
Sarah Deer. *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. Minneapolis, MN: University of Minnesota Press, 2015. Xxiv + 207 pp. 978-0-8166-9633-8.

Until fairly recently, the sexual violence endured by Native American communities was downplayed or not mentioned at all. The 2007 Amnesty International report *Maze of Injustice*, though hardly the first attempt to catalogue and combat systemic rape of Indigenous women in the United States, was nonetheless crucial both in quantifying the phenomenon on a national level and in bringing the statistics to national attention. Today there is no doubt that Native American women are raped at a significantly higher rate than other ethnic groups. The statistic of “one in three” is well known, but may well be an underestimate: a 2010 CDC report suggests that just under *half* of all Native women report a history of sexual violence (Deer 4). What is more, there are other factors which aggravate the injury even further. Violence is significantly more likely to play a part in the rape of Native American women, and, uniquely to American Indians, it is more likely to be perpetrated by someone of a different race to the perpetrator. This is, in other words, a reality that permeates Indigenous communities and lives.

For these reasons alone, Sarah Deer’s new monograph should be essential reading for anyone working in Native American Studies. The data sets that she lays out in her opening chapter are devastating in the sheer volume of criminal actions concealed behind the numbers, as they lay clear just how much of burden of colonial fallout falls excessively on women’s shoulders. It is characteristic of Deer’s thinking, however, that she refuses to rely on simple statistics to prove her point, arguing that “National numbers are flat; they lack dimension and stifle future exploration” (15). National statistics gathered by federal agencies or other US nation state level organisations, can only empower national solutions. But the issue of sexual violence, for all its prevalence, is not ultimately a national problem, and will only be very partially solved through the use of federal agencies and one-size-fits-all solutions. Although many people have pointed both to the complications caused by overlapping federal, state, and tribal policing, and also to restrictions on tribal prosecutions of non-Natives, as being primary causes of the rape epidemic, Deer forcefully notes that urban Native women are just as disproportionately likely to suffer sexual assault. Hence there are far more, and more deeply buried, factors at work here. Indeed, one thing Deer immediately points to in her opening pages is the prevalent use of a word such as “epidemic” to describe this issue. Epidemics, she argues, raise images of short-term, biological infections that originate outside the social set up. Instead, we need to understand that rape is a direct consequence of ongoing and specifically colonial realities.

The next four chapters are staged so as to take the reader on a journey into the development of colonist rape culture. Deer begins by providing clear historical evidence that precolonial Indigenous societies did not use rape as a weapon of war, and that although rape was not unknown it was regarded with particular abhorrence. More, there is reason to believe that in many societies women had particular rights over the punishment of their rapists, indicating that

the crime was seen as one of interpersonal violation rather than, as in English law, a violation of a husband or father's property rights. Though this section is brief – Deer is clearly primarily dealing with contemporary reality – it nonetheless gives great force to what follows, as she traces the ways that the deliberate withholding of sovereignty from Native courts over major crimes committed on reservations, and the continued failure of federal agencies to prosecute these same crimes, has created a vacuum in which neither traditional nor US law function at all. Returning to the historical archive, she shows that again and again rape has been a weapon in the colonial effort, whether in fur trade marriages of convenience, on the multiple Trails of Tears, or in the actions of Indian Agents on reservations.

All of this leads to what may be the centrally important chapter of this book, “Relocation Revisited.” Here Deer takes us into studies of modern prostitution, drawing on her experience in helping to compile the 2011 report *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (pdf [here](#)). She begins with the story of “a young, blind Coos woman” known as Amanda, who was forced by the US cavalry to undertake a nearly 100 mile walk barefoot as part of the ethnic cleansing of the territory now known as Oregon, then takes the reader through a fast-paced pocket history of commercial sexual exploitation of Native women in the past couple of centuries – in boarding schools, as means to Osage oil wealth, as exploitation of their control of commodities by reservation Indian Agents. All of this leads to the fact that Native women are significantly over-represented among street prostitutes, a result of their historically induced vulnerability to exploitation. Deer argues that Native women taken across state lines and/or from reservations should be treated as having been trafficked internationally, a crime that occasions more resources and more co-ordination from police forces. While this is technically feasible, it seems unlikely to pass. More, this short chapter is missing a lot of detail on the interrelationship between poverty and prostitution, and only briefly gestures here at the effects of a family history of abuse. Trafficking is a useful word because it creates a situation of bad guy pimps who can be pursued by the law: here it seems not fully to cover a far more systemic oppression.

Chapter Six, “Punishing the Victim,” highlights the only real lack in this study. It tells the story of Dana Deegan, a Fort Berthold mother and a victim of physical and sexual abuse, who ended up taking her own infant's life in desperately sad circumstances. Deer was brought to Deegan's case after reading a dissent by an appellate judge who stated that Deegan's ten-year sentence for this crime “represents the most clear sentencing error that this dissenting judge has ever seen” (81), and it is particularly hard to disagree after reading the particulars. Indeed, this sort of close dive into the material circumstances of one crime is so impactful that it suggests that Deer should have replicated this approach elsewhere in the text. Of course there are many difficulties with such an approach: Deer has come across many of the stories she knows through work with sexual assault survivors, who may prefer that their stories are not told. Still, there are more than enough people speaking up, and more stories of the type that she presents in this anomalous chapter would have maybe served to make the study seem less abstract and more urgent.

The second half of the book is devoted to Indigenous theories of jurisprudence over rape. As Deer has shown that rape prosecutions founder in the disjunctive zones of tribal, state and federal law enforcement, she is clear that rape prosecution should be a tribal responsibility. This makes sense, but what if tribes wish to utilise norms other than contemporary Western ones for dealing with sexual assault? Deer gives examples of traditional stories as being the source of juridical decisions, but does not always seem to take the most obvious lesson from them. Here I am particularly thinking of her reading of the Gwichi'in Athabaskan story of "Taa'ii' Ti' and the Russians" (120-121), a story that seems to call pretty unambiguously for the death penalty for rapists, while Deer interprets it merely as showing the need for jurisdiction over non-Indians. In a later chapter, she takes issue with the Navajo Peacemaking system (and other forms of indigenous peacemaking such as Hollow Water), for being primarily male-dominated and open to various forms of abuse, including victim-blaming and over-lenient treatment of offenders. Again, this sits slightly uncomfortably with a demand for the strongest possible restoration of sovereignty: surely sovereignty includes the right to different processes and outcomes? Should a tribal outsider like Deer be picking apart systems that have been evolved from specific tribes' traditions? These are uncomfortable questions, to be sure, but they do seem to illustrate the difficulty with concretising abstract notions of sovereignty and culture.

Deer finishes with a chapter of strong proposals for federal and tribal law reforms to deal with sexual assault. As she recognises, "There is no such thing as the perfect rape law" (142): nonetheless, the recommendations she makes here are both sensible and flexible enough to form the basis for intra-tribal discussion. Banishment, imprisonment, re-education, protection orders and incarceration are all considered and the advantages and disadvantages of each weighed up. Finally, a set of questions are given that would form the basis for activists and tribal governments to work together to assess sovereign tribes' ability and willingness to deal with rape. These last two chapters are essential reading. I did not end this book confident that the damage done by colonisation and genocide, manifesting in the form of rape, can be undone any time soon, so the book's title maybe be a little optimistic. Nonetheless, this is a powerful and thoughtful study of the topic, the best in a Native American context thus far.

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