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Investigating the Harms of Rape through the
National Inquiry into Missing and Murdered Indigenous Women and Girls

by
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Here is to hoping that our responses to sexual violence move away from apathy, beyond abstractions, and towards lived justice!

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Introduction

Presently, the “liberal” notion of consent ubiquitously frames dominant discourses about rape. The function of consent is ultimately to serve as a litmus test to either classify victim-survivors’ experiences as normative (sex) or deviant (sexual assault). Upon such classification, dominant consent-based discourses immediately turn their gaze towards punitive legal systems. Missing from this seemingly simple formula is the actual person who went through rape—the harms that they have been experiencing, their needs in the aftermath of rape, their definitions of justice, and their process of healing. As we strive for “objective” classifications of a sexual violation and ignore, what is seen as, “subjective” or “private” experiences of rape’s harms, we become focused upon abstract categories of consent/non-consent instead of one’s experience of rape itself. The words we use to describe an experience shape the questions we ask about it, the aspects of it that we respond to, and the overall experience itself. The question that dominant consent-based discourses about rape evoke is whether it is provable that a person’s consent was violated; never what harms that person is experiencing. It is no surprise then, given the dominant discourse of consent, that experiences of rape’s harms are so deleteriously ignored and superficially conceptualized. I demonstrate in this project that without paying attention to victim-survivors’ experiences of rape’s harms, we remain woefully inadequate in facilitating justice and healing, as we do not know what it is that we seek rectification for. Despite our deep intuitions that the harms of sexual violence are felt pervasively, dominant consent-based discourses do not accommodate the profound felt harms of sexual violence (and by extension, solutions for them).

The task of this project is to bring forward the central, yet most ignored, aspect of rape: victim-survivors’ experiences of rape’s harms. My research question is *how are the harms of rape experienced?* This is characteristically different from asking *what* the harms of sexual

violence are. The experientially specific nature of rape's harms does not allow anyone other than each victim-survivor to name what harms they have been experiencing in the aftermath of rape. But in asking *how harms are experienced*, we can observe commonalities in victim-survivors' accounts to observe shared structures of their experiences of rape's harms. Such an interrogation reveals that victim-survivors experience rape in embodied, relational, and politically embedded ways and that consent-based conceptualizations of rape are, by virtue of their patriarchal design, fundamentally inept and misleading.

I begin my inquiry with a literature review of consent theory in order to explore knowledges that underlie the most dominant discourse about rape. In my literature review, I map the historical and philosophical evolution of consent theory to observe its discursive effects, particularly on legal systems. My literature review concludes by locating the aspects of rape's experience that consent theory alienates. The following chapter outlines my methodological path to inquire about rape's harms. In this chapter, I explain why and how I turn to testimonies from the National Inquiry into Missing and Murdered Indigenous Women and Girls to observe how rape's harms are experienced. The last chapter, "My Story is Your Story", oscillates between victim-survivors' discourses about rape, experiences of rape, and the dominant discourse of consent theory. Throughout this chapter, I sketch a preliminary framework of inquiry into rape that I fully bring together in my conclusion. In my conclusion, I walk the reader through my conceptualization of rape, demonstrate its significance, and discuss its implications for future studies.

Contours of Consent: A Literature Review

Despite that there have been various conceptualizations of rape's harms—some misogynistic, some liberal, some feminist— dominant Western discourse about rape limits itself to the theory of consent (Cahill, 2001). The dominant discourse about rape suggests that rape is harmful in that it is the penetration of one's body without their consent (Shafer & Frye, 1977, p. 334). The tenacity of this seemingly straightforward theory of consent/non-consent is a result of its unquestionable conceptual status in mainstream Western culture. In this chapter, I question the implications of consent-based understandings of rape's harms in order to contrast, in another chapter, tensions between how the West conceptualizes rape and how it is experienced by victim-survivors.

Although most would generally agree that rape is a unique and profound violation, dominant discourses about rape fall short of accounting for how such a violation is experienced. In fact, it is a stretch to say that the idea of consent/non-consent—which is typically where dominant discourses about rape begin and end— offers an understanding of rape because all it concerns itself with is the identification of rape. By caring only to distinguish between sex and rape, the notion of consent/non-consent (beyond which there is little shared knowledge about rape) focus our attention not on the lived experience of rape, but on the “crime” of sexual assault. Consent theory ultimately leads us to question *whether* sexual consent was denied, not *how* one experienced being denied of the right to consent. The person who has been harmed and violated becomes lost in translation between the experience of rape and the crime of sexual assault, as we are left with uniform legal subjects with state-recognized rights instead of people with

substantive experiences, identities, and needs. It is in this translation that the category of non-consent emerges, perhaps, even at the expense of an experience of rape.

What serves as a standard for successful application of consent theory is conviction when consent is found to be absent from a sexual encounter. Yet, consent theory fails at delivering its own version of justice as what institutions have been interpreting as the giving or taking away of consent has been consistently rooted in patriarchal systems of thought (Pateman, 1980, p. 156). Moreover, what constitutes consent is itself unclear. Is consent merely one's will, one's communication of their will, or one's right to do as they will to do? Consent theory leaves many such critical questions unanswered or perhaps, unanswerable. For instance, to what extent is consent an entirely pure and self-directed faculty, given social and political forces? The extent to which women hold the capacity to consent, given heteropatriarchal structures, is in itself an ongoing debate that spans across decades (MacKinnon, 1989). Consent theory's central premise is that individuals (a term which has only recently extended itself to non-male populations) hold the right to bodily autonomy which, in cases of rape, is taken away from them (Shafer & Frye, 1977, p. 334). But can rape then be thought of as theft of a rightful possession (i.e. sexual autonomy)? In which case, how does robbing someone of their sexual autonomy differ, in the nature of its harms, from being robbed of other rightful possessions? Some alternative feminist theories conceptualize rape as patriarchal violence (Brownmiller, 1975). However, conceptualizing rape as patriarchal violence begs the following question: Is rape experienced any differently from non-sexual forms of gender-based violence? Other feminist scholars suggest that heterosexual sex and rape are both situated within an institutionalized violent spectrum of heteropatriarchy (MacKinnon, 1989). Such a theory of rape evokes new questions: If heterosexual sex is not all that distinct from heterosexual rape, do women have any sexual

agency at all? How may we differentiate heterosexual rape from heterosexual sex? These questions bring us back in a full circle to the concept of sexual consent/non-consent. Since consent frames the dominant discourse about rape in the West, I limit my discussion to the limitations of consent theory, in the backdrop of which victim-survivors' experiences of rape are situated.

Roots of Consent Theory

The roots of consent theory extend far back into the birth of liberalism, an ideology that contested individuals to be “naturally free and equal” (Leviathan, Pt. II, Ch. 21, p. 94). Such assumed equality and freedom of human beings posed a new difficulty: if all humans were to be equal and free, how and why would they be governed by something external to themselves, such as a state (Cahill, 2001, p. 170)? Consent, as the idea that free and equal individuals, by simply being born in a certain state, “commit themselves” to a relationship that limits their autonomies, reconciled this dilemma of liberal theorists (Cahill, 2001, p. 174). In order to resolve the difficulty of authority that arose from liberalism's assumed equality of human beings, liberal theorists such as Thomas Hobbes and John Locke relied on the idea of “tacit consent” (Pateman, 1980, p. 151). Liberal conceptions of consent are rooted in the idea that consent should be assumed as long as it is not actively and vehemently revoked (Pateman, 1980, p. 154). Such legitimacy of tacit consent has had dire consequences on Western socio-cultural and legal understandings of rape. The historical and philosophical evolution of consent theory is reflected in Carole Pateman's observations of consent theory in rape law, which reveals an emphasis not on the non-consent of women, but more so on men's *assumptions* of women's consent:

Accused rapists almost invariably offer as a defense that the woman actually consented, or that they believed she did [...] One reason why this defense is so successful, and why

such a small proportion of cases of rape are ever reported, is that a woman is unlikely to convince either the public, the police, or a judge and jury that she did not consent to sexual intercourse unless she is badly physically injured or unless she can prove that she resisted (Pateman, 1980, p.156).

Sexual consent of women has been loosely based on misogynistic biases to the extent that non-sexual behaviors of women (such as wearing certain clothes, drinking, being out at certain times) have been deemed as being communicative of consent. Despite catastrophic confusions about what sexual consent/non-consent really is, women's sexual consent is treated as a default assumption to disprove which, usual signs that are considered sufficient in communicating "no" in other situations (such as saying no or being unresponsive), are not considered enough in (hetero)sexual contexts. In practice, consent theory puts the onus on women to prove that they went above and beyond to affirm their non-consent during an incident of rape. What is considered valid "proof" of such resistance is typically physical injury (Pateman, 1980, p.157). Without physical injury accounting for non-consent, the Western legal system—and by extension, its socio-cultural counterparts—more often than not fail to acknowledge that victim-survivors were harmed at all (Pateman, 1980, p. 158). Thus, physical injury, in cases of rape not only serves as the standard of harm but also as proof of a legally recognized wrong that warrants socio-legal consequences for the perpetrator. If physical injury is rendered the primary site of rape's harm, harms of rape and other non-sexual forms of physical violence become uniform and indistinguishable in that they all include physical injury as evidence that the interaction in question was harmful and non-consensual. In failing to see non-physical impacts of a form of violence that is intricately sexual in nature, consent theory, in legal practice, reduces rape to sexual assault. Thus, cases of rape in which there are provable physical injuries become the standard for recognizing rape, allowing only a very small portion of rape' harms caused in an extremely limited number of rape cases to fit in dominant conceptual understandings of rape.

There is little room in this understanding that victim-survivors have to grapple with, for rape's profound harms that occur beyond the physical realm. Further, because rapes that do not leave behind traces of physical harm do not typically fit into consent theory's criteria for non-consent, dominant consent-based understandings render us incapable of even recognizing rape, let alone its harms. Perhaps, this is partly why victim-survivors are even less likely to be believed if they do not report their cases immediately after victimization (Parcher, 2017, p. 19), as to base rape's harms primarily on empirical evidence of physical injury warrants that harms are experienced uniformly and temporarily. To base rape's harms largely upon physical injury virtually disguises rape as merely a physical attack. Since the disbelief in women's capacity to deny sexual consent runs so deep in our culture, theorists and legal practitioners often reduce rape to physical assault by eliminating the sexual nature of sexual violence so that cases of rape become more comprehensible and reprehensible for the criminal justice system (Cahill, 2001, p. 23- 27).

The widespread disbelief in women's non-consent is a by-product of how consent as a concept evolved historically. What is noteworthy about consent's roots in liberal theory is that "consent" was historically the centerpiece of marriage contracts in a state that was presumed to be made of heteropatriarchal nuclear families (Pateman, 1980, p. 152). The patriarchal head of the family, i.e. the husband/father, was assumed to have "consented" to the authority of the state if he had not protested it (not that much could have happened if he did protest it). The wife's consent to the authority of the state was assumed through her husband's tacit consent (Pateman, 1980, p. 152). Such a skewed function of consent confirmed the exclusion of women from the status of "naturally free and equal individuals", which meant that the capacity to consent/non-consent did not apply to them altogether (Pateman, 1980, p. 154). Although the dominant manifestation of consent theory has been shifting in the past few decades, its history is of

practical relevance today because it explains the fundamentally gendered nature of sexual consent. In practice, liberal consent theory is set up for failure by the inherent contradiction between its alleged gender neutrality and its distinctly gendered application (Cahill, 2001, p. 173). How we talk about consent day-to-day itself indicates consent's deeply gendered nature. To give a parallel example, the Indian caste system never came up as dinner table conversation in my home because my family and I come from a privileged caste of Hindu Indians. The inequities and violence of the caste system did not harm us. Instead, they assigned us a hegemonic status in a violent system. Like any hegemonic structure, the deeply embedded inequities, injustices, and violence of the Indian caste system have been naturalized overtime to the extent that it is often invisible and unquestionable to groups that are privileged by it and complicit in it. While the people who are subjugated by the caste system face its harmful and violent reality every day and so, the caste system emerges as a topic of conversation in their daily lives. The same is true when we observe how sexual consent is talked about and *who* talks about it. The fact that we talk about sexual consent overwhelmingly in relation to women is, in part, a reflection of this trend. While I have rarely witnessed consent come up as dinner-table conversation among men/boys, consent is a frequent topic of conversation among my female-friends probably because it is women who face the hegemony of the heteropatriarchal structure of consent. That we mostly speak of consent in relation to women, but sexual desire and agency in relation to men, is no accident. Sexual autonomy and choice have different meanings for men and women (Cahill, 2001, p. 169-176). Yet, consent assumes a status of gender neutrality, shielding the heteropatriarchal hegemony of consent theory. Consent theory's principle of gender neutrality misses an important element of heterosexuality: the patriarchy, which presents itself in the personal, political, and sexual. By dismissing inherent hegemonic structures of consent too

easily, consent theory, offers limited scope to effectively understand, articulate, and offer justice to victim-survivors of rape.

Liberalism and Consent Theory

Liberal feminist theorists of consent, in their attempts to conceptualize rape, have relied heavily on an understanding of the self that depends primarily on a conception of autonomy that is independent of one's embeddedness in the surrounding world. In their analysis of rape, Carolyn Shafer and Marilyn Frye explain the effects of rape in relation to autonomy: "To fail to defer to a person's rightful power of consent is to deny either the actual extent of its personhood or its actual personal identity" (Shafer & Frye, 1977, p. 340). The incompleteness of this theory of the self is revealed by a host of limitations:

- a) Such a theory does not take into account the difference between taking away the "rightful power" to sexual autonomy and taking away the "rightful power" to any other form of autonomy such as to vote.
- b) The premise of such an understanding of the self crumbles if we interrogate the conditions that are necessary for us to consent because it implies that autonomy is unlimited in scope and is unaffected by the surrounding world.
- c) It eliminates people's substantive identities and experiential differences by suggesting that personal identity lies in an abstract and uniform power to consent.

Such a conceptualization of rape does not include any space to ask questions about how a particular person has been experiencing rape's harms. By privatizing the experiential specificities of rape, liberal consent-based understandings of rape erases the need to consider how victim-survivors experience the harms of rape altogether. In centralizing legal subjects with certain

versions of state-recognized rights, consent theory seeks an objective means of determining consent/non-consent for the purpose of punishment. Moreover, consent theory's decontextualizing of rape relies on the ontological assumption that people are apolitical, gender-neutral, and uniform subjects, untethered from historical, political, cultural, and experiential contexts by uniform and limitless self-autonomy. This kind of autonomy that supposedly exists in a void, outside of worldly influences and situations, can be traced all the way back to Hobbes, who proposed paradoxical ideas for what counted as "consent". He argued that being coerced to say yes is still consent. That is, whether "submission" is voluntary or obtained through threats, one has chosen to submit for himself:

For in the act of our submission consisteth both our obligation and our liberty [...] there being no obligation on any man which ariseth not from some act of his own; for all men equally are by nature free (Leviathan, Pt. II, Ch. 21, p. 191).

It is important to notice here the almost synonymous relationship between *submitting* and *consenting*. Such synonymity reminds me of Ann Cahill's observation that "to accede to an offer that a man makes, to accept a given situation, to consent *to* it, is strikingly different than to seek out a certain situation and to choose it for oneself" (Cahill, 2001, p.173). That we speak of sexual consent in relation to women but sexual desire or autonomy in relation to men is indicative that, as far as consent theory is concerned, women's sexuality is *supposed to be* submissive, specifically to men. Perhaps, when Catharine Mackinnon (1989) suggested that heterosexual rape and sex are actually not as clearly distinguishable as consent theory would suggest, she was prompting us to pay attention to such heteropatriarchal constructions of female sexuality that revolve around consenting (or submitting) to men.

Moreover, consent—a particular exercise of agency— points *beyond* itself to external conditions that make such an exercise of agency possible. For example, a minimum condition of

consent logically would be that one has to, in actuality, be able to say yes *or* no. Still, as we saw above in Hobbes' proposition of consent, consent theory has historically denied the very conditions in which one can consent. By replacing freedom with hyper-individualism, consent theory declares, rather arrogantly, that to be a free individual is to have unconditional control over one's life. Thus, liberalism's "free" and "equal" subjects are unexceptionally responsible for every condition in their lives. Such a phenomenologically unsound account of autonomy not only rids us of our responsibility to each other but is also bound to lead to victim-blaming. The façade of total autonomy rests on the assumption that other people's actions do not affect an individual; that one's experiences are always entirely self-directed and self-regulated. Thus, by implying that in incidents of rape, victim-survivors fail to exercise a "natural" tool (sexual autonomy) that they are presumed to have unconditionally, consent-based dominant discourses shift the blame to victim-survivors, which ultimately causes additional harms in the aftermath of rape.

Beyond Consent Theory

Although consent theory is ridden with serious fallacies in its conceptualization of rape, (active/enthusiastic, rather than assumed) consent is currently used as a minimum requirement for sex. In discussing the problems of consent theory, my intention is not to fully dismiss this *current* usefulness, but to point at the urgent need to move beyond this conceptualization of rape. Consent theory itself points to this need by surreptitiously being dependent on a social ontology that it itself doesn't seem to be aware of: by implying that rape's harms are that rape is a) an unnatural invasion of agency or freedom and b) an attack on equality, consent theory admits to a kind of ontological relationality. One can only be free if she shares a relationship with an external being, from whom she is free. Likewise, one can only be equal if she is considered to be

in an equal relation to another being. Such hazy indication of relationality suggests a kind of fundamentally inter-dependent order. Yet, paradoxically, consent theory endorses the idea that autonomy is radically unlimited, giving the sense that one has absolute control over what happens to her.

Further, by considering victim-survivors' reports of rape as isolated, unrelated instances and not as thematic experiences, consent theory conceals the urgent need for structural change. Such concealing is damaging because the fact that we have been as ineffective in combating the harm and prevalence of rape as we have been in the West, evidences the urgent need for structural change. To be satisfied with how consent theory views rape and to not ask why it is that, in the West, we have made such little progress in the past few decades in reducing the prevalence of rape indicates a kind of collective desensitization and apathy towards the experience of rape. Perhaps, by privatizing rape's harms and concealing the need to see beyond the abstract concept of consent/non-consent, consent theory preserves such apathy deliberately, so we are not consistently confronted by rape's painful and alarming realities. I have come to think that the exclusion of women's lived experiences of harms from discourses about rape is far from being accidental. If rape had consistently revealed itself in the public realm as it is experienced, it would have evoked our *pathos*, and thus, questions about justice, healing, and prevention might have been of a different nature and caliber. Currently, consent theory has assumed status of innocence—even progressiveness—by posing as a post-feminist construction that does not acknowledge its own patriarchal structures. But if consent theory was to acknowledge its gendered-ness, it would not have been able to pose heteropatriarchal constructions of sexuality as natural. Thus, consent theory, like other heteropatriarchal logics, needed to understand the exclusion of women and their experiences of rape as accidental.

Therefore, I argue in this project that we must move beyond consent if we are truly vested in justice for sexual violence.

Research Methodology

Just as the prevalence of rape found its safe haven in the deeply tabooed cavities of silenced and privatized experience, the disproportionate prevalence of rape against Indigenous women found an additional safe haven in the neo-colonial politics of Canada. In her book *Therapeutic Nations*, Dian Million historicizes colonialism—“which came to control and socially modify all aspects of Indigenous life [through] racialized, gendered, and heterosexual [law]”—as a biopower: “a power that is concerned with ‘life itself’, a person’s sex and phenotypes, and relations” (Million, 2013, p. 41). Million situates the alarmingly disproportionate experiences of rape that Indigenous women face within a vortex of such biopower that lives through colonial institutions that morally police heteropatriarchal norms in Indigenous relations (Million, 2013). In contrast, consent theory does not even allow attention to fact that Indigenous women in Canada are 3.5 times more likely to experience sexual violence than other women in Canada (NWAC, 2010, p. 4) because it imagines a world in which all are suddenly, unconditionally, and uniformly “free and equal”. Driven by both the urgency of the epidemic rates at which Indigenous women have been facing sexual violence and Canada’s consistent failure in facilitating justice in these cases of rape, I turn to Indigenous women’s accounts to observe experiences of rape. In this chapter, I outline my path in seeking the question I have chosen for this project.

In my literature review, I briefly examined consent theory—a concept that largely frames how we, as a society, conceptualize rape. In reviewing discussions about consent, I particularly

interrogated the discursive effects of consent theory: common knowledges about rape, aspects of victim-survivors' experiences that are typically recognized, and aspects that are alienated. In this way, my literature review helped us trace consent theory, as “a shared horizon of thought”, carried through dominant discourse, within which present experiences of rape are embedded (Million, 2013, p. 29). Discourse theory forms a cross-disciplinary field of methodologies that accounts for the intricate interplay of language, power, knowledge, and experiences (Scior, 2003, p.780). It raises questions about who participates in the production of a given discourse, what position participants occupy, what knowledges they reaffirm, and the knowledges they deny. Knowledge and discourse simultaneously produce one another (Angermuller, 2014, p. 12). Discourse holds the critical capacity to operate as “a form of power that circulates in the social field and can attach to strategies of domination as well as those of resistance” (Diamond & Quinby, 1988, p. 185). Not all discourses and their created systems of meaning have equal power (Diamond & Quinby, 1988, p. 185). While some dominant discourses gain a hegemonic “currency of truth” that dominates how people define and organize themselves in the social world, alternative discourses and their experiential realities are subjugated. Within this function of power-play, some voices are heard while others are silenced (Diamond & Quinby, 1988, p. 186). These silenced voices or subjugated discourses serve as potential sites where hegemonies can be challenged and ‘resisted’ (Diamond & Quinby, 1988, p. 185). In attempts to conceptualize rape, much of the literature on rape dismisses the experience of rape by enforcing one-dimensional and limited categories of harm—most dominant of them being non-consent (Cahill, 2001, p. 173). In the backdrop of dominant consent-based discourses, what victim-survivors have to say about their experiences of rape’s harms assumes the form of subjugated discourses. To resist such sidelining of victim-survivors’ experiences, I turn to the National Inquiry into Missing

and Murdered Indigenous Women and Girls to observe victim-survivors' discourses about rape. These discourses account for experiences of rape's harms that are typically dismissed by dominant discourses as "subjective" or "private". Especially since I'm concerned in this project with the experience of rape's harms, I follow Dian Million in what she identifies to be the limitation of discourse theory: that discourse theory and analysis tend to ignore the "vitality and intensity of the forces that are beyond the words and discourses of any moment, the affect that is actually our lived sensory being-ness" (Million, 2013, p. 30). In my analysis, I try not to separate victim-survivors' *discourses about* rape from their lived experiences of rape. I engage with testimonial discourses to *observe* what they reveal about the felt experience of rape's harms. Thus, my primary interest here is not discourse for its own sake. I do not interrogate the structure or the textual constituents of discourses but its experiential effects and its underlying knowledges. In order to study how harms of rape are experienced, I examine in the following chapter, how victim-survivors negotiate their experiences of rape's harms with the overarching dominant discourse of consent. I look at victim-survivors' testimonies not only as a window into their experience of rape's harms but also, as a mechanism to conceptualize the underlying structure of such harms.

Western legal systems treat rape as a singular, episodic offense punishable by courts if they find "sufficient" empirical evidence. In addressing rape as a "crime" rather than a person's lived experience, Western culture relies exclusively upon external measures of truth (reductive categories of consent/non-consent) rather than the experience/lived truth of the person who has been raped. The stories of victim-survivors, which the National Inquiry into MMIWG identifies as the "heart and soul" of their mandate, have been constantly sidelined and resisted by settler-colonial epistemologies that reject affective knowledge as "subjective" (National Inquiry into

MMIWG, 2016, Mandate¹). By being based on such inflexible epistemologies that deny what they consider subjective, dominant consent-based discourses about rape, whether consciously or not, reinforce colonialism's strongest defense: silencing victim-survivors (Million, 2013, p. 61). By centering experiences of victim-survivors, the study of harms helps us not only allow victim-survivors their rightful power to speak for themselves, but also helps us understand rape as a felt experience. In this project, I attempt to look beyond the subjective/objective binary by seeing these testimonies as phenomenological in nature rather than "subjective". Subjectivity is not unlimited; various underlying ontological structures limit the field in which differences occur. The quest to better understand a phenomenon implies that there are overarching, fundamental structures to be investigated even though unique case-by-case differences may exist. Thus, a phenomenological approach to testimonies helps us conceptualize how rape's harms might be experienced, while still preserving conceptual space for experiential specificities. By approaching testimonies phenomenologically, I highlight the importance of developing a framework that can conceptualize rape beyond an abstraction. By demonstrating how survivors' experiences of harms embed themselves restrictively in the dominant discourse of consent, I establish the need to reconstruct a phenomenology of harms that sees through consent theory's a priori, is more holistic, and allows for experiential specificity.

In "Critical Discourse Analysis as a Research Tool", Janks notes that "a fundamental property of language is that it enables human beings to build a mental picture of reality, to make sense of their experience of what goes on around and inside them" (Janks, 1997, p. 336). Based on Fairclough's model of discourse analysis, Janks demonstrates the processes of conducting a

¹ Hereby cited as just "Mandate"

discourse analysis of texts (Janks, 1997). I draw from Janks' demonstration of Fairclough's model in Figure 1 below to illustrate my own methodological path (Janks, 1997).

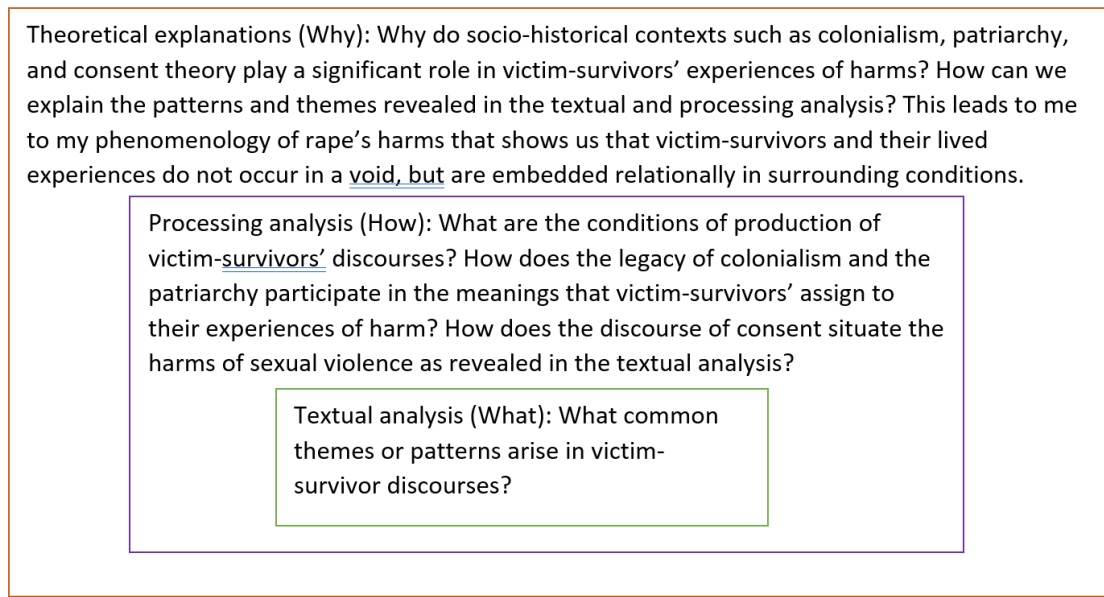


Figure 1: Methodology

My process of employing a critical discourse analysis begins with a thematic analysis in which I examine testimonial discourse on a descriptive level. That is, at this stage, I categorize sections of testimonies into conceptual themes. The following chapter on testimonies is structured based on these themes that arise from a textual analysis of testimonies. Then, to observe the conditions in which victim-survivors' discourses about their experiences emerge, I return to their testimonies because they reflect acute awareness of these conditions. I draw out these conditions that my textual analysis of testimonies reveal to put them in conversation with some of the literature that explains such conditions. I also consider the dominant discourse of consent as one of the surrounding conditions with which victim-survivors must negotiate their

own experiences of harms. By looking at what harms testifiers from the National Inquiry into MMIWG experience in the aftermath of rape, I extrapolate a preliminary theory of rape's harms to illustrate the underlying phenomenological structures of rape's harms. In summary, my discourse analysis of testimonies will oscillate between categorizing texts into descriptive themes and patterns; the contexts in which these themes arise; and why it is that these are the themes that are prominent in victim-survivors' accounts of the harms of sexual violence.

The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) was announced by the government of Canada in 2016 as a result of the political leadership of Indigenous groups and activists (Hutchinson, 2017). The National Inquiry into MMIWG notes in their mandate that “for far too long, Indigenous women and girls have been publicly devalued or ignored [...and that] people's general perceptions [about the violence that they encounter] have been shaped by harmful colonial stereotypes” (Mandate, 2016). Given Canada's dark history of colonization, genocide, and systemic racism, the National Inquiry into MMIWG provides an important window into violence against Indigenous women—an epidemic that has been largely ignored by mainstream Canadian media. Indigenous women are 3.5 times more likely to experience all forms of violence (including sexual violence) than women of other racial demographics, and yet they receive 3.5 times less media coverage than victimized White women (Gilchrist, 2010, p. 379). Since Indigenous women and girls are experiencing sexual violence at such alarmingly disproportionate rates and because Indigenous resurgence brings forth, what I find to be, some of the most refreshing alternatives to colonial and heteropatriarchal social orders, I turn to Indigenous women and girls' testimonies to learn about their experiences of sexual violence in order to build a theory of rape's harms. In his book *Pedagogy of the Oppressed* (1970), Paulo Freire reminds us that it is vital that we trust that those who are

experiencing a form of violence or oppression are the ones who know it best; that we are careful not to replicate structures of oppression by imposing our presumptions upon their experiences and further repressing their agency in making sense of their experiences (Freire, 1972). I think that in approaching testimonies as a truth gathering and public education process the National Inquiry into MMIWG embodies this insight of Freire's and prompts us to understand the various forms of violence that Indigenous women and girls have been encountering through what they have to say about their experiences (Mandate, 2016).

In 2017, the National Inquiry into MMIWG released its archive of transcribed testimonies which included 100 accounts from testifiers who have survived or/and witnessed various forms of violence, including (but not limited to) domestic, physical, emotional, institutional, sexual, and psychological forms of violence (Transcripts and Exhibits, 2017). This archive is structured in alphabetical order. As of January 2020, the National Inquiry into MMIWG had publicly archived testimonies from victim-survivors whose names begin from letters A—G (Transcripts and Exhibits, 2017). Out of 100 testimonies, I was only able to look through roughly 90 testimonies as the rest were in French— a language that I do not read. I recognize that this is a limitation of this project, especially given that in Canada, English has continuously emerged as a dominant language that suppresses other languages, cultures, and histories—including that of Indigenous peoples. I chose testimonies from the archive through a word search in each of the ninety transcribed English testimonies that are publicly available on the National Inquiry website. In order to ensure that I gather the testimonies based on how relevant they are to this project, I used a variety of common phrases that are used to reference sexual violence: rape, sexually molest, sexually assault, sexually violate, sexually abuse, sexual violence, sexually attack, forced penetration (Merriam-Webster's collegiate dictionary, n.d.).

This method revealed four testimonies, in particular, that utilized these phrases between 20-25 times. These four testimonies are the backbone of my study of rape's harms.

Despite that the National Inquiry into MMIWG presents the various forms of violence that Indigenous women and girls encounter as interconnected (Mandate, 2017), the scope of my project does not allow me to effectively study all of the experiences that testimonies account for. The four testimonies that I draw from in this project are 32, 63, 70, and 125 pages long, respectively. Since I am working under time and space constraints, I had to engage in the difficult and ethically straining task of extracting segments from testimonies that were most relevant to the question that I am asking about the experience of rape's harms. However, in doing so I was careful not to cherry-pick; I included everything that was said about the experience of rape and its' harms. The Appendices attached at the end of this project include all these segments. It is also important to note that although LGBTQ2IA+ folks also experience gendered and sexualized violence, often disproportionately so, the scope of this project limits my discussion to heterosexual sexual violence against Indigenous (presumably) cis-women and girls. The reason I only discuss heterosexual sexual violence in this project is because that is what testifiers account for in the testimonies that my word search produced for this project. I acknowledge, however, that experiences of sexual violence are much more complexly intersectional than the scope of this project allows me to discuss. Folks with disabilities, in particular, experience sexual violence at alarmingly disproportionate rates (Scior, 2003, p. 788). There is a distinct problem of erasure of non-heterosexual experiences of sexual violence, of sexual violence against men, trans folks, and disabled folks (Tjaden & Thoennes, 2000). I do not delve into these complexities because of the scope of my project but I acknowledge these as serious limitations that I hope to consider in future studies.

“My Story is Your Story”: Tracing Patterns

In testimonies from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), victim-survivors share their stories of resilience in the face of various forms of systemic violence, including rape (Mandate, 2017). They map insightful connections between their experiences, similar experiences shared by others in their communities, and surrounding socio-political conditions. Upon interrogation, consent theory’s assumption that rape’s harms are entirely private or subjective, by virtue of their experiential specificity, falls apart as testimonies present striking phenomenological patterns and underlying ontological structures of experience.

By demonstrating how broader socio-political structures shape lived experiences of violence, oppression, and injustice, victim-survivors engage in a kind of consciousness raising (Mills et al., 2010, p. 214). It is my view that such a practice is a form of resistance because it reveals and challenges the hegemony of dominant discourses such as consent that decontextualize lived experiences of rape, conceal oppressive structures, and erase the experience of rape from the public realm. Discourse, a communicative practice of meaning-making, not only represents, but also participates in framing lived experiences (Scior, 2003, p.780). How these women speak of sexual violence in their testimonies (testimonial discourse, in academic language) not only reveals how they experience rape’s harms and negotiate them with the dominant discourse of consent theory, but also how they make sense of their experiences of rape’s harms. By centering these testimonies in this chapter, I build a dialogic space between academic texts and victim-survivors’ voices, the past and the present, rape’s felt experiences and its overarching phenomenon. I will bring out the ways in which the themes that emerge from

victim-survivors' testimonies mirror each other in structure, despite these experiential differences. By doing so, I will show why these structural consistencies in their experiences compel us to consider the experience of rape's harms not as objective or subjective but as phenomenological. In the four testimonies that I draw from in this project, victim-survivors speak as embodied beings in a matrix of historical, political, cultural, institutional, communal, and relational conditions revealing that experiences of rape's harms are felt pervasively in different facets of one's life.

The four testimonies that my word search revealed as most relevant to this project are of the following women: A.V., Chantel Henderson, Fay Blaney, and Danielle Boudreau (Transcripts and Exhibits, 2017). From here on, I refer to these women as A.V., Henderson, Blaney, and Boudreau. All four of these women are survivors of sexual violence. However, none of their testimonies are limited to their experiences of sexual violence. They speak about sexual violence, substance abuse, domestic violence, sex work, settler-colonial institutions, and the larger issue of missing and murdered Indigenous women and girls in an intricate way. In a report called *Breaking the Silence*, an assembly of First Nations explained that people come to consciousness about their pain and their past in no linear way, but in fits and starts (Assembly of First Nations, 1994, p. 5). A.V.'s, Henderson's, Blaney's, and Boudreau's testimonies represent this kind of coming to consciousness about their experiences. However, the time and space constraints of this project do not allow me to explore all these areas of their testimonies. Thus, I limit my discussion to their accounts of rape by returning to my research question: *how are the harms of rape experienced?* In the following sections, I organize the experience of rape's harms, as they emerge in the testimonies of A.V., Henderson, Blaney, and Boudreau, into themes (textual analysis) and discuss the tensions that arise between them and dominant consent-based

discourses about rape (processing analysis). Mapping these dimensions of harms that emerge in testimonies helps us avoid reducing victim-survivors' felt experiences to the crime of sexual assault. This is important because any kind of justice or healing process requires that we understand what it is that we seek to rectify.

Manifestations of Colonial Legacies: Institutional Incompetence

None of the four testimonies, that this project draws from, report any kind of justice from the criminal “justice” system. In fact, they all report gruesome injustices from institutions that are supposed to be facilitating justice. What ought legal institutions—or any institution, for that matter—to be, if not for ensuring conditions that facilitate our collective wellbeing? Yet, when A.V. turned to the police to report rape, the police dismissed her case (Appendix 1, quotes 4-7). The only time Henderson reported her perpetrator, he was acquitted (Appendix 2, quote 3). When Blaney’s cousin-in-law called the cops on her violent husband, the cops showed up and asked for blowjobs (Appendix 3, quote 11-14). Understandably, Boudreau avoided the criminal justice system altogether (Appendix 4). Still, lived experiences of sexual violence are posed in dominant consent-based discourses as episodic crimes and private experiences, void of thematic structures and blind to institutional complicities. Further still, all members of the political community are supposed to depend on a clearly dysfunctional system of institutions for their safety and well-being. If there persists any suspicion that these testimonies account for isolated incidents of “bad luck”, and that it is far-fetched to render contemporary institutions fundamentally incapable of addressing lived experiences of rape, the following statistics further serve as testament to the vicious cycle of institutional incompetency that we circulate in when it comes to dealing with rape:

1. According to the National Sexual Violence Research Center, rape is the most under-reported crime (Milligan, 2018, para 6).
2. According to the Rape, Abuse & Incest National Network (RAINN), sex crimes are least likely to result in prison sentences, “with less than half of one percent of rapists incarcerated” (Milligan, 2018, para 6).
3. According to RAINN’s research, most victim-survivors choose not to report because they fear the legal system; they believe that the police will not – or cannot – do anything about their victimization; or did not want to get in trouble by getting the rapist (often known to the victim-survivors) in legal trouble (Milligan, 2018, para 7).

These staggering statistics affirm the dubbing of rape law as a ‘parody of justice’ (Pateman, 1980, p. 156). Legal institutions constantly fail in addressing rape *not* because colonial and patriarchal “biases” have tainted their “liberal” foundations. They fail because legal institutions and their liberal foundations are surreptitiously *rooted* in colonial and heteropatriarchal values. That is, they are rooted in injustice. A.V.’s reports of sexual violence were dismissed because to the police, nothing seemed harmful or non-consensual about the experiences she was reporting (Appendix 1, quotes 4-7). A.V.’s experience of being dismissed by the criminal justice system reminds me of Ann Cahill’s critique that consent theory functions to both assume female consent and deny female sexual agency by being based on phallogocentric constructions of a passive female sexuality that is derived from an active male sexuality (Cahill, 2001, p. 169-176). The institutional interactions testimonies account for evidence modern manifestations of this long history of denying women their self-agencies that I covered in my previous chapter on consent. Of course, not all women experience this history uniformly. Every

person embodies these histories differently. Still, the commonalities in Indigenous women and girls' experiences of sexual violence are indicative of their positionalities as people of a certain group that share certain histories. In the next section, "Personal is Political", I will further discuss these constructions of Indigenous women's sexualities.

Modern institutions are not void of "bias" as they claim to be. They are situated within historical, cultural, and political contexts. In their testimonies, Indigenous victim-survivors show us that to have to negotiate with institutions that carry centuries of baggage of racialized and gendered colonial violence in the aftermath of rape, is in itself a profound added stress and harm. A.V. reports that her interactions with the police resulted in anger, rage, a sense of dehumanization, and a disempowering feeling of being "disarmed" (Appendix 1, quote 4-10). Similarly, Blaney describes the police not as protectors but ironically, as perpetrators of rape against Indigenous women (Appendix 3, quote 11-14). She finds such acts of sexual violence to be horrendous manifestations of "sexism in policing" (Appendix 3, quote 11). But institutional incompetency in addressing rape against Indigenous women goes beyond punitive institutions of the Canadian criminal justice system. In her testimony, Blaney attributes the "endless" sexual violence that Indigenous women encounter partly to the Canadian child welfare system (Appendix 1, quotes 8-10). Boudreau believes the alarmingly disproportionate levels of violence against Indigenous women are "ripple effects of residential schools" (Appendix 4, quote 1). Correspondingly, Henderson situates her experience of rape within the broader issue of MMIWG, which she observes to be a by-product of the history of Canadian colonial policies that have been enforced through the RCMP (Appendix 2, quote 4). A.V., Henderson, Blaney, and Boudreau all refer to their experiences of rape as situated in institutional systems that carry the dark legacy of colonialism and heteropatriarchy. From colonial sexism in policing, to the child

welfare system or the social services program, to colonial state policies, to colonial discourses about Indigenous women and girls— all frame the experience of rape’s harms in a broader matrix of institutions that manifest complex colonial histories. Colonialism has not ended; it has only changed form. And the form that colonial institutions have adopted is particularly material as they have become the site where Indigenous victim-survivors wrestle with the history of colonialism. It is from this intricate system of institutions that Indigenous women and girls who have encountered rape have to negotiate security for their distinctly positioned bodies.

By uncritically revolving around these settler-colonial institutions, consent theory fails in doing anything about rape because it aims to provide victim-survivors a sense of security primarily through an unactualized promise of punishment for people who violate their consent. However, victim-survivors’ testimonies—A.V.’s testimony, in particular— reflect that security in the aftermath of rape requires so much more than punishment for the perpetrator. In the aftermath of her rape, being bullied at work for being raped ultimately led to A.V. losing her job (Appendix 1, quote 11). She calls this the “poverty trap” and spends a significant chunk of time in her testimony discussing how her experiences of rape, her colonially perceived Indigeneity, the housing crisis, the banking system, the workforce, and the police all fed into a vicious cycle of poverty (a harm) that she fell into in the aftermath of rape (Appendix 1, quote 12). Furthermore, A.V. feels that unhealed harms of rape put her in a “vulnerable [...] position to be raped again” (Appendix 1, quote 13). A.V.’s assessment that she was even more vulnerable to being raped again after she was raped points towards a consistent trend in experiences of rape. Studies show that women with a history of sexual violence are at greater risk of rape (Tjaden & Thoennes, 2000, p. iv). I have come to interpret such vulnerability in two ways, only one of which I will be discussing in this section. In the aftermath of rape, A.V. experienced

fibromyalgia, depression, and PTSD (Appendix 1, quotes 15 & 16). Institutional incompetency in creating conditions that facilitate healing from these direct harms of rape that A.V. was experiencing led to additional layers of harms, as she lost her job and subsequently, had to also deal with the “poverty trap” on top of all other harms (Appendix 1, quote 12). It is my sense that part of what A.V. might mean by “vulnerability” might come from this “poverty trap” that can make it harder for victim-survivors to access safety, security, justice, and healing in a capitalist state that blames those who have been wronged for being wronged. Here, it is useful to recall Foucault’s notion of biopower, as was briefly mentioned in an earlier chapter. Foucault suggests that biopower functions to assign certain values or worthiness to its members and that the poor are the first to be indicted as “unworthy” (Foucault, 1990, p. 140-142). I think that this political status of “unworthiness”, that comes from colonialism and its hierarchies, partly leads to the police’s dismissal of A.V.’s reports of rape, A.V. losing her job, having difficulty in accessing aid, and ultimately feeling like she was “1/200th a person” (Appendix 1, quote 10). In this way, a web of social and institutional incompetency in addressing these harms of rape characterize victim-survivors’ situatedness in a material world that fuels a vicious cycle of sexual violence. In fact, this web of social and institutional incompetency *adds* to the felt harms of rape by denying victim-survivors’ their rightful and dignified places in the material world that embeds them.

Colonialism and the patriarchy not only manifest through material institutions, but also, formalize in cultural representations of rape. A.V. felt confused in the aftermath of her rape because she had previously only thought of rape in terms of dominant representations of non-consent: “I thought that rape was when somebody pulled you off of, you know, from the street and – from the bushes and some random stranger came to you with a knife. I didn’t understand what date rape was or intimate partner whatever. I didn’t know any of that stuff” (Appendix 1,

quote 4). Although I am never a proponent of the idea that humans are passive consumers of what is being taught or shown to them, I think that cultural constructions of anything affect how we see that thing. It is through deeply embedded colonial and patriarchal logics that dominant discourses about rape— particularly dominant Canadian understandings of rape against Indigenous women— arise. These constructions are institutionalized and, to varying extents, internalized in our collective consciousness.

Among the many ways in which these constructions feed into an overall collective incompetency in dealing with rape (to the extent that they enable rape) is that they reinforce a dysfunctionally narrow category of non-consent based on physical aggression/injury, confusing most experiences of rape that fall outside this category of non-consent. These internalized ideas of rape not only made it difficult for A.V. to process her experience of rape, but they were also utilized by the police to manipulate her non-consent into consent (Appendix 1, quote 4). Such manipulation is quite typical of liberal institutions as they are built upon a theory of consent that is based on men's assumptions of women's consent. Additionally, the police's judgement of A.V.'s "truthfulness", I think is representative of what Dian Million, in her book, sketches to be the conditions of Indigenous discursive autonomy (Million, 2013). Million argues that one of the reasons why Indigenous women's reports of their abuses are so often dismissed is that "as occupants of colonial spaces 'Indian' and 'women' [...they] inhabit old Canadian common-sense knowledge of Indian women's immoral 'nature' [...and] occupy the Canadian state's and perpetrators' shared social knowledge/imagination of their *deviance*" (Million, 2013, p. 63). Given this, the secret task that Indigenous women are burdened by—the same task that A.V. attempts by reporting her rape to the police— is to prove that they are not guilty of what they are presumed to be guilty of by colonial institutions (Million, 2013, p. 63). A.V. found such

institutional manipulations of her experience of rape to be harmful as she reported having anxious nightmares about the police mischaracterizing her consent and not believing her (Appendix 1, quotes 4-10). A.V. reports the kind of profound damage that such institutional disrespect had on her experience of rape even years later violence (Appendix 1, quote 7-8). She further notes that Indigenous women, such as herself, are distinctly harmed by the inaction of the police and the incompetency of legal institutions (Appendix 1, quote 9). She explains how hurtful the police's dismissal of her report was to her in that it affirmed to her the devalued place of Indigenous women like herself in Canadian society (Appendix 1, quote 10). The fact that A.V. feels like "1/200th a person" and further "disarmed" of her capacity to consent by Canadian legal shows that Canada has not just failed to provide justice for, and prevent, sexual violence against Indigenous women but by maintaining an obviously dysfunctional, immoral, and dehumanizing system of social order, it has *added* to the experienced harms of sexual violence (Appendix 1, quote 4-10). Yet, dominant discourses rarely allow that we pay attention to these dysfunctionalities of our social order. They conceal the dysfunctionality and violence of the law (and its consent based underpinnings) by disguising them as "neutral" or "objective" in order to preserve its subjects' dependency on the law and preserve the idea that the "production of the victim in law will be emancipation...[and] that law is the utopian site of redemption and restoration" (Million, 2013, p. 55).

Throughout her testimony, A.V. talks about how her interactions with the police further reaffirmed that her agency did not matter to the point that in an instance of rape a few years later, she felt disarmed of her capacity to consent (Appendix 1, quote 7-8). Testimonial reports of rape, institutional (and social) complicities in the phenomenon of rape, and apathetic responses to

rape's harms lead me to assembling Figure 2, which represents a vicious cycle of lived experiences of rape's harms:

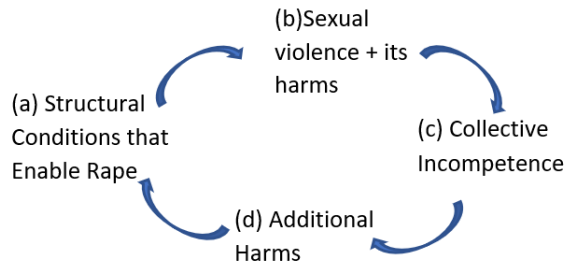


Figure 2: A cyclical process of rape's harms

Figure 2 illustrates that Canadian institutions, which rest upon the dark legacy of colonialism, maintain racist, colonial, and sexist archetypes about Indigenous women's sexuality that enable rape against Indigenous women² (a). Thus, the felt harms of rape are intertwined with the harms of these colonial, phallogentric, and patriarchal structures (b). In the aftermath of rape, an overall collective incompetency in facilitating healing and justice for victim-survivors adds an additional layer of harms to the harms of rape. Such incompetency is a function of colonial and patriarchal manifestations, not just in our institutions, but as we observe in the section following, in community consciousness (c). Such incompetency can look like sexist and racist legal systems, insensitive workplaces, lack of meaningful support systems, victim-blaming, dismissal of victim-survivors' experiences, continued prevalence of rape and other forms of violence, etc. (c). These kinds of incompetency in addressing rape against Indigenous women causes an additional layer of harms such as feeling like a devalued member of society (Appendix 1, quote 10) or feeling

² This conceptualization is not to excuse perpetrators of rape but to draw attention to the structural pillars upon which they stand so unwaveringly and persistently.

unsafe (Appendix 2, quote 1) (d). These harmful collective responses to a victim-survivor's experience of rape are both a function of, and a function to, maintain colonial and heteropatriarchal status quo that breeds a racialized "rape culture" (a). It is important to note here that this cycle of sexual violence accounts for an underlying structure of rape's harms and not definite harms themselves because rape's harms are experientially specific. That is, no two people will experience rape's harms in the exact same way because each victim-survivor embodies them differently depending on who they are and what they have been through.

Manifestations of Colonial Legacies: Community Internalizations

The theme of ignoring victim-survivors of sexual violence, distrusting them, and even punishing them is a consistent one that all testimonies report in one way or another. Henderson begins testifying by reporting sexual violence in her childhood. She did not tell her parents, partly because of shame, partly because she did not think her family would believe her, and partly because she was afraid to be ostracized (Appendix 2, quote 2). When Blaney was being sent away to residential school as punishment for being raped by her uncles and was "going around saying good-bye to [her] family, [her] oldest uncle grabbed [her] and tried to rape [her] right on the spot" (Appendix 3, quote 7). Still, her aunts beat her, sent her away, and insisted that she had been "fooling around with [her] uncles" (Appendix 3, quote 7). At 11, Boudreau's mother sent her away from home when she disclosed that her mother's boyfriend had sexually assaulted her (Appendix 4, quote 3). In grade 2, when Boudreau reported being sexually abused, she was told by school authorities to simply sit down (Appendix 4, quote 4). At 13, Boudreau was raped. Following this pattern, nothing was done about it: "it was completely brushed under the rug" (Appendix 4, quote 5). A.V.'s, Henderson's, Blaney's, and Boudreau's institutional and

communal situatedness add some similar kinds of harms (although in different ways) to their experience of rape's harms: being ignored, distrusted, or/and punished for their own victimization. Being sent away to relatives Boudreau had never met before she experienced sexual assault at 11, made her feel like *she* was the one who had committed a mistake (Appendix 4, quote 3). The parallels between how victim-survivors experience colonial institutions and their communities in the aftermath of rape are indicative of the fact that colonial, heteropatriarchal, and phallogocentric attitudes manifest not just through institutions but also through community internalizations.

It is difficult to pinpoint and prove exactly why it is that Henderson's, Blaney's, and Boudreau's families and communities, instead of supporting them, sided with their perpetrators. Although I want to be careful to never make excuses for such harmful community and family responses to rape, I think it is important to interrogate and understand them in their complexity, because they are unextractable from lived experiences of rape's harms. They *are*, in part, rape's harms. One of the reasons why I think Blaney spends about half of her testimony talking about the history of her reserve and colonial institutions and policies is because she must see the relationship between colonial and patriarchal histories and systems and community responses to rape:

[...] with all of the power that the men received through the Indian Act, they [...] abused the women. And now we have a really damaged relationship in our communities [...] we really need to undo the damage of the colonial symptoms and especially directly deal with the patriarchy that they imposed on us so that we bring back then strength of women and to honor life-givers again (Appendix 3, quote 5).

My interpretation of Blaney's analysis is that she is prompting us to avoid thinking of these communal and familial responses to rape void of their contexts. Contrary to consent theory's notion of a de-contextualized and de-politicized autonomy, communal responses to rape are not

unlimitedly self-directed and free from broader situatedness. Historical and political contexts and these communal responses to rape mutually shape one another. That is, responses to rape take place in the constraints of dominant ideas and norms about, in this case, Indigenous women's and girls' sexuality. Families and communities negotiate their responses to rape with institutionalized and hegemonized dominant discourses about rape. It is no surprise then that familial and communal responses often echo colonial and patriarchal attitudes about Indigenous women and girls. However, at the same time, these responses further maintain and legitimize colonial knowledges about Indigenous women and girls in the community. Communal responses to rape either reaffirm or resist hegemonic colonial and patriarchal structures that fuel the widespread and disproportionate prevalence of rape against Indigenous women and girls. I think that Blaney recognizes this by emphasizing the process of decolonizing communities as a part of the solution to the horrific instances of rape that she endured and witnessed in her family:

I think that the damage caused by patriarchy is ripping our communities apart and so I think that there needs to be a huge effort towards decolonization. And that decolonization cannot be a generic general term. It has to be the roles of women and the roles of men in our communities. I think we have really mixed-up ideas of what men's and women's roles are and it's really causing a lot of harm to the women (Appendix 3, quote 15).

How a community or any social unit that a victim-survivor is a part of responds to their experiences of rape will either add to the harms of rape and facilitate the cycle of sexual violence or facilitate healing and disrupt this cycle. Perhaps, it is partly because so often our society feeds into this cycle of sexual violence through its incompetency in dealing with rape, that people with a history of sexual violence in their childhood are more at risk for sexual violence in their adult lives (Tjaden & Thoennes, 2000, p. iv). For example, when Boudreau's school completely ignored her reports of sexual abuse in grade 2, the impression they left on her was that sexual abuse is normal (Appendix 4, quote 4). Likewise, at the age of 11 in the aftermath of sexual

assault, Boudreau and not her perpetrator, was punished which made her feel like her victimization was her own fault (Appendix 4, quote 3). This cycle of incompetency in dealing with sexual violence normalized sexual violence for Boudreau to the extent that growing up she “didn’t know it wasn’t normal; to [her], that’s what [...women and girls] were supposed to be for men” (Appendix 4, quote 9). Henderson also reports a similar harm of the sexual violence she experienced in her childhood: “because of the whole molestation at a young age, that I became sexually active when I was nine years old, mostly with boys from the neighborhood” (Appendix 2, quote 8). On the other hand, A.V. felt disarmed of her capacity to consent after the police mischaracterized her non-consent as consent (Appendix 1, quote 7). To me, these are all examples of communities manifesting patriarchal attitudes that not only disable justice and healing for victim-survivors of rape but also facilitate conditions that enable rape by disempowering victim-survivors and protecting perpetrators of rape. It is this sort of collective incompetency in dealing with rape that makes victim-survivors feel like nobody cares and that they are all alone in their struggle to protect themselves (Appendix 2, quotes 5-6). Henderson deliberately gained weight because she felt like if she was skinny and attractive, more men will rape her (Appendix 2, quote 5). Henderson’s coping mechanism serves as a reminder of the extent to which women’s and girls’ bodies are posed as objects of male desire. So much so, that Henderson takes it upon herself to make herself less of an object of a male desire so that she is less likely to be preyed upon. However, this turn to personalized action needs to be seen in light of the ways that the state and its institutions have consistently failed Indigenous women. The fact that Indigenous women and girls who have been through rape feel like they must resort to such coping mechanisms to protect themselves is indicative of a vortex of collective incompetency in supporting victim-survivors of rape. The fact that such incompetency is a part of victim-

survivors experiences of rape's harms shows us that these Indigenous women do not experience rape and its' harms in voids but in layers of social and institutional situatedness. Thus, we can develop Figure 2 into Figure 3 below:

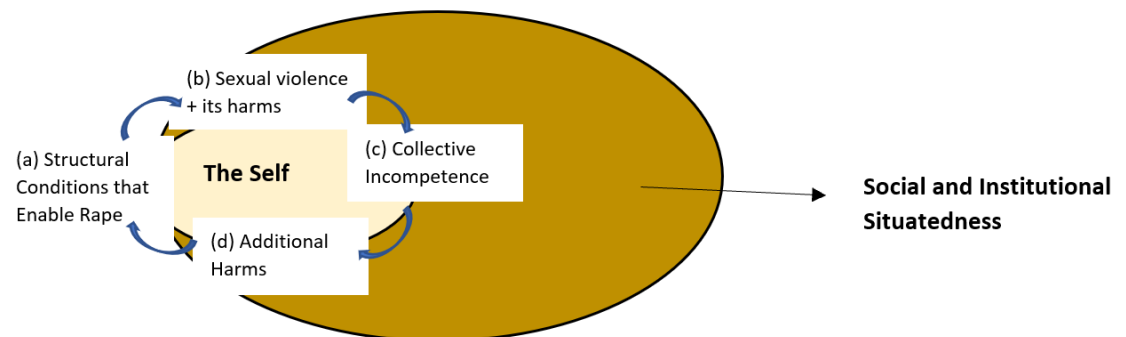


Figure 3: Experiences of rape's harms are socially and institutionally situated and are often experienced as a harmful cycle of incompetency

The Personal is Political

In Canada, we now have a National Inquiry into MMIWG to “report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence” (Mandate, 2017). The National Inquiry into MMIWG identifies “underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada” (Mandate, 2017). Like the National Inquiry into MMIWG, testifiers identify complex heteropatriarchal and colonial conditions to be the root of the alarmingly disproportionate rates at which they encounter sexual violence. In this section, I present their illustrations of their distinct positionalities, both as individuals and as Indigenous women, to draw crucial insights about how rape's harms are experienced.

In her book *The Beginning and End of Rape* (2015), Sarah Deer observes the significance of historical, political, and cultural contexts in Indigenous women's experiences of rape: "rape [in Indigenous communities] is a fundamental result of colonialism, a history of violence reaching back centuries" (Deer, 2015, p. x). Indigenous scholarship and the testimonies of Indigenous women unanimously point to the various ways in which the history of colonialism participates in Indigenous women's experiences of rape. Feeling devalued as an Indigenous woman in the aftermath of rape, as A.V. discusses in her testimony, for example, points us towards a socio-historical layer of meanings in which experiences of rape's harms are embedded (Appendix 1, quote 4). Unsurprisingly, the two main inter-linked socio-historical contexts that testimonies identify as vital to Indigenous women and girls' experiences of sexual violence are that of colonialism and the structures of patriarchy. In this section, I explore the ways in which victim-survivors' experiences of harms are structured by how Indigenous women's bodies and sexualities have been connotated in Canadian dominant discourses.

Negotiating Harms with the Contours of Consent

A.V.'s testimony discusses how female bodies are seen as objects of male pleasure and consumption so much so that non-consent did not seem like a possibility to her perpetrators and to representatives of the criminal "justice" system (Appendix 1, quote 1 & 2). Here, A.V. speaks about her experience of being sexually violated as not just a symptom of her perpetrators' monstrosity but as a byproduct of how female bodies, like hers, are seen overarchingly. She explains that her experiences of sexual violence stem from a "sexually permissive" culture in which "women are there [...] to please men" (Appendix 1, quotes 1 & 2). I read A.V.'s observation of a sexually permissive culture as evidence that dominant consent-based discourses

reinforce heteropatriarchal constructions in which female sexuality exists primarily in relation to men in a submissive, exploitable, or disposable way.

The gross institutional injustices and dysfunctionalities that testimonies account for are traceable throughout the historical evolution of these institutions. In her book *Rethinking Rape*, Ann Cahill (2001) presents a brief history of how man became the epitome of humanness—the “free and equal subject”—that institutions were designed by and for, to the deliberate exclusion of the non-male human (Cahill, 2001). As per the body/mind dichotomy, women’s menstruating and childbearing bodies were interpreted as proof of their “natural” attachment to the body, as opposed to the mind (Cahill, 2001, p. 51-70). The mind— which allowed for the distinct human capacity to reason— marked human specificity and superiority (Cahill, 2001, p. 51-70). Since the body symbolized corporeal vulnerabilities outside of human reason and choice, and the mind was the presumed site *of* reason and choice (humanness), the more the male intellect was able to conquer the primitivity of women and their bodies, the more “civilized”, superior, and human a social order was deemed to be (Cahill, 2001, p. 51-70). Being a woman was interpreted as being susceptible to a *less human* part of being: the body. For Western dualistic thinkers and patriarchs, such susceptibility meant that women were far from a (hu)man’s capacity to reason. A stunted capacity for reason justified depriving women of self-agency—a human faculty defined in terms of the capacity for reason (Cahill, 2001). Since only reason made autonomy possible, women’s consent/non-consent was out of question. To be a woman, was to naturally be less human, less free, less thinking, *less*, in general. It is upon this pillar that modern institutions such as the criminal justice system rest. It is upon this pillar that modern institutions typically fail to allow women meaningful autonomies over their bodies. Consent theory did not evolve as a liberatory opposition to patriarchal logics. Consent theory is surreptitiously *based* on these naturalized

patriarchal binaries of mind/body and men/women. The body/mind dichotomy, together with its hierarchized gender binary, reveals itself in consent theory as it reserves sexual desire and autonomy for men and sexual consent and submission for women. Despite consent's distinctly gendered theory and application, it damagingly assumes a status of gender-neutrality and apolitical-ness. It predominantly serves as the conceptual site where almost all prominent discourses about rape begin and end. Even in today's "postcolonial" and "liberal" institutions, A.V., Henderson, Blaney, and Boudreau did not fit the strained category of "free and equal subjects", for which consent and justice is reserved. Their accounts of the criminal justice system show that their consent was either assumed or deemed irrelevant altogether. But even if consent theory revolutionized itself to truly see women as equal subjects (and not as subjugated, unthinking, objects), it would still remain inadequate in conceptualizing rape because it cannot encapsulate lived experiences of rape's harms. Consent theory's view of people as abstract legal subjects does not allow for any information beyond (violation of) consent. Ann Cahill's interrogation of the modern model of subjectivity, upon which liberal consent theory (and its institutional constituents) rely, shows us part of the reason why we have remained so apathetic to experiences of rape's harms and consequently, so unsuccessful in doing anything about rape:

Modern political thought had to exclude the body and bodily specificities in order to construct the rational, surreptitiously gendered, universal, autonomous subject [...] This model of subjectivity, defined as the rational, autonomous, intellectual exercise of free choice and free will, needed the body even as, in fact, precisely as, it denigrated and devalued all matters of (and all beings overly associated with) the flesh. Just as men could not assume the mantle of authority—whether in the home or in the public arena—without the presence of properly dominated beings (women and others), so subjectivity could not achieve its intellectual status without the degradation of the body (Cahill, 2001, p. 54).

Overtime, this constructed dichotomy and hierarchy between the mind and the body has become universalized as a priori. Colonial assumptions about disembodiment have been utilized

to silence Indigenous women's accounts of rape, which are thought to be an experience of the "private" or "subjective" realm. It has become *obviously true* that the body and its subjective experiences do not belong in the public and political realm. The objective has been reserved for the public realm while the subjective is quietly, obediently, passively gendered and positioned within privatized domestic spaces. Such epistemological categories of the subjective and objective privilege consent/non-consent as "objective" and obvious classifications of sex and rape and subjugate victim-survivors' complex experiences of rape as "subjective", private, and irrelevant accounts. In alienating victim-survivors' experiences of rape's harms from the public realm, dominant consent-based discourses about rape subtly, but powerfully, reinforce the hegemony of the public realm over the private realm, the "objective" over the "subjective", the mind over the body, and men's sexual autonomy over women's sexual consent. By demonstrating how their experiences of rape's harms are intricately tied with ongoing colonialism, in their testimonies, these Indigenous women reveal the personal and experiential to be thoroughly political. Thus, I leave this discussion with Dian Million's (2009) powerful statement:

Our voices are still positioned in a particular way, definitely reminiscent of the past silences we know so well, contingent to our colonized position now. Indigenous women have spoken and written powerfully from experiences that they have lived or have chosen to relive through the stories they choose to tell. Our voices rock the boat and perhaps the world. They are dangerous. All of this becomes important to our emerging conversation on Indigenous feminisms, on our ability to speak to ourselves, to inform ourselves and our generations, to counter and intervene in a constantly morphing colonial system. To "decolonize" means to understand as fully as possible the forms colonialism takes in our own times (Million, 2009, p. 54-55).

Interrogating Colonial Embeddedness

Both A.V. and Henderson find their experiences of rape's harms to be connected to broader positionalities of Indigenous women in Canadian society. A.V. shares in her testimony

that she felt like 1/200th a human because of the police's tendency to ignore Indigenous women's reports of rape until the numbers inconveniently stack up (Appendix 1, quotes 9-10). Henderson reports that after repeated incidents of sexual violence she consistently felt like "[she] had a target on her back [...] as an Indigenous woman" (Appendix 2, quote 1). A.V.'s sense that she is especially devalued as an Indigenous woman (a harm) and Henderson's fear of being targeted by virtue of being an Indigenous woman (a harm) point us to historical and political positionalities of Indigenous women that explain these consistencies in personal experiences. Epidemic rates of sexual violence against Indigenous women and systemic apathy to their victimization are by-products of Canada's history of colonialism. Such relatedness of the personal with historical and political contexts stands in stark contrast with liberal (and institutional) pivoting of the personal as "private".

In "A Recognition of Being", Kim Anderson (2000) traces historical constructions of Indigenous women as politicized bodies. The experiences of sexual violence that A.V. and Henderson report stem from colonial constructions of Indigenous women as dirty, lazy, and "uncivilized squaws"—archetypes that were meant to justify the intrinsic violence of colonial phallocentrism (Anderson, 2000, p. 100). These constructions not only rationalized sexual violence against Indigenous women as justifiable acts but also allowed extending colonial jurisdiction over geographical spaces that Indigenous people already governed (Anderson, 2000, p. 99- 112). Historically, both Indigenous and Western frameworks have associated Indigenous women with the land (Anderson, 2000, p. 100). Colonial assumptions about land being an *object* that a "rational subject" acts upon, controls, possesses, and exploits are mirrored in colonial constructions of Indigenous womanhood. From European images that utilized Indigenous womanhood to fetishize the "virginity" of a new land, awaiting profitable colonial penetration, to

colonial portrayals of Indigenous women as “lewd and licentious squaws”— colonial constructions of Indigenous womanhood continue to interfere with Indigenous women’s lives by framing institutional indifference to the alarmingly disproportionate rate at which Indigenous women and girls face sexual violence (Anderson, 2000). Further, I think that the subject/object binary that characterizes colonial perceptions of the land also participates in shaping consent’s patriarchal and phallogentric order. Perhaps, colonial legal systems are unable to rectify rape’s harms because all they see are subjects (men) unlawfully acting upon objects (women). Why would the law waste its time on how women experience rape’s harms if they are simply objects that are being acted upon? Conceivably, the law is not concerned with women’s—especially Indigenous women’s— experiences of rape’s harms because it understands its function to be simply to uphold laws for, whom it sees as, its subjects (men). The only relevant question to this spiritless bureaucracy is did the *subject* act lawfully or not? Victim-survivors’ experiences (the site of the actual wrong and harm caused) are altogether eliminated from the equation. This function of the subject/object binary is twofold when it comes to Indigenous women because they have been deemed as sites that colonial patriarchs act upon by virtue of both their Indigeneity and (what colonial gender binaries read as) their gender.

Consent theory preserves such dehumanizing subject/object binaries by suggesting that subjects (men) continue to act on objects (women) *but* with some kind of permission. In the past century, colonial regimes discovered that women do indeed have heads attached to their bodies and thus, now men must ask women before penetrating their bodies. Yet, consent theory fails to define in any meaningful way what it means to ask and give consent. Regardless, the model of consent theory leaves us with sexual desire— an actively pursuing sexuality— primarily for men, and sexual consent—a passive sexuality that is responsive to men’s desire— primarily for

women. Entrenched in colonial thought, dehumanizing archetypes of Indigenous womanhood further haunt Western conceptions about consent. After all, it is easier to negate the non-consent (a privilege reserved for “free and equal individuals”) of people who have been dehumanized by colonial subject/object binaries and constructed as “easy” and licentious such that they do not qualify as free and equal individuals who can consent. Still, we are to believe that settler-colonial institutions can deliver justice for an experience they have actively alienated and for people they have consistently dehumanized. This is the context in which the National Inquiry into MMIWG was set up. These are the surrounding conditions within which A.V., Henderson, Blaney, and Boudreau’s experiences of sexual violence are situated. Reminiscences of these colonial and phallogocentric constructions of Indigenous women’s sexuality are the ideological filters of the dominant discourse of consent. The fact that A.V. and Henderson must negotiate their experiences of sexual violence with colonial ideological filters that presume them to be guilty and unvirtuous is in itself a profound injustice and dimension of harms.

Being denied of one’s agency—an experience in action that allows us to be at home in the world, in our embeddedness— is simultaneously and intricately a harm of rape, colonialism, and the structures of heteropatriarchy. The ongoing legacy of colonialism, which is characteristic of the conditions in which Indigenous women exercise their subjectivity, denies Indigenous women their agency by manifesting itself in violent forms such as that of rape. In his book *Radical Hope*, Jonathan Lear (2006) makes the case that “an act is not constituted merely by the physical movements of the actor: it gains its identity via its location in a conceptual world” (Lear, 2006, p. 32). Colonial constructions of Indigenous women’s sexualities characterize the conceptual world in which Indigenous women experience rape’s harms. Thus, the overarching context of patriarchal and colonial ideologies present as a dimension in which rape’s harms are

experienced. We see their presence as a dimension of harm in that victim-survivors' experiences of rape's harms are embedded in the conceptual world that they have created. Figure 4 illustrates this conceptual world that morally polices heteropatriarchal relations and constructions of Indigenous women's sexualities (I) through colonial institutions and policies (II).

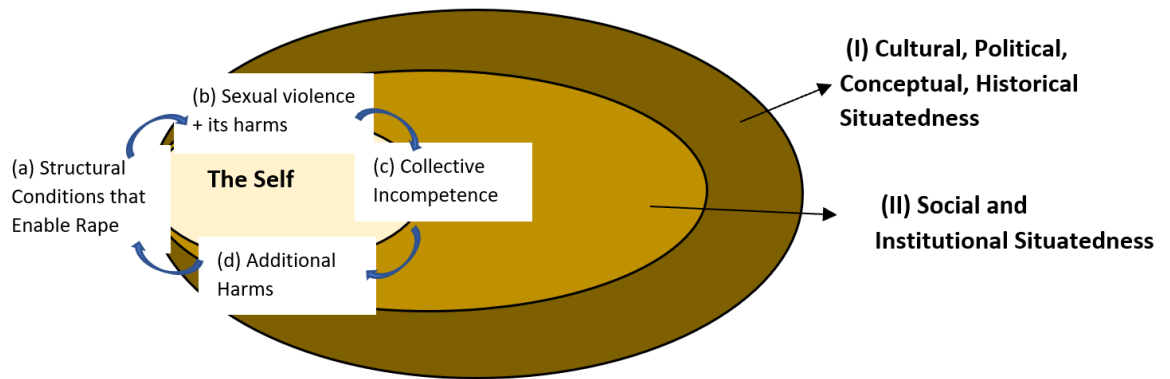


Figure 4: Experiences of rape's harms are socially, institutionally, conceptually, and historically situated

By demonstrating that histories of colonialism manifest themselves in present day-to-day life, testimonies and my supporting analysis challenge the idea that history is a story exclusive to a different time than the one in which we live and breathe today. From the striking relevance of historical contexts in victim-survivors' experiences of rape's harms, I infer that histories are not just stories of the past, but of the present and future. Histories are not behind us but continually unfolding before our eyes. As Billy Ray Belcourt puts it: "history lays itself bare// on the side of the road// but no one is looking" (Belcourt, 2017). By shaping our conceptual world, histories not only translate into the bricks with which the present-day world is constructed but also influence *how* these constructions is experienced in real time (I). These bricks present in A.V.'s, Henderson's, Blaney's, and Boudreau's lives through institutions, communities, and social

groups—material social structures in which their experiences of rape’s harms are embedded (II). Testimonies show us that Indigenous women’s experiences of rape’s harms do not occur in voids, but in multiple layers of situatedness. In contrast, consent theory-based discourses of rape prove wholly incapable of encapsulating the conditions of rape and by extension, its’ harms.

“Like a Wave”: Intersubjectivity and the Embodied Self

A.V., Henderson, Blaney, and Boudreau all report multiple incidents of sexual violence in their adulthood and childhood. Their testimonies reveal that one’s experiential history plays an integral role in how each victim-survivor comes to experience the harms of sexual violence. Their accounts of rape also debunk the myth of the mind/body dichotomy by revealing the harms of rape to be experienced intricately and simultaneously on bodily, sexual, relational, mental, and political levels.

Finding the Body in the Self and the Past in Present Experiences of Harms

A.V. testifies that having been raped in her childhood multiple times “put [her] at a disadvantage in defending [her]self because when [she] was abused as a kid, [she] wasn’t asked for consent” (Appendix 1, quote 17). She was ordered to do things by someone with authority over her, so she learned early on in her life to obey (Appendix 1, quote 17). Since these experiences of rape were never adequately dealt with (collective incompetence), she “did not understand anything about how rape worked” and thought that rape was normal (an additional harm of rape) (Appendix 1, quote 18). Repeatedly going through rape eventually constructed sexual violence to be a “normal” experience of sexuality, for A.V. (Appendix 1, quotes 17- 19). Since at some point, we come to sexually be within the world that we cultivate as individuals (in our own time, place, and way), encountering rape in one’s childhood imposes a foreign and

evasive sexuality upon one's body that one has to cope with and can only react to (rather than be the agent in a self-fashioning). A.V.'s experiences show us that autonomy is intimately related to surrounding worldly conditions and one's previous experiences, revealing that consent theory's elimination of conditions in which one exercises their agency makes consent theory a deeply lacking concept. Not all conditions allow space for meaningful exercises of autonomy. As a child, A.V. who was taught to obey those with authority, was not in conditions that allowed her to consent or not consent to her perpetrator. If autonomy is an exercise of subjectivity that enables us to be at home in the world, in our embeddedness, the conditions surrounding A.V.'s experiences of rape must have rendered the world as foreign and antagonistic to her. To think that this became her sense of "normal" explains why she found the exercise of her sexual autonomy confusing and difficult later in her life to the extent that she "didn't know why [she] wasn't fighting" (Appendix 1, quote 19). The *body* is the physical site of connection and interaction between socially embedded subjects and sexuality is a particularly intimate form of such connection. The self is not a static, abstract entity captured in flesh and bones, as dominant models of subjectivity based on the body/mind dichotomy assert. It would be difficult to imagine why A.V.'s exercise of self-agency in sexual scenarios would be harmed in the aftermath of a sexual and bodily attack like rape if she is who she is primarily by virtue of her intellectual capabilities. Such a harm shows us that one's sense of self shapes, and is shaped by, their experience of the body, of the environment, and by the relationship between the body and the environment. This interplay between the surrounding world and one's bodily (and sexual) experiences make the body inextricable from what it means to be human. Thus, harms—particularly sexual harms—done to the body extend well beyond the physical realm, as the body and the self are not distinct; they emerge intricately and simultaneously (Cahill, 2001). Further,

in his essay, Christian De Quincey (2018), shows us how the body is integral to one's capacity to reason (and thus, to exercise agency): "[...] reason doesn't have to decimate feeling—it does so only when unplugged from its roots in the deep wisdom of the body. Reason is optimally effective when it retains or regains contact with its preverbal, somatic roots. Reason works very differently when we *feel* our thinking" (Quincey, 2018, para 23).

A.V. reports realizing later in trauma counselling that her actions of trying to ease the perpetrator during rape, which she characterizes as protective defense mechanisms, were pre-programmed from previous experiences of rape to the point that they had become instinctual (Appendix 1, quotes 17-21). This form of a defense mechanism points us to a harm of rape that Dian Million observes in Indigenous children's experiences of sexual violence at residential schools: "[t]his kind of powerful transgression against the children's autonomy and bodily integrity is a basic training in helplessness" (Million, 2013, p. 44). A child who was denied control over their body is likely to have difficulty in acting out of the interest to protect themselves because experiences of sexual violence in such formative years would have damaged their belief in their agency. That is, under circumstances of repeated sexual violence, one is likely to feel that there is nothing they can do about their victimization, that it is inevitable, and that they do not have any agency at all. We can trace this harm as a consistent theme in A.V.'s testimony. I think that one of the reasons why A.V. was so traumatized by the police not believing her is because it triggered this preexisting sense in her that her agency did not matter—not to her perpetrators and not even to those who are meant to protect her, the police.

I infer from these segments of A.V.'s testimony that repeated experiences of rape created conditions that stunted A.V.'s exercise of her self-agency as she was treated not as an active desiring human participant in sexual scenarios, but as a dehumanized or objectified body whose

desire, feelings, and autonomy were irrelevant (Appendix 1, quote 17). Perhaps, this harm is partly what A.V. is referring to when she says that “all of that has been unhealed in all this time [...her] vulnerability put [her] in a position to be raped again” (Appendix 1, quote 13). The interconnectedness of separate incidents of rape and their harms—the way in which A.V.’s childhood experiences of rape had consequential implications for her experiences with rape later in her life—lead me to think that one’s experiential history (represented by e, in Figure 5) plays a huge role in how one experiences rape’s harms. That is, x experience is not just experienced as x but in the context of, and in relation with, all that came before x: a, b, c... x.

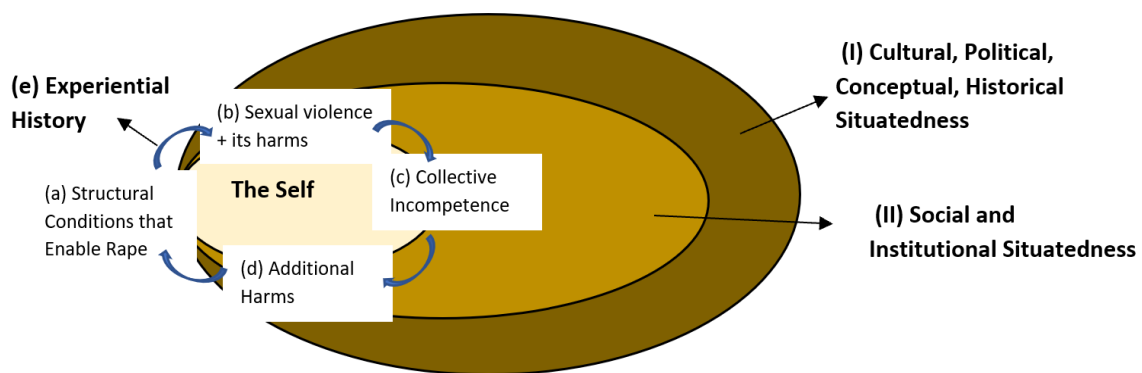


Figure 5: Experiential History as structure of rape's harms

Mapping the Politics of Sexuality

Like A.V., Boudreau experienced confusions in her childhood about what was “normal” because of sexual exploitation:

I was a very sexual kid growing up, like a little girl. I didn’t know that wasn’t normal. To me, that’s what I thought we were supposed to be for men [...] from sexual exploitation as a youth, and you know, things that I thought were normal, weren’t normal. Things that I thought were -- weren’t rape, were rape (Appendix 4, quote 9-10).

To me, these segments of A.V.'s and Boudreau's testimonies reflect that their sexual self-conceptions, at the time, were that their bodies were merely instruments or objects of male pleasure (Appendix 4, quote 9). Part of the reason how the sexual nature of sexual violence differs in its scope of harms from other forms of physical violence is that women's sexuality has been distinctly at the center of their subjecthood because of their bodies' capacities to give birth and because women's worth has been persistently defined primarily by men's perception of their sexuality. Thus, an attack on women's (or even a girl's) sexuality often extends far beyond physical—it imposes a profound ontological, psychological and social degradation (Cahill, 2001, p. 193-196). Since there are phallogocentric structures in place that promote female bodily subjugation (some of which we discussed in the previous chapter), rape can constitute specific harms and meanings for embodied female subjects that other forms of physical violence that are not sexualized cannot.

Indigenous women's experiences of rape cannot be understood without holding the body at the center, given colonial and patriarchal contexts that set their bodies as a primary site of male conquest. In her article "Tense and Tender Ties", Stoler (2001) reminds us that colonial Christian conceptions of morality were used as justifications and tools for shaping hierarchized boundaries of race: "civility and racial membership were measured less by what people did in public than in their private lives— with whom they cohabited; who slept with whom, when and where; who suckled which children; how children were reared and by whom [...]" (Stoler, 2001, p. 832). Similarly, in her book *Therapeutic Nations* (2013), Million characterizes residential schools as the institution that ingrained in Indigenous communities that "Indigenous bodies are by nature sexually deprived and that their entry into white society depends on their eternal vigilance against their own shamed and savage sexuality" (Million, 2013, p. 44). Congruently, I

think, Boudreau locates sexual violence against Indigenous women and girls in a vortex of such colonial bio-power: “I truly, truly believe it’s the ripple effects of residential school; my community was sick” (Appendix 4, quote 1).

Megan Burke’s (2019) analysis of the civilizing project of gender, in her book *When Time Warps*, presents us with another helpful way to understand harms of colonial constructions of Indigenous women’s sexuality. Burke argues that one of the overlooked operations of the sex/gender distinction is its function as a past/future division. Gender marked the civilized colonial world and represented the “future”, while sex represented savagery and the “past” (Burke, 2019, p. 49-53). Indigenous women were seen as females and not women and so, in part, the colonizers assumed responsibility to turn sexed folks into gendered folks (Burke, 2019, p. 49-52). Thus, the teleological significance of the sex/gender distinction was ultimately to justify colonialism and its racial hierarchies (Burke, 2019, p. 49-52). Colonial moral policing of Indigenous women’s gender was supposed to help them break away from the past in which lay their “uncivilized” sexuality, so that they could enter into a passive present and future where they would have access to the “civilized” colonial category of the female gender (Burke, 2019, p. 49-53). This insight of Burke’s gives us another way to understand the “training in helplessness”, that Million identifies as a harm that victim-survivors of sexual violence in residence schools experience. Developing a sexual self-concept (which is a part of the natural developmental process of puberty) in conditions of these pervasive ideas about Indigenous women and girls’ sexuality and their repeated experiences of sexual violence could have deterred their capacity to think of freedom and agency as possibilities. These historically and conceptually situated conditions and experiences of rape are embodied physiologically and psychologically, as Indigenous women and girls often report feeling shameful for their own sexual victimization.

Henderson did not tell her parents when she sexually molested by her cousin at age four or five partly because of such shame (Appendix 2, quote 2).

Burke (2019) discusses this particularly gendered developmental process— a training in helplessness— as the social destiny of *becoming* a woman (Burke, 2019, p. 17). She suggests that in a persistently colonial and heterosexist world, to become a woman is to embody a constellation of practices of sexual domination, histories of sexual violence, lived experiences of rape, and continuous exposure to the threat of rape that produce a woman’s *relative* existence as a prey to men (Burke, 2019, pp. 17— 36). She characterized this phallogentric social destiny as a temporal harm: a girl ruptures (through pervasive heterosexist messaging in which girls are situated as, and are encouraged to become, sexual prey to men) with the past, which amputates her from transcendence (the capacity for freedom) (Burke, 2019). Boudreau’s self-concept growing up suggests such a process of becoming a woman: “I was a very sexual kid growing up, like a little girl. I didn’t know that wasn’t normal. To me, that’s what [...] we were supposed to be for men. And so, prostitution was very easy for me to fall into” (Appendix 4, quote 9). Henderson reports a similar experience as Boudreau: “[...] because of the whole molestation at a young age, I became sexually active when I was nine years old, mostly with boys from the neighborhood” (Appendix 2, quote 8). Both, Boudreau and Henderson attribute their early sexual activity to being sexually violated in their childhood. The epidemic rate at which Indigenous women and girls encounter sexual violence is largely a by-product of colonial politics of racialized sexuality. Thus, these developmental harms of sexual violence are rooted in a kind of ontological and political degradation—i.e. it stems from degrading colonial conceptions about *who* an Indigenous woman or girl is and will become—and are experienced in bodily, psychological, and relational ways.

One's sexuality is a distinctly intimate and embodied practice of connection and relationship between people. Thus, rape's harms are not only experienced by victim-survivors internally, but also externally, through their relationships with others. That our sense of self is constantly emerging in relation to each other, makes us necessarily interdependent (Quincey, 2018). Contrary to the model of autonomy that consent theory proposes, one does not have complete control over all of their experiences; other people's actions will inevitably impact their experiences and shape the conditions in which they can exercise their autonomy. Such interdependence means that our freedom does not exist endlessly or in isolation from others' freedoms because the impacts of actions extend well beyond just our lives. Given the vulnerability of having to rely on each other for mutual well-being, one of the many possible harms of rape is that it can collapse victim-survivors' trust in others and the world, at large³ (Cahill, 2001, p. 131-132). It is my sense that Boudreau felt such distrust in the aftermath of sexual abuse: "And I really rebelled against, like, my uncle. I felt that if I was bad, he wouldn't touch me. Even, though, that's not what he was trying to do" (Appendix 4, quote 6). Since one's sense of self is constantly emerging alongside others, with the body at its center, a sexual attack can implicate profound ripple effects in one's relationships. Intersubjectivity virtually necessitates that sexual trauma impact one's relationships. In an interview, psychotherapist Beverly Engel, partly attributes the shame of having been raped to the sense that one has somehow failed to exercise their autonomy: "As human beings, we want to believe that we have control over what happens to us. When that personal power is challenged by a victimization of

³ Susan Brison refers to this experience as a kind of "social death". See more at: Brison, S. (2002). *Aftermath: Violence and the Remaking of a Self*. Princeton; Oxford: Princeton University Press. doi:10.2307/j.ctt7rvsb

any kind, we feel humiliated. We believe we should have been able to defend ourselves” (Milligan, 2018, para 8). I have come to think that consent theory is complicit in the experience of shame (a harm) in the aftermath of rape because by denying our fundamental interdependence, it makes us think that we have endless autonomy at any point in time. Such a misleading model of autonomy is bound to lead to the sense that one did not exercise their autonomy, a tool that they supposedly had to defend themselves from rape. In this way, consent theory exposes its patriarchal foundations by placing the responsibility of rape upon victim-survivors, rather than perpetrators of rape.

Consent theory poses rape as an instantaneous violation of one’s right to say yes or no to sexual encounters. Although it is unclear what kind of harms consent theory finds such violations of consent to consist of, it limits the effects of rape to be felt by the victim-survivor alone. In contrast, A.V. describes the harms of rape as “a wave” because of how her son, family, and other women that her perpetrator went on to rape, were affected (Appendix 1, quote 14). Likewise, the fact that Blaney (who has been through rape herself) spends a significant amount of time in her testimonies sharing the unfathomable pain her sister (who has passed away and was raped by 26 men in her lifetime) went through also points us away from the idea that rape’s harms limit themselves to a victim-survivor. Not only can rape harm how a victim-survivor relates with the people around her, but rape’s harms extend, in different ways and in different capacities, to people around her. Rape’s harms are experienced relationally because relationships form an intimate and characteristic dimension of experience. As Christian De Quincey puts it, “we are not isolated, solipsist bubbles of consciousness, experience, or subjectivity [...] we exist in a world of relationships [...] we are—consciousness is—intersubjective [...] any comprehensive

investigation of consciousness must include the second-person perspective of engaged presence, of being-in-relationship” (De Quincey, 2008, p. 96).

Viewing subjects as inter-dependent beings that co-arise while engaging with one another, reveals, in a strikingly new way, the scope of harm that rape can have on one’s personhood, one’s relationships, and one’s communities. Blaney, Blaney’s mother, and sister—all went through multiple incidents of rape (Appendix 3, quotes 16-20). The vivid details that Blaney shares of how her sister “came apart [...and] was in so much pain”, how Blaney couldn’t watch her cry like that, and how her sister would often have “blood running down her legs and no one cared” show that Blaney’s sister’s heartbreakingly horrific experiences of rape were hurtful for Blaney too (Appendix 3, quotes 16-20). In her testimony, Blaney shares the history of colonially damaged relations between men and women, sexual violence against little girls at the Church, and her aunt’s death to provide important context about “what [she] and [her] sister were born into” (Appendix 3, quote 3). Blaney characterizes her world as one in which “women and girls didn’t matter” (Appendix 3, quote 3). In the context of centuries of structural violence, we may think of intersubjective dimensions of rape’s harms also in terms of intergenerational trauma. Experiences of colonialism are passed and processed inter-generationally as past communal experiences of colonialism coincide with present manifestations of colonialism. As Dian Million notes in her chapter *Felt Theory*, “we are who we are because of this history that continuously haunts our storied bodies and lands: we cannot do this without going through the past, and watching ourselves and analyzing ourselves, because we are carrying a pain that is 400 years old [...] we’re carrying the pain of our fathers, our mothers, our grandfathers, our grandmothers—it’s part of this land” (Million, 2013, p. 67). The harms of rape are not only felt internally by victim-survivors of rape, but also relationally by loved ones who share their

experiences. Further, on a community-level, the harms of rape begin to transform into the larger phenomenon of rape by becoming a statistic that yet again, affirms, in this case, the devalued place of Indigenous women and their shared experiences of pain and fear. Thus, it not only individuals who are traumatized by rape. But especially when rates of rape are as alarmingly and disproportionately high as they are against Indigenous women and girls, whole communities can be traumatized (Million, 2013, p. 92). This does not mean simply that every single person in a community is individually traumatized but that the community as an *integral whole* is traumatized (Million, 2013, p. 92). I think that this is the scale of rape's harm that Boudreau was referring to when she said that her "community was sick" (Appendix 4, quote 1). Although I am sure that it is not the prevalence of rape alone that caused such community trauma, I think that it plays an integral role in such a widely felt trauma.

Diagnosing Rape's Harms

All four testimonies report physiological, mental, and emotional harms of rape, namely PTSD, depression, and fibromyalgia (Appendix 1, quote 16; Appendix 2, quote 9; Appendix 3, quote 21; Appendix 4, quote 8-9). In this section, to make some sense of these harms of rape I largely borrow from Million's discussion about Indigenous people as medicalized victims whose trauma is typically approached by medical institutions void of the surrounding political conditions around such trauma (Million, 2013, 151). The primary danger that Million identifies of emptying psychiatric practices of their political content is that they conceal the worldviews that inform the expert and the victim in the room (Million, 2013, p. 52). For example, an expert might assume that "the world is essentially benign and safe, and so general trust is appropriate, and people who have been traumatized have a less realistic picture of the world than others [...but] given the history between Indigenous peoples and settler states, [...] mistrust should be a

feature of appropriate mental health in Indian Country” (Million, 2013, p. 90). Further Million problematizes the fact that psychiatric practice based on DSM-IV, the official diagnosis manual, proposes that experts, not victim-survivors, name victim-survivors’ experiences (Million, 2013, p. 90). Although I think that a thorough analysis of these embodied forms of rape’s harms would require training in the psychological and physiological conditions that testimonies name, I find Dian Million’s critique of psychiatric practices helpful because it reveals the intricate interplay of emotional/psychological/bodily harm and political positionalities.

We may also consider Million’s concern about someone other than the victim-survivor naming the victim-survivor’s experience in light of consent theory. Three out of the four women whose testimonies I draw from in this project mention that they conceived children through rape (A.V., 2017; Henderson, 2018; Boudreau, 2018). To my surprise, nothing about the way that they talk about conceiving a child through rape indicates that they experience conceiving a child through rape as a part of rape’s harms. For this reason, I do not delve into that discussion much in this project because I do not think it is appropriate for me to treat this aspect of rape as a harm if these victim-survivors do not see it as a harm. This absence in characterizing conception through rape as a harm serves as a humble reminder that any framework of inquiry into rape must allow for rape’s experientially specificities because no two people will experience rape the exact same way. Thus, developing a phenomenological framework of inquiry allows us to conceptualize how rape is experienced while not naming for victim-survivors exactly what these harms are. The logic of consent-theory, on the other hand, would have immediately determined conception through rape as harmful because a victim-survivor has not consented to a child. While many may experience conception through rape as a harm, the testimonies that I draw from

serve no indication for this, showing us that there are many complexities in human experiences that are far beyond the reach of consent and dissent.

Conclusion: Towards a Theory of Rape, Harms, and Justice

Since only each victim-survivor knows exactly what harms she experiences in the aftermath of rape, a new framework of inquiry into rape would require us to ask *how* rape's harms experienced. We cannot make sense of an ill until we observe its effects. Figure 6 below illustrates a framework of inquiry that aims to move towards making sense of the ill of rape by observing the nature of rape's harms. Drawing from the testimonial archive of the National Inquiry into Missing and Murdered Indigenous Women and Girls, I argue that rape and its harms are experienced in a cyclical cycle that includes much more than a victim-survivor and her perpetrator; it includes conceptual, political, institutional, social, and relational conditions that frame the incident of rape and its felt harms. In making this argument, I provide a framework of inquiry that maps the full horizon of experience that rape implicates. In order to make sense of how one experiences rape's harms and what would constitute healing and justice for rape, we require a holistic framework of inquiry that can encompass the multiplicity and experiential specificity of rape.

Although this theory is largely built off the knowledges that Indigenous women share in their testimonies, by no means does it suggest that all Indigenous women's experiences of rape are homogenous. In fact, I believe that such a theory can account for a general theory of rape's harms because it does not attempt at stating definitively what rape's harms are but theorizes how they are experienced. That is, by observing *what* harms of rape testimonies reported, we have drawn out this phenomenological framework of what common structures frame *how* rape's

harms are experienced. This theory’s pillar of embodiment not only allows difference but necessitates it: “because all subjects are embodied, all subjects are embodied differently” (Cahill, 2001, p. 115). I illustrate this theory of rape’s harms through concentric circles to represent the intricate relationality between these dimensions of harms (I, II, & III) and the phenomenon of rape (a, b, c, and d). I think that the effects of an event that occurs anywhere in this field will be felt, in some capacity, throughout this field. In the following paragraph below Figure 6, I summarize this elaborate function through practical examples.

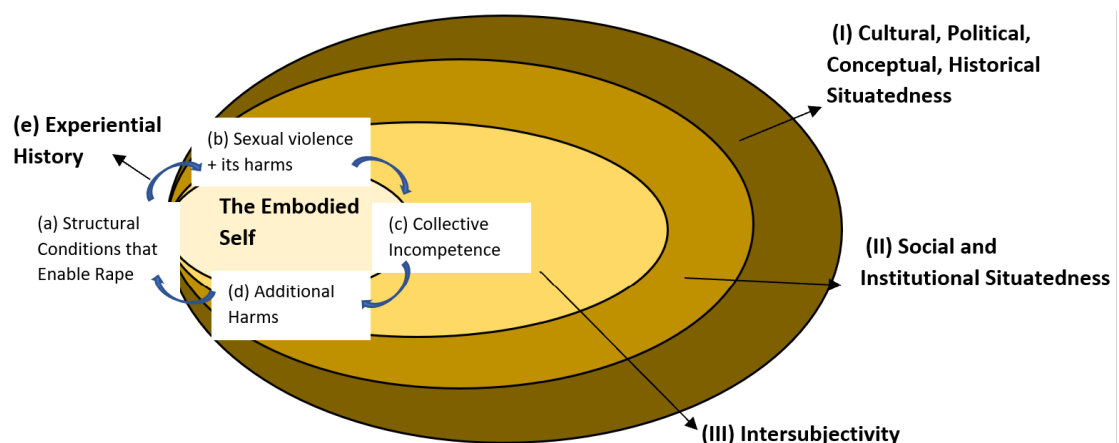


Figure 6: A Preliminary Conceptualization of Rape

Unjust colonial and patriarchal concepts and social structures (a) facilitate rape and its harms (b). For instance, the idea Indigenous women are “lewd and licentious” or that victims’ revealing clothes provoke rapists are commonplace symptoms of an overarching collective incompetency in interrogating structural conditions that enable rape. These structural conditions that enable the phenomenon of rape (a) are historically situated (I), cultural a priori (I), institutionalized (II), internalized in communities (II), overlooked or excused in personal

relations (III)⁴, and often internalized in the self. Thus, sexual violence (b) is partly a harm of the conditions in which victim-survivors are embedded (I & II). Here, I interpret Dian Million's observation of "colonialism as a *felt*, affective relationship" to be pointing us to see rape as a colonial felt experience (Million, 2013, 46). The direct harms of sexual violence (b) attach themselves to these preexisting harms of structural inequalities and are experienced in the context of one's previous experiences (e). Some of these harms include the denial one's agency to *be*, in their own way, at home in the world; the severing of one's capacity for freedom; psychological and physiological harms such as PTSD, depression, and fibromyalgia. These direct harms are experienced in embodied and relational ways (III) as victim-survivors are intersubjective beings that are constantly emerging in relationship to one another. The relational dimension of rape's harms (III) might be experienced as a victim-survivor's lack of ability to trust others or develop intimate connections. In the aftermath of rape, further collective incompetence in dealing with rape and its harms (c), which also is a result of colonial a priori (I), and its material by-products (institutions and other tangible social structures (II), adds additional layers of harms to rape's harms. Such collective incompetence (c) often takes some form of silencing/ punishing victim-survivors, failing to support victim-survivors in the aftermath of rape, and failing to prevent further instances of sexual violence. In the aftermath of rape, further harms are caused by such collective incompetence in providing rectification for victim-survivors' experiences of rape (d). Such additional harms of rape can take the form of extra stresses such as poverty traps (as A.V. reports), substance abuse (as Henderson, Blaney, and Boudreau report), feeling devalued (as A.V. reports), feeling unsafe (as Henderson reports), and feeling worthless (as Blaney reports). Further collective incompetence in dismantling structural

⁴ Locker room talk, for instance.

conditions that preserve the phenomenon of rape (a) contribute to victim-survivors' vulnerability to experience re-victimization (b). Such incompetency preserves the phenomenon of rape by affirming colonial/patriarchal attitudes and apathy (I) and dysfunctional social structures (II). Thus, sexual violence is a vicious cyclical cycle and needs to be disrupted from all these fronts. Such disruption can only happen if we move towards a conceptualization of rape that traces the experience and phenomenon of rape in its entirety.

The question of rape's harms is nearly absent from dominant discourses about rape. This is not because harms are an entirely private matter, or self-understood, or socio-legally irrelevant and un-rectifiable. In fact, on the contrary, victim-survivors frequently express a linguistic and discursive lacking when accounting for their experiences of rape. In his book *On Being Raped*, Raymond Douglas finds himself to be just as "tongue-tied when speaking of [his experience of rape] as anyone else" even though he makes his living "through the use of words" (Douglas, 2018, 80). I suspect that part of the reason why A.V. found herself confused when trying to explain her experience of rape to the police was also because her experience was difficult for her to explain in the backdrop of a lacking language and a lacking consent-based discourse about rape (Appendix 1, quote 4). Thus, the question of rape's harms is nearly absent from dominant discourses about rape largely because consent theory, the dominant discourse that sets the stage for conversations about rape, alienates lived experiences of rape's harms and privatizes rape's harms *by making them* irrelevant in legal, social, and cultural realms. Such privatization of the lived experience of rape has at least two implications: 1) the self and the surrounding world are removed from one another and 2) lived experiences of harms are isolated from the overarching phenomenon of sexual violence. The constructed dichotomy between the self and the surrounding world actively erases various dimensions of harms, as it reduces rape to be an

isolated and episodic crime, rather than a socially thematic experience. The only question that consent-based discourses pose then is that of classification or institutional recognition of sexual violence as a “crime”. Centralizing dysfunctional institutions in this way rather than lived experiences of rape’s harms, disregards victim-survivors by implying that their experiences are irrelevant in the process of securing justice— i.e. a legal code knows better what is significant enough of their experiences of victimization when asking questions of justice for them, than they do themselves. To resist such alienation of victim-survivors, in this project, I turned to testimonies from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). Upon doing so, we find that the experiential harms of rape and the *phenomenon* of rape are, co-constitutively, one and the other.

While the phenomenon of rape focuses our attention upon a socially thematic prevalence of a certain kind of event, to inquire about the harms of rape brings our attention to victim-survivors’ experiences *of* this phenomenon. In the previous chapter, we observed how various historical, political, institutional, cultural, and relational embeddedness structure both the reality of disproportionate rates of sexual violence against Indigenous women and girls and the harms that they account for in their testimonies. A.V., Henderson, Blaney, and Boudreau all demonstrate, in their testimonies, acute awareness of how their embeddedness in the surrounding world shaped their experiences of rape and continue to shape the experiences of Indigenous women, not as a monolithic—but still as a distinct— group of people who are uniquely situated in Canadian colonial and gendered history. Thus, the phenomenon of rape at large cannot be separated from individual experiences of rape’s harms and by extension, questions of justice. It is in the realization that the lived experiences of rape’s harms and the phenomenon of rape are one and the other, that we also begin to realize the porous connectivity of living as embodied beings

alongside one another, in a vortex of shared conditions. Therefore, the preliminary conceptualization of rape's harms that I propose in this project can be seen as both: a plausible model of the experience of rape's harms and a plausible model of the phenomenon of rape. Since rape's harms and its phenomenon constitute one another, it is my view that justice (rectification/healing for harms caused) cannot be complete without meaningful efforts to prevent sexual violence.

That victim-survivors are often motivated by the desire to prevent rape indicates that their experiences of rape's harms are not separate from the phenomenon of rape at large and that an inquiry into the experiential harms of rape cannot be separate from an inquiry into rape as a phenomenon. Despite feeling traumatized by the police's damaging response to her reports of rape, A.V. filed a new police report of rape not for herself because she has "zero confidence that [she] would get justice for herself, but [...] to protect other women" (Appendix 1, quote 13). Henderson did her practicum on women's safety because that was, for her, "a way...to take back [her] power and help other women..." (Appendix 2, quote 10). Blaney focuses much of her testimony emphasizing the importance of decolonizing efforts to rectify "mixed-up ideas" about men and women's roles which she identifies as harmful to Indigenous women (Appendix 3, quote 15). Similarly, Boudreau did not want the youth to have to go through what she went through because she sees "[her] story to be [their] story; just different people involved" (Appendix 4, quote 7). Similarly, a study on victim-survivors' of rape finds that one of the recurrent themes in victim-survivors' perceptions of justice was prevention (McGlynn & Westmarland, 2019). I have come to interpret such consistencies as more than mere individual desires to see less human suffering. Victim-survivors have been routinely speaking of rape not just as a politically thematic phenomenon or as an experience but importantly, as both. In my

view, this is probably because victim-survivors do not just feel wronged and violated by their perpetrators but also by the phenomenon of rape itself. Since sexual violence breeds upon a matrix of collective incompetency that often functions as a kind of collective complicity in sexual violence, victim-survivors may fear that if they do not act to disrupt this cycle of collective incompetency, they too would be complicit in the phenomenon of sexual violence—a painful experience that they know all too well. It is easy to see then why one may feel like their experience of sexual violation has not been rectified as their experience of rape’s harms and pains persist as a phenomenon, just in other embodied forms. Thus, what has caused the harms of rape is not just a perpetrator, but also a *phenomenon* of rape. Healing and justice cannot truly occur then if the phenomenon of rape remains undisturbed. This co-constitutive relationship between the phenomenon of sexual violence and the harms of sexual violence not only prompts us to think of prevention as an unextractable aspect of justice but of political transformation as a natural part of prevention. That victim-survivors experience rape in relational and socially embedded ways shows that we must treat rape as both, a personal experience and an overarching political phenomenon, simultaneously if we are truly vested in shifting our responses to rape away from apathy and towards lived justice.

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Appendix 1: A.V.

Quote 1: And the culture as well that they are basing their, I don't know, judgements or their gut instincts on a culture that's very sexually permissive. Nobody -- I felt like they thought that it was completely plausible that a woman would be all for and ready and available for whatever the guy wants (A.V., 2018, p.29).

Quote 2: ...myths about how men and women deal with each other, and -- which again are complete myths and also how I suppose women are there for -- to please men. And yet their mind, their mindset was on this is all consensual (A.V., 2018, p. 30).

Quote 3: How do I know that he's not going to freak out if I start saying stop, stop, stop, I don't want this or whatever? How do I know if I let it known that I think I'm getting raped, how do I know he's not going to freak out and kill me in a panic? Because men do that (A.V., 2018, p.24).

Quote 4: I thought that rape was when somebody pulled you off of, you know, from the street and -- from the bushes and some random stranger came to you with a knife. I didn't understand what date rape was or intimate partner whatever. I didn't know any of that stuff. So I was confused, and I told the police that the whole thing confused me. But they took that as well I didn't know if I liked it, which that's not what I said. I said I didn't know why I wasn't fighting. I didn't understand It took trauma counselling to understand why I didn't fight, why my actions were all pre-programmed from my previous experience... But in
4 the report they wrote it was consensual. And that was a
5 huge violation of me because, well just for so many reasons
6 because that one thing gave me nightmares.
7 I would have nightmares that I was getting
8 raped, and I would think in my dream, oh, I have to say
9 specific words; otherwise the police won't believe I didn't
10 want this. Like think other things, whether it's I don't

11 want this or -- or wait or anything that seems hesitant,
12 it's not enough. Like hesitancy is not -- no. And it
13 doesn't matter that it's not yes, but it's not no, and what
14 they want is no (A.V., 2018, p. 21— 23).

Quote 5: [police] had dismissed everything, that they declared it unfounded, that it was all consensual. And that hurt because I thought if I couldn't get the guy or the police to believe me, how can I ever be safe? How can a no ever mean anything (A.V., 2018, p.22)?

Quote 6: There's only anger and rage against the police that were supposed to protect us and they didn't. I handed that to him. They had him [a serial rapist] and they let him go (A.V., 2018, p. 10).

Quote 7: like my previous experience with the police interfered with my ability to protect myself that time as well. So their actions caused actual damage to me seven years later, because they get in your head...Instead of giving me something to protect myself, but they disarmed me by not believing me, my no (A.V., 2018, p.29).

Quote 8: Nobody's going to believe me that I don't want any of this. Nobody's going to believe me (A.V., 2018, p.29).

Quote 9: And in this case, with the Inquiry it's even worse for Indigenous women because it's not 20's not enough, 10's not enough. Maybe that might be for different races, but for Indigenous women it's 50, it's 100, it's and then they'll do something (A.V., 2018, p. 32).

Quote 10: And that's the devaluation that -- and that is -- that's how I feel. Like I'm one-twentieth, one-200th of a person. That's my value to the police, and really that's -- they're the ones out there whose job it is to protect people from violence (A.V., 2018, p. 32).

Quote 11: after the assault and after the way things were handled with the police, and also the way my workplace handled the aftermath of all of that, I ended up losing my job and I lost my home and I lost all of my savings (A.V., 2018, p. 3).

Quote 12: But after the assault and after the way things were handled with the police, and also the way my workplace handled the

aftermath of all of that, I ended up losing my job and I lost my home and I lost all of my savings, and I managed to sort of hold onto like whatever was left of my life through getting help from the government agencies that were out there that were able to provide help -- like you know, subsidized housing and income assistance -- but those, as grateful as I am for them because I am very grateful, were very difficult, very, very difficult to access. Cost again a lot of woundedness. And I sort of discovered sort of personally what they mean by the poverty trap (A.V., 2018, pp. 3- 4).

Quote 13: And then because all of that has been unhealed in all this time, the police aspect, I was really very, very, very vulnerable and triggered substantially. My vulnerability put me in a position to be raped again, and I was raped again by two men, separate men, separate incidence... I made a new police report. Again, not because of me, because I have zero -- zero confidence that I would get justice for myself, but I just thought again, look, it's on them to protect women (A.V., 2018, p. 11).

Quote 14: When I made my statement to the police I brought them -- I brought forward a serial rapist, and because of their outright dismissal of my report, he was able to continue to rape at least another 20 women, and so their negligence and incompetence in dealing with my claims not only resulted in myself being injured emotionally and physically really because I lost my ability to do a lot of physical things because of my mental issues. There's pain. I got pain in my body, everything ...then the impact on my son as well and on my family. Like it's just -- it's like a wave. So not only, like I said, the impact to me and my family, but also the families of the women who were -- who went on -- who he went on to hurt (A.V., 2018, p. 2).

Quote 15: And my son got into trouble because of the aftermath of all of this that happened to me affected him, affected his mental health. It affected my ability to me a mom to him, and he got sick. He got mental health issues. He got depressed. He became suicidal (A.V., 2018, p. 10).

Quote 16:

Ms. Caitlin Hendrickson: Would you say that your diagnosis of fibromyalgia came following extensive trauma?

A.V.: Yeah. I had -- the worst fibro pain that I had was while I was working. So that would have been 2010 in the middle of all of this... But not being able to wake up in the morning, eat, basically sleeping all day, being bedridden with depression and triggers and PTSD and everything, how could I work? (A.V., 2018, p. 24)

Quote 17: “I’d been raped in the past. I was abused as a child. And in fact not only had I been raped in the past, I’ve been raped multiple times in the past as well.

And my previous history of trauma kind of put me at a disadvantage in defending myself because when I was abused as a kid I wasn’t asked for consent. Things -- I was ordered to do things. So, I learned to just obey, you know, or comply. And it was by somebody with authority over me. So when I was 16 I experienced statutory rape, and that relationship was exploitative in nature. So, when I said no it was not allowed, otherwise it would be sort of psychological silent treatments and mad and being mad and whatever, so on and so forth, so I really couldn’t say no.”

So I was conditioned to not -- to have my no be dismissed, my feelings not being taken into consideration and my desires not being necessarily important or relevant in a sexual scenario (A.V., 2018, p. 17).

Quote 18: I didn’t understand anything about how rape worked, and being abused so many times I just thought that those things I were normal (A.V., 2018, p. 20).

Quote 19: I thought that rape was when somebody pulled you off of, you know, from the street and -- from the bushes and some random stranger came to you with a knife. I didn’t understand what date rape was or intimate partner whatever. I didn’t know any of that stuff.

So I was confused, and I told the police that the whole thing confused me. But they took that as well I didn’t know if I liked it, which that’s not what I said. I said I didn’t know why I wasn’t fighting. I didn’t understand It took trauma counselling to understand why I didn’t fight, why my actions were all pre-programmed from my previous experience (A.V., 2018, pp. 21- 23).

Quote 20: And so the only thing I could do to make the pain stop was to literally act and pretend like I was

enjoying it, so maybe it would be over sooner. And between the trauma of that and the drunkenness of everything else, it actually stayed, it kind of programmed me to always act that way because later on that year when I was in an attempted rape situation, I did the exact same thing with the pretending to love everything at the same time when I was saying, let me go, because this person was holding me tight, and he looked at me like I was crazy because I was saying, no, I have to leave (A.V., 2018, p. 17- 18).

Quote 21: Like it sounded like you had some solid defence mechanism going because you've experienced before that you were trying to ease him off. And that's not consenting, that's protecting yourself from being more badly hurt.

MS. A.V.: And the thing is is that none of this defence is mental. Everything is all instinctual. And that's why when in the moment things are happening, I'm trying to think, and none of it makes sense (A.V., 2018, p. 24).

Appendix 2: Henderson

Quote 1: ...just being a woman and being Indigenous, I felt even more of a -- I had a target on my back. And just even walking -- walking from home in the west end to university, I was just seen as a, you know, another Aboriginal woman, you know (Henderson, 2018, p. 81).

Quote 2: I guess how it all starts for me was -- was when I was first molested by my [Cousin1] when I was four or five years old. Yeah. And I never told my parents about it. And I was protecting my sister so he wouldn't, you know, molest her. She's a year and a half younger than me. And I never reported him. Maybe it's just shame. Maybe it's just -- didn't think anyone in the family would believe me. Plus, you know, fear of being ostracized (Henderson, 2018, p. 3)

Quote 3: 1 And I kicked him out and I called the police on him and reported him, and took him trying to get him convicted through the justice system. Mm. That was the first and only time I ever tried to convict somebody who raped me, and they must have had a really good lawyer because the lawyer was able to get him acquitted, and I lost faith in the justice system after that (Henderson, 2018, p. 29).

Quote 4: throughout so many policies, you know,

implemented on our people from Canada and, you know, policed through the RCMP, you see how -- why our people are impoverished, why, you know, we're self-destructing, and why we're killing ourselves, and why we're still being targeted and seen as less than human. And, you know, these increase the missing and murdered numbers (Henderson, 2018, p. 104).

Quote 5: from the last rape to that most recent rape, I -- I had gained a lot of weight because that was my coping mechanism to sort of protect myself. I felt like the more skinnier I was, the more attractive I was to men and more, you know -- more of them trying to, you know, approach me and attack me and rape me (Henderson, 2018, p. 37).

Quote 6: And it was writing out the names of all the people that have gone missing or were murdered of the women. And I realized a lot of them -- I realized I knew a lot of them. And I felt like, you know -- I felt like -- I almost felt like, you know, they were, like, flies, you know, dropping, one after one, you know, around me, you know. That's how I visualize it, that, you know, why me? Why am I still here? Why do I get to live and they're all dying around me? They're all going missing (Henderson, 2018, p. 96).

Quote 7: what sort of brought my memories back of all the abductions and the rapes and such was back in 2010, because my friend [Friend1] went missing. And it -- it triggered all of my memories. It was, like, as if I had blocked all that to sort of, like, cope with my day-to-day living, you know (Henderson, 2018, p. 37).

Quote 8: because of the whole molestation at a young age, that I became sexually active when I was nine years old, mostly with boys from the neighbourhood (Henderson, 2018, p. 10).

Quote 9: PTSD or depression, which I suffer from (Henderson, 2018, p. 109).

Quote 10: So, I did my practicum on women's safety in the west end here of Winnipeg. And that was, for me, a way to sort of, like, take back my power and help other women take back their power instead of, you know, feeling

helpless and vulnerable (Henderson, 2018, p. 38).

Appendix 3: Blaney

Quote 1: And her death was treated the same way that I think all Indigenous women's deaths are treated, where there's no regard, there's no respect, and they just called it a suicide (Blaney, 2018, p. 4)

Quote 2: I wanted to share historically about my reserve ...and the other thing that was going on in my village was we had the Catholic church. And there was one priest that abused a lot of girls in residential school, Father And he attempted to abuse me, But I think that he tried to molest my sister, too, because we were both there at the same time. he was always having sexual relations with my young cousins (Blaney, 2018, p. 4).

Quote 4: I wanted to tell those three little stories about what my sister and I were born into. We were born into a world where women didn't matter and girls didn't matter. It was the boys, they were the crown prince, but the girls were not allowed to have needs. You know, you weren't allowed to express your needs. The little boys sat at the table and was fed first and, you know, we sat on the floor and were fed last. And very loud messages; that we girls were not -- were insignificant, really. And that message was hammered home throughout our childhood (Blaney, 2018, p. 6).

Quote 5: And with all of the power that the men received through the Indian Act, they abused us. They abused the women. And now we have a really damaged relationship in our communities... we really need to undo the damage of the colonial symptoms and especially directly deal with the patriarchy that they imposed on us so that we bring back the strength of women and to honour life-givers again (Blaney, 2018, p. 6).

Quote 6: we have substandard, we've had our children stolen, you know, we struggle with our addictions like my mom did, and -- all those needs have to be addressed. And as long as those needs aren't addressed -- the poverty and the homelessness -- we are forced into that; we are forced into prostitution against our will (Blaney, 2018, p. 25).

Quote 7: ...there was so much sexual violence from my uncles. And I was being sent because my uncles were so violent towards me and their wives -- same as what my mother went through -- their wives thought I was trying to fool around with my uncles, and so they wanted to beat me up. And so they were sending me to residential school to get me out of the community. And the flight was scheduled to come in and so I was going around saying good-bye to my family. And my oldest uncle grabbed me and tried to rape me right on the spot -- like, right there (Blaney, 2018, p. 15).

Quote 8: It's just no end in sight to the sexual violence that we encounter. And somewhere in there the child welfare system has to take responsibility (Blaney, 2018, p. 21).

Quote 9: Before Mary Ellen Lafond was finished as our representative for children and youth, she released a report in 2016 looking at the cases of sexual abuse against foster kids. She looked at a three-year period, from 2011 to 2014. In that -- it's online under their website -- in that period, almost 70 percent -- I think it was like 67 percent -- of the children that were being abused were Aboriginal girls and 50 percent of those were being abused before they were age 12. And when you look at all the children in care, Aboriginal girls comprise 25 percent (Blaney, 2018, p. 21).

Quote 10: Aboriginal girls are one quarter of all foster kids and yet over half of the children being sexually abused are -- they're us. So we're all victims of sexual violence whether we are at home or whether we're in the foster care system. And

so that institution of child welfare really needs to be interrogated (Blaney, 2018, p. 21).

Quote 11: Sexism in policing, I think the police are horrendous. I've heard it time and time again that there's always sexual violence coming from the police against Indigenous women and girls (Blaney, 2018, p. 23).

Quote 12: They don't believe or, you know, they -- it's Aboriginal people, that they just don't think, you know, that it's a valid charge (Blaney, 2018, p. 13).

Quote 13: Some of the women coming to our -- to get counselling, they had been sexually assaulted by the cops. And we brought that to the quarterly meeting and, after complaints from different organizations, they eventually identified those two cops. And right now there's no accountability for that kind of sexual violence coming from the police (Blaney, 2018, p. 23).

Quote 14: Her husband is actually my cousin and she -- I guess she's my cousin-in-law or something, but I'm really close with her. He was beating on her and she called the cops and they came -- and she'd been drinking -- and they said to her, well, if you give me a blowjob, I will lock him up for the night, is what they said to my cousin (Blaney, 2018, p. 24).

Quote 15: I think that the damage caused by patriarchy is ripping our communities apart and so I think that there needs to be a huge effort towards decolonization. And that decolonization cannot be a generic general term. It has to be the roles of women and the roles of men in our communities. I think we have really mixed-up ideas of what men's and women's roles are and it's really causing a lot of harm to the women (Blaney, 2018, p. 17).

Quote 16: And my mom was being raped all the time in the village (Blaney, 2018, p. 6).

Quote 17: So my brother and my sister were both on the reserve and -- my sister went through hell.

I -- the odd time I would get to see her, they told me how much sexual violence they were going through, mostly her, not my brother (Blaney, 2018, p. 7).

Quote 18: She said she was sexually assaulted anally when she was 2 years old... she had so much rage. she had 26 offenders. I had, like, four in my childhood (Blaney, 2018, p. 8).

Quote 19: she just came apart; she was crying really loud and -- she was in so much pain; she said, I can't, I can't look at that (Blaney, 2018, p. 8).

Quote 20: It's really sad the sexual violence that she went through. She says that she often had blood running down her legs and no one cared (Blaney, 2018, p. 12).

Quote 21: And she was already in a lot of pain; she had fibromyalgia.

And I'm pretty sure all the stuff she went through as a little girl really impacted her (Blaney, 2018, p. 9).

Quote 22: she's going through all this pain, she had a relapse, after like about 12 years of sobriety, it might have been more. And she went back drinking and drugging (Blaney, 2018, p. 9).

Appendix 4: Boudreau

Quote 1: I truly, truly believe it's the ripple effects of residential school. Even though, I directly don't have -- my mom was not into -- in residential school. My community was sick (Boudreau, 2017, p. 29).

Quote 2: the stuff that happened to them while they were murdered, like, Rachel was found with no breasts and no vagina. They had cut it out of her. And Ellie May was missing a finger. And then the rape and the beating of Nina, which ended up -- like, they said it -- it's really complicated...In, you know, in the newspaper, it's like,

“Crack-Head Dead,” “Hooker Dead,” “Prostitute Dead,” but that was my life (Boudreau, 2017, p. 11).

Quote 3: When I was 11 years-old, I had been sexually assaulted by my mom’s boyfriend. And I had disclosed to her -- and my mom sent me to Manitoba to go and live with an aunt and uncle I never met. ...And I felt like I did something bad because I was left there by myself without my brother, or my sister, or my mom (Boudreau, 2017, pp. 19-20).

Quote 4: And there was a lot of sexual abuse going on. I remember in grade 2 being sexually abused and going to school and telling. And being told to sit -- sit down. Like, I imagined it or something. So I thought that was Normal (Boudreau, 2017, p. 30).

Quote 5: I don’t understand how at 13, when I had been raped, how it was totally brushed under the rug? Like, nothing happened (Boudreau, 2017, p. 30).

Quote 6: And I really rebelled against, like, my uncle. I felt that if I was bad he wouldn’t touch me. Even, though, that’s not what he was trying to do (Boudreau, 2017, p. 20).

Quote 7: What I do want though, is I want the youth to have a chance to heal. And not have to go through what I went through. I want to give that youth -- the youth that chance to -- to listen to myself -- women like me, and family members like me. To say, like, this is real. You know what? What’s happened to you as a child, probably happened to me. My story is your story. Just different people involved (Boudreau, 2017, p. 51).

Quote 8: I gave my kids up in 1998 when I was raped back in St. Paul. I had been raped over a three day period, and I couldn’t stay in my home in my community. My kids were going to school, and I left my kids with my mom. And that’s when I went on my journey of drugs, and alcohol, and prostitution. And I just felt like she had so much more to live for than me (Boudreau, 2017, p. 13).

Quote 9: I was a very sexual kid growing up, like a little girl. I didn’t know that wasn’t normal. To me, that’s what I thought we were supposed to be for men.

And so prostitution was very easy for me to fall into. And alcohol and drugs was very easy for me to fall into because that's the only time I felt like I was something, you know (Boudreau, 2017, p. 21).

Quote 10: from sexual exploitation as a youth, and you know, things that I thought were normal, weren't normal. Things that I thought were -- weren't rape, were rape (Boudreau, 2017, p. 21).

Quote 11: I was having flashbacks of my childhood repressed memories. I never thought -- I wasn't -- I never thought I was sexually abused as a child. But then when I -- I started having these dreams, I didn't know what they were from (Boudreau, 2017, p. 21).