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## Resilience and Native Girls: A Critique

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# Resilience and Native Girls: A Critique

Addie C. Rolnick\*

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## INTRODUCTION

The concept of resilience is in vogue,<sup>1</sup> and it is often employed to refer to at-risk children and Native women. A billboard installation in Canada titled “Resilience: The National Billboard Exhibition” celebrates it.<sup>2</sup> The Boys and Girls Clubs of America convened a panel and issued a publication to guide clubs in

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\* Professor, University of Nevada, Las Vegas, William S. Boyd School of Law. I thank Michalyn Steele and the participants in the *BYU Law Review* “Sovereign Resilience: Building Enduring Tribal Institutions” Symposium for pushing me to think more deeply about the idea of resilience. Thank you to Sarah Deer, Sara Gordon, and Michalyn Steele for comments and ideas that helped shape this project, and to Lena Rieke for research assistance.

1. See Arjen Boin, Louise K. Comfort & Chris C. Demchak, *The Rise of Resilience, in DESIGNING RESILIENCE: PREPARING FOR EXTREME EVENTS* 1 (Louise K. Comfort et al. eds., 2010) (“Resilience has become a fashionable buzzword in recent years.”); Michael Bollig, *Resilience – Analytical Tool, Bridging Concept or Developmental Goal? Anthropological Perspectives on the Use of a Border Object*, 139 *ZEITSCHRIFT FÜR ETHNOLOGIE* 253, 253–54 (2014) (describing the increasing importance of resilience across several disciplines in recent decades).

2. Lee-Ann Martin & Shawna Dempsey, *Resilience, The National Billboard Exhibition Project*, RESILIENCE, <https://resilienceproject.ca/en/introduction> (last visited Jan. 25, 2019).

supporting the resilience of Native youth.<sup>3</sup> The University of Alberta is home to the “Indigenous Women and Youth Resilience Project.”<sup>4</sup> A Washington high school’s changed approach to school discipline is described as “resilience practices.”<sup>5</sup> The National Congress of American Indians recommends that a “model of traditionally-grounded, trauma-aware, and community-centered resilience frameworks could and should be replicated into juvenile justice” systems serving Native youth.<sup>6</sup>

Like Native individuals, Native nations are also described as resilient, capturing two intertwined concepts—the resilience of Native people and that of their communities.<sup>7</sup> As described by the creators of the billboard project, “resilience usually refers to the ability of Indigenous people to overcome the adversarial and enduring impacts of colonialism.”<sup>8</sup> But if the goal is to ensure that Native people, especially women and children, are resilient because they are what makes Native communities resilient, it is important to stop to ask whether the concept of resilience benefits individuals as well as Native communities.

The term *resilience* is often used with reference to Indigenous women and Indigenous youth. Native girls are included in each of

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3. BOYS & GIRLS CLUBS OF AM., GREAT THINK INDIAN COUNTRY: ALIGNING EFFORTS TO SUPPORT RESILIENT NATIVE YOUTH (2017).

4. The project “gathers stories and knowledges from Indigenous peoples on the systems of resilience, as practiced by Indigenous women, youth, trans, and two-spirit [in order to] study the tools of resiliency that are already present in the people and frame that resiliency as a method of empowerment to create change—in ourselves, in our communities and policies of government.” *The Project*, INDIGENOUS WOMEN & YOUTH RESILIENCE PROJECT, <https://indigenouswomensresilience.com/about2> (last visited Jan. 25, 2019).

5. Jane Ellen Stevens, *Resilience Practices Overcome Students’ ACEs in Trauma-Informed High School, Say the Data*, ACES TOO HIGH NEWS (May 31, 2015), <https://acestoohigh.com/2015/05/31/resilience-practices-overcome-students-aces-in-trauma-informed-high-school-say-the-data>.

6. NAT’L CONG. OF AM. INDIANS, ISSUE BRIEF: TRIBAL JUVENILE JUSTICE 3, [http://www.ncai.org/policy-issues/tribal-governance/public-safety-and-justice/NCAI\\_Issue\\_Brief\\_Tribal\\_Juvenile\\_Justice.pdf](http://www.ncai.org/policy-issues/tribal-governance/public-safety-and-justice/NCAI_Issue_Brief_Tribal_Juvenile_Justice.pdf) (last visited Jan. 25, 2019).

7. The Center for American Indian Resilience (CAIR) defines resilience as “[t]he ability to move forward like a willow with renewed energy, with a positive outlook with attainable goals to achieve one’s dreams, and overcome negative life experiences from current and past political and historical events, with the goal to reduce health disparities among American Indians.” *Resilience*, N. ARIZ. U. CTR. FOR AM. INDIAN RESILIENCE, <https://nau.edu/Centers-Institutes/CAIR/Resilience> (last visited Jan. 25, 2019). Although resilience and health are described in individual terms, CAIR’s definitions draw from research on community resilience and connect the resilience of people with the resilience of their communities.

8. Martin & Dempsey, *supra* note 2.

these categories but are rarely the main focus of a campaign. Their triple vulnerability (gender, indigeneity, and age), however, means that the focus on resilience is often greatest when applied to them. This Article centers them. It traces the development of resilience in the (non-Native) ecological and psychological literature. Although resilience is used across many different disciplines, it is especially prominent in ecological literature about resilient institutions, such as communities and cities, and in psychological literature about resilient individuals. This Article then examines the way resilience has been applied to Native girls, particularly in the context of juvenile justice, and cautions against potentially damaging implications of what is almost uniformly imagined to be a positive and complimentary label.

Part I briefly considers whether the concept of institutional resilience provides an accurate framework for addressing tribal survival. It then compares and contrasts the institutional concept with the individual concept. However, the ultimate focus of this Article, discussed in Parts II and III, is how resilience is applied to individual Native girls. Other articles in this volume address the way institutional resilience might be reframed from a Native perspective; Part IV of this Article, which addresses potential reframing, focuses only on individual resilience.

### I. RESILIENCE LITERATURE

The literature on resilience applies the concept in at least two different contexts: institutions and individuals. Institutional resilience literature comes from the natural and social sciences and focuses on the capacity of institutions to withstand shock and upheaval.<sup>9</sup> Individual resilience literature comes from psychology and related medical and social science fields and emphasizes a person's ability to recover from trauma or adversity.<sup>10</sup> Recovery, in this literature, includes a process of growth through which the individual eventually becomes stronger as a result of experiencing and recovering from trauma.<sup>11</sup> For individuals to be resilient, it seems they are expected to improve in the wake of trauma. This can

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9. *See infra* notes 12–19.

10. *See infra* notes 24–28.

11. *See infra* notes 29–32.

be contrasted with the literature on institutional resilience, which emphasizes persistence. Institutions are resilient if they stay the same; they are not required to improve to be resilient.

### A. Resilient Institutions

The concept of resilience has gained traction in the ecological and social sciences as a term that refers to the relative ability of institutions, such as cities or industries, to cope with unexpected or unprecedented disasters.<sup>12</sup> Resilience was first introduced into the social science literature on disaster management as an alternative to the focus on disaster prevention and mitigation.<sup>13</sup> Writing in 1988, the political scientist Aaron Wildavsky “introduced the concept as an intellectual and instrumental counterweight to the obsession with risk prevention.”<sup>14</sup> Rather than assuming that all disasters must be predicted, managed, and avoided in advance, resilience theory allowed researchers to consider an institution’s ability to recover from those disasters that will inevitably occur in spite of efforts to avoid them.<sup>15</sup> Resilience has become important as scientists and urban and regional planners confront the effects of climate change and increases in large-scale violent attacks.<sup>16</sup> Even if institutions plan ahead, it is almost certain they will encounter disasters (e.g., storms or mass shootings) more destructive than those for which they planned.<sup>17</sup> Realistically navigating such unprecedented shocks requires a focus on resilience, not just avoidance.

An institution is resilient if it can withstand threats that impose external pressure for it to disintegrate or change. Resilience in this context is the ability to withstand shock, threat, or upheaval, and to

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12. Boin, Comfort & Demchak, *supra* note 1, at 2; Carl Folke, *Resilience (Republished)*, 21 *ECOLOGY & SOC’Y* 44, 44 (2016) (describing an “explosion of resilience research” in relation to the environment over the previous fifteen years).

13. Boin, Comfort & Demchak, *supra* note 1, at 1.

14. *Id.* at 7.

15. AARON WILDAVSKY, *SEARCHING FOR SAFETY* 77–103 (1988). Resilience had been employed to refer to ecological systems at least a decade earlier. *See, e.g.*, C.S. Holling, *Resilience and Stability of Ecological Systems*, 4 *ANN. REV. ECOLOGY & SYSTEMATICS* 1, 17 (1973) (defining resilience as “a measure of the ability of these systems to absorb changes of state variables, driving variables, and parameters, and still persist”).

16. Boin, Comfort & Demchak, *supra* note 1, at 4–5.

17. *See id.* at 3–4.

recover from it.<sup>18</sup> In this formulation, it is desirable for an institution to bounce back, to remain the same or to recover to its former self after an impact, as opposed to being unsettled and reshaped by that impact. Consequently, researchers focus on an institution's responsive capacities. One review of the concept of resilience as used in ecological literature describes the concept as "[t]he ability of human communities to withstand external shocks or perturbations to their infrastructure, such as environmental variability or social, economic or political upheaval, and to recover from such perturbations."<sup>19</sup> The authors note that, when applied to institutions, "[t]he tendency to understand resilience as resistance to change is ubiquitous in the literature."<sup>20</sup>

For Indigenous nations in North America, colonization by European settlers and the subsequent wars, diseases, influxes of settlers, destructive governmental policies, and internal political upheaval almost certainly qualify as the kind of catastrophic, unexpected events that demand resilience. The continued existence of Native nations today demonstrates that resilience.<sup>21</sup> The literature on institutional resilience provides a useful framework for investigating why and how Native nations have withstood outside pressures and also raises questions about the degree to which a culturally distinct nation can change before it ceases to be resilient. Indigenous ideas and practices can also help inform and operationalize the non-Native concept of resilience.<sup>22</sup> The remainder of this Article focuses mainly on the idea of resilient individuals, but it draws on the institutional resilience literature to interrogate how

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18. Danny MacKinnon & Kate Driscoll Derickson, *From Resilience to Resourcefulness: A Critique of Resilience Policy and Activism*, 37 *PROGRESS HUM. GEOGRAPHY* 253, 255-56 (2013) (describing the concept's migration from physical and mathematical sciences to ecological and social sciences).

19. Lennart Olsson et al., *Why Resilience Is Unappealing to Social Science: Theoretical and Empirical Investigations of the Scientific Use of Resilience*, *SCI. ADVANCES*, May 22, 2015, at 2 (citing W. Neil Adger, *Social and Ecological Resilience: Are They Related?* 24 *PROGRESS HUM. GEOGRAPHY* 347, 347 (2000)).

20. *Id.* at 2. One question raised by this framing is whether a resilient institution can change at all or, more pointedly, how much can an institution change in response to external pressures before it ceases to be resilient?

21. See Michalyn Steele, *Cultivating Professional Identity and Resilience Through the Study of Federal Indian Law*, 2018 *BYU L. REV.* 1445 (2019).

22. See Michalyn Steele, *Indigenous Resilience* 42-61 (2019) (unpublished manuscript) (on file with author).

the term is used when applied to individuals. If the resilience of individual Native people is intertwined with the resilience of Native cultures, a better definition of resilience might result when the individual and institutional concepts are combined.

### *B. Resilient Individuals*

The concept of individual resilience was developed in the fields of psychology and psychiatry. Norman Garmezy is often credited with introducing it when he studied children of schizophrenic parents to identify protective factors that allowed those children to do well despite their circumstances.<sup>23</sup> Garmezy, along with Ann Masten, founded Project Competence Research on Risk and Resilience, a long-term research program of the Institute for Child Development at the University of Minnesota, to investigate the factors that enabled some “children at risk” such as children of parents with mental illness, those living in poverty, those with physical disabilities, and those living in homeless shelters to “display ‘ok’ competence (ordinary or better functioning)” despite exposure to adversity.<sup>24</sup> Masten went on to use the concept of resilience in studies of children exposed to mass trauma, such as natural disasters, war, and terrorism.<sup>25</sup> Emmy Werner and Ruth Smith, also early investigators of resilience in children, engaged in longitudinal research with children in Kauai.<sup>26</sup> Werner and Smith

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23. See, e.g., CATHRYN HUNTER, AUSTRALIAN INST. FAMILY STUDIES, IS RESILIENCE STILL A USEFUL CONCEPT WHEN WORKING WITH CHILDREN AND YOUNG PEOPLE? (2012), <https://aifs.gov.au/cfca/publications/resilience-still-useful-concept-when-working-child-ren-and-young-people/export>; Suniya S. Luthar et al., *The Construct of Resilience: A Critical Evaluation and Guidelines for Future Work*, 71 CHILD DEV. 543, 543-44 (2000) (tracing the concept of resilience to Garmezy’s work).

24. Ann S. Masten & Jenifer L. Powell, *A Resilience Framework for Research, Policy, and Practice*, in RESILIENCE AND VULNERABILITY: ADAPTATION IN THE CONTEXT OF CHILDHOOD ADVERSITIES 2, 4 (Suniya S. Luthar ed., 2003); Ann S. Masten et al., *Competence in the Context of Adversity: Pathways to Resilience and Maladaptation from Childhood to Late Adolescence*, 11 DEV. & PSYCHOPATHOLOGY 143, 145 (1999); see also Ann S. Masten, *Resilience Comes of Age: Reflections on the Past and Outlook for the Next Generation of Research*, in RESILIENCE AND DEVELOPMENT: POSITIVE LIFE ADAPTATIONS 281-96 (Meyer D. Glantz & Jeannette L. Johnson eds., 1999).

25. See generally ANN S. MASTEN, ORDINARY MAGIC: RESILIENCE IN DEVELOPMENT (2014); Ann S. Masten & Angela J. Narayan, *Child Development in the Context of Disaster, War, and Terrorism: Pathways of Risk and Resilience*, 63 ANN. REV. PSYCHOL. 227 (2012).

26. See generally EMMY E. WERNER & RUTH S. SMITH, OVERCOMING THE ODDS: HIGH RISK CHILDREN FROM BIRTH TO ADULTHOOD (1992).

found that, among children exposed to significant risk factors in childhood, about one-third went on to develop into healthy teenagers, and even more developed into healthy adults after they experienced initial struggles in adolescence.<sup>27</sup> Werner and Smith focused on identifying “protective factors” that contributed to positive outcomes, including both personal characteristics and environmental supports.<sup>28</sup>

Although definitions of resilience vary, they generally refer to the ability to overcome a significant adverse experience and to improve despite it. The concept is now widely used in psychology and social work in a way that emphasizes the idea of positive growth, not just competence or ordinary functioning, in the wake of adversity.<sup>29</sup> Steven Southwick describes the popularly accepted definition as “the ability to bend but not break, bounce back, and perhaps even grow in the face of adverse life experiences.”<sup>30</sup> It is “a construct with two distinct dimensions: significant adversity and positive adaptation.”<sup>31</sup> At least three different usages of the term reflect this foundation: “good developmental outcomes despite

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27. *Id.* at 191–93 (describing about one-third of the children in the Kauai Longitudinal Study as “high risk children because they were born into poverty . . . and they had experienced moderate to severe degrees of perinatal stress, or they lived in a family environment troubled by discord, divorce, parental alcoholism, or mental illness” and noting that two-thirds of the high risk children developed “serious learning or behavior problems by age 10 or had delinquency records, mental health problems, or pregnancies by the time they were 18 years old[.]” but one-third “grew into competent young adults who loved well, worked well, played well, and expected well” and “most high risk youths with serious coping problems in adolescence had staged a recovery of sorts by the time they reached their early 30s”).

28. *See, e.g., id.* at 93–95, 70–71, 113–19, 136–43, 173–87, 198–201.

29. Masten, *Resilience Comes of Age*, *supra* note 24, at 283.

30. Steven M. Southwick et al., *Resilience Definitions, Theory, and Challenges: Interdisciplinary Perspectives*, 5 EUROPEAN J. PSYCHOTRAUMATOLOGY (2014), <https://www.tandfonline.com/doi/full/10.3402/ejpt.v5.25338>.

31. John Fleming & Robert J. Ledogar, *Resilience, An Evolving Concept: A Review of Literature Relevant to Aboriginal Research*, 6 PIMATISIWIN: J. ABORIGINAL & INDIGENOUS COMMUNITY HEALTH 7, 8 (2008) (citing SUNIYA S. LUTHAR, *Resilience in Development: A Synthesis of Research Across Five Decades*, in DEVELOPMENTAL PSYCHOLOGY: RISK, DISORDER, AND ADAPTATION 740–95 (Dante Cicchetti & Dondal J. Cohen eds., 2006)); *see also* SARAH O. MEADOWS ET AL., AIRMAN AND FAMILY RESILIENCE: LESSONS FROM THE SCIENTIFIC LITERATURE 10 (2015).

high risk status; sustained competence under stress; and recovery from trauma.”<sup>32</sup>

Resilience is sometimes described as an individual personality trait.<sup>33</sup> As the concept has evolved, however, researchers have placed more emphasis on how resilience is the byproduct of external “protective factors” such as community and family, rather than an individual psychological trait.<sup>34</sup> The American Psychological Association now rejects the idea that resilience is an innate trait and instead describes it as “behaviors, thoughts and actions that can be learned and developed in anyone.”<sup>35</sup> Yet even this understanding seems distinct from one that emphasizes external protective factors: if resilience depends on external supports, it is difficult to see how individual development of “thoughts, behaviors, and actions” would be enough to make people resilient. The popularity of resilience in juvenile justice reflects this belief that resilience can be learned and that juvenile justice systems can better serve traumatized youth by teaching them resilience.<sup>36</sup> This desire to teach individual girls how to be resilient suggests that resilience is being viewed as an individual (albeit learned) characteristic rather than an outcome made possible by structural supports and external protective factors.

When this idea is contrasted with the way resilience is defined for institutions, clear similarities and differences emerge. In both contexts, resilience only becomes meaningful in the wake of a traumatic event or a constellation of traumas. However, whereas

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32. Fleming & Ledogar, *supra* note 31, at 2 (citing Emmy E. Werner, *Resilience in Development*, 4 CURRENT DIRECTIONS PSYCHOL. SCI. 81–85 (1995)).

33. E.g., Mark de Bruijne et al., *Resilience: Exploring the Concept and Its Meanings*, in DESIGNING RESILIENCE: PREPARING FOR EXTREME EVENTS, *supra* note 1, at 14; Jeanne H. Block & Jack Block, *The Role of Ego-Control and Ego-Resiliency in the Organization of Behavior*, in 13 MINN. SYMPOSIA ON CHILD PSYCHOL. 39–101 (W. Andrew Collins ed., 1980); Robert J. Taormina, *Adult Personal Resilience: A New Theory, New Measure, and Practical Implications*, 8 PSYCHOL. THOUGHT 35, 36–38 (2015).

34. See de Bruijne et al., *supra* note 33, at 14–15; Fleming & Ledogar, *supra* note 31, at 8; accord Luthar et al., *supra* note 23, 545–46 (describing different perceptions of resilience as a trait, a process, and a description of adversity and positive adaptation; noting that scholars now view the term “resiliency” – as distinct from resilience – as connoting a personal-ity trait).

35. *The Road to Resilience*, AM. PSYCHOL. ASS’N, <http://www.apa.org/helpcenter/road-resilience.aspx> (last visited Jan. 25, 2019).

36. See *infra* note 41.

resilient institutions are expected to resist change, resilient people are required to change in the sense that resilience implies growth as a result of trauma. In addition, resilience in humans is recognized as having an inherent component and a teachable component. Even though certain institutions may be more resilient after a disaster because of static factors like the geography of a city or its proximity to a major government center, the literature on institutional resilience focuses almost exclusively on the factors that can be influenced by human planning.

## II. RESILIENCE AND NATIVE GIRLS

As applied to Native girls, the popularity of resilience as a concept relies on the widespread acknowledgement that many Native children have experienced significant trauma.<sup>37</sup> This trauma may come in the form of sexual abuse or intimate partner violence.<sup>38</sup> Trauma comes in many forms though. It can include a range of adverse childhood events (referred to as ACEs), such as experiencing physical abuse, witnessing family and community violence,

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37. See ATTORNEY GEN.'S ADVISORY COMM. ON AM. INDIAN & ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE, ENDING VIOLENCE SO CHILDREN CAN THRIVE 36–40 (2014) [hereinafter ENDING VIOLENCE SO CHILDREN CAN THRIVE]; Addie C. Rolnick, *Untangling the Web: Juvenile Justice in Indian Country*, 19 N.Y.U. J. LEGIS. & PUB. POL'Y 49, 81 (2016); see also INDIAN LAW & ORDER COMM'N, A ROADMAP FOR MAKING NATIVE AMERICA SAFER 149–53 (2013); Thomas W. Pavkov et al., *Tribal Youth Victimization and Delinquency: Analysis of Youth Risk Behavior Surveillance Survey Data*, 16 CULTURAL DIVERSITY & ETHNIC MINORITY PSYCHOL. 123, 123–24 (2010).

38. PATRICIA TJADEN & NANCY THOENNES, FULL REPORT OF THE PREVALENCE, INCIDENCE, AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN 1, 2 (2000), [www.ncjrs.gov/txtfiles1/nij/183781.txt](http://www.ncjrs.gov/txtfiles1/nij/183781.txt); PATRICIA TJADEN & NANCY THOENNES, PREVALENCE, INCIDENCE, AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY (1998), <https://www.ncjrs.gov/pdffiles/172837.pdf>; see also Lori De Ravello et al., *Breaking the Cycle/Mending the Hoop: Adverse Childhood Experiences Among Incarcerated American Indian/Alaska Native Women in New Mexico*, 29 HEALTH CARE FOR WOMEN INT'L 300, 300–15 (2008) (discussing how all women in a study experienced childhood trauma and about 80 percent had experienced sexual victimization); Sandrina de Finney, *Indigenous Girls' Resilience in Settler States: Honouring Body and Land Sovereignty*, 31 AGENDA 10, 12 (2017) (examining the colonial systems that have systematically caused abuse of Indigenous girls and women); Rae Anne Marie Frey, *The Service and Re-entry Needs of Juvenile Offenders: American Indian Girls Impacted by Sexual Trauma* (May 2013) (unpublished M.A. thesis, University of Wisconsin-Milwaukee) (on file at University of Wisconsin Milwaukee UWM Digital Commons) (identifying sexual violence as a precursor to justice system involvement).

or experiencing the death of a friend or relative.<sup>39</sup> Trauma can also be inherited.<sup>40</sup>

Juvenile justice experts now understand that they cannot address children's misbehavior without addressing the underlying trauma that led to it.<sup>41</sup> They emphasize the need for juvenile justice systems that provide "trauma-informed care," one aspect of which is to help youth who have experienced trauma become more resilient.<sup>42</sup> For example, the federal Substance Abuse and Mental Health Services Administration has touted trauma-informed care and resilience building as better for children and more cost-effective than other approaches.<sup>43</sup> As juvenile justice policy has moved from an emphasis on punishment to an emphasis on healing,<sup>44</sup> academics and policymakers have emphasized the trauma that Native youth, especially girls, have experienced.<sup>45</sup>

Yet, acknowledgement of trauma can easily take the form of a list of negative experiences and negative outcomes. As a group, Native youth experience high rates of trauma compared to their counterparts of other races, including childhood abuse<sup>46</sup> and

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39. See NCAI POLICY RESEARCH CTR., RESILIENCE & TRAUMA 3 (2015).

40. AM. ACAD. OF PEDIATRICS, ADVERSE CHILDHOOD EXPERIENCES AND THE LIFELONG CONSEQUENCES OF TRAUMA 2 (2014) (adverse experiences "can be magnified through generations if the traumatic experiences are not addressed"); NCAI POLICY RESEARCH CTR., *supra* note 39, at 2; Kathleen Brown-Rice, *Examining the Theory of Historical Trauma Among Native Americans*, 3 PROF. COUNS. 117, 117-18 (2013); Rolnick, *supra* note 37, at 78.

41. See FRANCINE T. SHERMAN & ANNIE BALCK, GENDER INJUSTICE: SYSTEM-LEVEL JUVENILE JUSTICE REFORMS FOR GIRLS 26 (2015); see also ENDING VIOLENCE SO CHILDREN CAN THRIVE, *supra* note 37, at 110-14 (envisioning a juvenile justice system that "will ultimately save our children from the effects of exposure to violence through the development of their resiliency").

42. See, e.g., JESSICA FEIERMAN & LAUREN FINE, TRAUMA AND RESILIENCE: A NEW LOOK AT LEGAL ADVOCACY FOR YOUTH IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS (2014); Kimberly T. Kendziora & David M. Osher, *Fostering Resilience Among Youth in the Juvenile Justice System*, in COMMUNITY PLANNING TO FOSTER RESILIENCE IN CHILDREN 177-95 (Caroline S. Clauss-Ehlers & Mark D. Weist eds., 2004).

43. SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., PROMOTING RECOVERY AND RESILIENCE FOR CHILDREN AND YOUTH INVOLVED IN JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS (2012), <https://www.hsdl.org/?view&did=738441>.

44. A BLUEPRINT FOR YOUTH JUSTICE REFORM, YOUTH TRANSITION FUNDERS GROUP (2012); Rolnick, *supra* note 37, at 74-77; GIUDI WEISS, NAT'L CAMPAIGN TO REFORM STATE JUVENILE JUSTICE SYS., THE FOURTH WAVE: JUVENILE JUSTICE REFORMS FOR THE TWENTY-FIRST CENTURY (2013).

45. See *supra* notes 38-40.

46. Rolnick, *supra* note 37, at 80 n.128.

witnessing violence.<sup>47</sup> They are more likely than other youth to experience certain negative outcomes, such as dropping out of school,<sup>48</sup> abusing alcohol and drugs,<sup>49</sup> and contemplating and committing suicide.<sup>50</sup> These negative outcomes are almost certainly a result of more complex factors than simply the trauma these children may have experienced, but there is increasing recognition that unaddressed trauma can begin a cycle that, when it takes place in a context lacking effective intervention and social supports, leaves Native youth quite vulnerable.<sup>51</sup>

In the rare cases when national commentators specifically acknowledge Native youth, the picture they paint is often bleak. In 2012, *The New York Times* published a story about crime on the Wind River reservation.<sup>52</sup> The account describes life on the reservation as “bleak and punishing” and the children there as at higher risk for suicide, child abuse, teen pregnancy, and violent crime.<sup>53</sup> Given the sparse coverage by mainstream news outlets of Native people and reservation communities, it is likely that many readers were left with this dark account as their only point of reference for Wind River, or even for all Native youth. A young resident of Wind River named Willow Pingree pointed this out in response to the story. He wrote,

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47. *Id.* at 80 n.130.

48. *Id.* at 79 n.124.

49. *Id.* at 79 n.126.

50. *Id.* at 74 n.27.

51. See, e.g., DELORES SUBIA BIGFOOT, *AMERICAN INDIAN YOUTH: CURRENT AND HISTORICAL TRAUMA* 6 (2007); *ENDING VIOLENCE SO CHILDREN CAN THRIVE*, *supra* note 37, at 110.

52. Timothy Williams, *Brutal Crimes Grip an Indian Reservation*, *N.Y. TIMES* (Feb. 2, 2012), <https://www.nytimes.com/2012/02/03/us/wind-river-indian-reservation-where-brutality-is-banal.html>.

53. *Id.* (“Life, even by the grim standards of the typical American Indian reservation, is as bleak and punishing as that of any developing country. On average, residents can expect to live 49 years, 20 years fewer than in Iraq. Unemployment, estimated to be higher than 80 percent, is on a par with Zimbabwe’s, and is approaching the proportionate inverse of Wyoming’s 6 percent jobless rate. The reservation’s high school dropout rate of 40 percent is more than twice the state average. Teenagers and young adults are twice as likely to kill themselves as their peers elsewhere in Wyoming. Child abuse, teenage pregnancy, sexual assault and domestic violence are endemic, and alcoholism and drug abuse are so common that residents say positive urinalysis results on drug tests are what bar many from working at the state’s booming oil fields. On one section of the reservation, people must boil drinking water because chemicals, possibly the result of the oil and natural gas drilling method known as hydraulic fracturing, have contaminated the water supply.”)

Not [everything] about this reservation is bad. Sure there is a huge problem with domestic violence and alcoholism, but we try to work together as a community to fight it. We have not given up. . . . What many people who are not from this reservation, or perhaps any in particular, don't understand is that there is a strong spiritual bond that we have with our culture and our homeland.<sup>54</sup>

*The New York Times* subsequently published an essay by Pingree describing the Wind River reservation as a community that bans the sale of alcohol and one with strong cultural traditions, complex political and linguistic histories, and a longstanding emphasis on education.<sup>55</sup>

Like Pingree's essay, the concept of resilience offers a way for researchers to counteract the negative portrayal of Native people that dominates most media and academic coverage.<sup>56</sup> As social workers Elizabeth Fast and Delphine Collin-Vézina have written, "Both resilient and negative outcomes for Indigenous persons are well documented but negative outcomes seem to get more attention in the media, which may contribute to both overt and more subtle forms of discrimination."<sup>57</sup>

### III. NATURALIZING TRAUMA; PUNISHING SURVIVAL

For Native girls, particularly those who are involved in the juvenile justice system or who are otherwise identified as at-risk or troubled, the trend toward building and celebrating resilience

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54. Katherine Schulten, *A Native American Student Responds to a Times Article About His Home*, N.Y. TIMES: THE LEARNING NETWORK (Feb. 17, 2012, 1:05 PM), <https://learning.blogs.nytimes.com/2012/02/17/guest-post-a-native-american-student-responds-to-a-times-article-about-his-home>.

55. *Id.*

56. For further discussion of stereotypical and negative portrayals of Native Americans in the media, and their effects, see RECLAIMING NATIVE TRUTH, RESEARCH FINDINGS: COMPILATION OF ALL RESEARCH 18-20 (June 2018), <https://www.reclaimingnativetruth.com/wp-content/uploads/2018/06/FullFindingsReport-screen.pdf>; Stephanie A. Fryberg & Nicole M. Stephens, *When the World Is Colorblind, American Indians Are Invisible: A Diversity Science Approach*, 21 PSYCHOL. INQUIRY 115, 117 (2010); Peter A. Leavitt et al., "Frozen in Time": *The Impact of Native American Media Representations on Identity and Self-Understanding*, 71 J. SOC. ISSUES 39 (2015).

57. Elizabeth Fast & Delphine Collin-Vézina, *Historical Trauma, Race-based Trauma and Resilience of Indigenous Peoples: A Literature Review*, 5 FIRST PEOPLES CHILD & FAM. REV. 126, 126 (2010).

signals an important turn toward treatment-based justice systems and helps counter negative stereotypes and pessimistic views of their futures. It is also undoubtedly helpful as a psychological construct in designing programs that might help system-involved Native girls cope with trauma in healthy and nondestructive ways. As with any buzzword, though, resilience must be approached with caution. As the idea has moved from academic literature into popular psychology and self-help, some commentators have suggested that it—along with its cousin, grit<sup>58</sup>—has lost any real meaning.<sup>59</sup> Its popular meaning is also more personal and more aspirational than its meaning in the psychological literature; it has come to signify a trait of better living that all people should strive to exhibit.<sup>60</sup> The dominance of the concept, together with these

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58. See, e.g., BRENÉ BROWN, *RISE STRONG: HOW THE ABILITY TO RESET TRANSFORMS THE WAY WE LIVE, LOVE, PARENT, AND LEAD*, at xxv (2015) (“To strip failure of its real emotional consequences is to scrub the concepts of grit and resilience of the very qualities that make them both so important—toughness, doggedness, and perseverance.”); ANGELA DUCKWORTH, *GRIT: THE POWER OF PASSION AND PERSEVERANCE* (2016); Deborah Perkins-Gough, *The Significance of Grit: A Conversation with Angela Lee Duckworth*, 71 *EDUC. LEADERSHIP* 14, 14, 16 (2013) (quoting Duckworth as referring to “one specific definition of resilience, which is optimism—appraising situations without distorting them, thinking about changes that are possible to make in your life” and having “positive response[s] to failure or adversity” and further explaining that “to be gritty is to be resilient in the face of failure or adversity” and to “choose to do a particular thing in life and choose to give up a lot of other things in order to do it”).

59. Parul Sehgal, *The Profound Emptiness of ‘Resilience,’* N.Y. TIMES MAG. (Dec. 1, 2015), <https://www.nytimes.com/2015/12/06/magazine/the-profound-emptiness-of-resilience.html> (suggesting that while resilience can be a useful concept in disaster management, it “is indistinguishable from classic American bootstrap logic when it is applied to individuals, placing all the burden of success and failure on a person’s character”). But see Maria Konnikova, *How People Learn to Become Resilient*, NEW YORKER (Feb. 11, 2016), <https://www.newyorker.com/science/maria-konnikova/the-secret-formula-for-resilience>. Konnikova responded to Sehgal by investigating the psychological notion of resilience and arguing that resilience doesn’t have to be an empty or vague concept. In fact, decades of research have revealed a lot about how it works. This research shows that resilience is, ultimately, a set of skills that can be taught. In recent years, we’ve taken to using the term sloppily—but our sloppy usage doesn’t mean that it hasn’t been usefully and precisely defined.

*Id.*

60. See, e.g., Tamara Lechner, *Resilience and Grit: How to Develop a Growth Mindset*, CHOPRA CENTER, <https://chopra.com/articles/resilience-and-grit-how-to-develop-a-growth-mindset> (last visited Jan. 25, 2019) (advising readers to cultivate resilience and grit by focusing on the language they use, surrounding themselves with positive people, and practicing daily reflection).

shifting meanings, has the potential to create or contribute to at least three problems for Native girls.

The first problem is one of unrealistic expectations. The psychological concept of resilience is often articulated as envisioning growth in the wake of trauma.<sup>61</sup> It is certainly important to recognize that Native girls, as a group, have experienced more trauma than other youth who become involved in the juvenile justice system.<sup>62</sup> The resulting emphasis on trauma-informed care makes sense. If a significant number of youth who come into contact with law enforcement and juvenile courts have encountered trauma,<sup>63</sup> it seems like good policy to attempt to assess and address this trauma as a way to counter lawbreaking behavior. Borrowing from the psychological literature, juvenile justice programs and institutions have focused on resilience as a goal for these youth, meaning that their goal is to enable these young people to bounce back and ultimately grow.<sup>64</sup> For example, the Sunrise Residential Treatment Center for girls in St. George, Utah, includes a post on its website about how to build resilience in teen girls who have experienced abuse.<sup>65</sup> While this may be useful to girls on an individual level, it is troubling because it seems to imply that other system-involved youth are not similarly expected to grow. If the goal of juvenile justice for most youth is to simply prevent recidivism, the literature shows that many young offenders will stop offending as they age, so some young people may need no intervention.<sup>66</sup> For young people who are not viewed as acting out as a response to trauma, a return to the status quo of non-offending is a satisfactory outcome; personal growth is not required. This creates a paradoxical situation in which more is expected of the most disadvantaged.

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61. See *supra* notes 29–32 and accompanying text.

62. See *supra* notes 38–40, 45–50 and accompanying text.

63. See Gene Griffin et al., *Using a Trauma-Informed Approach in Juvenile Justice Institutions*, 5 J. CHILD & ADOLESCENT TRAUMA 271, 274 (2012).

64. See *supra* notes 41–44 and accompanying text.

65. Melissa Hartman, *How to Build Resilience in Teen Girls*, SUNRISE (Sep. 8, 2015), <https://www.sunrisertc.com/how-to-build-resilience-in-teen-girls>. The post cites a book by media personality Dr. Laura Schlessinger about the importance of resilience in overcoming trauma. *Id.* (citing LAURA SCHLESSINGER, *BAD CHILDHOOD—GOOD LIFE* (2007)).

66. See Duzbayeva Saltanat Bekbolatkyzya et al., *Aging Out of Adolescent Delinquency: Results from a Longitudinal Sample of Youth and Young Adults*, 60 J. CRIM. JUST. 108 (2019).

The second problem is that an emphasis on resilience specifically targeted to Native girls can have the unintended effect of naturalizing trauma. Resilience requires trauma,<sup>67</sup> so if “resilient” is the dominant descriptor used for Native girls, trauma becomes a necessary part of their identity. Their value is located in their ability to rise above pain. Describing Native girls as resilient can legitimize a status quo in which Native girls suffer. Black feminist scholars have pointed to a similar dynamic at play in descriptions of black women that emphasize their strength.<sup>68</sup> Psychologists have in turn documented the ways in which pressure to exhibit strength can negatively affect African American women’s mental health<sup>69</sup> and deter them from seeking psychological help.<sup>70</sup> While many women experience the “Strong Black Woman race and gender schema” as helpful and encouraging, it also “promulgates beliefs that African American women should handle situations alone” and can lead to feelings of failure when African American women fail to exhibit self-reliance.<sup>71</sup>

Similarly, too much emphasis on Native girls’ personal resilience risks idealizing them as strong and may divert attention away from the structural and historical factors that contribute to their

67. Although resilience has meaning in psychology in terms of an individual’s response to a range of obstacles, early theorists of resilience in children focused on young people who had experienced significant adversity. See Fleming & Lodegar, *supra* note 31, at 8 (“[R]esilience requires the presence of clear substantial risk or adversity.”). In modern discussions of children, especially in juvenile justice, childhood adversity has been redefined as trauma. See, e.g., MARGARET E. BLAUSTEIN & KRISTINE M. KINNIBURGH, *TREATING TRAUMATIC STRESS IN CHILDREN AND ADOLESCENTS: HOW TO FOSTER RESILIENCE THROUGH ATTACHMENT, SELF-REGULATION, AND COMPETENCY* (2010); Griffin et al., *supra* note 63, at 277–78; accord Catherine E. Burnette, *Indigenous Women’s Resilience and Resistance to Historical Oppression: A Case Example from the United States*, 30 *AFFILIA: J. WOMEN & SOC. WORK* 253, 254 (2015) (linking resilience to historical trauma experienced by Native women).

68. See, e.g., MICHELE WALLACE, *BLACK MACHO AND THE MYTH OF THE SUPERWOMAN* 106, 118, 132–41, 150–59 (1990); BELL HOOKS, *AIN’T I A WOMAN?: BLACK WOMEN AND FEMINISM* (1981).

69. Tamara Beauboeuf-Lafontant, “You Have to Show Strength”: An Exploration of Gender, Race, and Depression, 21 *GENDER & SOC’Y* 28 (2007); Angela Rose Black & Nadine Peacock, *Pleasing the Masses: Messages for Daily Life Management in African American Women’s Popular Media Sources*, 101 *AM. J. PUB. HEALTH* 144 (2011).

70. Natalie N. Watson & Carla D. Hunter, *Anxiety and Depression Among African American Women: The Costs of Strength and Negative Attitudes Toward Psychological Help-Seeking*, 21 *CULTURAL DIVERSITY & ETHNIC MINORITY PSYCHOL.* 604 (2015).

71. *Id.* at 605.

continued victimization, trauma, and criminalization.<sup>72</sup> As Sandrina de Finney has noted, “mainstream definitions of resilience, while contextualiz[ed], are still grounded in largely normative ideas of health, and focused on individual outcomes rather than systemic processes. In the case of Indigenous girls’ resilience, it is precisely historical systemic forces that should be interrogated.”<sup>73</sup> De Finney explains that when Native girls are confronted with a model of resilience that emphasizes personal responsibility and obscures the structural and historical aspects of their trauma, they “blame themselves for not resisting or contesting the violence enacted on them” and are frequently told by authority figures that “they were at the wrong place at the wrong time, that they made poor choices, that the intergenerational trauma they and their families experienced simply put them at higher risk.”<sup>74</sup> Indeed, a handful of studies have found that children who exhibit resilience suffer long-term negative health effects, suggesting that resilience exacts a “toll” on children.<sup>75</sup>

The third problem is that an overly positive vision of resilience can have very real consequences for girls who cope with trauma in ways that are not clearly positive. In the specific context of juvenile justice, too much emphasis on the survive-and-thrive version of resilience can lead decision makers to miss the importance of some young women’s coping strategies because the women are not yet perceived as having grown as a result of their trauma.<sup>76</sup> This is

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72. This idea was first developed in a collaborative project I undertook with Sarah Deer on Native girls in the juvenile justice system. The report for that project is not yet available, but the idea described here is a product of that joint effort.

73. de Finney, *supra* note 38, at 14 (citing Emily Hutcheon & Gregor Wolbring, “Crippling” Resilience: Contributions from Disability Studies to Resilience Theory, 16 M/C J. (2013), <http://journal.media-culture.org.au/index.php/mcjournal/article/view/697>).

74. *Id.* at 15–16 (stating that girls “search for evidence of ‘resilience’ that they hear about in counselling groups and from social workers” and blame themselves for failing to exhibit it).

75. Ann S. Masten, *Global Perspectives on Resilience in Children and Youth*, 85 CHILD DEV. 6, 14 (2014).

76. During the panel discussion that preceded this volume’s publication, Judge Whitener described how a behavior such as stealing may be a survival mechanism. Applying this understanding, stealing could be part of a young mother’s strategy to feed and keep her children. To Judge Whitener, this kind of survival behavior demonstrates resilience. To many researchers, however, a thief and lawbreaker may not be considered sufficiently well-adjusted to qualify as resilient. She has survived and adapted in the wake of her trauma, but she may not yet be thriving in the eyes of observers.

especially significant because girls' involvement in the justice system very often begins with direct acts of resistance or survival strategies. For example, the top five offenses for which girls are arrested nationally are larceny/theft, prostitution, embezzlement, assault, offenses against the family children, disorderly conduct, and liquor law violations.<sup>77</sup> Furthermore, girls, especially Native girls, are likely to come into contact with the system after committing a status offense, or an offense that would not be a crime if committed by an adult, such as running away from home.<sup>78</sup> Sociologists have documented the ways that these low-level and status offenses often reflect survival strategies, particularly for girls who face abuse at home.<sup>79</sup> Some psychologists understand this behavior as a form of "less optimum resilience."<sup>80</sup> They acknowledge that resilience is a continuum or a process that may change over time and across contexts.<sup>81</sup> Translated into the juvenile justice context, however, these resilience strategies may still get girls in trouble; presumably, the resilience that juvenile justice programs seek to impart and encourage in Native girls does not include lawbreaking behavior, yet that behavior may be a key component of their resilience.

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77. *Statistical Briefing Book*, U.S. DEP'T JUSTICE OFF. JUV. JUST. & DELINQUENCY PREVENTION, <https://www.ojjdp.gov/ojstatbb> (last visited Jan. 25, 2019).

78. *Id.* (pointing out that among girls committed to residential treatment in state juvenile justice systems, the greatest share were committed for technical violations, status offenses, and assault). Native youth are also more likely than other youth to be petitioned, detained, and placed in residential treatment for status offenses. JONATHAN LITT & HEATHER VALDEZ SINGLETON, COAL. FOR JUVENILE JUSTICE, AMERICAN INDIAN/ ALASKA NATIVE YOUTH & STATUS OFFENSE DISPARITIES: A CALL FOR TRIBAL INITIATIVES, COORDINATION & FEDERAL FUNDING 1, 2 (2015).

79. See, e.g., MEDA CHESNEY-LIND & LISA PASKO, *THE FEMALE OFFENDER: GIRLS, WOMEN, AND CRIME* (2d ed. 2004); BETH E. RICHIE, *COMPELLED TO CRIME: THE GENDER ENTRAPMENT OF BATTERED BLACK WOMEN* (1996); Meda Chesney-Lind, *Girls' Crime and Woman's Place: Toward a Feminist Model of Female Delinquency*, 35 *CRIME & DELINQ.* 5, 5 (1989); Darrell Steffensmeier & Emilie Allan, *Gender and Crime: Toward a Gendered Theory of Female Offending*, 22 *ANN. REV. SOC.* 459, 459 (1996).

80. Anita J. Hunter & Genevieve E. Chandler, *Adolescent Resilience*, 31 *IMAGE: J. NURSING SCHOLARSHIP* 243, 246 (1999) (conceptualizing resilience as a continuum in which "survival tactics of violence, high risk behaviors, social and emotional withdrawal" are at one end and healthy growth is at the other).

81. Southwick et al., *supra* note 30, at 1, 2 ("An individual who adapts well to stress in a workplace or in an academic setting, may fail to adapt well in their personal life or in their relationships.").

## IV. MAKING RESILIENCE WORK FOR NATIVE GIRLS

Resilience is certainly a positive-sounding construct. It offers an attractive and optimistic way to frame recognition of many Native girls' deep experiences of trauma. It may also be useful to encourage individual girls who have experienced trauma and subsequently become involved in the juvenile justice system to cope with their trauma by making healthier choices. As with any trend, though, it must be interrogated carefully and reframed as needed, not simply used as a new label for the same frameworks that have always been employed.

The psychological literature on resilience offers a nuanced understanding of resilience as both an outcome and as a process, and as the result of both individual traits and contextual supports.<sup>82</sup> Most definitions of resilience, however, are tied to extreme trauma and require some kind of improvement or positive development in the wake of that trauma. In this regard, the ecological definitions of resilience can help balance the psychological construct in that they emphasize existence and persistence, rather than improvement, and they consider the resilience of an interconnected system, not simply an individual. An understanding of resilience that draws from both fields would better serve Native girls because it would acknowledge the resilience they have already demonstrated by surviving, however imperfectly, and it would lay bare the connection between individual and community that is so central to Indigenous understandings of child development.<sup>83</sup>

Some psychologists and social workers have begun to articulate such a definition. Masten's definition of individual resilience has been influenced by engagement with the literature on ecological and community resilience. She recently defined it as "the capacity of a dynamic system to adapt successfully to disturbances that threaten the viability, the function, or the development of that

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82. See *supra* notes 33–35.

83. See Addie Rolnick & Kim Pearson, *Racial Anxieties in Adoption: Reflections on Adoptive Couple, White Parenthood, and Constitutional Challenges to the ICWA*, 2017 MICH. ST. L. REV. 727, 744 (2018) (describing how the Indian Child Welfare Act acknowledges that protecting the relationship between child and tribe is "key to the continued existence of the tribe").

system."<sup>84</sup> In addition to emphasizing systems, this definition eschews the popular emphasis on improvement in the psychological literature while also avoiding the implication in the ecological definitions that resilience means a return to the status quo. Instead, Masten emphasizes successful adaptation.<sup>85</sup>

Michael Ungar, a family therapist and social work professor, has attempted to redefine the concept of resilience for children and families. Ungar is critical of what he calls an unduly "narrow" definition of resilience in psychology, one that puts too much emphasis on the child's innate characteristics even though "evidence would suggest . . . that children's positive outcomes are mostly the result of facilitative environments that provide children with the potential to do well."<sup>86</sup> Instead, Ungar advocates broadening the concept of resilience to include "both the capacity of individuals to navigate their way to health-sustaining resources, including opportunities to experience feelings of well-being, and a condition of the individual's family, community and culture to provide these health resources and experiences in culturally meaningful ways."<sup>87</sup> De Finney further expands on Ungar's approach of putting the child in context; she argues that resilience for Native girls must be placed in historical and political context as well:

The fact that Indigenous nations continue to uphold their sovereignty demands expanded definitions of resilience as a political act. That girls may or may not demonstrate normative definitions of resilience is not a reflection of existing resources and capacities, but a measure of the overwhelming and pervasive impact of colonial violence.<sup>88</sup>

For the Indigenous women artists responsible for the "Resilience" billboard campaign, "resilience is embodied as endurance, adaptability and sovereignty in relation to customary cultural practices, contemporary identity, the land, and the impact of colonial

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84. Masten, *supra* note 75, at 6.

85. *Id.* at 7.

86. Michael Ungar, *The Social Ecology of Resilience: Addressing Contextual and Cultural Ambiguity of a Nascent Construct*, 81 AM. J. ORTHOPSYCHIATRY 1, 1, 4 (2011).

87. Michael Ungar, *Resilience Across Cultures*, 38 BRIT. J. SOC. WORK 218, 225 (2008).

88. See de Finney, *supra* note 38, at 15.

practices and strategies.”<sup>89</sup> They connect the modern idea of Indigenous resilience to traditional concepts, such as the Kanien’kehá:ka (Mohawk) term *yakaonnhahniron*, which is “understood as ‘they have durable lives—they outlast.’ It defines the long-term adaptability of Indigenous cultures to changing environmental and social landscapes.”<sup>90</sup> This definition, which focuses on survival, is an important counterpoint to the understanding that dominates popular conversations today in that it understands Native girls as resilient simply because they exist. This sense of resilience applies to both Native people and Native cultures, and it acknowledges that resilience is demonstrated simply by surviving personal trauma or outside shocks. It reflects the ecological understanding more than the psychological one in the sense that it does not require Native girls to improve in order to achieve resilience. Finally, as in de Finney’s definition, it links the resilience of Native girls directly to the resilience of their communities, and vice versa. By creating new understandings of resilience that center Native girls, drawing on the most helpful aspects of the non-Native literature and discarding those that do not fit, Native women across several fields have offered a version of resilience that is relevant to girls and avoids some of the negative impacts of resilience discourse described in this Article.

## CONCLUSION

While it seems uncontroversial to describe Native girls as resilient in the face of personal and historical trauma, this Article demonstrates that resilience is a loaded term and one with many possible meanings. Though the academic literature in psychology acknowledges that resilience is a complex concept, its meaning in popular psychology is thinner, veering toward personal self-improvement practices that can be taught to anyone and away from a contextual, process-based or outcome-based definition. Its popularity as a tool of juvenile justice sometimes seems to reflect this thinner view of resilience as a set of teachable skills that anyone can use to turn adversity into growth. As it is used by Native women to describe themselves, such as in the billboard campaign, it takes

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89. Martin & Dempsey, *supra* note 2.

90. *Id.*

on a richer meaning that understands survival (without a requirement of personal growth) as a manifestation of resilience, as in the institutional resilience literature, and links the idea of individual resilience to the long-term resilience of Native communities. Juvenile justice policymakers would be wise to wrestle with this more complex definition of resilience instead of simply treating it as yet another skill set to be delivered to Native girls via punitive intervention.

