

**Dispossession, Violence, Resistance:
First Nations and Mapuche Women in the face of settler colonial patriarchy**

by

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Abstract

This paper presents a comparative analysis of First Nations and Mapuche women's experiences within colonial patriarchy from an interdisciplinary approach, integrating a review and analysis of historical, feminist, and decolonizing secondary sources through three sections: dispossession, violence, and resistance. Using settler colonialism, patriarchal colonialism, and *cuervo-territorio* as exploratory frameworks, it shows how colonial assimilation policies and systemic marginalization relate to direct forms of violence against Indigenous women in Canada and Chile, allowed and perpetuated by the state. By drawing attention to the intersections between Indigenous bodies and lands, this analysis also underscores how Indigenous women have organized and challenged colonial patriarchy throughout history. Comparing these realities provides insight into how Indigenous women have fought against oppressive systems beyond and within their communities, pointing towards decolonizing the present and future in the Americas.

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Introduction

On December 10, 2006, Kelly Morrisseau, who was seven months pregnant, was found unconscious and wounded in Gatineau Park. She died soon after being taken to the hospital. Ten years later, in December 2016, the Gatineau Police released further details on her case, hoping to identify her murderer.¹ Two months earlier, on October 16, 2016, Lorenza Cayuhan gave birth with her ankles shackled. A prison officer was in the hospital room the whole time, watching her.² Kelly and Lorenza had a few things in common: they were both women, seven months pregnant, mothers, and Indigenous. Kelly was from Sagkeeng First Nation in Manitoba, and Lorenza is Mapuche from the Mawidanche community in Chile. Drawing parallels between these two stories may not make sense at first glance – we must look closer.

Kelly and Lorenza had to navigate their local criminal justice systems for different reasons. Before her death, Kelly had been sentenced to twelve months' probation on an assault charge, and her children were apprehended and placed into foster care.³ Her case, among many others, got traction amid Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), announced in 2015. Sagkeeng First Nation, Kelly's home community, has the highest number of missing and murdered Indigenous women in the country.⁴ Similarly, months before giving birth, Lorenza was sentenced to five years in prison for being allegedly involved in the theft of equipment from a logging company located in Wallmapu

¹ "Missing & Murdered: The Unsolved Cases of Indigenous Women and Girls. Kelly Morrisseau," CBC News, accessed November 2, 2024, <https://www.cbc.ca/missingandmurdered/mmiw/profiles/kelly-morrisseau>.

² Alejandra Carmona López, "Parir con grilletes: el caso de Lorenza Cayuhan nuevamente cuestiona a Gendarmería," *El Mostrador*, October 20, 2016, <https://www.elmostrador.cl/noticias/pais/2016/10/20/parir-con-grilletes-el-caso-de-lorenza-cayuhan-nuevamente-cuestiona-a-gendarmeria/>.

³ "Missing & Murdered: Kelly Morrisseau," CBC News.

⁴ "Sagkeeng First Nation has most unsolved cases of missing or murdered indigenous women," *CBC News*, April 9, 2015, <https://www.cbc.ca/news/canada/manitoba/sagkeeng-first-nation-has-most-unsolved-cases-of-missing-or-murdered-indigenous-women-1.3025156>.

(called Ngulumapu or Gulumapu to the west of the Andes), ancestral territory of the Mapuche people and home to the Mawidanche community.⁵ Lorenza is one of many Mapuche women who have been arrested during conflicts with companies in Ngulumapu. From Canada to Chile, the lives of Indigenous women are intertwined with systems that fail to protect them and, at the same time, subject their bodies and lands to violence. We must go back five hundred years to understand why.

In the fifteenth century, Columbus' "discoveries," backed by the Spanish Crown, were recognized as Spain's property through papal bulls. Other European nations followed, seeking and claiming ownership of their "newly discovered" lands in the Americas.⁶ Land dispossession, essential to Europe's colonial enterprises, extended for centuries in both North and South America. The development of settler colonial theory (SCT) has elucidated the connections between land dispossession and the elimination of Indigenous populations. Patrick Wolfe's contributions to SCT framed settler colonialism as a land-centred structure rather than an event and, simultaneously, a project to eliminate Indigenous societies through the "logic of elimination."⁷ Wolfe's work, though relevant, must be considered in conversation with Indigenous histories when applying SCT to analyses regarding Indigenous peoples. J. Kēhaulani Kauanui highlights the need to centre Indigeneity in discussions about settler colonialism and,

⁵ Francisca Quiroga, "Lorenza Cayuhan a 3 años de ser obligada a parir engrillada: "Yo creo que no va a haber justicia, no hubo y no habrá,"" *El Mostrador*, February 2, 2019, <https://eldesconcierto.cl/2019/02/20/lorenza-cayuhan-a-3-anos-de-ser-obligada-a-parir-engrillada-yo-creo-que-no-va-a-haber-justicia-no-hubo-y-no-habra>.

⁶ Robert J. Miller, "The Doctrine of Discovery: The International Law of Colonialism," *The Indigenous Peoples' Journal of Law, Culture, & Resistance* 5 (2019): 36-37, <https://www.jstor.org/stable/48671863>.

⁷ Patrick Wolfe, "Settler colonialism and the elimination of the native," *Journal of Genocide Research* 8, no. 4 (2006): 390-93, <https://doi.org/10.1080/14623520601056240>.

instead of relegating it to the past, consider dispossession as an ongoing structure that should be confronted by centring Indigenous sovereignty.⁸

Various feminist academics have contributed to this area of study by addressing the role of colonialism in the establishment of patriarchal institutions. M. A. Jaimes*Guerrero emphasizes the introduction of notions that placed non-white “races,” and all women, as inferior against the presumed superiority of the European male, thus establishing “patriarchal colonialism” in the Americas.⁹ Jaimes*Guerrero argues that the imposition of patriarchal colonialism, as part of the process of European conquest, has led to the degradation and subjugation of Indigenous lands (“nature”) and women.¹⁰ Other scholars have explored the central role of patriarchy in colonization. Suzanne Spencer-Wood extends patriarchal colonialism to understand gender and sexual colonization by European powers, arguing that sexual violence against Indigenous women was, and continues to be, central to colonial institutions.¹¹ Further, Indigenous feminist academics in Latin America have used *cuero-territorio* (body-territory/land) to conceptualize the connection between body and land, particularly in the contexts of Indigenous peoples in the region. Latin American *cuero-territorio* implies that colonial violence against Indigenous lands is inherently linked to violence against Indigenous women and vice versa.¹²

⁸ J. Kēhaulani Kauanui, “‘A Structure, Not an Event’: Settler Colonialism and Enduring Indigeneity,” *Lateral* 5, no. 1 (2016), <https://www.jstor.org/stable/48671433>.

⁹ M. A. Jaimes*Guerrero, “Patriarchal Colonialism’ and Indigenism: Implications for Native Feminist Spirituality and Native Womanism,” *Hypatia* 18, no. 2 (2003): 65, <http://www.jstor.org/stable/3811011>.

¹⁰ Jaimes*Guerrero, “Patriarchal Colonialism’ and Indigenism,” 67-68.

¹¹ Suzanne M. Spencer-Wood, “Feminist Theorizing of Patriarchal Colonialism, Power Dynamics, and Social Agency Materialized in Colonial Institutions,” *International Journal of Historical Archaeology* 20, no. 3 (2016): 483-85, <http://www.jstor.org/stable/26174303>.

¹² Carol Lynne D’Arcangelis and Lorna Quiroga, “Cuerpo-Territorio: Towards Feminist Solidarities in the Americas,” *Revista Eletrônica Da ANPHLAC* 23, no. 35 (2023): 155-60, <https://doi.org/10.46752/anphlac.35.2023.4140>.

This major research paper integrates a review and analysis of historical, feminist, and decolonizing secondary sources. It aims to juxtapose the experiences of First Nations and Mapuche women as they face colonial patriarchy in three chapters: dispossession, violence, and resistance. From a critical and decolonial perspective, this major research paper answers three main questions: How were First Nations and Mapuche people dispossessed of their land? How and why does this dispossession relate to violence against Indigenous women? And, ultimately, in which ways do they resist? Using SCT, colonial patriarchy, and *cuero-territorio* as frameworks, each section reviews the colonial and Indigenous history that has shaped the realities of First Nations and Mapuche women in what are now Canada and Chile.

Dispossession: Brief histories of settler colonialism and Indigenous lands

According to the SCT, territoriality is the basis for forming the settler colonial state. Through the logic of elimination, the dispossession of Indigenous peoples creates a new colonial society on the expropriated land base.¹³ These logics of dispossession and elimination were present in the European settler colonial projects in the Americas, including Spain and Portugal in Latin America. However, research on settler colonialism in Latin America remains underdeveloped due to concerns raised by Latin American scholars about the suitability of SCT to non-Western contexts. This hesitancy has made it difficult to raise an inclusive North-South dialogue.¹⁴ The historical similarities of Canadian and Chilean settler colonial projects provide an opportunity for North and South American settings to converse, premised on the recognition that Canada and Chile operate historically and contemporarily under the logic of elimination.

Recognizing the potential of SCT to enrich this comparative analysis, what follows is an account of Canadian and Chilean settler colonial histories and nation-building efforts on Indigenous lands. The dispossession and assimilation of First Nations and Mapuche people, respectively, the largest Indigenous groups in Canada and Chile, serve as case studies to illustrate how the ongoing logic of elimination has played out in North and South America. This section also contributes to the nascent North-South dialogue by tracing methods of land dispossession in the Canadian and Chilean settler colonial projects, setting up a foundation for further analysis on how the dispossession of Indigenous lands and the violence against Indigenous women are interwoven and at the core of settler colonialism.

¹³ Wolfe, "Settler colonialism and the elimination of the native," 388.

¹⁴ M. Bianet Castellanos, "Introduction: Settler Colonialism in Latin America," *American Quarterly* 69, no. 4 (2017): 777-78, <https://dx.doi.org/10.1353/aq.2017.0063>.

1.1 First Nations, treaties, and reserves

For centuries, Indigenous peoples in what is now Canada established their worldviews based on the traditional understanding of the land as a relative with agency and worthy of respect.¹⁵ Although Indigenous understandings of territory vary, First Nations people have a shared connection to the land that now constitutes Canada. In creation stories such as that of Sky Woman (Haudenosaunee) and First Woman (Anishnaabe), *creating* the land means *becoming* the land and those who inhabit it, an extension of that very land.¹⁶ On the contrary, settlers understand land as a commodity and property, making dispossession and exploitation central to the settler-colonial project.¹⁷ Bev Sellars, Chief of the Xat’sull First Nation in British Columbia, explained that “...[W]e all had our territories to service the needs of all our people and sharing was a required part of our culture. The resources were harvested on a rotational basis to keep the land healthy. ...When the newcomers came, and the power tilted their way, they realized that those were the pieces of land they wanted, and they took them.”¹⁸

Conquest and “discovery” facilitated colonial expansion across Turtle Island, where colonial powers claimed sovereign rights over Indigenous lands from the sixteenth century onwards. In what would become Canada, settlers established “cooperative” agreements with Indigenous peoples, known as treaties, to acquire lands and access resources.¹⁹ In 1763, the British Crown claimed much of northern North America. The Royal Proclamation addressed the

¹⁵ Clifford Atleo and Jonathan Boron, "Land Is Life: Indigenous Relationships to Territory and Navigating Settler Colonial Property Regimes in Canada," *Land* 11, no. 5 (2022): 609, <https://doi.org/10.3390/land11050609>.

¹⁶ Vanessa Watts, "Indigenous Place-Thought and Agency Amongst Humans and Non-Humans: (First Woman and Sky Woman Go on a European World Tour!)" *Decolonization* 2, no. 1 (2013): 20-34, <https://jps.library.utoronto.ca/index.php/des/article/view/19145>.

¹⁷ Atleo and Boron, "Land Is Life," 609.

¹⁸ Bev Sellars, "Workarounds and Memorials – Early Effects of the Indian Act" in *Price Paid: The Fight for First Nations Survival* (Vancouver: Talonbooks, 2016), 65.

¹⁹ Atleo and Boron, 609.

“Nations or Tribes of Indians,” promising to protect the occupancy of the lands and, at the same time, assert British dominion by establishing the Crown’s sole right to purchase their lands.²⁰ In practice, Indigenous peoples maintained the “right” to stay in their territories, but colonial land acquisition, as established by the Crown, continued through treaties and the reserve system. The Royal Proclamation also represented a shift from European settler efforts to a higher colonizing project in Indigenous territories. Treaty-making processes between the British Crown (and later, the Canadian government) and Indigenous peoples were based on the colonial land acquisition through “mutually beneficial” agreements.²¹

First Nations communities, such as the Mi’kmaq in what is now Nova Scotia, had signed treaties of coexistence and friendship with the British, but at no point did they agree to surrender their land, and instead, were forced out when settlers took over.²² The reserve system, introduced by the British in some of the early treaties with Indigenous communities in Upper Canada, was created to remove them from their lands and make space for white settlements.²³ Once established, the Canadian government took over responsibility for the land once “discovered” by the British and French, including reserve lands, and continued to enact policies that would later undermine Indigenous peoples, including First Nations communities. This continuum of settler colonial dispossession and acquisition was to First Nations understandings of land as a “sacred responsibility and sacred trust.”²⁴ The Canadian government and Indigenous nations negotiated

²⁰ Jennifer Reid, “The Doctrine of Discovery and Canadian Law,” *The Canadian Journal of Native Studies* 30, no. 2 (2010): 342-43, <https://caid.ca/CanDocDis2010.pdf>.

²¹ Atleo and Boron, 609.

²² Geoffrey York, “Inside the Reserves,” in *The Dispossessed: Life and Death in Native Canada* (Toronto: McArthur, 1999), 56.

²³ York, “Inside the Reserves,” 57.

²⁴ Karine Duhamel, “Treaty 1 in Context: Understanding Spirit and Intent,” *Canadian Issues* (Spring, 2021): 39, <https://uml.idm.oclc.org/login?url=https://www.proquest.com/scholarly-journals/treaty-1-context-understanding-spirit-intent/docview/2548697914/se-2>.

eleven numbered treaties regarding reserve lands, hunting and fishing rights, education, and medical care, among other promised benefits.²⁵ Canada has understood the various treaties in Indigenous lands as transactional, where Indigenous peoples surrendered their lands, whereas Indigenous communities viewed treaties as frameworks to govern coexistence in a shared space.²⁶ For example, Treaty No. 1, signed in 1871 between the Anishinaabe of southern Manitoba and the Crown, was negotiated in terms that did not align with Anishinaabe relationships with *Nimaamaa Aki* (Mother Earth). Anishinaabe did not think they were surrendering their land but were instead sharing its resources under a “sharing treaty.”²⁷ On the contrary, settler officials saw treaty-making as a way of securing access to Indigenous land and resources and negotiated in terms that would allow them to do so.²⁸ These different perspectives led to unfulfilled promises and disputes between First Nations and the government in terms of land ownership, reserves, and the use of natural resources.

In 1876, the enactment of the Indian Act (hereinafter, “Act”) further entrenched a settler colonial approach to living on the land. Under this legislation, the federal government gained legal control over reserve lands, and Indigenous communities were to “use” the land as allowed without being legally entitled to it.²⁹ The Act also restricted reserve size, limiting communities and families to live in small plots of land that could not provide enough resources and space for everyone.³⁰ The various amendments have managed to maintain the central idea of the settler colonial project backed by the Act of 1876: the elimination of Indigenous societies. From the

²⁵ Hill, *500 Years of Indigenous Resistance*, 46.

²⁶ Gina Starblanket, “The Numbered Treaties and the Politics of Incoherency,” *Canadian Journal of Political Science* 52, no. 3 (2019): 443–59. <https://doi-org.uml.idm.oclc.org/10.1017/S0008423919000027>

²⁷ Aimee Craft, “The Anishinaabe at the Stone Fort: The People who Belong to this Land,” in *Breathing Life into the Stone Fort Treaty: An Anishnabe Understanding of Treaty One* (Vancouver: UBC Press, 2013), 61-62.

²⁸ Duhamel, “Treaty 1 in Context,” 40.

²⁹ York, “Inside the Reserves,” 58.

³⁰ Sellars, “Workarounds and Memorials,” 66.

definition of “Indian” itself and policies of enfranchisement to the supervision of kinship and use of lands, the Act has reinforced the logic of elimination and infiltrated every aspect of Indigenous lives.³¹ From the disruption of their governments and sovereignty to sustained marginalization tied to land dispossession, the reality for most Indigenous communities in Canada remains one where their women, children, and men are at an economic and social disadvantage.

³¹ Mary-Ellen Kelm and Keith D. Smith, introduction to *Talking Back to the Indian Act: Critical Reading in Settler Colonial Histories* (Toronto: University of Toronto Press, 2018), 4-8.

1.2 Colonial occupation and interventions in Ngulumapu

After Spain took possession of the “discovered” lands in what is now Chile, the Spanish Crown enacted laws to facilitate the settlement of Spaniards to occupy the colony permanently. Throughout the sixteenth century, the Crown managed land sales and distribution to settlers, limiting Indigenous ownership rights over traditional lands, as these were subject to Spain’s overall control.³² The Spanish forces were mostly undefeated, and because Indigenous peoples living on those lands were under the Crown’s rule, the government assumed control over their rights.³³ The Mapuche, inhabitants of Wallmapu for centuries before the conquest and colonization processes, were particularly fierce against the Spanish rule, gaining recognition of part of their territory as an “Indian country” independent from the Crown.³⁴ Located south of the Biobio River, they were able to maintain almost all their sovereign powers due to their resistance against military conquests and through signing treaties with Spain.³⁵ A full description of the three-centuries-long Arauco War between Mapuche and Spanish forces will not be discussed since it is beyond the scope of this paper. However, it is relevant to note that the resolution of this conflict with the Quilin Treaty of 1641 recognized Mapuche sovereignty over their lands, establishing the Biobio River as a colonial borderland between the Spanish and Mapuche territories.³⁶

³² Robert J. Miller, Lisa LeSage, and Sebastián López Escarcena, “The International Law of Discovery, Indigenous Peoples, and Chile,” *Nebraska Law Review* 89, no. 4 (2010): 858, <https://digitalcommons.unl.edu/nlr/vol89/iss4/6>.

³³ Miller, LeSage, and Escarcena, “The International Law of Discovery,” 865.

³⁴ Beatriz Marín-Aguilera, Leonor Adán Alfaro, and Simón Urbina Araya, “Challenging Colonial Discourses: The Spanish Imperial Borderland in Chile from the Sixteenth to the Nineteenth Century,” in *Transnational Perspectives on the Conquest and Colonization of Latin America*, eds. Jenny Mander et al. (New York: Routledge, 2019): 87, <https://doi.org/10.4324/9780429330612>.

³⁵ Miller, LeSage, and Escarcena, “The International Law of Discovery,” 866.

³⁶ Marín-Aguilera, Adan Alfaro, Urbina Araya, “Challenging Colonial Discourses,” 86.

In the nineteenth century, Chile's declaration of independence from Spain and the start of nation-building processes significantly changed the nature of the state's relationship with the Mapuche people. In 1852, the Chilean state enacted a law creating the Province of Arauco (or "Araucanía") to seize Mapuche control over the lands south of the Biobio River.³⁷ This law also authorized the President of Chile to dictate any ordinances necessary to civilize the Mapuche people, echoing the widespread notion of "Indians" as a group that needed to be assimilated into the superior Chilean civilization.³⁸ In practice, the law enabled the government to start a military invasion, land dispossession and displacement process. The "Occupation of Araucanía" was the government-mandated campaign to occupy Mapuche lands, renewing a settler colonial project in Chile that started with Spanish colonization.

Before the Occupation, Mapuche society organized land tenure through a complex set of collective and individual rights to the land, divided into different *lof* (kin groups) and authorized by the local *lonkos* (chiefs of the *lof*) with no rigid boundaries of land demarcation.³⁹ The military campaigns and negotiations brought by the Occupation disrupted this approach to land ownership. Some *lonkos* who maintained communication with state authorities argued that the state had acquired their lands illegally and violated previous agreements, claiming rights over their own lands.⁴⁰ For decades after the Occupation ended, Chilean historians framed this process as "peaceful," "friendly," and "without any resistance" from the Mapuche.⁴¹

³⁷ Joanna Crow, "Histories of Conquest: The Occupation of Araucanía and Its Consequences, 1862–1910," in *The Mapuche in Modern Chile: A Cultural History* (Gainesville: University Press of Florida, 2013), 19, <https://muse.jhu.edu/book/20776>.

³⁸ Miller, LeSage, and Escarcena, 874.

³⁹ Piergiorgio Di Giminiani, "The Becoming of Ancestral Land: Place and Property in Mapuche Land Claims," *American Ethnologist* 42, no. 3 (2015): 492, <http://www.jstor.org/stable/43867984>.

⁴⁰ Herr, "Settler Colonialism in Araucanía," 90-92.

⁴¹ Crow, "Histories of Conquest," 28-29.

In her research on Mapuche-Chilean state relations, Joanna Crow notes that the narratives of race and nationhood that came with Chile's independence, namely, the "civilized" Chilean identity and "civilizing" state, were widespread during this period.⁴² Hence, it makes sense that the state encouraged European settlements, expanded the dispossession of Indigenous lands, and relocated Mapuche people to *reducciones* (reserves).⁴³ These settler colonial practices were codified in the 1866 and 1874 colonization laws, allowing military officials to take over and gradually incentivizing European farmers to settle in Mapuche lands.⁴⁴ Once the Chilean military took full control of Araucanía in 1883, the government implemented a Mapuche "resettlement" plan, expanding the reserve system through the allocation of collective land titles called *titulos de merced* ("mercy titles"), confining the Mapuche population to a fraction of their ancestral land.⁴⁵ For Mapuche people, their ancestral territory binds humans, the environment, and spiritual forces together: the *mapu* (land) is the space from where the *che* (Mapuche people) emerged, therefore inseparable.⁴⁶ The state disrupted this space, putting aside the majority of Mapuche lands for European and Chilean farmers' settlements in the name of economic development, disregarding Mapuche communities' connection to the land and even disrupting familial burial grounds.⁴⁷

⁴² Crow, 41-45.

⁴³ Pilar M. Herr, "Settler Colonialism in Araucanía: The Mapuche's Defense of Their Lands and Citizenship Rights Through the Medium of Letters in Nineteenth Century Chile," *The Latin Americanist* 68, no. 1 (2024): 85-97, <https://dx.doi.org/10.1353/tla.2024.a923802>.

⁴⁴ Romina Green Rioja, "Land and the Language of Race: State Colonization and the Privatization of Indigenous Lands in Araucanía, Chile (1871–1916)," *The Americas* 80, no. 1 (2023): 76-77, <https://doi-org.uml.idm.oclc.org/10.1017/tam.2021.143>.

⁴⁵ Di Giminiani, "The Becoming of Ancestral Land," 492.

⁴⁶ María Montenegro, "Documenting Territorialidad: An Intercultural Approach to the Provenance of Mapuche Land Records," *Archival Science* 24, no. 4 (2024): 931-32, <https://doi.org/10.1007/s10502-024-09466-6>.

⁴⁷ Green Rioja, "Land and the Language of Race," 87.

By the mid-twentieth century, settler colonialism was embedded in Chile's racialized and intricate legal and societal structures, systematically impoverishing Araucanía.⁴⁸ Restitution of Mapuche land, including the return of lands expropriated by non-Indigenous settlers and related to *titulos de merced*, was made possible through legal reforms in 1962-1973.⁴⁹ Augusto Pinochet's seventeen-year military dictatorship (1973-1990) terminated those efforts, limiting any existing Mapuche land rights and advancements toward land restitution made under democracy.⁵⁰ Pinochet also attempted to assimilate the Mapuche by erasing Indigeneity in the Constitution, establishing Mapuche territory and people as exclusively Chilean.⁵¹ The remains of dictatorship-era assimilation and elimination policies set a precedent for the contemporary notion of Araucanía as a contested territory and continue to shape Chilean state-Mapuche relationships today.

⁴⁸ Jacob J. Sauer, "'Iñche Kai Che': Settler Colonialism and Erasing the Past in Gulumapu/Chile," *Settler Colonial Studies* 13, no. 1 (2022): 59, <https://doi-org.uml.idm.oclc.org/10.1080/2201473X.2022.2028995>.

⁴⁹ Montenegro, "Documenting Territorialidad," 928.

⁵⁰ Di Giminiani, "The Becoming of Ancestral Land," 492.

⁵¹ Sauer, "'Iñche Kai Che,'" 59.

Violence: From lands to bodies

Settler colonialism is inherently gendered, as settler colonial and patriarchal logics are intertwined and manifest through violence on Indigenous lands and against Indigenous women. It is also inevitably and persistently violent: settler colonial states mandate Indigenous dispossession through invasion, hyper-policing, child removal, and all other forms of state-enforced violence that continue to uphold the logic of elimination today.⁵² Indigenous feminist academics in North and Latin America have discussed the conjunction of colonial patriarchy, or patriarchal colonialism, that perpetuates violence against Indigenous women and their *cuerpo-territorios* (body-territory/land). These concepts encompass how colonial dispossession is embodied by Indigenous women and determine that, like settler colonialism, [settler] colonial patriarchy is an ongoing structure.

Settler colonial narratives of conquest and consumption, represented in the sexualization of Indigenous women's bodies and seizure of their lands, entrenched the idea that Indigenous lands and bodies are for the taking.⁵³ Land dispossession and violence to/in the land have enabled bodily violence against Indigenous women, thus foundational to settler colonial states, extending from reserves to urban areas and creating marginalized spaces for Indigenous bodies. It is from within the intersecting borders of settler colonialism, patriarchy, and violence embedded in Indigenous women's lands and bodies that this section examines First Nations and Mapuche women's experiences through the Canadian and Chilean settler colonial projects.

⁵² Sarah Maddison and Julia Hurst, "The violences of settler colonialism and the maintenance of the heteropatriarchal social order," in *Interconnecting the Violences of Men: Continuities and Intersections in Research, Policy and Activism*, eds. Kate Seymour et al. (Routledge, 2024), 188-89, <https://doi.org/10.4324/9781003415077-12>.

⁵³ Kim Anderson, "Native Women, the Body, Land, and Narratives of Contact and Arrival," in *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community*, eds. Hester Lessard et al. (Vancouver: UBC Press, 2011), 73.

2.1 Violence against First Nations women: Legal and structural dimensions

Gendered violence against Indigenous women has been foundational to the formation of the Canadian state. Canada's codification of these practices in the Indian Act provided a foundation for state-allowed violence against Indigenous women. The Indian Act of 1876 and its following amended versions have severely undermined Indigenous women, as the provisions that granted "Indian status" were defined by and for men, particularly section 12(1)(b). The provisions under this section had consequences for Indigenous throughout their lifetimes. If a Status Indian woman married a non-Status Indian man, she had to leave her reserve, and even if she became legally single again, she could not return to her community nor be buried in reserve land after death.⁵⁴ If she were to marry a man without Indian status, she would not be recognized as such herself, and if married to a man from a different band, she would be transferred to her husband's.⁵⁵ These patrilineal and patriarchal provisions also redefined the roles that First Nations women played in their communities and systems of governance (band councils), excluding them from leadership positions.⁵⁶

The Indian Act limited Indigenous women's lives and access to their communities and lands, sidelining them based on European notions of marriage and purely based on gender. Most enfranchisements under the application of section 12(1)(b) were non-voluntary.⁵⁷ For First Nations women, enfranchisement meant losing their Indigenous identity and enduring discrimination when they moved outside of their home communities, facing the loss of their

⁵⁴ Kathleen Jamieson, "The Status of Indian Women – Moral Dilemma or Political Expediency?" in *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Minister of Supply and Services, 1978), 1.

⁵⁵ Jamieson, "The Status of Indian Women," 8.

⁵⁶ Mary Eberts, "Being an Indigenous Woman Is a 'High-Risk Lifestyle'," in *Making Space for Indigenous Feminism*, 2nd ed., ed. Joyce Green (Black Point: Fernwood Publishing, 2017), 70.

⁵⁷ Jamieson, "The Indian Act of 1951," in *Indian Women and the Law in Canada* (see note 57), 63-64.

culture and traditions while being socially rejected by white society.⁵⁸ Thus, the Indian Act itself materializes methods of assimilation to impose patriarchy and establish white and male dominance over Indigenous women, making them “disappear.”⁵⁹

In this vein, Audra Simpson argues that the Canadian settler state requires the death and “disappearance” of Indigenous women to maintain and secure sovereignty and thus has historically taken possession of Indigenous lands and killed Indigenous women to achieve this.⁶⁰ The violence inflicted upon Indigenous women in Canada corresponds with their legal mandate to disappear, as stipulated in the Indian Act’s provisions that discriminate against them and restrict their rights, eliminating them. Simpson explains that, to the settler eye, Indigenous women are objects of extraction, linking the settler colonial project of dispossession to the erasure of Indigenous women. Ingrained in the settler colonial state and personified in those (white male citizens) who target Indigenous women, Simpson declares the consequences of such violence: “Native women will be killed by this country and its people.”⁶¹

Sherene H. Razack’s inquiry on the murder of Pamela George, a woman from Sakimay First Nation, by two young, middle-class, white men echoes Simpson’s exploration of the “disappearances” and the legal and physical death of Indigenous women. Razack historicizes George’s life and death, posing questions as to why these men felt entitled to her body in that specific location, in what she describes as a fully colonial encounter.⁶² Linking dispossession and

⁵⁸ Jamieson, *Indian Women and the Law in Canada*, 71-72.

⁵⁹ Mary Eberts, Shelagh Day, and Sharon McIvor, “Settler Colonialism in Canada: Making “Indian” Women Disappear,” in *Making Space for Indigenous Feminism*, 3rd ed., ed. Gina Starblanket (Halifax: Fernwood Publishing, 2024), 74.

⁶⁰ Audra Simpson, “The State is a Man: Theresa Spence, Loretta Saunders and the Gender of Settler Sovereignty,” *Theory & Event* 19, no. 4 (2016), <https://muse.jhu.edu/article/633280>.

⁶¹ Simpson, “The State is a Man.”

⁶² Sherene H. Razack, “Gendered Racial Violence and Spatialized Justice: The Murder Pamela George,” *Canadian Journal of Law and Society* 15, no. 2 (2000): 96, <https://doi-org.uml.idm.oclc.org/10.1017/S0829320100006384>.

confinement to reserves and marginalized areas of the city as factors that reproduce violence and sexual brutality against Indigenous women, Razack argues that George was murdered because her body was seen as innately belonging to a space of violence.⁶³ The “Stroll,” an area where she and many other Indigenous women engaged in prostitution, was the opposite of a white, all-masculine, “respectable” space.⁶⁴ Therefore, in encountering these men in this racialized and gendered space as an Indigenous woman, her murder was produced as inevitable and permissible.⁶⁵ During the trial and after their conviction, George’s murderers were still perceived as far removed from this racially bounded space, while Pamela never left it. This space beyond justice marked her as a body to be violated, far from the protection of the law.⁶⁶

Indigenous women and girls, murdered or missing, have often been described as leading a “high-risk lifestyle,” which generally means they engaged in sex work and/or substance use, further framing their victimization as “inevitable.” The use of this term fails to address that vulnerability to violence has been technically mandated by legislation, creating a system that fractures their communities and families.⁶⁷ Rauna Kuokkanen identifies the economic and social consequences of settler colonialism in Canada, caused by the dispossession of Indigenous lands and livelihoods, abuse endured in residential schools, and racist assimilation policies, as factors that force Indigenous women into dangerous or vulnerable situations, such as extreme poverty and homelessness.⁶⁸ Her analysis, like Razack’s, shows that violence can be committed without

⁶³ Razack, “Gendered Racial Violence,” 97-101.

⁶⁴ Razack, “Gendered Racial Violence,” 113.

⁶⁵ Razack, 117.

⁶⁶ Razack, 118-21.

⁶⁷ Eberts, “Being an Indigenous Woman,” 94-94.

⁶⁸ Rauna Kuokkanen, “Globalization as Racialized, Sexualized Violence: The Case of Indigenous Women.” *International Feminist Journal of Politics* 10, no. 2 (2008): 219-20. <https://doi-org.uml.idm.oclc.org/10.1080/14616740801957554>.

public repercussions or police investigation, making it a space where white masculine superiority can be expressed and reinforced through violence.⁶⁹

Winnipeg, the city with the largest urban Indigenous population in Canada, has been called the epicentre for MMIWG cases. Between 2018 and 2022, Indigenous women and girls made up 65% of female homicides in the city.⁷⁰ Mercedes Myran, Morgan Harris, Rebecca Contois and Mashkode Bizhiki'iklwe (Buffalo Woman) were reportedly murdered in May 2022. Jeremy Skibicki, who was charged with the murder of these four women, was known for frequenting shelters where he would target women, most of them Indigenous.⁷¹ Here, shelters in the city constitute a racially bounded space where violence, or the possibility of violence, becomes expected. Skibicki was able to prey on women in vulnerable situations because his status as a white man made him free to navigate these spaces with entitlement. The remains of two of his victims, Mercedes and Morgan, were recently found in the Prairie Green landfill. The Winnipeg Police Service refused to initiate the landfill search for months. Even in death, Indigenous women's bodies continue to be a nuisance, discarded and made invisible.

Police unwillingness to search the landfill in Winnipeg proves that settler colonial violence is also perpetuated and reproduced by state inaction. Local police departments have been scrutinized for their negligence when handling cases that involve MMIWG, and many officers themselves have been accused of sexual and physical abuse against Indigenous women.⁷² In their study of police inactions in response to violence against Indigenous women in Ontario

⁶⁹ Kuokkanen, "Globalization," 220.

⁷⁰ Brianna Guyot, "Winnipeg is the epicentre for missing and murdered Indigenous women in Canada," *APTN News*, May 19, 2023, <https://www.aptnnews.ca/investigates/winnipeg-murders-brady-landfill-advocates-manitoba-police/>.

⁷¹ Erin Brohman, "Alleged serial killer went to Winnipeg homeless shelters 'looking for the absolute most vulnerable': friend," *CBC News*, December 16, 2022, <https://www.cbc.ca/news/canada/manitoba/jeremy-skibicki-alleged-killer-winnipeg-homeless-shelters-1.6687836>.

⁷² Eberts, "Being an Indigenous Woman," 74-75.

and other regions, Jerry Flores and Andrea Román Alfaro show that through indifference toward Indigenous bodies, alive or dead, and pathologizing (i.e., the use of labels such as “runaways,” “drug addicts,” or “prostitutes”), police justify and maintain settler violence against Indigenous women.⁷³ Labelling Indigenous women as “high-risk” facilitates the police to shift the blame away from structural violence and into their bodies.

This persistent lack of protection and dismissal has led to an overall lack of confidence in law enforcement, which explains the unwillingness to report instances of abuse in the first place (even when they are more likely than non-Indigenous women to experience violent victimization),⁷⁴ creating a never-ending cycle of violence production and reproduction. Settler colonial patriarchy, as an ongoing structure, extends to every corner of Canada, making its way through institutions, spaces, narratives and systems. It ultimately creates an environment where Indigenous women are subject to violence and where their murders and disappearances conflate into a shameful layer within the fabric of the Canadian state.

⁷³ Jerry Flores and Andrea Román Alfaro, “Building the Settler Colonial Order: Police (In)Actions in Response to Violence Against Indigenous Women in ‘Canada,’” *Gender & Society* 37, no. 3 (2023): 400-5, <https://doi.org/10.1177/08912432231171171>.

⁷⁴ See Loanna Heidinger, *Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada*, Canadian Centre for Justice and Community Safety Statistics (Ottawa: Statistics Canada, 2022), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00004-eng.htm>.

2.2 Violence against Mapuche women: Concerning bodies and territories

The historical dispossession of Mapuche lands was a stepping stone for the following decades of government-sponsored repression. The Occupation of Araucanía itself was a thoroughly violent process in which Indigenous lands and bodies were subject to militarized violence and forced displacement. The Chilean settler colonial project was certainly about land, but also about exerting control over Mapuche communities and eliminating *az mongen*, the principle that guides their ways of life, through forced Christianization and the creation of “civilizing spaces.” These spaces were formally established after the military interventions through Christian missions and by settler society in large estates, farms, markets, and other “civilized” public institutions.⁷⁵

The loss of ancestral territory in the aftermath of the Occupation forced many Mapuche women, men, and youth to move to nearby cities and the capital, Santiago, where colonial violence persisted. Claudio Alvarado Lincopi links urban migration to what he calls the *herida colonial* (“colonial wound”) that Mapuche people carry in their minds and bodies, caused by palpable memories of generations of colonial violence.⁷⁶ Alvarado Lincopi reflects on his late grandmother’s experience as an “Indian house servant” and explains that Mapuche women’s bodies were forcibly reduced to servitude and subject to physical and sexual violence.⁷⁷ The colonial, racialized, and gendered settler-Mapuche labour relations in Ngulumapu made their way into the city, as these were geographically “... movable spaces that are not circumscribed to

⁷⁵ Héctor Nahuelpán, Jaime Antimil, and Kathryn Lehman, “Mapuchezugun Ka Mapuche Kimün: Confronting Colonization in Chile (Nineteenth and Twentieth Centuries),” in *Handbook of Indigenous Education*, eds. Elizabeth Ann McKinley and Linda Tuhiwai Smith (Singapore: Springer Singapore, 2019), 71-73, https://doi.org/10.1007/978-981--10-1839-8_24-1.

⁷⁶ Claudio Alvarado Lincopi, “Silencios coloniales, silencios micropolíticos. Memorias de violencias y dignidades mapuche en Santiago de Chile,” *Aletheia* 6, no. 12 (2016): 1-3, <https://www.aletheia.fahce.unlp.edu.ar/article/view/ATHv6n12a09>.

⁷⁷ Alvarado Lincopi, “Silencios coloniales,” 5-6.

the dispossessed land but rather follow the colonized; the colonial relations that undermine them operate wherever there are.”⁷⁸

Mapuche (*Williche*) historian Carolina Carillanca recalls *machi* (traditional healer) Adriana Paredes Pindatray’s words describing Mapuche women as “daughters of dispossession” to encompass not only that of their ancestral territories but also their bodies.⁷⁹ Carillanca states that the expulsion of Mapuche people from their lands is a direct precedent of urban migration, which, in turn, sets the structures that enable bodily exploitation.⁸⁰ As the following generations of Mapuche women migrated to urban areas, these colonial logics moved with them. Most Mapuche women who migrated to Santiago became domestic workers, a role that echoed the colonial understanding of their bodies as subjugated to a settler-master’s needs and disciplinary methods.⁸¹ These racialized and gendered colonial logics that subjugated Mapuche women to domestic labour in settlers’ houses have reshaped into a shared history in many Mapuche families that moved to Santiago, one of dispossession and forced migration.⁸² As pillars of the Mapuche family unit, especially for intergenerational cultural transmission, Mapuche women’s migration to the city also weakened Mapuche communities as a whole.⁸³

⁷⁸ Alvarado Lincopi, “Silencios coloniales,” 7.

⁷⁹ Carolina Carillanca-Carillanca, “Hijas del despojo. Trayectorias laborales de mujeres mapuche urbanas al sur de Wallmapu, 1985-2020,” *Estudios Sociales* 64, no. 1 (2023), <https://doi.org/10.14409/es.2023.64.e0042>.

⁸⁰ Carillanca-Carillanca, “Hijas del despojo.”

⁸¹ Alicia Rain-Rain, Margot Pujal i Llombart, and Enrico Mora Malo, “Mujeres mapuche en la diáspora y el retorno al Wallmapu: Entre micro-resistencias de género y despojos coloniales,” *Chungara* 52, no. 2 (2020): 351, <http://dx.doi.org/10.4067/S0717-73562020005001004>.

⁸² Enrique Antileo Baeza, “Trabajo racializado. Una reflexión a partir de datos de población indígena y testimonios de la migración y residencia mapuche en Santiago de Chile,” *Meridional* 4 (2015): 81-82, <https://meridional.uchile.cl/index.php/MRD/article/view/36531>.

⁸³ María Ignacia Ibarra and Olga Jubany, “The Symbolic Materiality of Land from a Gender Lens: An Intersectional Analysis of Mapuche Women’s Oppressions, Struggles and Political Strategies,” *Journal of Iberian and Latin American Studies* 30, no. 3 (2024): 325, <https://doi.org/10.1080/14701847.2024.2425556>.

Accounts of physical and sexual violence experienced by generations of Mapuche women have their roots in this colonial labour dynamic that involved punishments and humiliation at the hands of *patrones* (“masters,” settler-landowners in what is stolen Mapuche territory) – it was, after all, deemed “labour [exclusively] for Indian women.”⁸⁴ In a 2020 interview-based study, Mapuche women from different generations shared their experiences as domestic workers in Santiago, tracing their subordination within these ongoing colonial structures. Through their stories, they unveiled that the discrimination they faced in the city is built upon existing stereotypes and sexist narratives around what it means to be a Mapuche woman.⁸⁵ The media plays an important role in the production and reproduction of these narratives, particularly for women who still live in Wallmapu and actively participate in their communities’ acts against state violence. Patricia Richards, in her research on the representations of Mapuche women in Chilean printed media, indicates that, in many cases, they are subject to racial and gendered stereotypes that assume them as “different” and “dangerous” compared to Chilean women, embodying the “barbaric” nature of being Mapuche.⁸⁶ Consequently, the cycle of the settler colonial logics of elimination and the need for “civilizing” spaces is reproduced, justifying the continuum of state violence against Mapuche communities.

Cuerpo-territorio understands Indigenous territories as intrinsically linked to Indigenous bodies, emphasizing that violence against the former reproduces violence against the body itself, leaving wounds, scars, and aches.⁸⁷ These embodied marks, or “colonial wounds,” to borrow Alvarado Lincopi’s definition, are transmitted throughout generations and carried over within

⁸⁴ Antileo Baeza, “Trabajo racializado,” 82-83.

⁸⁵ Rain-Rain, Pujal i Llombart, and Mora Malo, “Mujeres mapuche,” 350-52.

⁸⁶ Patricia Richards, “Bravas, Permitidas, Obsoletas: Mapuche Women in the Chilean Print Media,” *Gender and Society* 21, no. 4 (2007): 565, <http://www.jstor.org/stable/27640991>.

⁸⁷ Astrid Ulloa, “Repolitizar la vida, defender los cuerpos-territorios y colectivizar las acciones desde los feminismos Indígenas,” *Ecología Política* 62 (2021): 42, <https://doi.org/10.53368/EP61FCep03>.

communities. Hence, Mapuche women who stayed in after the Occupation, those who migrated, and those who returned have experienced different forms of violence as a product of the ongoing settler colonial structures sustained and allowed by the state. As shown in Patricia Richards and América Millaray Painemal Morales' research on Mapuche women elders' lives, their life histories are stricken by gendered violence, both from state violence within their communities and families, as well as "at the hands of men."⁸⁸

As discussed earlier, with the dictatorial regime's land privatization policies in Araucanía came a new wave of assimilatory settler colonial logics. In favour of neoliberal practices, these reforms allowed private corporations to exploit Mapuche ancestral territories.⁸⁹ Settler landowners, complicit with dictatorship-mandated institutional violence, stripped entire Mapuche families of the land they had left to subsist, murdering and torturing those who fought against it.⁹⁰ Furthermore, dictatorship-era anti-terrorism legislation became a tool for later governments to criminalize and persecute Mapuche activists' acts to defend their ancestral territories.⁹¹ Those who have refused to give up their lands and chose to resist, including Mapuche women, have become "criminals," "terrorists," and legitimate targets of state violence. As reflected in the experiences of Ana Llao and Diva Millapan, two Mapuche activists who lived through the dictatorship, those who were active in community organizations were vulnerable to politically motivated and racialized violence by military officers, many times sexual in nature.⁹² Alluding to

⁸⁸ Patricia Richards and América Millaray Painemal Morales, "The Life Histories of Mapuche Women Elders as Protest," *Women's Studies Quarterly* 46, no. 3 & 4 (2018): 40, <https://www.jstor.org/stable/26511330>.

⁸⁹ Richards and Painemal Morales, "The Life Histories," 33.

⁹⁰ María Gloria Cayulef Contreras and Ana Millaleo Hernández, "Pu Zomo Mapuche. Un ejercicio de memoria ante el silenciamiento de las experiencias y resistencias de mujeres-mapuche en dictadura," *Palimpsesto* 14, no. 25 (2025): 107, <https://doi.org/10.35588/gx8hja54>.

⁹¹ Jessika Eichler and Pablo Barnier-Khawam, "Criminalization, Securitization and Other Forms of Illegalizing Indigenous Contestations in Chile: Responses from Constitutional Law and Inter-American Jurisprudence on Mapuche People's Rights," *Journal of Human Rights Practice* 13, no. 2 (2021): 361-62, <https://doi.org/10.1093/jhuman/huab041>.

⁹² Cayulef Contreras and Ana Millaleo Hernández, "Pu Zomo Mapuche," 120-21.

its dictatorial-period remnants of patriarchal and settler colonial tactics, including Pinochet's anti-terrorism law, Indigenous scholars Margarita Kalfio Montalva and Andrea Salazar Vega characterize the Chilean state as "...an absent but punishing father."⁹³ It has failed to protect Mapuche people's rights, and violence inflicted on their bodies has become permissible and necessary, binding the logics of settler colonialism to state practices. Mapuche women's characterization as "dangerous" prevails, linking their Indigeneity to charges of terrorism, reproducing political and social discourses that condone the subjugation of Indigenous women.⁹⁴

State militarized policing to exert control over Ngulumapu has become the norm, emulating the late 1800s military campaigns. Many Mapuche women leaders and *machis* defending their homes and territories have been, and continue to be, targets of physical, psychological, and sexual violence by militarized state police forces.⁹⁵ Colonial wounds run deep for those who have lived through decades of dispossession and violence, witnesses and victims of the ongoing effects in their communities today. The Chilean state's colonial project, more than a century after the Occupation came to an end, continues to spread its roots under stolen lands, violently traversing through Indigenous bodies.

⁹³ Margarita Kalfio Montalva and Andrea Salazar Vega, "Violencia institucional/colonial en nombre del padre..." *Nomadias*, no. 17 (2013): 193, <https://nomadias.uchile.cl/index.php/NO/article/view/29946/31724>.

⁹⁴ Rain-Rain, Pujal i Llombart and Mora Malo, "Mujeres mapuche," 352.

⁹⁵ Hillary Hiner and Karina González, "State Violence against Mapuche Women in Chile, 1998–2018," *Latin American Perspectives* 50, no. 6 (2023): 43, <https://doi.org/10.1177/0094582X221129835>.

Resistance: Indigenous voices against settler colonial patriarchy

Indigenous people across the Americas have historically mobilized against colonial policies and practices. Indigenous women, at the juncture of their lands and bodies, have faced longstanding effects of the ongoing patriarchal structures that support settler colonialism, therefore positioning their demands at the intersection of Indigenous and women's rights. This section highlights the work of Indigenous women scholars, activists, and organizers to Indigenous movements for structural change and explores their relationship with mainstream (Western/Eurocentric) feminisms. As noted by Indigenous scholars Maile Arvin, Eve Tuck, and Angie Morrill, these “[Indigenous women’s] experiences and intellectual contributions... are not on the margins; we have been an invisible presence in the center, hidden by the gendered logics of settler colonialism for over 500 years.”⁹⁶

Focusing on the development of Indigenous women's movements in the Americas against settler colonialism involves acknowledging the far-reaching challenges and predicaments that organized Indigenous women face. According to Rosalva Aída Hernández Castillo, while many Indigenous women's organizations in Latin America have aligned with their local movements, they also have confronted the gendered elements of oppression within their communities.⁹⁷ Here, the fight for First Nations and Mapuche women for their rights unveils how they have embodied resistance against violence and steered toward decolonization. Through struggles and milestones, both cases show how Indigenous bodies and lands continue to overcome violence through collective and individual actions, gaining recognition as spaces of resistance.

⁹⁶ Maile Arvin, Eve Tuck, and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25, no. 1 (2013): 14, <http://www.jstor.org/stable/43860665>.

⁹⁷ Rosalva Aída Hernández Castillo, “The Emergence of Indigenous Feminism in Latin America,” *Signs: Journal of Women in Culture and Society* 35, no. 3 (2010): 539–45. <https://doi.org/10.1086/648538>.

3.1 First Nations women, identity, and Indigenous feminisms

In 1985, Mohawk and Oneida activist Mary Two-Axe Early received her Indian status back as per Bill C-31, reflecting an important breakthrough for a decades-long struggle led by Indigenous women in Canada. This fight was not only for her but embodied a collective effort that, in her words, had a clear objective: “Set my sisters free.”⁹⁸ The restoration of status for thousands of women and their children resulted from efforts carried out for over a decade. Because of this, most accounts of Indigenous women’s movements focus on their legal initiatives against gender discrimination embedded in the Indian Act. The following section expands on the connections between these pursuits and Indigenous resistance and resurgence, shedding light on individual and collaborative projects.

In the 1960s, with an increase in Indigenous political involvement and activism and women in Canada demanding change in discriminatory legislation, First Nations women began to publicly present demands regarding their loss of status per section 12(1)(b) of the Indian Act.⁹⁹ The *AG v. Lavell* case marked a significant shift toward advocacy and changes for Indigenous women in the next few decades. Jeannette Corbiere Lavell, an Anishinaabe (Ojibwe) woman who had married a non-Indigenous man, decided to appeal the revocation of her Indian status, which resulted in a three-year-long legal ordeal.¹⁰⁰ In 1974, her case and that of Yvonne Bédard, a First Nations woman who had also lost her status, were heard together at the Supreme Court of Canada and resulted in a ruling against Lavell and Bédard, completely ignoring their argument of discrimination based on race and sex through the law.¹⁰¹ Recognizing the legal and structural

⁹⁸ *Mary Two-Axe Earley: I Am Indian Again*, directed by Courtney Montour (Montreal, Canada: National Film Board, 2021), <https://www.nfb.ca/film/mary-two-axe-earley/>.

⁹⁹ Kathleen Jamieson, “The Lavell Case and Human Rights,” in *Indian Women and the Law in Canada: Citizens Minus* (see note 57), 79.

¹⁰⁰ Jamieson, “The Lavell Case,” 81-84.

¹⁰¹ Jamieson, “The Lavell Case,” 84-85.

discrimination that emanates from this legislation, Indigenous women continued to organize against these provisions, as seen in later cases, including Sandra Lovelace and her successful petition before the United Nations Human Rights Committee.¹⁰²

It is crucial to acknowledge the changes that came with Indigenous women's resistance against discrimination in the Indian Act and, at the same time, the challenges that First Nations organizations and band governments represented to these reforms. According to Joanne Barker, many accused the women of being complicit with colonial and racist principles ("anti-Indian") and against Indigenous rights, as the Indian Act provided "the only legal protection of Indian rights to sovereignty."¹⁰³ This issue is reflected in the experiences of what Gina Starblanket calls "Red Ticket Women," those who "married out" (to non-Status men) between 1876 and 1951 that were considered treaty Indians but non-Status.¹⁰⁴ Their resistance and themselves, embodying self-determination as they chose to and contesting power relations within their communities in the context of the Indian Rights for Indian Women's movement, were often dismissed by their male counterparts, even if their objectives regarding treaty rights were not so distant from each other.¹⁰⁵

On a related note on Indigenous women and their link to contemporaneous movements, Leslie Brown, Cindy Jamieson and Margaret Kovach explore the reasons behind First Nations women's rejection of mainstream feminism and question whether Western-white feminism has acted like a strategy of assimilation "by absorbing First Nations women's issues into a

¹⁰² Gwen Brodsky, "Indian Act Sex Discrimination: Enough Inquiry Already, Just Fix It." *Canadian Journal of Women and the Law* 28, no. 2 (2016): 315, <https://doi.org/10.3138/cjwl.28.2.314>.

¹⁰³ Joanne Barker, "Gender, Sovereignty, Rights: Native Women's Activism against Social Inequality and Violence in Canada." *American Quarterly* 60, no. 2 (2008): 259-60, <http://www.jstor.org/stable/40068533>.

¹⁰⁴ Gina Starblanket, "Red Ticket Women: Revisiting the Political Contributions of the Indian Rights for Indian Women's Movement," in *Making Space for Indigenous Feminism* (see note 62), 105

¹⁰⁵ Starblanket, "Red Ticket Women," 107-114.

mainstream, colonialist setting.”¹⁰⁶ Considering feminism’s historical exclusion of women of colour’s issues and concerns, they argue that First Nations women have been marginalized in feminist theory and practice while also being dismissed within First Nations demands brought to attention by male leaders.¹⁰⁷ At the sidelines of feminism and male-led Indigenous organizations, First Nations women have had to open their own spaces of resistance for decades.

The launch of the National Inquiry into MMIWG in 2016 could not have been possible without decades of Indigenous women, organizations, communities, and allies organized efforts since the 1990s.¹⁰⁸ Echoing the fight against gender discrimination in the Indian Act through legal action, these forms of resistance against gendered violence were diminished by the Canadian state when Harper’s government delayed the inquiry.¹⁰⁹ When the inquiry was being discussed in the mid-2010s, Indigenous and non-Indigenous feminists shared their perspectives, questioning and discussing the reasons behind it. Scholar Gwen Brodsky, for example, urged the Canadian government to address sex discrimination contained in the Indian Act by amending the status provisions as a necessary step before the inquiry since the legislation acts as one of the root causes of violence (including murders and disappearances) against Indigenous women.¹¹⁰ Aiming from a different angle, radical feminist Cherry Smiley, from the Nlaka’pamux and Diné Nations, suggested a framework for the national inquiry that recognized male violence and the sex industry as central to the Canadian sexist and racist colonial context.¹¹¹ Robyn Bourgeois’

¹⁰⁶ Leslie Brown, Cindy Jamieson, and Margaret Kovach. “Feminism and First Nations: Conflict or Concert?” *Canadian Review of Social Policy*, no. 35 (1995): 68, <http://www.jstor.org/stable/45407380>.

¹⁰⁷ Brown, Jamieson, and Kovach. “Feminism and First Nations,” 71.

¹⁰⁸ Robyn Bourgeois, “Perpetual State of Violence: An Indigenous Feminist Anti-Oppression Inquiry into Missing and Murdered Indigenous Women and Girls,” in *Making Space for Indigenous Feminism* (see note 59), 135.

¹⁰⁹ Bourgeois, “Perpetual State of Violence,” 136.

¹¹⁰ Brodsky, “Indian Act Sex Discrimination,” 319-20.

¹¹¹ Cherry Smiley, “A Long Road Behind Us, a Long Road Ahead: Towards an Indigenous Feminist National Inquiry,” *Canadian Journal of Women and the Law* 28, no. 2 (2016): 311-12, <https://doi.org/10.3138/cjwl.28.2.308>.

reflection on the inquiry addresses the anti-oppression feminist framework that was present in its final report. Bourgeois, critical of some colonial aspects found in the process, acknowledges the inclusion of various types of violence experienced by Indigenous women, girls, and 2SLGBTQIA+ people but maintains her position that decolonization must be at the centre of responding to violence against Indigenous women and girls.¹¹²

Besides the vital work of Indigenous women in the public eye, for many Indigenous women, resistance comes from their very presence, manifesting in their day-to-day lives. As Starblanket states, Indigenous resurgence (“mobilization and action [...] grounded in the revitalization of our traditional ways”)¹¹³ is mainly based on daily experiences, practices and relationships within communities rather than formally organized efforts.¹¹⁴ Bringing attention to the gendered and heteronormative aspects of resurgence within Indigenous communities, Starblanket further suggests an Indigenous feminist analysis to subvert colonial domination present in Indigenous lives, cultivating environments where Indigeneity and feminism can work in concert to confront patriarchal and colonial logics.¹¹⁵ This idea ties in with Brown, Jamieson and Kovach’s understanding of First Nations women’s struggles as potentially concerting with feminist practices, as the ideas of feminism can be helpful in, for example, community organizing.¹¹⁶

As Sandrine de Finney argues, Indigenous resistance against violence must be placed beyond the constraints of Indigenous survival and success as “exceptional.”¹¹⁷ The author states

¹¹² Bourgeois, “Perpetual State of Violence,” 138-40.

¹¹³ Gina Starblanket, “Being Indigenous Feminists: Resurgences Against Contemporary Patriarchy,” in *Making Space for Indigenous Feminism* (see note 59), 25.

¹¹⁴ Starblanket, “Being Indigenous Feminists,” 33-34.

¹¹⁵ Starblanket, 39.

¹¹⁶ Brown, Jamieson, and Kovach. “Feminism and First Nations,” 76.

¹¹⁷ de Finney, Sandrine. “Indigenous Girls’ Resilience in Settler States: Honouring Body and Land Sovereignty.” *Agenda: Empowering Women for Gender Equity* 31, no. 2 (112) (2017): 14, <http://www.jstor.org/stable/44861719>.

that this narrative has been used to shift the blame of violence against Indigenous women and girls from structures placed by the Canadian state (as discussed before) to Indigenous girls [and women] themselves for “not resisting or contesting the violence against them.”¹¹⁸ Hence, much like Starblanket’s, de Finney’s work poses Indigenous resistance in the context of Indigenous resurgence, stressing the importance of community-based initiatives that centre body and land sovereignty to build and shape resilience.¹¹⁹ As reflected throughout after the release of the national inquiry’s final report in 2019, Indigenous women have continued to organize relentlessly through community initiatives and grassroots work.¹²⁰ Decolonization, through organized and individual action, from its formal organization to its embodiment in bodies, families, and communities, rises as the vessel for ending violence against Indigenous women and girls. Decolonizing efforts, a threat to settler colonial patriarchy, are ongoing – shaping the future, holding conversations with feminist and Indigenous rights movements, and cutting through the structures of the Canadian state that sustain and reproduce violence.

¹¹⁸ de Finney, “Indigenous Girls’ Resilience,” 15.

¹¹⁹ de Finney, 16-18.

¹²⁰ Vicki Chartrand, “MMIWG: The spirit of grassroots justice lives at the heart of the struggle,” *The Conversation*, June 12, 2019, <https://theconversation.com/mmiwg-the-spirit-of-grassroots-justice-lives-at-the-heart-of-the-struggle-118424>.

3.2 Mapuche women, collective action, and “Mapuche feminism”

In 2021, activist and academic Elisa Loncón Antileo, from the Lefweluan community in Wallmapu, was elected president of Chile’s former Constitutional Convention, the constituent body established to replace Chile’s dictatorship-era constitution.¹²¹ For the first time in Chilean history, a Mapuche woman actively and visibly participated in the country’s most important political process. Loncón and other Mapuche women members of the Convention became subject to media scrutiny and criticized for speaking in Mapudungun and wearing traditional Mapuche clothing.¹²² These attempts to undermine Mapuche women in positions of power resonate with the decades-long organized efforts against colonialism led by Indigenous women in Chile, who were silenced and relegated to otherness. The Mapuche struggle for rights continues as the state fails those in Ngulumapu, and although subdued by politicized, gendered, and racialized narratives, Mapuche women have been at the centre of it for generations.

Mapuche scholar Margarita Calfio Montalva recalls the concept of *weychafe zomo* (“woman warrior,” as used by a *lonko* elder) to address the dual invisibilization and resistance of Mapuche women as leaders throughout history.¹²³ She traces the involvement of women in their communities as mothers, carers, and active participants of trade networks, which, after the military interventions in Mapuche territories, shifted to a passive, silent role under colonial institutions.¹²⁴ From the 1930s to the first half of the twentieth century, Mapuche women gradually re-entered an active role in Mapuche governance, politics, and demands, participating

¹²¹ Veronica Figueroa Huencho, “The 100 Most Influential People of 2021: Elisa Loncon Antileo,” *Time*, September 15, 2021, <https://time.com/collection/100-most-influential-people-2021/6096000/elisa-loncon-antileo/>.

¹²² Paula Huenchumil Jerez, “Cuerpos racializados en espacios de poder: mujeres mapuche en la Convención Constitucional y su impacto mediático,” *Temas Sociológicos* 31 (2022): 87-94, <https://doi.org/10.29344/07196458.31.3308>.

¹²³ Margarita Calfio Montalva, “Weychafe Zumo. Mujeres mapuche: resistencias, liderazgos y vocerías en dictadura,” *Anales de la Universidad De Chile* 13 (2018): 263-64, <https://doi.org/10.5354/0717-8883.2017.49006>.

¹²⁴ Calfio Montalva, “Weychafe Zumo,” 265-66.

in demonstrations and claims in their ancestral territories.¹²⁵ Enrique Antileo Baeza highlights written pieces by Herminia Aburto Colihueque, member of the Mapuche organization *Federación Araucana*, on Mapuche women and children's rights, advocating for the promotion of Indigenous girls' education and the right to vote, dated from 1935.¹²⁶

These ideals continued to be tied to Mapuche women's activism throughout the next few decades. Antileo Baeza argues that the 1930s-1960s saw the emergence of a "first wave" of "Mapuche feminism," as various Mapuche women authors emphasized the racialized and patriarchal violence affecting their communities, in tune with Chilean feminists' organized efforts that were starting to take off.¹²⁷ Throughout this period, Mapuche women actively participated in their communities' organized land reclamation activities, and other mobilized efforts, aligning with collective Mapuche demands.¹²⁸ At the same time, those who worked in the city began to organize with the domestic workers' labour rights movement, later establishing their own association to focus on their specific challenges and rights, both as women and as part of Mapuche communities and organizations.¹²⁹

Pinochet's authoritarian rule shifted the state's relationship with Indigenous peoples and violated the human rights of thousands. Many Mapuche leaders and activists, including women, were tortured and murdered.¹³⁰ The extensive institutional and mandated violence against Indigenous peoples during the dictatorship allowed Chile's underlying settler colonial logics to

¹²⁵ Calfio Montalva, "Weychafe Zumo," 266-68.

¹²⁶ Enrique Antileo Baeza, "La escritura de mujeres mapuche 1935-1965. Apuntes sobre educación, racismo y rol político," *Alpha 2*, no. 57 (2023): 43-44, <https://doi.org/10.32735/S0718-22012023000573241>.

¹²⁷ Antileo Baeza, "La escritura," 59.

¹²⁸ Calfio Montalva, "Weychafe Zumo," 268.

¹²⁹ Clorinda Cuminao Rojo, "Mujeres mapuche: voces y escritura de un posible feminismo indígena," in *Participación y políticas de mujeres indígenas en contextos latinoamericanos recientes*, ed. Andrea Pequeño (Quito: FLACSO, 2009), 113-15.

¹³⁰ Calfio Montalva, "Weychafe Zumo," 269.

thrive. Mapuche women resisted the dictatorship's attempts to disjoint and hinder Mapuche organizations with their communities. Although they did some critical work overseeing their own handcraft and family-oriented workshops, Mapuche women's issues were mostly omitted from the collective demands at the time to avoid division within the male-led organized efforts for Mapuche rights.¹³¹

Since the late 1990s, with an increased Mapuche organized opposition to multinational extractivist projects in their ancestral territories, Mapuche women have started to take on more leadership roles, at the forefront of protecting their lands and communities, leading a double fight against state violence and damages caused by private corporations.¹³² Various feminist academics have worked closely with Mapuche women to bring their lived experiences to the fore. Most recently, Ximena Faúndez Abarca et al. worked with Mapuche women's *memorias de resistencia* ("memories of resistance"), identifying their resistance through accessing the justice system (legal resistance), through their bodies (direct resistance) and through taking care of their communities and families (care-based resistance).¹³³ The authors frame Mapuche resistance as intergenerational and territorial, based on traditional knowledge and ancestral language, embodied through direct actions against state violence and the nurturing of their communities.¹³⁴ Further, Mapuche women elders' stories gathered by Richards and Painemal Morales highlight their engagement in sacred and traditional healing practices and the intergenerational knowledge transmission, unveiling their lives as defiant against ongoing colonial and patriarchal logics,

¹³¹ Margarita Calfio Montalva, "Mujeres mapuche, voces y acciones en momentos de la historia," in *Participación y políticas de mujeres indígenas* (see note 111), 103-6.

¹³² Hiner and González, "State Violence," 45-46.

¹³³ Ximena Faúndez Abarca et al., "Memorias de resistencia de mujeres mapuche frente al terrorismo de Estado del pasado reciente en Chile," *Psicoperspectivas* 23, no. 3 (2024): 5, <https://doi.org/10.5027/psicoperspectivas-Vol23-Issue3-fulltext-3255>.

¹³⁴ Faúndez Abarca et al., "Memorias de resistencia," 10-12.

refusing to be reduced to victimhood.¹³⁵ However, the authors also question if this part of Mapuche women's lives should be framed as "resistance," considering that, for many of them, "actively existing" as a Mapuche woman is tied to surviving rather than resisting.¹³⁶ This question must be central when discussing Mapuche women's individual and organized efforts against violence.

Similarly, "Mapuche feminism," as a form of resistance against patriarchal [settler] colonialism, must be considered with its limitations and disagreements with Chilean "mainstream" feminism, as well as within Mapuche organized resistance. On the one hand, Chilean *wingka* (non-Indigenous) feminism has failed to recognize the intersectional violence experienced by Mapuche women and, on the other hand, Mapuche organizations have ignored gendered discrimination to centre on collective struggle, focused on the experiences of Mapuche men.¹³⁷ Many *lamgen* ("sisters") are hesitant to identify with the brand of feminism championed by white-*mestizo* Chilean women, often due to Chilean feminists' lack of understanding of Mapuche's struggles against colonialism, trying to position themselves as saviours.¹³⁸ As Ibarra and Jubany suggest, to address gendered violence against Mapuche women, Western (Chilean) feminist movements and debates must decolonize from the inside through an understanding of violence against Mapuche bodies-territories.¹³⁹

Historically joint with the Mapuche collective movement, Mapuche women have found themselves organizing and finding spaces of resistance from within their communities while

¹³⁵ Richards and Painemal Morales, "The Life Histories," 42-44.

¹³⁶ Richards and Painemal Morales, 41.

¹³⁷ María Ignacia Ibarra Eliessetch, Alicia Rain Rain and Patricia Richards, "Voces y experiencias de mujeres mapuche en tiempos de revoluciones feministas," *Anuario del Conflicto Social* 13 (2022): 2, <https://doi.org/10.1344/ACS2022.13.10>.

¹³⁸ Hiner and González, "State Violence," 47.

¹³⁹ Ibarra and Jubany, "The Symbolic Materiality," 330.

navigating their differences with Chilean feminists. The recent inclusion of Mapuche women in politics and leadership positions represents a milestone in their ongoing fight against colonial and patriarchal logics. Loncón Antileo, in her intercultural view of Chilean-Indigenous relations, delineates that the Indigenous struggle for rights in Chile, if accompanied by feminism, must be both decolonizing and depatriarchal.¹⁴⁰ Mapuche women's resistance, tied to their ancestral territories and carried through with their bodies, must shape the conversation of dismantling colonial and patriarchal structures in Chile, within and beyond their communities.

¹⁴⁰ Elisa Loncón Antileo, "Conversación con Elisa Loncon: Futuros posibles con el mapuzungun, la interculturalidad y la descolonización," by Allison Ramay, *Anales de Literatura Chilena* 37 (2022): 261–269. <https://doi.org/10.7764/ANALESLITCHI.37.22>.

Conclusion

Indigenous women's experiences of dispossession, violence, and resistance are ongoing and extend throughout what we call the Americas, from its northernmost lands to the southernmost, where Indigenous peoples have lived for centuries. As a comparative exploration of these experiences, this paper underscored the ongoing settler colonial and patriarchal practices of the Canadian and Chilean states and their ties to gendered violence against Indigenous women. By focusing on those who are First Nations and Mapuche, respectively, the author hopes to contribute to the growing literature on North-South compared analyses based on settler colonialism and its intersections with patriarchy.

The first section of this paper reviewed methods of land dispossession produced by European colonialism and reproduced by the Canadian and Chilean states. It unveiled how, although different in their legal and nation-building processes, the logics of elimination are a commonality between the Canadian and Chilean ongoing settler colonial projects, as manifested in failed negotiations, broken promises, and forced displacement of First Nations and Mapuche communities. The second section used the concepts of patriarchal colonialism and *cuero-territorio* to address the relationship between colonial assimilation policies and direct forms of violence against Indigenous women. Further, this section highlighted the interconnections between land dispossession and gendered violence, focusing on the effects of settler colonial patriarchy on Indigenous women's bodies. Finally, the last section examined how Indigenous women have organized and challenged in defense of their rights, struggling through individual and collective action within and beyond their communities, paving the way for decolonizing the present and future.

The cases of Kelly Morrisseau and Lorenza Cayuhan, their lives marked by colonial and patriarchal structures, reflect the ongoing consequences of settler colonialism, serving to and being served by patriarchy. How state violence operates against Indigenous women's bodies (and lands) as governments, politics, and societies shift is yet to be explored. However, mobilized efforts to counter violence against Indigenous bodies-territories are far from over, which is clear, glancing at conditions of Indigenous rights in Canada and Chile. After the results of the constitutional national referendum rejected the Convention's proposed document, Chile is still the only country in Latin America that does not recognize Indigenous peoples in its constitution. In Canada, gender discrimination remains an immovable feature in the Indian Act.

This paper refers various Indigenous authors who underline the importance of the land as a place of dispossession and the cornerstone of Indigenous histories and resistance/resurgence, nurturing from Indigenous knowledge. We must listen to these principles. Resistance, moving with settler colonial elements of oppression, is also ongoing. Indigenous women's resistance has been weaved on their own terms for decades: they are leaders, organizers, and knowledge keepers. They do not need to be "saved," not by Western/Canadian/Chilean feminists nor by their male counterparts. If one thing has worked in favour of change throughout history, as reflected in this paper, is to let them do the talking, empower themselves in their communities, care for their families or take the stand, and lead initiatives for change. First Nations and Mapuche women have long resisted and fought for futures beyond colonial violence – decolonization lies underneath the land, manifesting through its people.

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