


RESEARCH ARTICLE

# “It Doesn’t Rise to the Level of Crisis That Other Situations Would”: Indigenous Self-Determination and Gendered Violence in Alaska

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## Abstract

Is gender violence considered a part of advancing Indigenous self-determination in Alaska? What are the key jurisdictional, institutional, infrastructural, and community level challenges in combating violence against Alaska Native women? Few studies have considered the relationship between gender violence and Alaska Native sovereignty. I address this gap by employing the theory of relational Indigenous self-determination and drawing on research interviews with Indigenous women in Alaska and analyzing the data in light of two recent legislative changes: the 2022 reauthorization of the *Violence Against Women Act*, and the legislation that formally recognizes Alaska Native tribes in the state of Alaska. The findings demonstrate that persistent questions about Alaska Native jurisdiction stemming from the 1971 *Alaska Native Claims Settlement Act* (ANCSA) limit considering violence against Indigenous women and Indigenous self-determination as issues that need to be addressed in tandem.

**Keywords:** Alaska Native peoples; violence against Indigenous women; Indigenous self-determination; ANCSA; reauthorization of the *Violence Against Women Act*; Alaska; tribal jurisdiction; state recognition

## Introduction

One of the most remarkable developments of international law in the past two decades is the consolidation of the right of Indigenous peoples to self-determination. Adopted in 2007 by the General Assembly, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) established self-determination as a foundational right and principle that gives rise to other central Indigenous rights such as free, prior, and informed consent. I have previously argued that despite

its significance and merits, UNDRIP fails in protecting Indigenous women's rights and that considering Indigenous self-determination solely as a right fails to do justice to the depth and extent of the concept. Focusing only on the rights framework excludes a range of normative understandings of the concept that have to do with Indigenous ontologies. UNDRIP emphasizes collective consent, but I argue that considering individual consent is equally important to realize self-determination (Kuokkanen 2015, 2019).

In international law, collective consent is a well-established principle associated with the right of self-determination of peoples. It refers to the agreement or approval of a group as a whole, necessary for decisions affecting collective rights and governance of the group. At the same time, individual consent underpinning personal self-determination and body autonomy is overlooked. While "affirmative consent"<sup>1</sup> is gaining ground in strategies against sexual assault, individual consent lacks the same societal recognition as collective consent. Instead, societal norms often enable physical and sexual violence, undermining the principle of individual consent. This article contributes to this discussion by arguing that any conception or practice of Indigenous self-determination is incomplete without addressing violence against Indigenous women. While Indigenous feminist analysis asserts that Indigenous self-determination cannot be achieved without addressing violence against Indigenous women, there is limited scholarship on this link.

In Indigenous settings, including Indigenous scholarship, the terms "self-determination" and "sovereignty" are often used interchangeably. While they are related concepts, they differ in scope and focus. Self-determination refers to the right of Indigenous peoples, recognized in international law (most prominently in UNDRIP), to make decisions about their own political, social, economic, and cultural development. It emphasizes the ability of Indigenous communities to govern themselves and pursue their interests according to their own values and traditions.

Sovereignty is a commonly used term in settler-colonial states like the US or Canada to describe the inherent authority of a nation or people to govern itself independently. It often refers to the recognition of tribes or Indigenous nations as distinct political entities with specific rights to governance and jurisdiction over their lands, people, and laws. Sovereignty can involve relationships with federal or state governments but usually comes with limitations imposed by these larger systems, such as the colonial "domestic dependent nations" framework in the US (see e.g., Tsosie 2006). The US Constitution recognizes the principle of tribal sovereignty.

The third term, Indigenous self-government refers to the practical exercise of self-determination within a specific legal framework where Indigenous peoples create and implement laws, policies, and institutions that reflect their cultural values and priorities. Self-government often emerges from negotiated agreements with national and/or regional governments. For example, in Canada, self-government agreements allow First Nations to establish their own governments, but they still interact with federal and provincial laws (Bélanger 2008). The Alaska Native participants in this research used the three terms synonymously.

Drawing on extensive interviews with Indigenous women in several countries, I have developed a relational theory of Indigenous self-determination that

suggests that effective self-determination policy necessitates heeding collective and personal self-determination simultaneously (Kuokkanen 2019). The theory establishes Indigenous self-determination as a foundational value and posits violence against Indigenous women as a central self-determination issue. In this article, I apply this theoretical framework to examine violence against Indigenous women in Alaska and to pinpoint the distinct obstacles that obstruct the pursuit of addressing gender violence as a facet of Alaska Native self-determination. Does gender violence factor into the advancement of tribal self-determination in Alaska? What are the main challenges, spanning jurisdictional, institutional, infrastructural, and community levels, in the effort to combat violence against Alaska Native women?<sup>2</sup> The relationship between gender violence and Alaska Native self-determination has been underexplored in previous studies, and this article fills this gap. I draw on conversations with Indigenous women in Alaska and analyze the data alongside two recent legislative changes that hold potential to drive change for Alaska Native tribes: the 2022 reauthorization of the *Violence Against Women Act* (VAWA 2022), featuring a substantial Alaska Native section, and the legislation formally recognizing Alaska Native tribes within the state of Alaska.

In Alaska, the prevalence of violence against women surpasses that of any other state in the United States. Alaska has the highest rates of sexual violence and women killed by men, two and a half times higher than the national average. Indigenous women in the state are particularly and disproportionately impacted by deadly violence. In 2020, the rate of Indigenous women killed by men in Alaska was three and a half times higher than the rate for all women in Alaska and 10 times the rate for white women in Alaska. This is not a new phenomenon; the state has ranked either first or second for 10 years in a row in the number of women killed by men (Violence Policy Center 2022).<sup>3</sup> A recent report highlights the ongoing and extensive problem of lethal violence against women, especially among Alaska Native women, suggesting that lawmakers in the state should consider addressing the problem as a foremost priority (Violence Policy Center 2022). Missing and murdered Indigenous women is another pressing concern in Alaska, mirroring the situation across the United States (Demmert 2022).

Before the 2013 reauthorization of VAWA for tribes outside Alaska and the 2022 reauthorization for Alaska Native communities, tribal governments lacked jurisdiction to prosecute non-Native individuals who committed crimes on their land. This jurisdictional gap meant such cases were often referred to federal district attorneys, who frequently declined to pursue charges, leaving many crimes unaddressed. This was particularly devastating in cases of domestic violence, as nearly 90% of offenders in Native American communities are non-Native, effectively institutionalizing a cycle of abuse perpetuated by systemic inaction of the government (Amnesty International 2007; Deer 2015; Rosay 2016). Although available data do not distinguish between Alaska Native and non-Alaska Native communities, the broader trends underscore the critical importance of addressing these gaps in tribal jurisdiction to protect Indigenous women and uphold their right to safety and self-determination.

Alaska presents an exceptional and timely case for a more in-depth exploration of the obstacles hindering the incorporation of gender-based violence into the

question of Alaska Native self-determination. On the one hand, the *Alaska Native Claims Settlement Act* (ANCSA) of 1971 curtailed Alaska Native self-determination by replacing traditional land ownership and governance structures with for-profit corporations, limiting tribal authority. This shift prioritized economic development over cultural preservation and disrupted long-established practices of communal land stewardship and sovereignty. On the other, recent legislative action opens new avenues to address tribal jurisdiction and violence against Alaska Native women, both major concerns for Alaska Native nations.

Gender features rarely in the discourse of Alaska Native sovereignty or self-determination. Scholarship on tribal sovereignty in Alaska has focused on examining the role and effects of ANCSA on questions of sovereignty, jurisdiction, subsistence and resource rights, and service delivery (Argetsinger 2020; Berry 1975; Case 1989; Case and Dorough 2006; Case and Voluck 2002; Cornell and Kalt 2003; Ford 1997; Ford and Rude 1998; Haycox 2007; Hirschfield 1991; Huhndorf and Huhndorf 2011; Kentch 2012; Lazarus 1976; London 1989; Pullar 2005; Thompson 1993; Walsh 1985; Williams 2009). Yet, as the Executive Director of the Alaska Native Women's Resource Center Tami Truett Jerue asserted, violence against Alaska Native women is a self-determination issue. The problem is, in her view, that Alaska Native tribes have not been adequately resourced to expand on answers that they possess: "It [violence against women] is a self-determination issue. It truly is, because we really feel that tribes have answers, they just haven't been resourced to expand on the answers" (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK). For her, VAWA 2022 offers a unique opportunity to strengthen human resources and build the necessary infrastructure in tribal communities.

I begin this article by providing an overview of the theoretical framework of relational self-determination and discussing the methods. Second, I situate Alaska Native sovereignty discourse within the broader framework of Native American self-determination and Indigenous-state relations and consider the scope of violence against Alaska Native women. Third, I identify the specific obstacles that impede Alaska Native organizations, leadership, and communities to address violence against women as a question of Indigenous self-determination. In the concluding section, I analyze the different layers of challenges in light of relational self-determination theory. My findings have broader implications for political science by highlighting how gender violence against Indigenous women intersects with questions of sovereignty and shedding light on the limitations of state-centric frameworks in addressing issues critical to Indigenous self-determination. For policymakers, the research emphasizes the need to integrate jurisdictional and community-level responses that address violence against Indigenous women as a central component of advancing tribal self-governance and legislative reforms.

### **Theoretical Framework: Indigenous Self-Determination as a Foundational Value**

Indigenous feminist analysis has established that the key difficulty in implementing and exercising Indigenous self-determination is the binary opposition

between self-determination and so-called “social issues,” such as violence against Indigenous women. In my earlier work, I have argued that a significant barrier to Indigenous self-determination is the narrow focus of these discussions and the gendered power dynamics within Indigenous political systems. Indigenous self-determination typically focuses on “hard issues” like land rights, resource control, and governance. In contrast, social issues, often labeled as “soft issues,” concern the welfare and well-being of individuals and communities, and these are frequently categorized as women’s issues. Similarly, violence against women is often overlooked in discussions of Indigenous self-determination and sovereignty. Colonial structures, including in governance, have not only altered gender relations in Indigenous communities but also embedded gender hierarchies in modern Indigenous political organizations, mirroring those of Western systems. Segregating Indigenous women and their concerns into special interest groups or women’s caucuses reinforces the perception that women are not integral to questions dealing with land rights, resources, and governance. Failing to incorporate a gender analysis into the implementation of Indigenous self-determination risks reinforcing the principles of settler colonialism and heteropatriarchy within newly established Indigenous governance systems. Without addressing gender dynamics and existing power structures, Indigenous self-determination will likely preserve the status quo and continue marginalizing those whose concerns fall outside dominant agendas (Kuokkanen 2019).

As the result of colonization, Indigenous women have been marginalized, often facing gendered violence that goes unaddressed due to cultural and political emphasis on collective rights and sovereignty. This marginalization is exacerbated by patriarchal structures introduced through colonization, which reshaped traditional gender roles and governance systems (Barker 2006; Denetdale 2006; Green 1993; Hall 2008). I have argued that operationalizing Indigenous self-determination necessitates addressing violence against women. In order to do that, there is a need to incorporate the dimension of individual self-determination into the framework of Indigenous self-determination. Protecting the rights of women and other vulnerable community members will ultimately strengthen the entire community, for example, through their enhanced capacity to participate in collective affairs of the community. Recognizing individual self-determination, including the right to be free from violence, also ensures that Indigenous women are protected not only within the community but also in relation to broader legal systems. This shift can dismantle harmful gender regimes and colonial legacies, creating space for more inclusive and just governance structures that honor both collective and individual well-being (Kuokkanen 2019).

I have further suggested that viewing Indigenous self-determination solely as a legal right under international law overlooks the full scope and importance of the concept. I contend that in addition to being fundamentally right, Indigenous self-determination is a principle that guides Indigenous peoples’ lives, actions, choices, and decisions, both collectively and individually. In its fullest, Indigenous self-determination is a *foundational value* rooted in the norm of integrity. In this view, self-determination is not just a framework for assigning rights, but a driving force that can be strengthened or undermined by the relationships and structures we navigate both individually and collectively (Kuokkanen 2019).

In my theory of Indigenous relational self-determination, the norm of integrity is expressed through two interrelated dimensions: individual integrity, which includes freedom from harm and violence, and the integrity of the land. The first refers to the recognition and protection of an individual's rights, dignity, and well-being within the community. It ensures that all individuals, including women and other marginalized groups such as gender diverse people, have the agency to fully participate in the community's social, political, and cultural life. This dimension emphasizes the importance of safeguarding personal autonomy and preventing harm, such as violence or discrimination, that might undermine an individual's place in and contributions to their community (Kuokkanen 2019). Incorporating individual self-determination does not weaken Indigenous sovereignty; rather, it reaffirms a commitment to justice and accountability, addressing the violence Indigenous women face and challenging the persistence of heteropatriarchal and colonial power structures (Napoleon 2005). By ensuring that women's voices and safety are central to governance and self-determination efforts, Indigenous communities can rebuild on principles of equality and collective care, ultimately benefiting all members (Kuokkanen 2019; Porter 1999; Snyder, Napoleon, and Borrows 2015).

The second dimension, integrity of the land, highlights the deep connection between Indigenous peoples and their lands, viewing the land as essential to identity, culture, and survival. It stresses the need to protect the land's health and sustainability as a key aspect of self-determination. The land is not just a resource but a vital part of Indigenous identity, society, and culture, and its preservation is crucial to the community's ability to thrive and maintain its way of life. The two dimensions of integrity are interconnected, as the well-being of individuals depends on the health of the land, and the community's relationship with the land is strengthened by respecting the rights and integrity of each person. Both are essential for realizing Indigenous self-determination in a way that is not characterized by relations of domination (Kuokkanen 2019).

## Methods and Data

The empirical data consists of fieldwork I conducted in Fairbanks, Alaska in March–April 2022, during which I spoke to several Alaska Native women on self-determination and gender violence and attended two major symposia, the Arctic Encounter in Anchorage and ANCSA @ 50 in Fairbanks.<sup>4</sup> Seven conversations were open-ended interviews and others were more informal exchanges, ranging from 30 to 60 minutes. All interlocutors were Alaska Native women, with the exception of one Native American woman who had worked and lived in Alaska for several years. Although the number of interviews was limited, they provided an opportunity for in-depth conversations with women who, despite not being experts on violence against Alaska Native women, offered valuable insights as active members of their communities. It is significant in and of itself that Alaska Native women are being asked about these issues — possibly for the first time ever — as concerned members of their communities, ensuring that their voices shape the response to violence. My ability to conduct more grassroots interviews

was limited by COVID-19 travel restrictions that prevented me visiting Alaska Native communities to conduct grassroots level interviews as originally planned.

I did not collect personal information such as the participants' age. The interview questions related to women's views about the concept and meaning of self-determination, current efforts of implementing Indigenous self-determination in Alaska, and addressing violence against Alaska Native women at different levels of the state of Alaska. With permission of the participants, nearly all conversations were tape-recorded. Some participants requested to remain anonymous, while others gave permission to use their names. I also conducted extensive textual analysis of relevant published and unpublished documents related to the case studies and the broader theoretical questions posed by the research, including reports, strategic planning documents, policy, public and media statements, newspaper articles, speeches, and research papers.

### **Indigenous Self-Determination and Sovereignty in Alaska**

The principle of tribal sovereignty is recognized in the US Constitution, as well as in numerous federal laws and court decisions. As a result of this sovereignty, Native American nations are generally empowered to establish and operate their own systems of government, including tribal courts. The authority of tribal courts to exercise jurisdiction over criminal and civil matters involving tribal members is often based on this principle of tribal sovereignty (e.g., Fletcher 2023b; Steele 2018; Wilkins and Lomawaima 2001). Although Alaska Natives possess long-standing cultural and historical ties to their ancestral lands, the US government historically did not recognize them as sovereign entities in the same way it recognized tribes in the lower 48 states (Case 2005).

For this reason, the development of tribal court systems is more recent in Alaska compared to the lower 48 states. The Tanana Chiefs Conference (TCC), as the leading force and provider of technical assistance, has played a significant role in promoting tribal court development, funding, and jurisdiction in recent times. As a Public Law 280 states, however, Alaska presents substantial constraints on tribal courts (DiPietro 1993). In states governed by Public Law 280, tribal courts are impeded from fully exercising their authority due to the mandate to share jurisdiction with the state. In Alaska, this has been accompanied by unfavorable attitudes toward tribal sovereignty. Despite the existing constraints, there are currently about 70 Alaska Native tribal courts, some of which are actively asserting their authority. These tribal courts are the only ones who can deliver justice locally and consistently. Yet, they are handicapped like no other tribal courts in the United States due to the lack of recognition by the state of Alaska as federally acknowledged governing bodies (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK).

After the passage of ANCSA in 1971, the state of Alaska challenged the existence of tribes, which has further complicated matters for tribal sovereignty and self-determination (Hirschfield 1991; Case and Voluck 2002). Without legal recognition of their sovereignty, Alaska Native tribes have struggled to assert their rights and protect their interests in the face of state and federal policies



that often disregard their concerns. The lack of recognition for Alaska Native tribes as sovereign entities with authority to address their own issues and make decisions extends to the tribes' limited ability to resolve disputes and combat violence against women. One participant expressed frustration with the slow pace of change in this regard and wished to see tribes more strongly positioned as the recognized governance authority. According to her, the problem frequently arises from the common perception of tribes as merely one of many stakeholders when decisions are made: "I would like to see our tribes be stronger and stronger positioned as the recognized governance authority in our communities. I think a lot of times people see a tribe as another stakeholder when a decision is being discussed, or an issue is being discussed, we're just like one of other stakeholders. That's not true. We're not just a random stakeholder" (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK).

Alaska Native tribes were not federally recognized until in the early 1990s. At present, 40% or 229 federally recognized tribes in the United States are in Alaska, many of them remote villages (Case 2005). Federal recognition has not, however, meant recognition at the state level. In the words of an Alaska Native woman: "The state has been extremely fearful of [recognition] because they view sovereignty as a zero-sum game: if the tribes get more of it, the state has less of it" (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK). A few months after that interview, the Alaska State Legislature made history by passing legislation that officially recognizes tribes within the state. Although the bill does not change the legal status of Alaska Tribes or modify the state's obligations or powers, it acknowledges the presence of Alaska's Indigenous peoples, creating opportunities for building greater trust and collaboration (AFN 2022).

## **Violence Against Alaska Native Women**

The crisis of violence against Alaska Native women is exacerbated by persistent lack of attention at the state level. The recent report by the Violence Policy Center (2022) underscores the urgent need for Alaska state lawmakers to prioritize addressing the persistent and widespread issue of fatal violence, particularly against Alaska Native women. The low political priority of eliminating violence against Alaska Native women has long historical and structural roots in colonialism. World over, a primary colonial strategy was to focus on women, recognizing their role in reproducing societies, not only through giving birth but as importantly, through collective identity, culture, and language. In this process, structural and discursive manifestations of degrading women in so-called "other" societies have held a central position alongside explicit sexual and physical aggression. The twin tactic of instilling European ideals of womanhood and framing Indigenous women as departures from those ideals influenced the legislative and policy frameworks of the early colonial period and carries impact to the present day (Devens 1992; McClintock 1995).

Indigenous women have been dehumanized and depicted as a "population of prey" and "the spoils of colonial conquest," leading to their disappearance, as they are viewed as expendable and acceptable victims of violence (Behrendt



2000; Eberts 2014; Simpson 2016). These dehumanizing discourses continue in the present-day media and police accounts that fail to connect incidents of physical and sexual violence to the exploitation and dispossession of Indigenous lands and resources since early contact.

The confusing jurisdictional system is another major reason for the disproportionately high rates of violence against Native American and Alaska Native women, creating a favorable environment for non-Indian offenders to commit crimes. The shortage of law enforcement resources compounds the issues stemming from this complex jurisdictional framework. Dire socioeconomic conditions in many parts of Indian country further intensify these challenges (Crepelle 2020). The jurisdictional complexity is intensified by the isolation of many communities, where access to law enforcement, courts, and essential services is severely limited. It also creates confusion about where to seek justice or protection, leaving Alaska Native victims of violence even more vulnerable and at greater risk (Johnson 2012).

### Jurisdictional Challenges

In the early 20th century, elected tribal village councils in Alaska had control over local law enforcement and dispute resolution mechanisms. Upon statehood in 1959, the state of Alaska stripped Native Alaska communities of their jurisdiction and reportedly issued threats of criminal prosecution to tribal councils if they were to make any efforts to enforce their local regulations (Amnesty International 2007, 36). With the 1934 *Indian Reorganization Act* (IRA), Native American nations were encouraged to develop dispute resolution bodies, or at least to have their tribal councils act as a dispute resolution body. Initially, the IRA was not fully applicable to Alaska, as most Alaska Native communities were not considered Indian country.<sup>5</sup> Alaska Native tribes were also excluded from provisions that allowed incorporation for business purposes, preventing them from accessing federal loan funds. This was corrected in 1936, when organizations such as Alaska Native Brotherhood and Sisterhood<sup>6</sup> pursued amendments to the IRA that equated Alaska Native villages with tribes, and confirmed the self-governing status of villages (Worl. March 21, 2022. Interviewed by author, Fairbanks, AK; also Case and Voluck 2002, 381). Nonetheless, the state of Alaska did not endorse tribal conflict resolution methods.

The Attorney General in Alaska has long held that tribal governments lack a territorial foundation for exercising any inherent criminal jurisdiction. Land ownership or jurisdiction over a delineated territory is not, however, imperative for self-determination. While the 1998 US Supreme Court ruling in *Alaska v. Native Village of Venetie Tribal Government* declined to recognize Native corporation as Indian country for the purposes of tribal jurisdiction, the Alaska Supreme Court established in *John v. Baker* in 1999 that the foundation for Alaska Native tribal authority rests on *either* territorial boundaries *or* membership status (Case 2005; Johnson 2012; Polta 2014). Nevertheless, the question of land base remains vexing for Alaska Native nations and tribal authority.

The extent of jurisdictional authority directly impacts the capacity of Alaska Native tribes to effectively to contribute to public safety in Alaska and combat violence against Alaska Native women. Calls have been made to Congress to overturn the Venetie ruling and modify ANCSA in order to permit the transfer of lands from regional corporations to tribal governments, facilitating jurisdictional matters, and to allocate more resources directly to Alaska Native tribal governments. This would give tribes a land base on which to exercise inherent criminal jurisdiction, recognize the potential of tribal justice systems to contribute to public safety in Alaska, and strengthen Alaska Native tribes' capacity to deliver crucial services within their communities (ILOC 2013; Strommer and Osborne 2005). Participants in this research concurred that explicit tribal jurisdiction would open doors for the tribes to address gender violence more effectively (Respondent 1. March 28, 2022; Respondent 4. April 2022. Interviewed by author, Fairbanks, AK).

The *Violence Against Women Act* of 2013 expanded protections for survivors of domestic violence, sexual assault, and stalking in Indian country. It included provisions for improved law enforcement training, support services for victims, and protections for marginalized communities, including LGBTQ+ individuals and Native American women. The Special Domestic Violence Criminal Jurisdiction (SDVCJ) provisions, introduced in VAWA 2013, allowed federally recognized tribes to exercise criminal jurisdiction over non-Native offenders for certain domestic violence crimes occurring on tribal lands. This aimed to enhance tribal authority and improve the response to domestic violence within Native communities (Agtuca 2014).

Alaska Native tribes were excluded from certain jurisdictional expansions in VAWA 2013. Specifically, while the legislation expanded tribal jurisdiction to cover crimes of domestic violence, dating violence, and violations of protection orders, it did not extend the same provisions to Alaska Native tribes. This exclusion limited their ability to exercise jurisdiction over these crimes on their lands, which was later addressed and corrected in the VAWA 2022 reauthorization with the creation of the Alaska Tribal Public Safety Empowerment section, which recognizes the authority of the 229 Alaskan tribes to exercise jurisdiction over certain crimes, particularly those involving domestic violence, dating violence, and violations of protection orders. Its purpose is to enhance tribal sovereignty and public safety by allowing tribes to prosecute these crimes, addressing gaps in legal protections for Alaska Native women and ensuring that tribes have greater control over issues affecting their communities. The 2022 VAWA reauthorization also addressed SDVCJ limitations by creating the Alaska Pilot Program, which enabled five Alaska Native villages to establish Special Tribal Criminal Jurisdictions (STCJs) in collaboration with the state. The pilot program is intended to test and evaluate the effectiveness of STCJs in these selected communities. The goal is to assess the model and potentially expand it in the future to allow more Alaska Native villages to establish STCJs in collaboration with the state (Rosay 2016; Sidorsky and Schiller 2024).

The challenge remains formidable due to the urgent need to develop and strengthen tribal legal and institutional frameworks. Many tribes are in the process of building the necessary infrastructure, legal expertise, and resources to

exercise jurisdiction effectively, highlighting the ongoing struggle to empower tribal governance and deliver justice. A key limitation of VAWA 2022 is that it provides funding for only up to five tribes per year on the condition that they have the capacity to manage jurisdiction and funding. This creates a catch-22, as many tribes lack the required capacity and need funding to develop the institutions necessary to exercise that authority (Respondents 1 and 2. March 28, 2022. Interviewed by author, Fairbanks, AK).

Moreover, VAWA 2022 does not alter the existing responsibilities and authority at the Alaska state level. Instead, the focus is on resourcing tribes to creating their own solutions and thus, strengthening tribal title, jurisdiction, and community capacity. Nevertheless, Truett Jerue hails the legislation as historic because it recognizes that “restoring safety for Alaska Native women requires empowering Alaska Native tribal governments.”<sup>7</sup> According to Alaska Senator Lisa Murkowski, restoring safety is done by removing “barriers in federal law that limit the authority of tribal justice systems to address violence in tribal communities.”<sup>8</sup> While Murkowski was one of the authors and lead sponsors of the bill, the advocacy by Alaska Native groups and individuals played a crucial role in pressing for more substantial measures to address violence against Alaska Native women. As Rosita Kaaháni Worl<sup>9</sup> pointed out, “VAWA didn’t just happen; the push came from us” (Worl. March 21, 2022. Interviewed by author, Fairbanks, AK). The 2013 Indian Law and Order Commission report marked another pivotal juncture that played a role in the evolution leading to VAWA 2022 and the inclusion of a substantial section focused on Alaska. The report harshly criticized the state of Alaska’s lack of concern for the safety and welfare of Indigenous women and children, as well as its undermining of tribal sovereignty within the country.

The theory of relational Indigenous self-determination emphasizes that self-determination is not just about political sovereignty or land rights but also about the individual and collective well-being in the community, including the protection of individual self-determination and freedom from violence. The erosion of tribal jurisdiction in Alaska — due to statehood and legal rulings — has undermined Alaska Native communities’ ability to govern themselves effectively, including addressing issues like violence against women. The recent provisions in VAWA 2022, which empower Alaska Native tribes to establish STCJs, represent a new approach that enhances tribal authority, while also providing resources and legal frameworks to strengthen individual and community well-being. Acknowledging the importance of integrating both collective governance and individual safety, particularly for vulnerable members like women, into the fabric of tribal governance, reflects the core tenets of relational self-determination.

### **Institutional and Infrastructural Challenges**

The implementation and exercise of Indigenous self-determination is typically framed in terms of self-government. If self-determination is the international norm, self-government is seen as a way of putting self-determination into practice.

There are, however, multiple ways for Indigenous communities globally to implement self-determination, including sectoral self-government, corporations, NGOs, reclaiming traditional governance structures, and community organizing. Ultimately, the decision regarding which path to follow lies in the hands of Indigenous communities, guided by their distinct situations and priorities.

When ANCSA was being negotiated, Alaska Native sovereignty or self-determination were not on the table, and the Alaska Native tribes were not provided the opportunity to vote on whether to accept or reject the act. This contrasted with the 1934 IRA that gave tribes in the lower 48 states the opportunity to vote on whether to organize under IRA (Ford and Rude 1998). ANCSA was, however, a necessary compromise. The choice was *not* between ANCSA or tribal government but as one participant put it, between “we’re going to take all your stuff and give you nothing, or you can have ANCSA” (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK).

Instead of recognizing Alaska Native tribes with inherent self-determining authority, ANCSA provided for the creation of village corporations intended to promote economic development and self-sufficiency at the local level and regional corporations to manage the resources of Alaska Natives. As one participant noted:

ANCSA corporations are not governments, they’re corporations. They’re legally liable to their shareholders to at least break even if not make a profit. They cannot legally, given the structure of corporations, function as governments for Alaska Natives to provide social welfare benefits or make laws or have tribal courts or protect Alaska Native women for that matter. That is not either in their corporate bylaws, nor is it legally enforceable. Indeed, it’s a liability to do those things because you can be sued by your shareholders for spending money on things that are not profit driven. So when the ANCSA corporations do things that look out for their elders, like they set up trusts, they have to go back to Congress and get special law changes to ANCSA itself to allow them to do things like that, in order that they won’t be sued by their own shareholders and be liable to them. (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK)<sup>10</sup>

One way around this has been defining Alaska Native corporations as Native tribes for special statutory purposes. According to Worl, this has been done through more than 100 legislative measures that have delivered advantages to Alaska Native communities, including initiatives like the 1953 *Small Business Act’s* 8(a) program, which has injected multimillion-dollar funds into these communities (Personal communication. June 27, 2023).<sup>11</sup> Another Alaska Native woman spoke about Alaska Native corporations having established their own educational foundation: “A fair amount of money gets invested in the form of scholarships and workforce development programs. But again, the recipients are individuals. They’re their scholarship applicants. It’s very different than having a reserve to be able to fund community development projects. So, there’s a huge disconnect there” (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK).

Given the corporate structure in Native Alaska, providing social services for tribal members is often carried out through nonprofit organizations or corporations established to operate alongside the regional and village corporations. The nonprofits are more affiliated with tribal governments than ANCSA corporations. While in the lower 48 states, it is the tribal government that directly oversees tribal agencies and social service programs, including health care and tribal police departments. In Alaska, these executive branch functions are carried out by the regional nonprofit organizations that are more centralized than tribal governments. Centralization creates its own problems to effectively deal with violence against women, when necessary services and crisis intervention such as the law enforcement, temporary detention, safe houses, and emergency health care are not immediately and locally available.

A major nonprofit corporation that provides tribes with grants and programming for confronting violence against Alaska Native women is the Tanana Chiefs Conference (TCC). Representing 42 villages of Interior Alaska, TCC played a central role in advocating for VAWA 2022 by submitting testimony and consultation comments in support of the bill.<sup>12</sup> Nonetheless, TCC and other Alaska Native organizations may be beset by underlying gender regimes that are common in all political institutions, including Indigenous ones (see Kuokkanen 2019). Two Alaska Native women who had served in leadership positions in a nonprofit or for-profit corporation, referred to sexism within the organization and challenges they faced as women in senior roles. One described intentionally playing down her education to avoid causing fear, and often being addressed differently than her male counterparts: “There were many times where I had to make myself smaller, as a woman. There were many times where I would be brought along on trips that where I was the only woman. And my contribution to those trips was saying a prayer for whatever. And I am a prayerful person, so I think that’s an honor. But I think that sometimes it was a convenience thing for the men because they didn’t want to do it and don’t feel comfortable with that” (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK).

Yet, the participant also recognized that as a female leader, she has the potential to impact the organization, challenge patriarchal structures, and serve as an inspiration for other Alaska Native women facing similar obstacles.

The pressure for women in leadership roles to downplay their abilities underscores how patriarchal norms compel them, even in Indigenous communities, to shrink themselves in order to avoid intimidating men or challenging male authority. Being treated differently than male counterparts reflects the power imbalance and gender-based discrimination inherent in patriarchal systems. At times, this also involves a double standard: while Indigenous women’s leadership roles in history or in theory are praised in public discussions, in practice, they are often viewed as a threat to male authority. Despite these barriers, the participant’s leadership position offers the chance to challenge these structures and inspire other Alaska Native women to overcome similar obstacles, showing how women can push back against patriarchal norms while navigating their political roles.

Worl, who served on the Sealaska Corporation’s board of directors for 30 years, discussed how only handful of women were on the ANCSA or nonprofit corporation

boards when she started and how entering politics used to be challenging for women. In her view, the situation has reversed since and today, boards are composed of mostly women (Worl, March 21, 2022. Interviewed by author, Fairbanks, AK). As research shows, however, “adding women and stirring” does not automatically change the gender dynamics and regimes within Indigenous political institutions or organizations. Established assumptions about gender roles, gendered division of labor — including between self-determination and violence against women — typically prevail unless actively and consistently challenged and addressed (cf. Kuokkanen 2019).

The state of Alaska’s restriction of tribal authority to civil matters alone has been a long-standing and significant issue. In practice, this has meant focusing on civil protection orders rather than the ability to charge someone, or criminalize the violation of a protection order and take someone into custody. Yet, often the most dangerous time for an Indigenous woman is when she has received a protection order. Another issue pertains to the inquiry of the functionality of civil protection orders in cases where enforcement is absent and apprehending the offender is not feasible. The absence of law enforcement subsequently leads to potentially hazardous situations where the ability to enforce protection orders is non-existent (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK).

Moreover, only establishing the legal framework for tribal authority is insufficient for the tribe to effectively exercise its authority, a fact that often is overlooked. As one participant noted, an entire *crisis intervention* system needs to be established at the community level in order to have real impact: “[This would include] the law enforcement, the temporary detention, the safe houses, the safety planning for women, as a part of our formal process, and the funding for it. And it’s going to have to be carefully modified in a tiny village where you’ve got 100 or 200 people and they all know each other, where each other live, you’re going to have to be creative and resourceful about how you build that intervention system out in a tiny village. Otherwise, you get those stories like you hear sometimes up here, where one person with a gun and a lot of ammunition is running around the village just terrorizing everyone for a week before the troopers can come in.” (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK)

Hence, the pivotal question concerning VAWA 2022 is whether the funds are directed to the tribes for local capacity-building, infrastructure, and technical assistance, or if the funds are allocated to the state budget, with selective efforts to extend influence from Anchorage and Fairbanks to the villages. Although the act presents a hopeful beginning for potential progress, its impact will be limited unless there is a *consistent* allocation of sufficient funds to the appropriate areas (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK). Ultimately, there is potential for long-lasting change, but this can only be realized when adequate resources are available to support the intended outcomes. These same challenges apply to recruiting and retaining health care workers and other essential staff, as these roles can be isolating and lead to burnout, particularly in rural areas with limited resources (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK).

Relational Indigenous self-determination sheds light on the ways in which the imposition of the corporate structure through ANCSA and the subsequent reliance on nonprofit organizations for social services have fragmented Alaska Native self-determination. ANCSA corporations were designed to promote economic development, thus falling short in providing comprehensive governance and social welfare, particularly addressing gender-based violence.

A more capacious, relational understanding of self-determination calls for a more comprehensive, community-based approach that involves not only legal and jurisdictional authority but entire structures of care and well-being that involve crisis intervention, law enforcement, safe houses, safety planning, and sustained funding. Addressing violence against women as a structural issue requiring institutional resources and structural innovation highlights how it is fundamentally a self-determination issue that impacts every aspect and member of the community, challenging the idea that gender violence is a merely “social” or “women’s” concern.

### Community Challenges

Gender violence primarily inflicts harm upon women and girls, yet its repercussions are far-reaching and impact entire communities. It creates intergenerational cycles of violence, individual and collective trauma, and breakdown of family and kinship relations, including the removal of children to foster care and the child welfare system. This has an immense negative impact on the well-being and cohesion of the community and community capacity (Giustina 2008; Helliwell 2002). Hence, the repercussions of gender violence are experienced not solely by the women or girls subjected to it, but also by families and entire communities, resulting in grief and suffering, and influencing the community’s capacity to operate cohesively and maintain autonomy over their internal matters — a core aspect of self-determination.

For women in more remote Alaska Native communities, gender violence is compounded by the lack of local law enforcement and support services as well as widespread indifference and failure to protect, report, and investigate by the police force. Roughly one-third of remote Alaskan Native villages lacking road access have no law enforcement, creating a near-impossible scenario for reporting assaults and leading to situations where a response could be hours, days, or even weeks away (Hopkins 2019; ILOC 2013). Moreover, only very few domestic violence or sexual assault programs serve Alaska Native villages. There are two Alaska Native village-based shelters, the recently established Bay Haven in Hooper Bay and another in Emmonak, a fly-in Yup’ik village of 800 tribal members in southwestern Alaska. Founded in 1979 by village members and serving 14 Yup’ik villages in the region, the Emmonak Women’s Shelter is also the second oldest Native women’s shelter in the United States. One of the founding members of the Emmonak Women’s Shelter, Nugange describes the circumstances of victims of violence as dire in remote communities: “There is no safe place to go in the villages, except to local churches (if doors are left open), inside willows, in steam baths, and/or fish smokehouses (caches). There are no



readily available resources, and many women and children have no reliable police protection. We cannot simply get into a car and drive away — we run, many times with five children with us as we hide under our homes in the dark, cold, winter months. Sometimes, if we're lucky, we might see a porch door open and we run inside the house, not knowing whom the house belongs to or whether someone is home ... this we do to keep ourselves alive" (Nugange 2014, 19).

To address the lack of police presence in rural Alaska, the State has implemented and supported a paraprofessional police program known as Village Public Safety Officers (VPSOs). VPSOs receive about one-fifth of the training provided to State troopers, earn less than police officers, and are restricted to handling minor crimes. Even this limited police presence, however, is missing in approximately half of the rural villages. The VPSO program is managed by Alaska Native nonprofit organizations, which somewhat reduces cultural tension between communities and their officers. However, merely hiring tribal members as VPSOs does not alter the fact that the position's very structure remains in conflict with traditional cultural values (Alaska Advisory Committee to the U.S. Commission on Civil Rights 2002). Another challenge of the VPSOs is funding. Some communities may have had an officer in the past, but when the funding runs out, communities and community members are left in vulnerable circumstances with nobody to turn to (Marenin 1994).

Particularly in isolated Alaska Native villages where public safety services must cover remote areas spread across vast distances, high officer turnover poses a significant challenge (Wood 2001). One participant pointed out that responding to domestic violence incidents, which are among the most dangerous situations, may also deter individuals from taking on these roles. Having a law enforcement officer as a member of the community can also pose challenges. The officer might be reluctant to apprehend a family member or intervene in a violent situation if their own relatives are involved. Not surprisingly, officers tend to experience rapid exhaustion due to the personal dynamics at play, as well as the constant obligation to be available for intervention. Most often, there is nobody to relieve them and as the result, they may receive calls even off-duty in the middle of the night (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK). An even greater concern is that the safety officer themselves might be a perpetrator.

### **The Challenge of Restorative Justice**

Today, many Alaska Native tribes tend to prefer dispute resolution mechanisms such as restorative justice circles to address conflicts in their communities (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK). This reflects the broader trend of revitalizing traditional dispute resolution practices in Native American communities. The imposed Western legal systems have often been criticized for being punitive and not considering Native American cultural values and traditions, and many tribal have incorporated traditional practices into their legal systems. Mainstream legal institutions have also increasingly recognized the importance of incorporating traditional practices into their

systems when dealing with cases involving Native American individuals and communities (Case and Voluck 2002; Fletcher 2011, 2023a).

In Alaska, however, the rationale for preferring dispute resolution systems appears to be more complicated. As Public Law 280 states, tribal courts are often limited to restorative justice systems due to their constrained jurisdiction and state oversight, whereas tribes in non-Public Law 280 states can fully implement a range of judicial processes, including adversarial systems. One participant pointed out:

The tribal courts in Public Law 280 states, because of their radically curtailed jurisdiction, have to share it with the state. And the states are not friendly to the powers of the tribe. They tend to have more restorative systems only, because the state can call those systems mere diversion programs and retain state court jurisdiction, and then just sort of have their state judge supervise cases, they get diverted off into the tribal program. And they never have to call it a tribal court. Outside of the Public Law 280 system, you see tribes in non-Public Law 280 states exercising the full range of their powers, including the adversarial process. So I don't think it's a simple choice between, "Oh, do we want to be Western adversarial? Do we want to be restorative? Do we want both?" Because there is no choice in a Public Law 280 state. Or you'd have to bring your own money in as a tribe to make that choice happen. And we know that a lot of tribes in Alaska just don't have the money. (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK)

Earlier research has suggested that tribal members did not see Western law as a problem. They may criticize the state for interfering with traditional practices in other areas, but they did not view it as a problem when it involved law enforcement (Marenin 1994). There could be several reasons why tribal members might not view state interference as an issue when it comes to law enforcement. One reason for this may be that police serving Alaska Native villages take on a wide range of responsibilities, with law enforcement representing only a small portion of their duties. Common in remote Arctic communities, officers must adopt a proactive approach, taking on numerous responsibilities that their urban counterparts typically would not face due to the lack of economies of scale (Wood and Trostle 1997).

Other explanations may include that law enforcement is seen as a crucial function of the state, essential for maintaining order and safety. In this context, state involvement might be seen as legitimate and necessary, unlike interference in cultural or social practices. Law enforcement might not be tied to their cultural identity in the same way other practices are, making interference seem less objectionable. People also might prioritize security and public safety. If they believe law enforcement is effective in preventing crime or protecting the community, they might tolerate or even support state involvement. There could be a higher level of trust in the law enforcement institutions than in other governmental bodies. If they perceive law enforcement as fair and just, they might not see state intervention in this sphere as problematic.<sup>13</sup>

Previous research further suggests a difference between addressing violence within the family and outside the immediate family. When issues involve family matters, tribal members tend to prefer informal resolution. Beyond immediate family, there is a tendency to prioritize effective protection and the maintenance of order. This suggests that Alaska Native people value both traditional and modern approaches to problem-solving, and may have a system of informal conflict resolution based on their cultural traditions (Marenin 1994). An additional rationale for favoring conflict resolution mechanisms could be grounded in practical considerations of what is currently doable. Like other states reluctant to strengthen tribal authority, the state of Alaska favors community-based restorative models, labeled as diversion programs, over the tribal court system. In this way, the state can maintain control through its own courts rather than interventions taking place under the authority and processes of tribal courts (Respondent 1. March 28, 2022. Interviewed by author, Fairbanks, AK).

Although restorative justice has a role in tribal dispute resolution systems, there are also significant arguments against the appropriateness of employing restorative justice approaches in cases of domestic violence. According to Sarah Deer (2009), employing restorative approaches to address rape raises several concerns, including the victim's safety, potential coercion, the possibility to excuse criminal behavior, and the risk of repeat offenses (see also Friedland 2016). Other scholars have pointed out how community-based justice can be premised on unequal gender relations that pressure women to reconcile with their subordination (Hernandez Castillo 2016).

These critiques reflect the circumstances in Alaska. Drawing from her extensive experience with combating violence against Indigenous women in Alaska, Truett Jerue emphasized that if restorative justice circles are utilized for instances of domestic violence, it is crucial to guarantee that the process is equitable. The circles should provide opportunities for both the affected individual and the responsible party to access appropriate support and resources. One way to do this, Jerue suggests, is by implementing two circles: one for the person who has done harm and one for the person who has been harmed. This allows for each person to have a voice and ensures that the outcome is fair for both parties. Reflecting the view, according to which legal infrastructure alone is inadequate, Jerue underlined the significance of providing support and services for both individuals outside the restorative justice process, such as counseling or victim services such as rent assistance, childcare, or education opportunities for the person who has been harmed, and access to substance abuse treatment and anger management services for the perpetrator (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK).

### **Internal Obstacles**

Several participants discussed internal obstacles within the community that hinder effectively addressing these matters. These include the culture of silence, denial, and normalization of physical and sexual violence. According to Jerue, community members are particularly reluctant to speak out about abuse when the abuser is prominent in the community or when family ties are involved.

Speaking out can prove especially demanding in small villages, where interpersonal connections and social dynamics are closely interwoven. The prevailing culture of silence further complicates confronting the issue directly (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK).

Other participants pointed out that community members may be desensitized to violence against women and are reluctant to call the law enforcement because they do not want to receive the blame of their community. A participant raised concerns about how refraining from intervening and the absence of justice for violence against Indigenous women conveys a strong message about the significance and value attributed to women. She highlighted the significance of individuals and communities acknowledging the gravity of such occurrences and advocated for providing support and safeguarding those who have been victimized. In her view, it is imperative to address the societal attitudes and beliefs that perpetuate violence and create a culture where it is tolerated. Equally importantly, law enforcement and other officials need to be held accountable for taking appropriate action to address these crimes and protect victims. As she noted: "I think we have been conditioned to feel like, as victims of crimes, we don't have the same rights as other people. And it doesn't rise to the level of crisis that other situations would" (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK).

Another participant noted a slight positive shift in attitudes in recent years. Whereas acts of violence were previously met with complete silence in her community, there is now an increased willingness to engage in discussions about such violence (Respondent 4. April 5, 2022. Interviewed by author, Fairbanks, AK). Likewise, Jerue recounted an interaction with an elderly Alaska Native woman who disclosed that she had, in the past, been oblivious to the fact that enduring abuse was not deemed normal. In Jerue's view, breaking the cycles of violence and silence requires, above all, building trust and infrastructure within the community. This involves working with both tribal leadership and external experts to create a safe and supportive environment where individuals feel comfortable reporting violence and seeking help. A critical element of such a process is a long-term commitment to changing attitudes and behaviors within the community. At the same time, she acknowledged the significance and role an individual can play, initiating change: "In small communities, that ripple effect does have impact, even one person can make a difference" (Respondent 4. April 5, 2022. Interviewed by author, Fairbanks, AK).

Although numerous individuals may view violence against Alaska Native women as a significant concern, it is not commonly linked with the concept of self-determination by leadership or Alaska Native organizations (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK). Small tribes struggle with managing multiple programs that involve specific criteria, reporting, and expectations of delivery. The complexity of running these programs (together with jurisdictional challenges) makes it sometimes difficult for people in the community to understand broader questions pertaining to self-determination and gender violence and for tribal council members to make informed decisions regarding those (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK). A participant noted the difference between male and female leadership:

I think that there's a fundamental difference in the way our women chiefs see the world and see our communities and what they prioritize. They will almost always default to what's best for the family and what's best for our community. And that's what I've noticed, as I've worked with them closely, is that they have that collective interest so firmly ingrained, that it's just automatic. And that's what they use to make decisions. They are constantly vetting actions against those kinds of criteria. Whereas the men, some men do. I'm not trying to be too broadly generalizing, but I think there's been this this infiltration of some of the patriarchal and Western values so much into our men, that some of them have lost that community interest criteria of making decisions and it becomes about power and it becomes about ego and it becomes about out status and title. And that's so harmful because that's so not who we are as tribal people. And that's not what serves us best. (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK)

The theory of relational Indigenous self-determination highlights how systemic issues, such as gender violence, affect not only individual victims but also disrupt community cohesion and thus, the ability of all community members to attend to self-determination matters. In Alaska Native communities, the pervasive impact of gender violence, compounded by inadequate local resources and limited law enforcement, underscores the broader implications for community autonomy and well-being. The struggles to maintain effective dispute resolution mechanisms reflect the challenges in balancing traditional practices with the need for robust support systems. Relational self-determination emphasizes the necessity of addressing both individual needs, safety, and integrity as well as collective resilience, ensuring communities can sustain their internal governance and collective integrity despite external and systemic pressures.

## Discussion

Alaska is a state where authorities have long opposed Alaska Native sovereignty, self-determination, and greater tribal authority. As a Public Law 280 state, dispute resolution systems in Alaska are required to share jurisdiction with the state. The limited tribal jurisdiction and the reluctance of the state of Alaska to recognize tribal sovereignty have resulted in a severe curtailment of the capacity of tribal organizations, nonprofits, leadership, and communities to effectively combat violence against Alaska Native women. The current circumstances in Alaska tend to marginalize and ignore the potential of tribally-based justice systems, as well as intertribal institutions and organizations, to provide cost-effective and responsive alternatives to prevent violence against women and promote safety for Alaska Natives. The 2022 state legislation in Alaska that formally recognizes tribes represents a significant advancement in reinforcing the sovereignty and self-determination of Alaska Native tribes. This development has the potential to enhance collaboration and address long-standing challenges faced by Indigenous communities.

The high rates of violence against Alaska Native women have yet to be distinctly positioned or tackled as a component of promoting tribal sovereignty and self-determination by any entities or groups in Alaska. The linkage between collective and individual self-determination has not been firmly established. While the participants extensively discussed the problem of limited tribal authority that curtails responding to violence, including the culture of silence and normalization of violence in their communities, these two issues were not presented as interconnected facets of Indigenous self-determination. Nor was Indigenous self-determination discussed as necessarily including the dimension of individual self-determination. Instead, gender violence experienced by Alaska Native women is generally regarded as a criminal or social issue, reflecting a broader trend among Indigenous peoples in other countries (cf. Kuokkanen 2019).

One might contend, however, that the connection between tribal sovereignty (and consequently, self-determination) and violence against Alaska Native women might be *implicitly* established even when it is not clearly stated. Practical challenges of addressing violence against women in rural Alaska Native communities are often so significant and pressing that there are limited opportunities to approach the issue in a broader context of self-determination. Nevertheless, it would be unsubstantiated to claim that recognizing greater tribal jurisdiction and authority would lead to violence against women automatically being prioritized and consequently effectively addressed. As participants emphasized, there are other serious obstacles in combating violence against Alaska Native women, most significant including prevailing attitudes and the lack of funding. Several participants discussed the long-standing culture of silence, the normalization of violence being common in segments of their communities, and the need to engage in changing societal attitudes toward violence against women. Many also recognized that such changes will not happen overnight, and that only by working together and supporting communities in their efforts to address the issue, progress can be made over time.

Indigenous self-determination in Alaska is considered above all a question of tribal jurisdiction and the need for it to expand, alongside with fully recognizing and implementing Alaska Native inherent sovereignty. All of the Alaska Native women I spoke with noted one way or another that tribes' ability to more extensively exert authority and jurisdiction equals greater good. Therefore, it can be contended that tribal jurisdiction, as a manifestation of Alaska Native self-determination, embodies a shared value — an expression of a group considered essential for their well-being, both individually and collectively.

Due to the extinguishment of aboriginal claims and the transfer of negotiated land into the possession of corporations, ANCSA substantially adds complexity to the feasibility of considering the integrity of the land. Also VAWA's 2022 firm framing of violence against Alaska Native women as a matter of restoring safety through expanding the authority of Alaska Native nations and tribal justice systems to address this violence leaves little room to consider gender violence in other terms such as individual self-determination and integrity. Therefore, the theory of relational Indigenous self-determination finds partial relevance within Alaska Native nations, and the potential expansion of understanding concerning

violence against Alaska Native women could well be facilitated by the practical implementation of VAWA 2022.

The involvement of Alaska Native women in leadership positions was recognized by several participants as central for not only creating safer communities but also placing gender violence on the self-determination agenda. All participants acknowledged the significant role that women play in running communities and programs, as well as in promoting the well-being of families — a common yet often unnoticed or undervalued way of advancing Indigenous self-determination at the community level (Kuokkanen 2019). Women are considered the backbone of their communities, and female chiefs tend to heed the well-being of entire community (Respondents 1 and 2. March 28, 2022. Interviewed by author, Fairbanks, AK). Today, Alaska Native women receive higher education at higher rates than their male counterparts. Yet, according to one woman, there is a need for further unity and collective action: “We Alaska Native women must raise up, like people did 50 years ago with ANCSA. If we don’t get together and say, ‘no more,’ nobody will do anything” (Respondent 4. April 5, 2022. Interviewed by author, Fairbanks, AK). Another participant expressed her confidence in Indigenous female leadership:

I think women are extremely powerful. I think that when we speak, we are not just speaking for ourselves, but we’re speaking really, truly for our communities and our children. And that carries a much different message and tone, right? It just grounds whatever it is we do or whatever is we’re talking about in that, in that collective interest. And that’s a really powerful thing. Because I think nowadays, there’s so much opportunity to be distracted, the politics of distraction. ... I’ve seen more and more younger female chiefs that are also being mentored by some of the older female chiefs. And they just make a powerful difference in in all of the rooms that they’re in, in terms of setting the agendas, setting the priorities, raising those important critical questions: “How is this going to impact the kids? How is this going to impact the elders? How is this going to impact whatever is the topic, security, safety, education. They’re asking those critical questions. And they’re thinking about those things in depth. And they’re prepared. (Respondent 2. March 28, 2022. Interviewed by author, Fairbanks, AK)

Nevertheless, addressing violence against women is not a universal priority for all Alaska Native tribes, and as is evident in other contexts, current Indigenous self-government institutions have shown to be insufficient in safeguarding women from social and economic marginalization, as well as the multiple layers of violence they experience within their communities and society at large. In Indigenous politics, we often hear comments that “once we get self-determination” and have installed self-government bodies, everything else will fall into place (Napoleon 2009). Similarly, there is a common sentiment that restoring the safety of Native women is a matter of simply strengthening the sovereignty of Native nations. Behind this thinking is that everything troubling Indigenous societies is due to colonialism, and that self-determination — or in the case of Alaska, greater



tribal jurisdiction — will act as a magic bullet and solve all other problems and challenges. Such idealization of Indigenous self-determination is particularly problematic and dangerous for Indigenous women because they cannot count on their leadership and political institutions actively addressing some of the most pressing concerns in their communities and societies. Sentiments according to which all will be well once sovereignty and self-determination have been implemented, maintain and reproduce the problematic separation between issues that require to be addressed simultaneously (cf. Kuokkanen 2019).

The complexities introduced by ANCSA's impact on tribal authority and legal jurisdiction complicate efforts to holistically address the intertwined challenges of protecting Indigenous women's rights and supporting their aspirations for self-determination. ANCSA's neglect in recognizing Alaska Native tribes as sovereign entities, instead favoring a structure built on corporations, has not deterred tribes from vigorously asserting their sovereignty and forming tribal governments, complete with tribal courts.

Tribal courts in the United States provide an important platform for Indigenous communities to address violence against women. They are often better equipped to understand the cultural context, traditions, and specific challenges faced by Indigenous women. Increasing jurisdiction over crimes committed on tribal lands, including crimes against Indigenous women, enables tribal courts to handle cases promptly and effectively, without the potential delays associated with federal or state courts. Tribal courts can further develop and implement specialized programs, services, and sentencing options that align with the community's values and needs (Austin 2009; Crepelle 2020; Fletcher 2023a; van Schilfgaarde 2024). Indigenous women may also be more likely to engage with tribal courts due to their proximity, cultural familiarity, and less intimidating environment. This increased access to justice may encourage victims to come forward and seek legal remedies (Deer et al. 2008; Luna 1999). Moreover, when tribal courts effectively address violence against women, it may further empower Indigenous communities to take note and a stand against such abuses. This empowerment can lead to a shift in cultural norms and attitudes, creating a safer environment for women — an issue highlighted by several Alaska Native women in this research.

Finally, as federal legislation like VAWA 2022 increasingly recognizes the authority of tribal courts to prosecute certain domestic violence cases, including those involving non-Native offenders, effectiveness of tribal courts in addressing violence against women is enhanced. Tribal courts also often collaborate with federal and state agencies, law enforcement, and victim service providers to ensure a more comprehensive response to violence against women. In Alaska, the state government has traditionally had limited collaboration with Alaska Native communities. Increased collaboration would be a positive shift and could bolster the collective endeavors to combat violence against Alaska Native women.

Nevertheless, it is important to recognize that establishing tribal courts and dispute resolution mechanisms based on traditional norms and laws is not as straightforward or unproblematic as some may assume. Indigenous legal scholars have noted the central role of Indigenous law in addressing violence

against women. While some agree that culture can serve as a useful starting point, they emphasize that it is crucial to adopt a more nuanced approach. Instead of making general claims about culture or traditions, it is imperative to identify and utilize *specific* legal traditions that can effectively address the problem at hand. Simultaneously, attention needs to be paid to the traps of the *concept* of culture. According to Snyder, Napoleon, and Borrows (2015, 595), culture is a notion “always deployed in the real world,” where power dynamics, privilege, and hierarchies intersect and contend. In such contexts, those in positions of authority can manipulate culture to establish or reproduce a male-dominant status quo. In this way, culture can facilitate circumstances that perpetuate both individual and systemic acts of violence against women.

The theory of relational Indigenous self-determination underscores the interconnectedness of individual integrity and collective rights and governance of land and resources. In Alaska, the long-standing state-level opposition to Alaska Native sovereignty and the limitations imposed by Public Law 280 significantly hinder tribal capacity to address violence against women. This systemic marginalization restricts the effectiveness of tribal justice systems and undermines community efforts to combat violence against Alaska Native women, reflecting a broader issue where tribal sovereignty and self-determination are not fully integrated into addressing pervasive gender violence. Although recent legislative changes like VAWA 2022 aim to strengthen tribal authority, a connection between enhancing tribal jurisdiction and effectively addressing violence against women remains incomplete. The challenges faced by Alaska Native communities highlight the need for a more integrated approach that recognizes and addresses both the systemic limitations and the essential role of tribal sovereignty in advancing Indigenous self-determination and safety.

## Conclusion

This article has considered the theory of relational Indigenous self-determination in the context of Alaska, with a specific focus on high levels of violence against Alaska Native women. The theory promotes a comprehensive view of self-determination that includes not only rights or political and economic autonomy but also cultural, social, and gender equity within Indigenous communities. It postulates that realizing Indigenous self-determination requires addressing all relations of domination, including violence against women. A more expansive concept of Indigenous self-determination measures success by the flourishing of both collective and individual self-determination. By adopting this more comprehensive conception, we can foster transformative change across multiple levels of governance, creating environments where both institutional and personal dimensions of self-determination are fully realized. I have employed the theory to explore the jurisdictional, institutional, and societal barriers that hinder Alaska Native tribes from addressing gendered violence within the context of self-determination.

The most significant jurisdictional challenge is the lack of tribal authority, which is further complicated by unclear Alaska Native legal status at the state

level. The state's failure to acknowledge the sovereign status of Alaska Native peoples until 2022, coupled with the complexity and at times confusion created by ANCSA's termination of aboriginal rights, has contributed to an extended dispute over jurisdiction between the state and Alaska Native tribes. Consequently, Alaska Native tribes have encountered continuous challenges to their self-determination, impeding their capacity to efficiently govern and manage their own affairs. Deprived of legal acknowledgment of their sovereignty, Alaska Native tribes have faced challenges in asserting their rights and safeguarding their interests against state and federal policies that frequently overlook their needs and concerns.

The concrete impacts of the two major pieces of legislation from 2022 — the state legislation formally recognizing tribes and the VAWA reauthorization legislation — remain to be seen. It is uncertain whether the state legislation will alter the long-standing lack of political will and resistance from the Alaska legislative and executive branches in strengthening tribal sovereignty and jurisdictional authority. Similarly, the extent to which VAWA 2022 will address gaps in tribal jurisdiction and enhance safety in rural Alaska, as suggested by Senator Murkowski at the 2022 Tanana Chiefs Conference Annual Convention, is still to be determined.<sup>14</sup>

The biggest institutional problems relate to the establishment of Alaska Native corporate structure that is seen by many as in competition with tribal governments over jurisdictional issues. Corporations lack the legal capacity to act as governing bodies for Alaska Native people. Consequently, they are unable to fulfill essential roles such as providing social services, enacting legislation, establishing tribal courts, or safeguarding Alaska Native women against violence. Rather than ANCSA corporations, it is the Alaska Native nonprofit organizations or corporations, established to administer social services, that have closer affiliations with tribal governments. The existence of numerous institutions overseeing Alaska Native affairs adds complexity to addressing violence against Indigenous women as a matter of self-determination. It also creates confusion among victims regarding whom to turn to when experiencing violence. The jurisdictional complexity complicates the implementation of necessary measures to understand and effectively address the issue in a manner that recognizes and respects the right to self-determination both at individual and collective levels.

Numerous tribes in Alaska acknowledge the importance of giving precedence to the problem of violence against women, yet they might lack the knowledge or resources to effectively address this issue. Others have not yet fully recognized the urgency of gender-based violence. As Jerue notes, it takes some hard decision-making and community action, but progress can be made, and many communities are actively working to make positive changes and demand access to necessary resources and services. Unfortunately, however, sometimes it takes a traumatic incident for a community to realize the need for change (Jerue. April 5, 2022. Interviewed by author, Fairbanks, AK).

The article's findings contribute to political science by revealing the inadequacies of conventional sovereignty frameworks in addressing the intersection of gender violence and Indigenous self-determination. They call for a

more nuanced understanding of relational sovereignty, which accounts for overlapping jurisdictions and the lived experiences of marginalized groups in governance discourse. These findings also emphasize the necessity of reframing policy approaches to view gender violence as inseparable from broader issues of Indigenous sovereignty and self-determination. By addressing the interconnected challenges of jurisdiction, governance, and community safety, policy-makers can better support holistic solutions that align with the lived realities of Alaska Native women and their communities.

Research from other Indigenous communities shows that when leaders value the contributions of all members in establishing and implementing self-determination, they also recognize that gendered violence is a major barrier to advancing this goal. This approach ensures the well-being of each member and, by extension, the entire community. Acknowledging the significance of individual self-determination is a foundational requirement for establishing more resilient communities capable of efficient governance and strategic planning for the future (Kuokkanen 2019).

Recognizing the interdependence of individual well-being and community well-being in the process of building and implementing self-determination cannot be overstated. By fostering the well-being of all members of the community and actively involving everyone in the process, communities can build stronger, more resilient, and more inclusive Indigenous societies where everyone, regardless their gender, can fully participate in and contribute to the community-building and thus, advance self-determination.

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## Notes

1. Affirmative consent refers to an explicit, voluntary, and ongoing agreement to engage in specific sexual activity, given without coercion or pressure.
2. Considering the article's focus on Indigenous self-determination, I have not explored the role of racism and racial injustice in the inadequate response to violence against Indigenous women in Alaska. This issue is a recognized problem (Alaska Advisory Committee to the U.S. Commission on Civil Rights 2002) but it was not raised by participants during the interviews and conversations.
3. See also the results of the Alaska Victimization Survey at <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/avs/avs-results/statewide-results.cshhtml>. Accessed January 23, 2025.
4. Funded by the Fulbright Arctic Initiative 3, I was a visiting scholar at the University of Alaska Fairbanks from March 7 to April 14, 2022.
5. Indian country is a legal term referring to all land within the boundaries of Native American reservation.
6. Nonprofit organizations established in the 1910s to advocate for Alaska Native rights.

7. Statement by the Alaska Native Women's Resource Center (AKNWRC) on the passage of Bipartisan *Violence Against Women Act Reauthorization*, February 11, 2022.
8. Senator Murkowski's address at the annual Tanana Chiefs Conference Annual Convention, March 15, 2022.
9. Chilkat Tlingit and an Eagle from the Thunderbird Clan and the House Lowered from the Sun in Klukwan, currently the president of Sealaska Heritage Institute.
10. On recent policy changes by the Department of the Interior regarding the eligibility of post-ANCSA trust acquisitions, see (Studler 2024).
11. The 8(a) Business Development Program supports small businesses owned by socially or economically disadvantaged individuals by providing them with access to government contracts, funding, mentorship, and technical assistance to help them compete effectively in the federal marketplace.
12. <https://www.tananachiefs.org/tcc-commends-the-alaska-u-s-congressional-delegations-action-to-support-the-safety-of-indigenous-women-and-children-by-re-authorizing-the-violence-against-women-act-2022/>.
13. This topic was not addressed in my discussions with research participants. The reasons presented here can be regarded as potential explanations, but they require verification through further study, as there is a gap in research regarding perceptions on law enforcement in Alaska Native communities.
14. Senator's address, March 15, 2022.

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