or its violent members not be exposed to further racial oppression (Dobash and Dobash, 1992:53).

My research shows that there are cultural, family, and community factors which greatly influence responses to violence. However, in the Baffin region, racism did not seem to be a prominent factor determining responses. Inuit women did not report crimes of violence due to lenient treatment of Inuit men rather than due to fear of further racial oppression. In fact, there appears to be a "reverse discrimination" or a perception of a "double standard" of justice in that Inuit men were not being severely punished precisely because they were Inuit. The double standard in the Baffin Region is
the perception that sentences received by Inuit offenders are more lenient than those which would be received by non-Inuit defendants. This contrasts with claims of discrimination toward ethnic and racial groups in other regions of the country, particularly in cases involving Aboriginal offenders. Both Inuit and non-Inuit were critical of what they perceived to be the special treatment, more specifically lenient sentences, given to Inuit offenders by the Territorial Court. One R.C.M.P. officer with several years experience in the Baffin Region said:

"They would come up with ridiculous sentences for serious crimes. In one case of attempted murder, the person got 30 days probation and the judge's reasoning was 'Well, this is the Arctic and these are different people, and we have to temper our system with mercy.' Even the people in the town realized it was a joke, especially the families involved. In another case, a person was stabbed 40 times and the offender got 30 days probation. So both the police and the Inuit were walking around shaking their heads, saying 'What's the point?'"

Many respondents were angry and frustrated at what they perceived to be unequal treatment. An Inuit school employee stated: "The justice system treats them very lightly. That gives the message that we have to be specially treated. I think that's the wrong message".

While the interview data show a perception of a double standard of justice, it was not possible within this study to determine whether the Territorial Court, in its
actual sentencing practices, responded differentially to Inuit and non-Inuit. If there is a pattern of "reverse discrimination" in sentencing, the interviews offered partial explanations of why this occurs. Several non-Inuit respondents suggested that it was due to misdirected attempts to redress the cultural differences between the Inuit and non-Inuit justice system by not applying the full force of the law. Others suggested that the Territorial Court handed down lenient sentences out of fear of negative media publicity and political repercussions which would occur if large numbers of Inuit offenders were removed from the communities and sent to correctional facilities. In the view of a resource worker, the lenient sentencing of the Territorial Court was due to a concern with being labeled as racist. However, she felt that "in an effort to be fair, they end up being more unfair".

From a human rights perspective, "the state’s failure to prosecute cases of domestic violence and failure to provide equal protection of the law to women victims of violent crime violate international law" (Beasley, 1994:259). Pauktuutit, the Inuit Women’s Association, has taken a human rights perspective in their current legal challenge of court responses to Inuit men convicted of sexual assault:

Our challenge is based on Pauktuutit's view that the pattern of sentencing in sexual assault cases involving Inuit discriminates against Inuit women's equality rights and rights to security of the person as provided for in the Canadian Charter of Rights and Freedoms. In other words, when non-Inuit judges take into account 'mitigating factors' that are based on cultural issues, such as 'the man being a good hunter and provider for his family' ... we believe this is a violation of our rights (Pauktuutit, 1995:4).
The courts are in a catch-22. The over-representation of native peoples in the Canadian justice system, for example, has been well established. It would be easy to agree with Monture-OKanee (1994:135) that “any program which successfully keeps an Aboriginal person from a sentence of incarceration is laudable”. However, issues such as the safety and protection of women are crucial. Another Aboriginal woman stated that “at no time should the desire to reduce the proportion of Aboriginal men in prison impact on the response to women’s needs for a safe living environment” (Atkinson, 1990:17).

The highly politicized environment in which court services are delivered in the arctic places judges in an almost untenable position. If, for example, the judiciary sent large numbers of Inuit to territorial and federal correctional institutions, this would open the court to criticism of being culturally insensitive and to contributing to the already high rates of incarceration of Inuit. On the other hand, the failure of the court to impose what is viewed as appropriately severe sentences may open the court to criticism as well. Furthermore, the circuit court is making decisions in community environments which have high rates of violent crime and which have demonstrated little initiative to address this violence.

In spite of such criticisms, there were few suggestions that the Territorial Court be removed from the Baffin Region. A number of Inuit and non-Inuit respondents offered suggestions for how the delivery of court services to communities in the Baffin
Region could be improved. Many respondents felt that the Territorial Court needed to be educated about the communities, particularly the nature and extent of violence against women. A more direct line of communication between the court and the communities is needed as well as the development of sentencing alternatives. It was suggested by numerous Inuit and non-Inuit respondents that the Territorial Court focus on more serious crimes and leave the less serious offenders to be managed by the community.

It must be recognized that any court, no matter what the jurisdiction, only has a limited ability to address the causes of crime. Martin and Mosher (1995:40) question the efficacy of the criminal justice system and argue that our attention cannot be diverted away from the "transformative work which must be done if women are to be protected and respected; from the work that needs to be done so that men are truly not able, in the parlance of exchange theory, to 'get away with it' ... it is much, much more than the criminal justice system that permits men to get away from it".

Community-Based Sanctions for Woman Abuse: Policy Implications

Whatever action the courts can take, community attitudes remain important. In many Northwest Territories settlements there remains an attitude that spousal assault is not a community problem and that the spousal assault that occurs behind closed doors can be ignored, condoned and, in uncommon instances, even encouraged (Task Force on Spousal Assault, 1985:5).
Many communities are not yet openly discussing abuse issues nor publicly stating that violence is wrong. More education and awareness about violence against women is required. One strong theme which emerges from the literature is the silence and denial within many Aboriginal communities. “Indeed, one of the biggest barriers to the elimination of family violence is denial … A code of silence is maintained to prevent the violence from coming to light. This has been referred to as a ‘conspiracy of silence’” (Kakfwi, 1993:8).

If communities do not openly acknowledge violence, they are unlikely to sanction abuse or support victims. “As long as you keep silent, you are leaving the abuser free to harass. Exposure is the first step” (Ktnaxa/Kinbasket Newsletter, 1992:7). Chambers et al. (1993:55) argue that “‘talking’ about the issue is something individuals, families and communities can do to prevent violence and create awareness. But people need to feel safe to denounce violence”. Inuit women, particularly younger women, have begun to break the silence surrounding their abuse but communities have generally not provided safety nor support for them. Women have been blamed for the abuse or have been asked to “keep the family together” rather than bringing the violence into the public forum. As Kakfwi (1993:9) notes, an abused woman risks social ostracism if “she reports a crime and pursues it with a community that does not want to hear about it or believes that it is the victim’s responsibility to put up with abuse”. 
This said, some communities are looking for ways to confront family violence and initiatives have been undertaken. For example, some support groups have developed for both men and women, a video to assist victims in court produced, and an extensive victim’s advocacy project formed in Iqaluit. Women’s groups, particularly the Status of Women Council of the Northwest Territories and Pauktuutit, are actively involved in education campaigns and workshops.

Inuit leaders and government officials at local, regional, and national level are being called upon to make family violence issues a priority. Unfortunately, far too many leaders have not fulfilled their responsibilities and duties. As the Manitoba justice inquiry found: "The unwillingness of chiefs and councils to address the plight of women and children suffering abuse at the hands of husbands and fathers is quite alarming … the failure of Aboriginal government leaders to deal at all with the problem of domestic abuse is unconscionable" (Hamilton and Sinclair, 1991:485).

The government of the Northwest Territories has recognized violence against women as an important issue. The Legislative Assembly passed a Declaration on Family Violence and a motion proposing “zero tolerance” for violence in February, 1994 (no.05-12(5), tabled December 13, 1993). During a governmental discussion, then Minister of Justice Stephen Kakfwi clarified that zero tolerance means “there is some tolerance now for violence … It means, those of us who accept this policy will not condone it, either from ourselves or from members of our family, our relatives, our
communities or our leaders, and that we commit to addressing it in every instance and
taking what measures are necessary following this commitment to addressing it”
(Kakfwi quoted in the transcription of the governmental discussion, see Department of
Health, 1993:63-64). How this policy of zero tolerance will filter down to communities
and impact the levels of violence is yet unknown. While zero tolerance is important,
the practical strategies and resources to accompany it are still forthcoming.

One recommendation from the literature is that programs and initiatives be
community-based. There has been an increased emphasis on the decentralization or
devolution of justice services to communities throughout the Northwest Territories,
including the Baffin Region. “Devolution is the process of transferring rights, powers
or responsibilities from a higher level of government to a lower one” (Weller,
1990:319). It is an ongoing, fragmented process in the north. Since the creation of the
Government of the Northwest Territories (G.N.W.T.), there has been devolution from
the federal government to the territorial government. In turn, the G.N.W.T. has been
devolving responsibilities to the regions and to local communities. Each stakeholder has
their own vested interests. Simply stated, the federal government wants to limit its
financial commitment to northerners while still maintaining ultimate political control;
the G.N.W.T. wants to maintain its legitimacy and some of its newly acquired powers;
and Inuit saw the G.N.W.T. as yet another imposed government and are actively
creating their own territory, Nunavut.
The N.W.T. Department of Justice has initiated discussions surrounding the decentralization of justice services to interested communities. This transfer of justice services is viewed as one way to empower the communities to successfully deal with their own affairs (Corrections Service Division, 1991). Decentralization is partly based on the principle that local justice programs and services can better address the needs of communities, victims, and offenders. This important principle has yet to be empirically substantiated. The N.W.T. government stresses that these programs will not be imposed upon the communities, but rather are programs which will be implemented in cooperation with communities, a departure from past practice: "It is mandatory that these discussions and, indeed, this initial course of action be responses to local concerns rather than imposed from outside the community. At this point in time, these initiatives should be carried out only if the community opts for expanded responsibility" (Corrections Service Division, 1991:3, emphasis in original).

There was general agreement among those interviewed for the present study that communities could assume responsibility for many offenders and local justice initiatives may be able to effectively respond to minor crimes. However, there was a “threshold” of offense severity beyond which communities feel uncomfortable or unable to assume responsibility. Crimes of violence against women were seen as sensitive, political issues and they were generally excluded from diversion proposals which are currently beginning in the eastern arctic. Baffin communities are not ready to take full
responsibility for these offenders at this point. This is not to say that there is a consensus around this issue or that proposals including spousal assaults will not be forthcoming. The former Minister of Justice of the N.W.T. stated:

It will be up to the communities, in cooperation with other participants in the justice system, to decide, over time, the level of responsibility they want to assume. Experience elsewhere has shown the risks of communities prematurely assuming responsibilities in offenses where there are victims of violence and sexual assault. It is expected that, as the Community Justice Committee members and the community gain experience and confidence from dealing with various offenses, they will gradually assume responsibilities for more serious offenses, including offenses involving violence (Kakfwi, 1993:21).

The exact process of decentralization remains undefined and numerous questions surrounding such a policy are unanswered. To date, there is not “a clear understanding of the obstacles which may hinder the development of policy and programs for Native victims of crime” (Griffiths and Yerbury, 1991:341). The findings from the present study provide insights into the issues surrounding local justice services and programs in cases of violence against women. Any policy that decentralizes justice services in the Baffin Region must consider the impact on women. LaPrairie (1995:24) points out:

Perhaps the greatest single challenge to new justice approaches ... is presented by victims. Ironically, this is also the group whose needs have most influenced the restorative justice movement. Evaluations of projects in aboriginal communities suggest that while leaders, offenders and project personnel are usually very supportive of new community-based approaches, victims are generally the least satisfied group.
The following summarizes key issues identified from this research surrounding the development and implementation of community-based justice initiatives which involve cases of violence against women:

(A) INCLUSION OF WOMEN

Over the past few years it has become evident that placing the control over domestic violence situations in the hands of Chiefs and Councils has not resolved the problem. Nepotism, favoritism, and corruption within these programs further reinforces violence against women ... What we have said to government is, please involve Aboriginal women (McIvor, 1993:6).

Community-based justice initiatives must include women at all stages of development and implementation. Female victims and women's advocates, in particular, must be involved in consultations. In a First Nations Report on family violence, Frank (1992:19) argued that “there needs to be discussion on how to ensure that their voices are heard”. In community consultations in the N.W.T. about gender equality in the administration of justice, Peterson (1992:75) found that many women expressed concerns that their voices were not heard and a common complaint was that there was a willingness to hear from elders and not from younger women:

There must also be an awareness of the fact that there can be differences that develop along generational lines and that older people may evidence a tolerance of violence against women that is no longer acceptable to younger women. In seeking advice and input from communities these differences must be recognized. While it is appropriate to explore alternatives for addressing issues of violence, such alternatives must not become a mechanism for excusing violent conduct.
One recommendation of the Canadian Panel on Violence Against Women (1993:8,E.12) is: “Guaranteeing the equal participation of Aboriginal and Inuit women in the design and implementation of Aboriginal and Inuit justice systems”. The Status of Women Council of the Northwest Territories (1993:2) supported this recommendation but stated: “It is not clear, however, how guaranteed equal representation of women in design/implementation of Aboriginal and Inuit justice systems will be achieved. In the N.W.T. this could take the form of G.N.W.T. [Government of the Northwest Territories] policy statements and a prerequisite for funding”.

I agree that government has a role to play. For example, resources and funding must be provided to women’s groups at the local, regional, and national levels. Government involvement is a very contentious issue given Aboriginal peoples right to self-determination and the abysmal historical record of government’s dealings with Aboriginal peoples. Given the extent and severity of violence against women, the tolerance for violence, and community dynamics, I see the necessity for clear policies in such areas as the composition of justice committees and for a system of monitoring and accountability.
Overall, there was a lack of support and protection for abused women in their communities. Inuit women have nowhere to go, are subjected to further abuse from their partners when they disclose, are pressured by family members, and victims are often blamed for the abuse. Individuals and groups may try to keep couples together but do not confront the abusive behaviour of offenders. "The tendency is to 'blame the victim' rather than address the criminality of the abuser ... It is easier to allow the violation of the rights of a victim to go unheeded than to confront the guilt of an abuser. The injury to the community is wrongly perceived to be less" (Kakfwi, 1993:9).

Concerns were raised about whether local justice initiatives will protect the rights and interests of women, or whether women will become even more vulnerable to violence. Issues of safety, monitoring, and accountability are interrelated. It cannot be assumed that violence against women is seen as unacceptable. The answer to the following question should be a basic guide to policy and programmatic initiatives in the Baffin Region: will the initiative reduce the level of vulnerability of women and provide support and protection of victims? Creating community-based justice services must not be done at the expense of women.
(C) NEED FOR PROGRAMS AND SERVICES

In addition to sanctions, increased services and facilities are needed for offenders, victims, and Inuit families. Treatment interventions and programs are required which might reduce the levels of reoffending. The Task Force on Spousal Assault in the N.W.T. (1985:5) argued that “we must develop methods to deal with the problem of batterers. We must be prepared to do more than impose criminal sanctions through the courts. We must reach out to them with counselling, therapy and family education”. Many respondents in my study believed that court-mandated treatment for abusers could be effective. This supports the tentative analysis of Dutton et al. (1992:124) that there is a “potential for pro-arrest policies, combined with prosecution and court-mandated therapy, for the reduction of repeat wife assault”.

The Correctional Service of Canada has adopted the following treatment orientation for male offenders: “an integration of social learning and pro-feminist power based theories whereby violence is understood as a response that is learned through direct experience or through modeling. Program content is largely psychoeducational in nature in that it provides information and teaches specific skills” (Family Violence Initiative Unit, 1993:1). The actual implementation and evaluation of programs varies across jurisdictions. There is a paucity of information on indigenous men who abuse their partners and there are very few programs specifically designed for
Aboriginal men (for a review, see Zellerer, 1994). There were no programs for batterers at the Baffin Correctional Centre.

If abusive men stay in their communities, it cannot be assumed that communities have the necessary willingness, infrastructure, and resources to implement programs and provide protection of victims. The Chair of the Inuit Justice Task Force in Nunavik, for example, stated that “the region we come from is bare of infrastructure and resources to deal with these kinds of issues. A community is swamped dealing with the magnitude of problems” (Buller et al., 1994:46).

Government has a role in assisting community revitalization and development. Although groups and programs need to be community-based rather than imposed, resources and training are required. It is unrealistic and dangerous to believe that developing community expertise and resources to confront violence is a simple or quick matter. “Expecting resource-starved communities to magically transform these offenders simply because they have been given the responsibility, may be both unfair and unrealistic” (LaPrairie, 1996:12).

The criminal justice system was seen as an important resource to ensure that offenders completed programs and stopped all forms of violence. For example, mandated treatment was seen as a potential option.
(D) POWER HIERARCHIES AND GENDER INEQUALITY

Power and control are perhaps the most fundamental issues that must be acknowledged throughout all stages of community-based justice initiatives. These are key concepts for feminists working in the area of violence. Feminists and women's advocates argue that the power imbalance between battered women and their abusers must be understood. For example, many critics argue that mediation is inappropriate for wife abuse due to a tremendous power imbalance. "The balance of power in victim-abuser relationships is so weighted that the possibility of victim coercion during mediation is virtually unavoidable" (National Institute of Justice quoted in Sun and Woods, 1989:37).

It is not only the power dynamics between abusers and abused which need to be understood. There are also community power dynamics. In Baffin region communities, there is a social and political hierarchy which ensures that the views of some residents will weigh more heavily in any decisions regarding the administration of justice. There is a danger of a "tyranny" of certain persons and families which hold more power and influence. Abusers may not be confronted or may be supported while victims may be revictimized. Relations of power may thus be reinforced rather than transformed. In creating justice initiatives in small communities, "the temptation to abuse power - and the powerless - is especially strong. Significant power is already concentrated in the
hands of small sub-groups, and the powerless are all too familiar with how power has
been used against them in the past” (Ross, 1993:15).

There is also gender inequality, particularly within the political leadership of
communities. Women have little official authority in many of the communities and the
interests of victims may not be served. The Canadian Panel on Violence Against
Women (1993:167) also noted this issue:

Aboriginal women’s needs are not a priority in Aboriginal communities, and
there is no accountability mechanism in place to ensure that all needs are met. Aboriginal
women are grossly under-represented in local Aboriginal
governments and in regional and national Aboriginal organizations. As a result, Aboriginal
women are not in a position to determine local priorities.

Care must be taken to ensure that family networks and power structures do not
perpetuate the victimization of women. The strength of extended family networks and of
“community-mindedness” can be utilized to end violence in homes (Hodgson, 1990).
Equally important, as elder Abe Barnstick said, is that “Our greatest strength as an Indian
community can be our greatest weakness” (quoted in Hodgson, 1990:37). The great
strength of an extended family becomes a great weakness when it is used to prevent
disclosure of violence and leaves victims unprotected.

A cross-section of individuals, including different generations and both sexes,
was recommended for committees or tribunals. For example, Justice of the Peace
tribunals, involving multiple JPs, would spread decision-making responsibility across
several individuals in the community. This would assist in reducing individual and
family biases as well as any family or community pressures on a single JP. A 
coordinated, inter-agency approach was also seen as important. Those chosen for 
positions must be screened to ensure they are not abusers themselves nor condone 
vioicence.

(E) ELDER INVOLVEMENT

Elders are important resources for community justice. However, many 
respondents, including abused women, raised concerns about the involvement of elders
in addressing violence against women. There were concerns that elders do not 
understand the nature and extent of violence and do not always support abused women.
Caution was advised in using the term “elder” and some criteria for choosing elders to 
work in this area was recommended.

Respect for elders is an important cultural value in Aboriginal and Inuit 
communities. This respect, unfortunately, often leads to overlooking or excusing violence 
committed by older individuals.

This is not because violence is cultural but because respecting Elders is. The power 
of the extended family to suppress the disclosure when the abuser is an older person 
is very great. A way to address this issue is to take the perspective that we respect 
people who act in a respectful way. Reporting all perpetrators of sexual violence to 
the authorities and referring them to therapy shows respect for them: it allows the 
abusers to get help, and it also protects innocent victims (Hodgson, 1990:36).
(E) INUIT CULTURAL VALUES

Inuit cultural values will influence justice initiatives. For example, apologies, reconciliation, forgiveness, and restoration of harmony are important cultural components for addressing conflict which may become incorporated into justice initiatives. However, there is a concern that some cultural approaches may not always adequately take into account the needs and interests of victims. A community resident said he did not agree with shelters for women, commenting that “the women are sent out to a safe house before reconciliation is made with her husband, or consideration given for the husband’s feelings. I think that this safe house business is very frustrating for men. It can create a further obstacle for the reconciliation of their marriage”.

Reconciliation is a key attribute of traditional Inuit approaches to conflict. However, this study questions whether abuse is confronted and Inuit women supported if a reconciliation process is taken today. The following argument by an Inuit resident illustrates this concern:

“This spousal abuse or disharmony in marriage is something the government does not understand. Forgiveness is not emphasized in the government programs. An elder told me a story about a certain man who had a wife that was disloyal, so the man had beaten her physically. After that, the woman never repeated her actions again. At that time, the man physically hurt his wife but the
result of that was reconciliation of the marriage and harmony was brought back”.

This respondent then added that “these days, when a man beats his wife, he is charged ... and the woman who caused the added anger, social services takes care of her and places her in the safe house. The man gets angrier because his wife is taken away and he is charged with an offense. This procedure creates another problem as forgiveness is not emphasized”.

While reconciliation and forgiveness are not in and of themselves problematic, the process and context in which they are located is crucial. Creating culturally appropriate programs are necessary. LaRocque (1993:25) cautions, however, against the notion “that it is ‘cultural’ for Native women to tolerate violence at all costs in the name of ‘family’ or ‘tradition’. This is reminiscent of some churches that admonish women never to leave ‘the sanctity of marriage’ ... Care must be taken that violence of women and children never be advanced in the name of ‘culture’”.

Inuit are also reluctant to intervene, confront, and pass judgment on others, which has hindered the ability of community residents to mediate and resolve disputes in the communities. The reluctance to sanction offenders may hinder local justice initiatives and increase women’s vulnerability.
Supernault (1993) identifies traditional Native principles about relationships and discusses how, in the contemporary context, these traditional values have a negative impact on victims of violence:

Traditional principles of individual respect through subtlety, indirectness and gentle humour remains intact and comforting ... Acceptance of another’s mistakes carries the flip side value of not passing judgment, not ridiculing and not condemning. Native people are very forgiving. Unfortunately, this is one reason why victims will not charge their abusers. Women may go to shelters until the crisis blows over, but to the frustration of the police and shelter staff, they will return to their abusers. Family unity is still the most important factor ... Combining this behaviour with the traditional value of not interfering in one another’s affairs meant nobody stopped the violence or helped the victim ... Tolerance of human mistakes expanded to a bizarre degree (Supernault, 1993:14).

It is important to emphasize that I am not arguing that culture causes violence or that violence is necessarily a part of Aboriginal or Inuit culture. Nor am I saying that tolerance and non-interference are only attributes of Inuit communities for clearly they are not. What I am arguing is that culture plays an important role in the responses to violence against women, and more specifically in the sanctions and sanctuary for wife abuse. As Feinman (1992:137) argued, “although battered women of all backgrounds experience similar pains and problems, the responses of victims, batterers, and those in a position to help them vary significantly depending upon the history and traditional cultural values of the people involved”. She also found that cultural values prevented many abused women on Navajo reservations from obtaining help.
A challenge for the Inuit is to determine which cultural values and traditions are effective responses in contemporary Inuit communities. In an article describing changes that northern peoples have undergone, Billson (1988:307) states that "living in larger communities with strangers meant that traditional means of informal social control, like gossip and ostracism, were now empty threats. The hunting group and its mutual responsibility and sharing was gone, only to be replaced by pensions, welfare, and family allowances" (see also Rasing, 1994).

Inuit experienced rapid social change in moving from a lifestyle of hunting and subsistence to permanent settlements. When life on the land was replaced by life in permanent settlements, the Inuit had little time to adapt before they became dependent upon outside agencies and organizations. What is required is the development of a settlement culture, likely a mixture of tradition and modernity, among the Inuit which will assist them in being more self-sufficient. Inuit women should assume a major role in creating this new settlement culture. It would include developing an ability and willingness to confront and control abusive men. Violence needs to be seen as a community problem and communities must be willing to take a stand against it.

Comparing and Contrasting Inuit Communities Cross-Culturally

We are at an early stage in understanding wife abuse in cross-cultural settings. One of the largest gaps in the literature on violence against women is a lack of research
of different cultures. This section will compare my findings with those of a number of authors who conducted research in non-western cultures. These researchers’ findings were presented in Chapter 2. I will focus on four societies which ethnographers argued have little or no wife battering: the Wape (Mitchell, 1992) and Nagovisi (Nash, 1992:107), both in Papua New Guinea; Gariuma communities in Belize, Central America (Kerns, 1992); and Mayotte, an island in the western Indian Ocean (Lampek, 1992). I will also compare my findings to Levinson’s (1988; 1989) conclusions from his analyses of 90 small-scale societies.

One key feature of the societies which rarely have wife abuse is that relatives or neighbours immediately intervene. In contrast to the responses of Inuit communities, fights “draw attention and intervention of others. People come to the aid of quarrelling couples: they feel that they should intervene” (Nash, 1992:107). In Gariuma communities, “if a man begins to hit his wife, someone always alerts older kinswomen and neighbors. These women usually need do nothing more than make known their presence as witnesses to the act. This is said to shame the man, who knows he has no right to beat his wife” (Kerns, 1992:132).

The Inuit communities are similar to these other small communities in that everyone knows everyone and relatives are nearby. However, it is not merely the presence of relatives that reduce wife abuse. Levinson (1989) compared the type of household (extended, polygynous, nuclear, or mixed) for 90 societies and found that it
was not a predictor of violence. This finding "runs counter to the widely held belief that wife beating will be less common and less severe in extended-family households in which relatives are present to intervene in wife-beating incidents" (Levinson, 1989:54).

My research also shows that extended families and the fact that relatives and neighbours are nearby are not sufficient deterrents to wife abuse. This social structure, in itself, does not guarantee that relatives and witnesses will actually intervene to stop violence. Even though relatives are nearby, the Inuit do not believe they have a right to intervene.

In Mayotte, the relatives not only personally intervened, but they also threatened to go to the civil authorities even though this is recognized as an undesirable last resort. Lambek (1992:160) shows that relatives "are prepared to render the whole thing 'public', whether at the level of the village or the state". In Inuit communities, the silence surrounding violence against women and vast under reporting of wife abuse to authorities are important differences from the responses of these other societies.

Interestingly, one of the constraints against wife abuse for the Wape is what Mitchell (1992:95) calls a "pacific and conciliatory cultural ethos". This cultural prescription against confrontation and the control of emotions was also noted in the Nagovisi by Nash (1992) and is strikingly similar to Inuit values. However, what is critically different between the societies is that the Wape and the Nagovisi still
*intervene* in cases of domestic violence. The following powerful image of the sanctioning force of Wape women is, at this point, unheard of in Inuit communities.

"In the unlikely event that a couple becomes so angry during a quarrel that they begin to shout at each other, women of the hamlet, a few sometimes armed with large sticks, descend upon the house and stand around it until the woman joins them outside” (Mitchell, 1992:93).

Levinson (1988) gives two factors that distinguished societies with low levels of violence from those with high levels which are relevant to my theoretical framework. One is that “disagreements between adults in the society are resolved peacefully through avoidance of conflict situations, mediation, or disengagement, rather than violently or through threats of violence”. The second factor is that “immediate outside help by neighbors who intervene or provide shelter is provided to family members who are victims or are threatened with physical harm by other family members” (Levinson, 1988:452). My research points to the importance of the second factor more so than the first. Inuit strive to avoid conflict but they did not intervene nor provide shelter for victims.

Sanctuary for abused women is another important feature of societies with low levels of wife abuse. Women of these societies obtained food and shelter from relatives and their husbands could not seek their return. Community residents and relatives “do not encourage her to stay with him, in order to ‘keep the family together’” (Kerns,
1992:133). Inuit women, in contrast, hesitated to turn to their relatives for safety and
Inuit men often used force to bring their wives home with little interference from
relatives. Furthermore, unlike the other societies, Inuit women were often blamed for
the abuse they suffer. Great emphasis was placed on keeping Inuit families together and
relatives often encouraged abused women to stay with their abusers. Sanctuary was
virtually unavailable in Inuit communities and the one shelter was often seen as
contributing to the break up of families rather than as an important safe haven for
abused women.

Levinson (1989) tested the effect of all-female work groups, which are not a
common feature of most societies. His finding that “solidarity with other women is a
powerful predictor of the absence of wife beating” supports feminist theory (Levinson,
1989:84). The importance of women’s solidarity provides hope to women’s groups
working to combat violence in the eastern arctic.

Levinson found informal intervention, which he classified as “immediate
intervention by kin, neighbor or mediator” and “wife given shelter by kin or
neighbors”, to be more effective than formal interventions. The editor of a cross-cultural
compilation of ethnographic studies of wife battering concludes that the “data shows that
community action can be more effective than official sanctions in preventing battering”
(Campbell, 1992:245). My study provides further support to both Campbell’s and
Levinson's conclusion. I argue that the most important sanction for wife abuse that must be developed is Inuit communities taking a stand against violence.

Communities, however, are at different stages of willingness and ability to confront violence against women. This raises important questions about communities which will not confront abusers and provide support for victims, as is the case of Inuit communities in my study. Women's lives are at stake and I agree with Levinson's conclusion that the criminal justice system still has a role a play:

... it seems fairly clear that the presence of kin or neighbors who will intervene in violent or potentially violent situations is a characteristic of societies with low rates of wife beating ... This finding strongly suggests that, in the absence of intervening neighbors, shelters for battered women, and swift criminal justice and social welfare intervention must play a prominent role in any effort to control family violence (Levinson, 1988:452).

The data from these cross-cultural studies support Gelles' (1983) exchange/social control theory. "A central (and perhaps greatly oversimplified) proposition of exchange/social control theory of family violence is that people hit and abuse other family members because they can" (Gelles, 1983:157, emphasis in original). One proposition of his theory is that "family violence is more common when nonnuclear family members (e.g. friends, relatives, bystanders) are unavailable, unable, or unwilling to be part of the daily system of family interaction, and thus unable to serve as agents of formal and informal social control" (Gelles, 1983:160; Nye, 1979).
The finding "that negative sanctions against wife-battering are important factors in its prevention, support exchange theory" (Campbell, 1992:244). My data lend further support to Gelles' theory. Inuit community residents, including relatives, do not intervene as agents of social control to stop or prevent violence against women. This lack of sanctioning coupled with victim-blaming and lack of sanctuary for abused women allows men to continue abusing Inuit women.

Gelles' approach is consistent with many feminist theoretical arguments. A basic argument by feminists is that patriarchal organizations or institutions (which includes the criminal justice system) allows, legitimizes, and even encourages male violence against women (for a now classic description of this perspective, see Dobash and Dobash, 1979). Feminists have argued that "domestic violence is considered a problem of social control ... society protects the family which in turn protects men" (Patrignani and Ville, 1995:19). I argue that social control relates to wife abuse on two levels. On a societal and institutional level, there is a lack of intervention and sanctions against wife abuse. On an individual level, some men exert social control over women through violence. Men's abuse is often justified or condoned while female victims are often blamed for the violence. "Without this cultural acceptance and the structural support of men's authority over women, violence would be less effective as a means of social control" (Patrignani and Ville, 1995:25).
My study and the reviewed anthropological data support feminist calls "to change societal structures which allow or facilitate battering" (Campbell, 1992:245). In all cultures, sanctuary for beaten women and strong sanctions against violence are necessary. Sanction and sanctuary would be seen from a feminist approach "as concomitant with female power and antithetical to a strictly patriarchal society. Our evidence shows a strong association between sanctions against battering, sanctuary for those severely beaten, and low levels or absence of battering" (Campbell, 1992:236).

However, although feminists generally insist that we look at the societal and historical context, they have only given limited attention to the cultural context from an anthropological perspective. In analyzing my findings, I agree with Levinson’s point that feminist patriarchal theory is too general and "the concept of patriarchal society is too broad a notion for cross-cultural testing" (Levinson, 1989:84). A similar criticism of feminist theory has been made by Jamieson (1987) who studied violence against Aboriginal women. She notes that "one of the nagging difficulties which has emerged for feminist theorists is the very task of developing an appropriate conceptual framework which could explain violence against women trans-culturally" (Jamieson, 1987:8). Like Levinson, she identifies a problem with feminists who "mechanically employ an often nebulously defined concept of patriarchy as a key oppressive 'constant' of violence against women in all cultures" (Jamieson, 1987:9). Universal assumptions,
as shown in this dissertation, are not very useful for providing insight into violence against women. While comparative work is critical, I argue for contextual analyses.

Sanctuary for Abused Women: Summary of Key Findings

For too long the victims of spousal assault and their families have suffered in silence and isolation. This must not be allowed to continue. We must encourage victims to seek help and when they do, we must be prepared to provide it (Task Force on Spousal Assault, 1985:5)

Learning from societies that are not plagued by wife beating, the mechanisms used to control wife beating which seem most effective include “ones that provide immediate protection for the wife. After-the-fact protection, while perhaps removing a wife from an abusive situation, does not seem to prevent wife beating in any general sense” (Levinson, 1989:101).

My research confirms that immediate and safe sanctuary for abused women is vital. Two prominent researchers, Dobash and Dobash (1992:92-93), for example, state: “If a violence-free home cannot be found, a woman cannot be free from violence ... The importance of housing cannot be overestimated”. The following is a summary of key findings about sanctuary for Inuit women:
1. Shelter and Safe Refuge in Communities

- There is only one shelter, Qimaavik, for abused women and their children in the eastern arctic which is located in Iqaluit. Qimaavik offers a temporary safe haven for up to 6 weeks.

- Most of the women who came to the shelter in 1992 listed Iqaluit as the community in which they lived. Women living outside Iqaluit face numerous obstacles in going to the shelter. For example, they must wait for a plane, often remain with their abusers with no protection, and fly great distances from their homes.

- Women who come to the shelter attest to the extreme physical, verbal, emotional, and sexual violence perpetrated by male partners. In addition to abuse, women came to the shelter for the following reasons: they had nowhere to stay; they were threatened and/or scared; their husbands/boyfriends were drinking; and/or they were told to get out of the house by their abusers. The shelter files and interviews confirmed the importance of having sanctuary available 24 hours a day, seven days a week.

- There were mixed opinions about the shelter. Some community residents felt that the shelter “breaks up families” while others, particularly abused women or those working with women, recognized the necessity of a safe refuge. The majority of respondents agreed that the shelter is only a temporary respite which
does not solve key problems because "nothing changes at home". Most women return home after leaving the shelter.

- In some communities, families offer space within their own homes as a "safe house" for women on an informal, voluntary basis. However, there were many problems with sanctuary within communities: overcrowding, lack of housing, fear of the abuser, and family interrelationships. Abused women could sometimes find refuge with friends or relatives. However, abusers would find them and physically bring them home. Bystanders were reluctant to intervene.

- Women had difficulty leaving their communities because they are small, isolated, and there are no roads between them. The community is also her home where typically her friends and relatives live.

- Overall, a clear theme is that abused women in the Baffin region had "nowhere to go".

2. Services and Support for Abused Women

- Overall, abused women do not receive support or protection within their communities. Women were often blamed for the abuse. Witnesses and relatives were reluctant to intervene in abusive situations. Abuse is widespread throughout the communities and it appears that relatives were also often abusive.
• There is a lack of programs and services for abused women within the communities. Lack of professional counselling was seen as a particularly important gap.

• Social workers are a potential resource for women. For example, social services will pay for women to fly to the shelter in Iqaluit. However, there were numerous problems with social services including high turn-over of personnel, lack of adequate training, conflict of interests with family interrelationships, and an overwhelming workload.

• Some communities have tried establishing support groups. Groups were seen to be helpful to victims of violence. Difficulties with groups included “burn-out” for those few individuals within a community willing to provide support and a lack of resources.

• One important pilot project was an inter-agency, coordinated effort to support abused women in Iqaluit. Ikajuqtii, a victim’s advocacy project, was established in order to provide victims with immediate assistance and support. One of the goals of this pilot project was to provide much needed services for abused women but also to develop a model that may be useful for other communities. Follow-up on this initiative would be extremely beneficial.
The Task Force on Spousal Assault for the Northwest Territories (1985) submitted its report over 10 years ago. My study shows that their findings are still relevant today. For example, the Task Force (1985) documented a lack of safe places for women and their children to turn to when they are in abusive situations. Inuit women are still under great pressure to remain in their home communities or to return to their abusers. The Task Force on Spousal Assault (1985:9-10) noted that many victims are "suffering alone and in isolation. The concern to keep families and communities together appears to keep many victims from making complaints, from seeking help, from leaving. Parents and grandparents encourage victims to stay with or return to their spouses for the sake of the children and extended family".

The findings from this study echo those of other authors who have documented the lack of sanctuary for Aboriginal women in other jurisdictions. Issues such as lack of housing, overcrowding, inadequate resources and services, and an unwillingness of others to get involved have also been identified in other Aboriginal communities. For example, the Aboriginal Justice Inquiry of Manitoba, in reviewing services for women in that province, reported that "there are no Aboriginal shelters, other than one in Winnipeg, no Aboriginal safe homes and no Aboriginal second-stage housing anywhere" (Hamilton and Sinclair, 1991:487). A 1992 study of 35 Aboriginal communities across Alberta found that "family violence is seen as a major issue. However, there are very limited, or no
resources to deal with it. None of the reserves or Métis settlements has a resource person to specifically deal with family violence issues" (Twin, 1992:5).

If services and support are unavailable, as is the case in the eastern arctic, women are forced to either tolerate the abuse or leave their community. Jamieson (1987:98) points out that "banishment, a traditional means of restoring justice through the removal of the offender from the community, is ironically the victim's chief option". Inuit women, like most other Aboriginal and non-Aboriginal women, emphasize that while they want the violence to end, they want to stay in their home community and they often want to keep their family together. "As with most abused women, the initial reaching out for assistance is so that the violence will end, not the relationship" (LeBlanc, 1990:3).

This study also reveals similarities between the experiences of abused Inuit women in the arctic and abused women living in rural areas. There is a lack of research on abuse in rural areas for the literature on violence against women "focuses almost exclusively on urban areas. Rural woman abuse has therefore been much neglected in the burgeoning research" (Websdale, 1995:309-310). A study of rural Kentucky (Websdale, 1995) and rural Maryland (Petersen and Wessert, 1982) found that one of the key issues is isolation. Geographic and social isolation may involve no public transportation, no access to a vehicle, no telephones, distant neighbours, and no social services such as shelters. MacLeod (1989:28-30; see also Vis-A-Vis, 1993; Canadian Panel on Violence Against Women, 1993) pointed to some of the particular problems faced by abused rural women which
included fewer support services and resources, limited transportation, sporadic access to the police and courts, conflicts of interest due to family interrelationships of service providers, unavailable information, and low public awareness.

Inuit women of the eastern arctic live in isolated, rural communities so they experience similar barriers as other rural women such as lack of services, support, and safe refuges. However, there are some differences. For example, rural women tend to live far from neighbours which is not the case of arctic communities. There are also power dynamics within Inuit communities which seem absent in rural communities. The potential cultural influences need to be further explored in rural communities.

Recommendations for Future Research

While this exploratory study has provided valuable insight into violence against Inuit women, there are limitations and further research questions need to be explored. The following is a brief outline of some of the areas that require further research:

1. The present study provided an analysis of violence against Inuit women across the Baffin region. Case studies of individual communities were not completed. Thus, community-wide victimization surveys and focus groups are recommended to enable a more in-depth understanding of violence in each of the thirteen communities so as to appreciate any difference across communities. These would further reveal the nature and extent of violence against Inuit women, particularly the incidents which are not
reported to the police, within each community. This would also provide a better understanding of the strengths and weaknesses of each community and what specific responses are currently possible to effectively confront violence.

2. The present study did not specifically interview Inuit men who are abusive. Preliminary findings indicate that abusive men do not take responsibility for their behaviour nor appreciate the severity of the abuse. The experiences and perceptions of men need to be further explored. Further insight into appropriate sanctions against violence can also be gleaned from interviews of men. The effects of incarceration, for example, can be better understood by researching Inuit offenders in jails.

3. The relevance and impact of police charging policies in small, isolated communities needs to be examined.

4. Interviews clearly show that there is a perception of lenient sentences for cases of violence against women. An analysis of court files was not completed but this would provide further insight into the sentencing practices of the courts. A comparative analysis of court responses in the Baffin region with those in other jurisdictions would be helpful in providing a context for the severity of court sanctions. The relative effectiveness of different sentence outcomes should also be further evaluated. This could inform the development of sentencing alternatives.

5. There is a perception that Inuit juries do not convict offenders. An analysis of jury trials in eastern arctic communities would reveal whether or not this perception is
accurate. Researchers could examine the report by Thue (1994) who reviewed jury trials in four communities in the western arctic, N.W.T.

6. Further cross-cultural, comparative research is required. This would enable a more precise understanding of the similarities and differences between abused women of different geographic areas (urban vs. rural) and different cultural backgrounds. This would also enable a better understanding of the impact of culture and ethnicity/race on violence against women.

7. This dissertation did not attempt to provide an in-depth analysis of Inuit gender relations nor resolve the debate on whether or not the Inuit were traditionally egalitarian. I also did not provide an in-depth examination of the effects of colonization. Preliminary findings, particularly from interviews with Inuit elders, suggest that wife abuse occurred in small camps, prior to the establishment of settlements. The research of Wachowich (1993) in Pond Inlet also show that violence occurred in the past. An ongoing elders’ project in Igloolik will likely support this finding. Data from Greenlandic Inuit offers further support for the existence of wife abuse prior to colonization. Discovering the traditional approaches to wife abuse is important for the establishment of community-based initiatives. As my study indicates, an assumption that violence against Inuit women is seen as wrong and a reliance on elders to intervene with couples, poses dangers for abused women.
8. The present study has raised numerous critical issues that must be taken into account in the development and implementation of community-justice initiatives. As LaPrairie (1996:1) has warned, “in the precipitous haste to find solutions to the thorny problems confronting aboriginal justice (such as the over-reliance on imprisonment), we have witnessed the uncritical adoption of several new initiatives”. All stages of development and implementation of any policy and initiative introduced in the Baffin region must be informed by research rather than propelled by politics. Critical evaluations are required. This research needs to keep in mind the issues raised in this study.

Conclusion

There has been very little research into violence against Inuit women in the Baffin region. This dissertation has made a substantial contribution to the literature. This study provided a rare opportunity for community residents, those involved in the delivery of justice and social services, and abused women to voice their opinions and concerns about violence against women as well as about the delivery of justice. It is hoped that the findings will be of use to policy makers as well as a variety of organizations and agencies, particularly those involved in discussions about the delivery of justice services in the newly created territory of Nunavut.

In comparing and contrasting the responses of Inuit communities with other societies, it becomes clear that cultural values of non-interference and a lack of
community sanctions allow violence to continue. I agree with the conclusion of Campbell (1992:245) that “social and cultural constraints against wife-beating can overcome individual propensities to violence”. I argue that key contributors to the high levels of violence against Inuit women is the lack of immediate and effective sanctions against violence and a lack of sanctuary for abused women.

Police are actively responding to the majority of wife abuse cases that come to their attention but arrest is insufficient to curb the violence. The courts have miserably failed Inuit women, as they have failed women in other jurisdictions, for women are not protected nor are sentences effective. The ability of courts to respond to violence against women, however, is limited and they are often in a catch-22 with respect to indigenous offenders. Imposing severe sentences and bringing men out of communities to yet another foreign and ineffective institution will not stop the violence. However, improvements and innovations are possible. The criminal justice system has a vital role to play in confronting violence, perhaps as a “back-up” or “enforcer” for sanctions.

Government officials and policy makers must understand the realities of communities, truly listen to women, and offer a meaningful partnership in the struggle to end wife abuse. It the end, it comes down to the communities themselves. They must take a stand against violence. Currently, Gelles’ (1983) proposition that men abuse women because they can rings hauntingly true in the Canadian eastern arctic.
APPENDIX A
INTERVIEW SCHEDULES ¹

Interview Schedule for Women who had been Abused

Interview Schedule for Baffin Region Community Residents

Interview Schedule For RCMP Officers Currently Serving in the Baffin Region

Interview Schedule for Baffin Region Crown and Defence Lawyers

¹ These interview schedules were designed for in-depth, semi-structured interviews. As such, they were used as guides. Interviews typically did not follow the schedule in a precise manner. The questions were designed to obtain perceptions of and experiences with a broad range of issues.
Interview Schedule: Women who had been Abused

A. Background Information

1. Where are you from?
2. Age
3. Education
4. Upbringing: what was it like growing up as a girl in your community? What was your family like? Who was "in charge" or "boss" in your family? What was the relationship between boys and girls?
5. What were the roles and views of men and women (in relationships, families, the community)? What changes have occurred (past compared to today)?
6. Marital history. How is marriage and divorce viewed?
7. Children?
8. What do you do (employment history)?
9. What does your husband/partner do?

B. Nature of Victimization

1. How do you define "violence". For example, yelling, pushing, threatening, physically hurting, having sex against your wishes.
2. Who has been violent to you? What is your relationship?
3. Description of violence. Injuries and results of violence.
4. When did it occur?
5. Where did it occur?
6. How often does this happen?
7. Alcohol involvement?
8. Drugs?
9. Why do you think it happened? Why does violence occur in your community? Has it always been this way?
10. How did you cope or seek comfort? What was your response?

C. Reporting

1. Did anyone know this happened (witnesses)?
2. Did you tell anyone?
3. If no: Why? What did you do? Did you hide it from anyone?
4. If yes: Who did you tell (police, nurses, social workers, family, friends, etc.)? Why? What did they do?

5. Did you go to the hospital or nursing station?

6. Did you want the police involved?

7. Were the police involved?

8. If no: why not?

9. If yes: what happened?

10. Have the police ever been involved in the past?

11. Do you think women should decide if charges should be laid or do you think the police should lay charges automatically when there is violence? (police charging policy)

D. Doing Violence

1. Do you think violence is wrong?

2. Do you feel like you want to hit or lash out?

3. Have you acted on it? Have you ever caused injuries to others?

4. If you did, how did you feel? What happened? Were there any reactions or responses from others?

E. Community Dynamics

1. Does violence against women occur in your community?

2. How much violence occurs? How do you know?

3. What forms or types of violence occur?

4. Who are the victims? Are there certain groups that are more vulnerable?

5. Do you feel vulnerable?

6. Who, if anybody, has power or status in your community?

7. What does your family and his family do about the violence, how do they react? Is there any blaming or is someone held responsible?

8. What are the reactions from your community? Can your community protect and help victims? What should change?

9. What services and support are available?

10. What services and support are needed? What do you need?

11. Do you think safe houses or shelters are necessary? If so, what should they provide? Do you know anybody or have you gone to a shelter? How is the shelter viewed by your community? What happens when women return to their community?

12. What is the role of elders? What should their roles be?
13. What role does the church play?
14. How can violence be stopped or prevented?

F. Criminal Justice System

1. What are your opinions of and experiences with the police? with the court?
2. Has there ever been charges laid?
3. Have you ever gone to court? Have you ever been a witness in court?
4. If so, did you have any support?
5. Did you understand the process?
6. What did you experience, how did you feel?
7. What happened to the offender (both within and outside the system)? Was he held responsible or accountable?
8. Were you happy with the outcome? If not, what would you have liked to happen? What did you hope to achieve?
9. What changes should be made to the criminal justice system?
10. If you had a choice, would you go to an elders group in your community? Why or why not?
11. Do you think community-based justice is a good idea? Should the community decide who is on committees and what is done to offenders? Should there be an outside court that comes to communities?
12. What do think about Nunavut and the establishment of self-government?
Interview Schedule for Baffin Region Community Residents

A. Personal Information

1. Name of community?
2. What is your name?
3. How long have you made this community your home?
4. Sex?
5. How old are you?
6. Are you married?
7. Do you have children?
8. How many children do you have?
9. How many people live in your house?
10. Is anyone else in your house being interviewed for this study?
11. In what community did you grow up?
12. Where did you go to school?
13. What grade did you complete?
14. What is the ethnic origin of your parents?

B. Community Life

15. Are you employed?
16. What do you do?
17. Are there other activities in which you participate in your community?
18. If so, what are they? (e.g., recreational activities, community committees such as youth justice committees, etc.).
19. How do you feel about your community?
20. What do you like about your community?
21. What changes have you seen in your community in the past twenty years?
22. What effect have these changes had in your community?
23. Is this a relocated community?
24. If yes, then how has this affected community life?
25. Did you have a traditional upbringing?
26. What were the traditional things that were part of your family life?
27. What do you think about the youth in your community?
28. What do you see happening with the youth in your community in the next ten years?
29. What role do the elders play in this community?
30. Do you seek the advice of elders?
31. Do you think others seek the advice of elders?
32. How has this changed over the years?

C. Community Problems

33. What kind of disputes or problems arise in your community?
34. Who is involved is involved in these disputes or problems?
35. What do you think are the causes of these disputes or problems?
36. How are these disputes or problems settled in this community?
37. What can you tell me about the following issues in your community?
   - drug abuse
   - solvent abuse
   - assault
   - spousal assault
   - sexual assault
   - child sexual abuse
   - theft
38. Is this problem worse now than before? (Name identified problem).
39. If yes, why do you think it is worse? (causes such as economic circumstances, bad families, etc.).
40. Are the problems in your community caused by a specific group (e.g., boys, girls, certain age groups, etc.).
41. What do you think is the best way to deal with this problem?
42. How would you respond if your child got beat up at school?
43. How would you respond if you saw someone being assaulted?
44. How would you respond if you saw someone causing a disturbance?

D. Personal Experiences and the Justice System

45. Have you ever been the victim of any disputes or problems in the Baffin?
46. If yes, in which community?
47. If yes, did you contact the police?
48. If the police were involved, what did they do?
49. Do you feel that the police helped solve the problem?
50. If no, did you try to solve the problem by yourself?
51. If no, why did you not contact the police?
52. Have you ever been involved in any conflicts with the law?
53. If yes, what happened?
54. Did you go to court?
55. What happened in court?
56. How well do you think you were represented in court?
57. Do you think the circuit court should be changed?
58. If yes, how should it be changed?
59. Are you aware of cases being delayed in court?
60. If yes, what do you think about this?
61. Should court sentences be different than what they are now?
62. If yes, how should they be different?
63. How do you think this would have been handled years ago?
64. What do you think about defense lawyers?
65. How well do you think the lawyers understand the types of issues in your community?
66. What do you think about crown attorneys?
67. How well do you think the crown attorneys understand the types of issues in your community?
68. Have any of your family or friends had contact with the law?
69. If yes, were they a victim or an offender?
70. As far as you can remember, what happened?
1. Personal

1.1 What is your name?
1.2 When were you born?
1.3 Where did you grow up?
1.4 What was your education when you joined?
1.5 When did you join the RCMP?
1.6 How old were you?
1.7 Where have you been stationed and for how long?
1.8 Where have you served in the North?
1.9 What were the years of your service in the North?
1.10 Was a Northern assignment your choice?
1.11 If so, why?
1.12 Could you speak Inuktitut?
1.13 If yes, did you speak any before you arrived?
1.14 Did the RCMP provide any language training?
1.15 Have you learned any of the Inuktitut language since you have arrived?
1.16 How did you learn the language?
1.17 Is it necessary for you to use an interpreter for normal police work?
1.18 What kinds of problems have arisen as a result?
1.19 Has the RCMP provided any cross-cultural training for living in an Inuit community? (e.g., family customs, lifestyles, importance of hunting/gathering).
1.20 Has there been any on-going support by the RCMP provided to deal with cross-cultural issues? (e.g., available information about cultural taboos).
1.21 Do you think officers should be selected to work in the North?
1.22 If so, what criteria should be used?
1.23 Has your experience in the Baffin influenced your career?
1.24 Has the reality of transfers, organizational factors (e.g., work space, available transportation, quotas) influenced how you police?

2. Family and Community

2.1 What was your marital status? Do you have children?
2.2 How does your family feel about going to and living in the Baffin?
2.3 Describe the relationship your family has with the community (e.g., participate in community activities inclusion/exclusion). Do you feel welcomed?

3. Police Work

3.1 Were you provided with a job description for the North?
3.2 If no, what did you expect your job to be in the North?
3.3 How does the reality of working in the North meet your expectations?
3.4 What responsibilities do you take on that did not fall within your expectations?
3.5 Are there responsibilities that were particular to the North?
3.6 If you have worked in more than one Northern community, are there differences in your responsibilities.
3.7 Have your responsibilities changed during your appointment in the North?
3.8 If so, how and why?
3.9 Describe your daily activities?
3.10 Are there any routine or emergency duties (e.g., food and mail deliveries, evacuations) that are part of your job?

4. Types of Trouble

We would like to know about the kinds of cases you deal with. What can you tell us about the following?

4.1 Fighting
4.2 Spousal Assault
4.3 Sexual Assault
4.4 Child Sexual Abuse
4.5 Verbal or Physical Threats
4.6 Child Neglect
4.7 Break and Enter
4.8 Mischief and Vandalism
4.9 Drug Dealing and Drug Abuse
4.10 Bootlegging
4.11 Making and Selling of Home Brew
4.12 Alcohol Abuse
4.13 Substance and Solvent Abuse
4.14 Other Criminal Code Offences (i.e., Robbery, Weapons, Homicide)
4.15 Other Problems, Non-Criminal (e.g., Over-Hunting, Not Sharing Food, Gossiping)
Responses to Question 4

To each of the above in question 4, ask the following:

4.16 How frequently are you called to investigate ________________?

4.17 What do you normally do about this?

4.18 Do you think ________________ is occurring that you are not called in to investigate?

4.19 If yes, then how frequently?

4.20 Does the community have it’s own ways of dealing with this problem (e.g., elders, hamlet council, family pressure, back to the land programs, a dry/wet community policy)

4.21 If yes, what were they?

4.22 Is nothing done? (if so, why?)

4.23 Is there a procedure for dealing with this problem (e.g., refer to nurse/social worker for therapy, youth justice committees, alternative sentencing measures)

5. Contributors to Trouble

How much does the following contribute to trouble in each of the communities?

Economic

5.1 Problems of a Hunting and Fishing Economy (e.g., Game Laws, Difficulty Making a Living)

5.2 Availability of Housing

5.3 Availability of Employment

Social/Cultural

5.4 Pressures on Inuit Values and Lifestyles

5.5 New Technologies (e.g., Television, Telephones, Skidoos, Air Travel)

5.6 Residential Schools

5.7 Availability of Education

5.8 Jealousy and Family Feuds

5.9 Availability of Alcohol

Demographic and Environmental Issues

5.10 Relocation of Communities

5.11 Age Distribution

5.12 Pollution

5.13 Scarcity of Game and Fish
6. Criminal Justice System Initiatives and Responses

6.1 Is there a person or committee who liaised between the community and the police?

6.2 Are any Inuit people involved in delivering justice services (e.g., Inuit special constable program, Justice of the Peace, youth justice committee)?

6.3 Are the elders in the communities given a voice and role in the administration of justice?

6.4 What has been the impact of the Young Offenders Act upon the administration of youth justice in the Baffin Region communities?

6.5 What crime prevention activities are you involved with?

6.6 Are there sufficient resources provided for crime prevention work in the community?

6.7 Are the concerns and needs of the victims of criminal acts met by the criminal justice system in the Baffin Region?

6.8 How often does the court come to the community?

6.9 Does the court play a useful role in administering justice in the community?

6.10 How does the court perform in the community? Do you think that the court does what the community wants it to do (e.g., lenient/too severe sentences)?

6.11 If not, what is the court doing that the community doesn’t like?

6.12 If so, what is the court doing that the community approves of?

6.13 What changes would you make to improve the justice system serving the citizens of the Baffin Region?
Interview Schedule for Baffin Region Crown and Defence Lawyers

1. Personal

1.1 What is your name?
1.2 When were you born?
1.3 Where did you grow up? Where do you live now?
1.4 Where were you educated?
1.5 Where have you worked (was the North your first job)?
1.6 How did you end up in the North?
1.7 Do you speak Inuktitut?
1.8 Have you received any special training, or cross-cultural education, for your Northern service?
1.9 How often do you use an interpreter?
1.10 Do you feel that you've been adequately able to do your job given the availability of interpreters?
1.11 Have you been able to adequately represent your clients, given the language differences?
1.12 What kinds of people do you think are suitable to provide legal services in the Baffin Region?

2. Family and Community

2.1 What is your marital status? Do you have children?
2.2 How has working in the North affected your personal life?
2.3 Do you think legal services would be better provided by lawyers who live in the community they serve?

3. Professional Work

3.1 What did you expect your job would be when you began working in the North?
3.2 How has the reality of working in the North met these expectations?
3.3 Describe the routine of the circuit court in the Baffin Region.
3.4 Do you feel that this system is working for the people in the Baffin Region?
3.5 Do you have any suggestions for improvement?
4. Types of Trouble

We would like to know about the kinds of cases you deal with (i.e., defend or prosecute). What can you tell us about the following?

4.1 Fighting
4.2 Spousal Assault
4.3 Sexual Assault
4.4 Child Sexual Abuse
4.5 Verbal of Physical Threats
4.6 Child Neglect
4.7 Break and Enter
4.8 Mischief and Vandalism
4.9 Drug Dealing and Drug Abuse
4.10 Bootlegging
4.11 Making and Selling of Home Brew
4.12 Alcohol Abuse
4.13 Substance and Solvent Abuse
4.14 Other Criminal Code Offences (i.e., Robbery, Weapons, Homicide)
4.15 Other Problems, Non-Criminal (e.g., Over-Hunting, Not Sharing Food, Gossiping)

Responses to Question 4

4.17 What would you normally do with each of the above?
4.18 Would you use community resources?
4.19 If you did use community resources, what kinds of community resources did you use (e.g., Justices of the Peace, Youth Justice Committees, Elders’ Groups, Special Programs, etc.)
4.20 How do the community resources differ from community to community? (i.e., In which communities do they work and in which communities do they not work? How do you account for these differences?)

5. Contributors to Trouble

How much did the following contribute to trouble in each of the communities?

Economic

5.1 Problems of a Hunting and Fishing Economy (e.g., Game Laws, Difficulty Making a Living)
5.2 Availability of Housing
5.3 Availability of Employment
Social/Cultural
5.4 Pressures on Inuit Values and Lifestyles
5.5 New Technologies (e.g., Television, Telephones, Skidoos, Air Travel)
5.6 Residential Schools
5.7 Availability of Education
5.8 Jealousy and Family Feuds
5.9 Availability of Alcohol

Demographic and Environmental Issues
5.10 Relocation of Communities
5.11 Age Distribution
5.12 Pollution
5.13 Scarcity of Game and Fish
5.14 Impact of the Environmental Movement

6. Criminal Justice System Initiatives and Responses

6.1 What role does plea bargaining play in the resolution of cases?
6.2 What has been the impact of the Young Offenders Act upon the administration of youth justice in the Baffin Region communities?
6.3 What are your impressions about sentencing? (e.g., Do you think the sentences are appropriate for the communities? Do they work?)
6.4 Does the Court play a useful role in administering justice in Baffin communities?
6.5 Do you think that the Court does what the communities want it to do?
6.6 If not, what is the Court doing that the communities do not like?
6.7 What does the Court do that the communities agree with?
6.8 Do you think the people in the communities understand the justice system?
6.9 Are the concerns and needs of the victims of criminal acts met by the criminal justice system in the Baffin Region?
6.10 Do you feel that the communities could or should assume control of the administration of justice?
6.11 Do you think traditional Inuit culture creates difficulties in the administration of justice in the Baffin Region?
6.12 Should the elders in the communities be given a greater voice and role in the administration of justice?
6.13 What changes do you think should be made to improve the justice system serving the people of the Baffin Region?
References


Balikci, A. “Ethnography and theory in the Canadian Arctic,” Etudes Inuit Studies 13 (2) 1989, p.103-111.


Dybbroe, S. “Participation and control: issues in the debate on women and


Edwards, A. “Male Violence in Feminist Theory: an Analysis of the Changing
Conceptions of Sex/Gender Violence and Male Dominance,” in J. Hanmer and M.


Erchak, G.M. "Cultural Anthropology and Spouse Abuse," Current Anthropology 25
(3) 1984, p.331-332.

Erchak, G.M. and R. Rosenfeld. “Societal Isolation, Violent Norms, and Gender
Relations: A Reexamination and Extension of Levinson’s Model of Wife Beating,”
Cross-Cultural Research 28 (2) 1994, p.111-133.


Ma Mawi Wi Chi Itata Centre, Inc. *Family Violence Program Model.* Winnipeg, Manitoba, nd.


375


---------. We Must Take Care of Each Other: Women Talk About Abuse. Yellowknife, Northwest Territories, 1990.


387


