Addressing Domestic Violence Through Healing to Wellness Courts: An Avenue Towards Mending Intergenerational Trauma.

By Mary Bent

Native Americans[[1]](#footnote-1) have had their land taken, culture stolen, and were forced into assimilation through colonization efforts. With this came the historical trauma that has been set on a continuum to be passed down generation after generation. “Intergenerational trauma among American Indians is an area of study that has just started to generate attention from communities outside Indian country, academia, and the medical profession.”[[2]](#footnote-2) There are scientific studies that suggest that humans pass along more than DNA through our genes. These studies suggest that they also carry the memories of trauma experienced by our ancestors and that this can influence how humans react to trauma and stress.[[3]](#footnote-3) Through colonization, Native women lost their standing in the once matriarchal society that existed during pre-colonial times.[[4]](#footnote-4) This disparate treatment led to the devaluation of women and led to what is now known as “intergenerational trauma” that plagues Native communities.[[5]](#footnote-5)

You have to know it, understand it, and be able to identify it before you can discuss healing it. Not many people know that they have suffered or continue to suffer from intergenerational trauma and domestic violence.[[6]](#footnote-6) According to studies from the Department of Justice in 2004, Native Americans are often found to be at least twice as likely, if not more, to be victims of a crime.[[7]](#footnote-7) In this paper I will discuss how colonialism disrupted the matriarchal society of Native peoples, the alarming rates of domestic and sexual violence in Indian country, the gap that exists between trauma and what is to come next, and how colonial remedies to address the abuser and the survivor of domestic violence in Indian country is not enough to heal the intergenerational trauma that continues to replay.

**Colonialism Was Not Good for Everyone**

Native American communities have suffered disparate treatment Native American individuals are reported as having the lowest income, least education, and highest poverty level of any group—minority or majority—in the United States (Denny, Holtzman, Goins, & Croft, 2005) and the lowest life expectancy of any other population in the United States (CDC, 2010).[[8]](#footnote-8) For many many years, individuals from European cultures have caused the purposeful and systematic destruction of the Native American people.[[9]](#footnote-9) During the atrocities of colonialism, Native people almost went extinct, many tribes were lost and if that was not enough they put the children in boarding schools in an attempt to assimilate the next generation.[[10]](#footnote-10) “The theory of historical trauma relates to the current social-environmental, psychological and physiological distress in Native American communities, in that these difficulties are a direct result of the historical losses this population has suffered.”[[11]](#footnote-11) These difficulties constantly ring through the future generations without a way to heal and come full circle again as a Native community.

There are so many more events and details that outline the trauma and horrors that these ancestors endured. In turn colonialism brought progress, education, and wealth but Native people were left behind to suffer the consequences of said progress. Initial colonization and subsequent federal Indian policy have devastated tribal cultures and created conditions that promote violence.[[12]](#footnote-12) That dominant view of women and their place in the home and society created a rift that left the door open to violence thus causing the breakdown of traditional support systems. There are some who believe domestic violence was not a community concern in pre-colonial times and these are the oral teachings that have been passed down through the generations of my own family. Domestic violence is a symptom of colonialism that must be properly treated in order to heal it.

**Alarming Rates of DV and Sexual Violence in Indian Country**

Native Americans were found to be twice as likely to be the victims of crime than is the case for any other group of U.S. residents.[[13]](#footnote-13) Beyond highlighting the incidence of violence among Native Americans, the report showed that nearly 70% of the violent victimizations and this presents a substantially higher rate of violence than what is experienced by White or African American victims.[[14]](#footnote-14) With these statistics Native American women are victimized at an even higher rate. It is very difficult to pinpoint exactly the data of violence in Native communities and how to properly prevent it because the population varies across Indian Country. American Indians are diverse in language, traditions, ceremonies, and customs, both in pre-colonial and postcolonial context.[[15]](#footnote-15)

**The Gap That Exists Between Trauma and What Is to Come Next**

Treating the intergenerational trauma may not come from a book or from the normal colonial ways. While this may work for others, Native Americans are different. They are a proud people, ones so proud that they clung to their heritage, culture, and teaching with every breath of their being. The ancestors gave themselves so that today’s Indian children could thrive in the old ways as well as the new. Native peoples in general, and Native women in particular, have a long history of distrust for federal agencies, programs, and policies, making it difficult to reach out today for assistance in domestic violence. [[16]](#footnote-16) In terms of family systems, Native American communities are comprised of highly influential and interwoven family systems, making them powerful sources of support for both survivors and their partners who use violence.[[17]](#footnote-17) In order to treat the symptoms and illnesses that are woven into the DNA of Native communities, we need to find a way to bridge the gap of the trauma from the past with the trauma that is still happening today. When we find that solution and everyone finds their place in the circle, it is only then that healing can take place.

**Colonial Remedies Are Not Enough: Some Tribes Have Turned to Traditional Courts**

Family and community-based approaches, and the incorporation of traditional language and cultures, are needed to promote healing.[[18]](#footnote-18) Colonial remedies to address the abuser and the survivor of domestic violence in Indian country is not enough to heal the intergenerational trauma that continues to replay throughout today’s generations. In the Tribal Justice documentary, there are two Native American women judges who dive into the traditional concepts of approaching justice as a way to heal their communities.[[19]](#footnote-19) This form of restorative justice is also called Healing to Wellness courts throughout Indian Country. I first heard of these types of courts from my own tribe. The Colville Confederated Tribes in Washington state utilized this form of justice and found that it was working. Instead of sending perpetrators to jail with no help or hope for reconciliation or healing the court system had a Healing to Wellness court. This type of justice looked at the individual as a whole and not a something to be discarded in a cell. One judge told me that when she worked with these individuals the punishment was not punishment at all but instead was a path to reconnect these individuals back to the community. They would be sentenced to build a sweathouse, or help an elder by chopping their wood, or they would be sentenced to go to a drumming circle. Most that went through this program hardly ever fell to recidivism. In turn these individuals found ways to heal through culture and teachings. This was especially important for the victims of crimes like domestic violence because it was a way to heal the family. One way to break the intergenerational trauma that plagues Indian country. These pilot programs have proven useful in the California courts from the Tribal Justice documentary[[20]](#footnote-20), the courts from my own reservation and are still ongoing in a few places across the nation. This is one way to address the trauma that is being passed through the generations of Native communities and to promote healing from within.

**Conclusion**

There is a gap that was created when Europeans came to this land and attempted to strip Native communities of their culture and identity. The historical trauma that is now engraved in these communities does not answer to the colonial structures of justice. Colonial justice may work for some but the disparity of treatment amongst Native Americans needs to be recognized. Everything needs to come full circle before this marginalized community can attempt to heal and adding a system like Healing to Wellness Courts to address the trauma that is repeating itself through domestic and sexual violence is one way to begin closing that gap. Adding this cultural approach brings Native Americans back to what worked historically. The historical intergenerational trauma needs a historical approach.

1. I will be using Native Americans, American Indians, Indians, Native people and Natives interchangeably throughout this paper. [↑](#footnote-ref-1)
2. Mary Annette Pember, *Intergenerational Trauma: Understanding Natives’ Inherited Pain*, Indian Country Today Media Network, at 2. http://www.mapember.com/ICMN-All-About-Generations-Trauma.pdf (2016). [↑](#footnote-ref-2)
3. *Id.* at 3. [↑](#footnote-ref-3)
4. Roe Bubar and Pamela Jumper Thurman, *Violence against Native Women*, 31 No. 4 Social Justice, 2004, 70, 73 (2004). https://www.jstor.org/stable/29768276. [↑](#footnote-ref-4)
5. *Id*. [↑](#footnote-ref-5)
6. Lecture [↑](#footnote-ref-6)
7. Violence against Native Women JSTOR article [↑](#footnote-ref-7)
8. Kathleen Brown Rice, *Examining the Theory of Historical Trauma Among Native Americans*, The Professional Counselor Journal, https://tpcjournal.nbcc.org/examining-the-theory-of-historical-trauma-among-native-americans/ [↑](#footnote-ref-8)
9. *Id*. [↑](#footnote-ref-9)
10. *Id*. [↑](#footnote-ref-10)
11. *Id*. [↑](#footnote-ref-11)
12. Bubar and Thurman, 31 No. 4 Social Justice at 73. [↑](#footnote-ref-12)
13. *Id*. at 71. [↑](#footnote-ref-13)
14. *Id*. [↑](#footnote-ref-14)
15. *Id*. at 72. [↑](#footnote-ref-15)
16. *Id*. at 76. [↑](#footnote-ref-16)
17. Jock, B. W., Dana-Sacco, G., Arscott, J., Bagwell-Gray, M. E., Loerzel, E., Brockie, T., Packard, G., O’Keefe, V. M., McKinley, C. E., & Campbell, J. *“We’ve Already Endured the Trauma, Who is Going to Either End that Cycle or Continue to Feed It?”: The Influence of Family and Legal Systems on Native American Women’s Intimate Partner Violence Experiences*. Journal of Interpersonal Violence, (2022) 37, 21-22, https://doi.org/10.1177/08862605211063200. [↑](#footnote-ref-17)
18. *Id*. [↑](#footnote-ref-18)
19. Tribal Justice Documentary (PBS broadcast) [↑](#footnote-ref-19)
20. *Id*. [↑](#footnote-ref-20)