

Contemporary Indian Women

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INTRODUCTION

Indian people must wake up! They are asleep! . . . We were in touch but now we are not. Part of this waking up means replacing women to their rightful place in society. It's been less than one hundred years that men lost touch with reality. There's no power or medicine that has all force unless it's balanced. The woman must be there also, but she has been left out! When we *still had our culture, we had the balance. The women made ceremonies, and she was recognized as being united with the moon, the earth and all the forces on it. Men have taken over. Most feel threatened by holy women. They must stop and remember, remember the loving power of their grandmothers and mothers!* (Rose Auger, Cree elder, Alberta)

Wake up! This statement has been repeated by First Nations women across Canada for the past 25 years. They have been trying to get the attention of Indian men, Indian chiefs and band councillors, the Federal government, and mainstream society. They want to create awareness of, and subsequently change, the circumstances of Indian women in Canada. According to a Department of Indian Affairs demographic profile, Indian women rank among the most severely disadvantaged groups in Canadian society. They are worse off economically than both non-Indians and Indian men (Indian and Northern Affairs Canada, 1979, p. 31).

Change for Indian people began after World War II. They had fought for Canada, but when they returned they were relegated to their subordinate position in Canadian society.

In 1969, the Liberal government's *White Paper on Indian Policy* united Indian people in solidarity. The government was attempting to renege on its treaty obligations and dissolve the reserve system, a move that drew a storm of Indian protests from across the nation. The white paper was subsequently withdrawn but not before it served as a catalyst for Indian political organization.

Women organized lobby groups such as Indian Rights for Indian Women and the Tobique Indian Women's Group and forced women's issues and concerns back on the agendas of tribal administration and the government. Women had grown increasingly frustrated with their economic, social, and political situations within their communities. They had decided that they must attempt to equalize the gender biases prevalent in their communities and in Canadian law.

The gender bias in the Indian community and in Canadian legislation has a long history. Since contact with Europeans, First Nations women have been placed in a precarious situation by governments, both foreign and domestic. In the 500 years since the Indians "discovered" Columbus, the traditional role and status of First Nations women has changed dramatically.

In many communities, they were removed from their roles as advisers and respected community members by adopted foreign ideologies. Native academic Paula Gunn Allen states that Indian women and their egalitarian system were replaced by a male-dominated, hierarchical system at the behest of Jesuit missionaries (Gunn Allen, 1992, pp. 40-41). In return, Indian men were given authority and social standing. Patricia Albers, editor of *The Hidden Half: Studies of Plains Indian Women*, states that Indian women are ancillary to the male-dominated universe of Native diplomacy, warfare, and hunting featured in books, scholarly articles, and movies (Albers and Medicine, 1983, p. 2).

Women were also subjugated in the spirit world. Gunn Allen further states that female deities were systematically replaced by male deities in tribes after European contact. For example, the Hopi goddess Spider Woman was replaced by Tawa; the Cherokee goddess River Foam was replaced by Thunder; and the Iroquois divinity Sky Woman now gets her ideas and power from her dead father (Gunn Allen, 1992, p. 41).

Despite all the changes endured by indigenous peoples, many aspects of the traditional Native woman's role have remained constant. Indian women are still responsible for maintaining culture, stabilizing the community, and caring for future generations. They still play an influential yet unrecognized and unappreciated role in the community.

Contemporary Indian women share many of the concerns of women in general — for example, children, family, economics, employment, and political rights. In addition, Indian women find themselves in a unique political and social situation. In a submission to the Royal Commission on Aboriginal Peoples, the Manitoba Indigenous Women's Collective wrote:

As Aboriginal women, we face discrimination and racism because we are Aboriginal and because we are women. We lack access to jobs, to support, to training programs, and to positions of influence and authority. (Green, 1993, p. 111)

Indian women are in a worse economic situation than non-Indian women and Indian men. They generally hold fewer jobs and have a lower

life expectancy. An Indian and Northern Affairs study (1979) showed that Indian women constituted 26 percent of the Indian labour force compared with 43 percent for non-Indian women (Indian and Northern Affairs Canada, 1979, p. 20). This same study showed that a 50-year-old Indian woman's life expectancy was two years less than that of non-Indian women (Indian and Northern Affairs Canada, 1979, p. 20).

Indian women have a much tougher battle to fight in their pursuit of social and political recognition and equality. Indian women have many adversaries: government, mainstream society, and, at times, their own people. Sociologist Linda Gerber calls the situation of contemporary Indian women a "multiple jeopardy" (Gerber, 1990, p. 69). She states:

native females suffer multiple jeopardy on the basis of a number of objective indicators of social and economic well being. The fact that Indians as a group are disadvantaged and Indian females in particular suffer the greatest disadvantage suggests that Indian status, with its historical trappings of colonial dependency does indeed create additional barriers to economic and social health. The position of Indian women with respect to labour force participation and income, suggests that they are the most severely handicapped in their exchange relations with employers. (Gerber, 1990, p. 72)

This chapter examines the roles and concerns of Indian women in contemporary Canadian society. It argues that specific events such as the creation of the Indian Act in 1869 and the passing of Bill C-31 in 1985 have had a great impact on Indian women.² To fully understand the present social, political, and economic position of Indian women in Canada, one must first look at Indian women in a historical context. It is certain that past events laid the foundation for the current situation.

Since the early 1970s, Indian women had organized and found their own political voice. Indian women had had their voices appropriated by others and thus were essentially silenced. Métis academic Emma LaRocque, in the preface to *Writing the Circle: Native Women of Western Canada*, states that Native women were "wordless," that their words were literally and politically negated (LaRocque, 1990, p. xv). Their concerns and needs were determined and articulated by their husbands and fathers, missionaries, and government agents. This has changed; Indian women are no longer relying on the government or male-dominated Native political organizations to determine their fate. They are speaking for themselves collectively for the first time since European contact. Kenneth Lincoln, author of *Native American Renaissance*, refers to this articulation as a "rebirth" (Tsosie, 1988, p. 2).

The tenacity and relentless efforts of Indian women such as Sandra Lovelace, Yvonne Bedard, and the late Jenny Margetts have won them recognition as worthy adversaries. However, this political activity also brought them scorn and resentment. Nellie Carlson, an activist with Indian Rights for Indian Women, states:

Indian women worked so hard to have [Bill C-31] passed. We had no money; our lives were threatened, we were followed everywhere we went, our phones were tapped — that's how Indian women were treated for speaking out.³

She further stated that Indian Rights for Indian Women fought for 16 years to regain status for Indian women. Their hard work brought some victories, such as the passing of Bill C-31 in 1985. Bill C-31 attempted to eliminate the sex discrimination in the Indian Act by reinstating Indian status to women who married non-Indian men and others who lost their status for a variety of reasons.

It has been a long struggle for Indian women to tell their own story. Women have emerged from the purely domestic roles to share in the rebuilding of their communities. Their concern for community improvement has made them tireless workers and enduring advocates. However, Indian women still encounter many obstacles in their pursuit for a better community.

Indian women must contend with many archaic notions that date as far back as contact with Europeans. Racism and the stereotyping of Indian women illustrate this. American Indian lawyer and scholar Rebecca Tsosie speaks of the myth of Indian women in the bifurcated role of either "Pocahontas" or the "squaw," as illustrated in a series of Hollywood movies (Tsosie, 1988, p. 2). Although some of these situations have faded over time, the legacy of past attitudes is still being felt by Indian women today.

FACTORS LEADING TO THE PRESENT SITUATION

Many factors have led to the lower social, economic, and political situation experienced by most Indian women. These factors include the European hegemonic view of the New World; the historical unimportance of women in European society; the subjugation of Indian people; ethnographic practices that misinterpreted or ignored women's issues; and the adoption of European values and governing systems by Indian men in the community.

European Hegemony

European expansion marked the transition to modern times (Clough and Rapp, 1975, p. 139). With colonization, the Europeans brought a self-imposed burden of "civilizing the barbarians" (Clough and Rapp, 1975, p. 125).

Upon contact, Europeans had established opinions of cultural, intellectual, and structural⁴ supremacy over those encountered in the new land. European ideology stated that their civilization was superior to all others;⁵ Indians were savages; women were socially and politically invisible; individualism and patriarchy⁶ prevailed. These attitudes caused the Europeans

to "fix" unacceptable social conditions. They also affected the recording and writing of history dominated by men. Europeans viewed men, the holders of power and privilege, as the creators of civilization: analytical, logical, and inherently superior to women (Chalus, 1990, p. 32).

The Historical Unimportance of Women

History was, and some may argue still is, a man's world. With the exception of the likes of Cleopatra, Joan of Arc, Queen Elizabeth I or Queen Victoria, few women have been viewed as significant to the course of history. In public affairs, women have been invisible, viewed as chattels owned by men. They were not given political or social rights. Thus, European women had little or no political or economic power.

European men set standards for woman's decorum, which stated how a cultured woman should conduct herself. Restraint, modesty, submission, compliance, and piety all combined in the creation of a gender role for women (Chalus, 1990, p. 38). Women were seen as being psychologically unstable, physically fragile, and morally susceptible. It is not surprising that these attitudes and standards were transported to the New World and imposed upon Native women by European men.

Prior to colonization, women were a strong force in many Indian societies.⁷ Legal scholar Robert Williams states that in a number of North American Indian tribes, women traditionally selected male chiefs as political leaders and could also remove them (1990, p. 1034). Also, in many tribes, women owned substantial property interests, including the marital home, and exercised exclusive dominion over the means of production and the products of major subsistence activities such as farming (Williams, 1990, p. 1034). Women in many tribes held the power to initiate or call off war.

The Iroquois confederacy operated on a matriarchal system prior to the arrival of the Europeans (Native Women's Association of Canada, 1992, p. 2). This system was based on the concepts of equality between the genders. Iroquois women played a profound role in the political and economic life of the community. They traditionally played important roles in their communities as nurturers, educators, and providers.

Ethnocentric Historical Records

Since the written word is considered the "true medium" of historical accuracy, history was left to the discretion of the literate. Those with the ability and opportunity to write had their own agendas to promote. Early accounts of the position of Indian women in their cultures were written by male European fur traders and missionaries. These early accounts tell us as much about the ideological perspectives of the authors as they do about the subject at hand. Explorers and traders were part of the patriarchal and

hierarchical structure that dominated women. As a result, they did not acknowledge the contributions made by Indian women to everyday life. Patricia Albers writes that journalistic accounts ignore or trivialize women's activities and experiences by dealing with and writing about Indian men (Albers and Medicine, 1983, p. 3). Much of the early literature on Indian women contradicted what was to come later. The early ethnographic record supplies ample evidence of a variety of roles for Indian females. For example, anthropologist Judith Brown states that older women in the Wabanaki, Algonquin, Delaware, Powhatan, and Iroquois tribes had authority over kinsmen and had the right to exert power over them and extract labour (Brown, 1982, p. 144). Females in the Wabanaki tribe achieved positions of leadership in both religious and political spheres when they reached middle age (Ezzo, 1988, p. 141).

Despite evidence from some early descriptions of women's authority, it is clear that reporting of Indian activities has often been based on purely ethnocentric interpretations.

Anthropologist Alice Kehoe states that at the turn of the century, ethnographers were frustrated in their quest for data by the traditions of their discipline (1983, p. 53). However, because they viewed Indians as a "dying breed," it became important that details of Indian life be collected for posterity. As a result, there was a big push for ethnographic information related to Indians.

Encounters between recorder and subject were limited in duration and frequency. The resulting data were sometimes inaccurate and contained both gender and ethnocentric biases. One example of misinterpretation is the explanation why a woman walks behind her husband. The assumption of the female's inferior status clouds the real reason the Indian man walks in front of his wife: it is the man's responsibility to protect his wife because she is the giver of life and more powerful than he.

Data collection was guided by conventions that did not allow for accurate depictions of either the roles or the contributions of Native women. Ingrained biases were prevalent in all aspects of information gathering. One reason is that anthropologists were predominantly male. Their scholarly custom was to speak exclusively to male subjects (Kehoe, 1983, p. 54). Common practice dictated that the ethnographer and his male assistant interview a limited number of middle-aged and elderly Indian men about life in the community (Kehoe, 1983, p. 54). If and when Indian women were interviewed, the situation was uncomfortable for the women, who were accustomed to being insulted by European men (Kehoe, 1983, p. 54). In addition, it was culturally inappropriate for Indian women to discuss "women's roles and practices" with males (Kehoe, 1983, p. 54).

The hegemonic ideals of European traders and missionaries supplanted the indigenous perspective on Indian women. In contrast to what was written about Indian women, indigenous customs held women in high regard; they were powerful within their communities.

Subjugation of Indian People

One of the primary reasons for the situation of Indian women today is that Indians, in general, were subjugated by the immigrant European society. The subjugation was based on the myth of the savage Indian, who could not own land. Europeans viewed the land as vacant and therefore free for the taking (Cumming and Mickenberg, 1972, p. 18).

Missionary and government ideology held that the only way for Indians to survive was to give up everything that defined them as a people: religion, language, lifestyle, and identity. For example, residential schools were created to convert Indian children from "savages" to "civilized" citizens for the betterment of the Indian and society as a whole (Voyageur, 1993, p. 2).

Duncan Campbell Scott, assistant deputy superintendent of Indian Affairs, implemented an assimilation policy to rid Canadians and the government of the "Indian problem" (McDonald, 1987, p. 30). The Parliamentary Subcommittee on Indian Women and the Indian Act (1982) noted:

Between 1915 and 1930 the administration of Indian Affairs followed a rigid policy of forced assimilation. Traditional practises such as the Sundance and the Potlatch were prohibited and traditional languages were suppressed. Duncan Campbell Scott in explaining the rationale for changes to the legislation in 1920, said "Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic. This is the whole object of this Bill. (McDonald, 1987, p. 30)

The elimination of the Indian would occur through education and religious training in European customs and values. Separate legal Indian status was conceived as a stopgap measure by white legislators, who expected that Indians would gradually abandon their Native identity in order to enjoy the privilege of full Canadian citizenship — a state to which all would and should aspire (Francis, 1993, p. 201).

When Indians met the minimal requirements for citizenship — literacy, education, and "acceptable" moral character — they were allowed the rights of full citizenship through voluntary enfranchisement.⁹ They would be allowed to vote, purchase alcohol, and obtain land under the homestead system, and would no longer have to live under the aegis of the repressive Indian Act. It is ironic that enfranchisement, the right of full citizenship, was used as both a reward and a punishment for Indians. It was a reward if you obtained a university degree, joined the military, or became a minister. But enfranchisement was a punishment if you were caught in possession of alcohol or raised the ire of the Indian agent who had the discretion to delete anybody from the band list.

The Indian Act

The British North American Act of 1867 gave the power of legislative control over Indians and their lands to the federal government. Thus

empowered, the Canadian Parliament began drafting provisions for what was to become the Indian Act. The Indian Act was, and perhaps still is, the most oppressive legislation in Canadian history. Prior to the Indian Act, the statutory definition of Indians was all persons of Indian blood, their spouses, and descendants. This definition was to be applied when determining the rights to possess or occupy lands. However, in 1869,⁹ the government passed an act aimed at the gradual enfranchisement of Indians. The act determined the scope of government responsibilities with those who entered into treaties.

The first Indian Act to bear the official title the Indian Act was passed in 1876. This act redefined Indian as:

- Firstly: any male person of Indian blood reputed to belong to a particular band;
- Secondly: any child of such person;
- Thirdly: any women who is or was lawfully married to such a person. (Paul, 1993, p. 19)

The Indian Act encompassed virtually every aspect of Indian life. It was primarily social legislation, but it had a broad scope with provisions for liquor control, agriculture, education, bylaws, mining, Indian lands, and band membership (Paul, 1993, p. 13).

Impact of the Indian Act on Indian Women

The Indian Act of 1876 consolidated legislation already in place. The measure depriving an Indian woman of her status when she married a non-Indian was first legislated in the 1869 Indian Act (Jamieson, 1978, p. 72). This act was also the first legislation that *officially* discriminated against Indian women by assigning them fewer fundamental rights than Indian men. Gender-based, discriminatory provisions within the Indian Act limited Indian women's social and political rights.

The enactment of discriminatory legislation aimed at Indian women through the Indian Act placed women in a subordinate position to men. This contributed to cultural changes in many Indian tribes that had previously acknowledged the political power of women. For example, the treaty process required that "official" representatives be elected. This practice eliminated women from local and national politics. Men were legally given more political power than they possessed under traditional politics.

Until 1951, the Indian Act denied Indian women the right to vote in band elections, to hold elected office, and to participate in public meetings that decided band business (Fiske, 1990, p. 122). The few administrative and political decisions allowed to Indians by the Indian Act were to be made by Indian men. Thus, Indian women's traditional social and political powers were legislated to Indian men.

The 1869 Indian Act determined legal status by patrilineal affiliation. Indian women were not legal entities and had virtually no rights. The political status accorded them was that of chattel of their husbands, much

like the political status accorded to European women in their patriarchal society. If an Indian man were enfranchised, his wife and minor children were automatically enfranchised. At the time, it was thought by Euro-Canadians that enfranchisement as Canadian citizens was the most desirable goal for Indians to attain.

If an Indian woman married an Indian man from another reserve, she then became a member of her husband's band. The act stated that an Indian woman must follow her husband. If her husband were to die or she were to divorce her husband, she could not return to her reserve.

There were provisions stating that upon the death of an Indian man, his estate passed to his children, not to his wife.

The most troublesome portion of the 1869 Indian Act for women was section 12(1)(b). This section further illustrates the male bias in the Indian Act. It pertained specifically to Indian women losing their status by marrying non-Indian men. It stated:

- 12.(1) The following persons are not entitled to be registered, namely . . .
 (b) a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in Section 11.¹⁰ (Jamieson, 1978, p. 8)

If an Indian woman married a non-Indian man, she then became a non-Indian in the eyes of the government: she became one with her husband, who became in effect her owner under the patriarchal legislation. She was stripped of her Indian identity and not able to live on the reserve with her extended family. Many Indian women who married out had no idea that they had lost their Indian status until they attempted to return to their reserves following the breakup of their marriages.

What made this section so discriminatory was that if an Indian man married a non-Indian woman, he did not lose his status. Yet a non-Indian woman who married an Indian man became an Indian in the eyes of the law and was given band membership. The new-found Indian status was not stripped from non-Indian women if or when they were divorced or widowed. These non-Indian women and their children maintained band membership.

Indian women were adversely affected by the male bias in the Indian Act. They were not independent. They were adjuncts to their fathers or husbands and were not legal entities unto themselves. They had no legal recourse.

THE BEGINNING OF CHANGE

Legislative Changes

The 1960s brought a number of legislative changes that greatly affected the political position of Indian people. As Indian organizations formed,

they fought for and achieved many changes. As demands for aboriginal and treaty rights grew, so too did demands for equality by Indian women.

The discriminatory treatment of Indian women was chipped away by a number of legislative changes. The most significant were the Bill of Rights, 1960; the Charter of Rights and Freedoms, 1982; and Bill C-31, 1985.

The Bill of Rights

The Bill of Rights was enacted by the federal government in 1960. Unlike the United States, which had a bill of rights added almost immediately to their constitution, the Bill of Rights was omitted from the Constitution Act, 1867 in Canada. It was not until after World War II that Canada, like most developed countries, saw the need to protect civil liberties (Hogg, 1992, p. 779). Section 2 of the Bill of Rights provided that any federal statutes or regulations that infringed any of the rights listed in the bill would be brought to Parliament's attention. However, there was a legal debate about the effect of this provision: did section 2 render the infringing laws null and void, or was it merely to be used as a guide? This was not settled until the *Drybones* case. Section 1 of the Bill of Rights guaranteed equality to all under the law regardless of race or sex.

Court challenges, dealing with a variety of issues, contributed to amendments to the Indian Act. For example, the *Drybones* case dealt with Indians being treated differently from non-Indians, while the *Lavell*, *Bedard*, and *Lovelace* cases dealt with gender discrimination under the Indian Act.

The first important Indian case to challenge the Bill of Rights was the *Drybones* case in 1969. Drybones was an Indian man charged with possession of alcohol. The Indian Act discriminated on the basis of race because an Indian was not permitted to possess alcohol off a reserve. The basis for the legal argument was that since this was not true for non-Indians, the law discriminated against Indians. The *Drybones* case successfully argued that Indians and non-Indians were not treated equally under the law. This case also saw the Supreme Court of Canada decide the effect of section 2 of the Bill of Rights. It held that any federal law that infringed the Bill of Rights would be inoperative. Thus, section 2 was more than a guide.

Other Bill of Rights cases that dealt more specifically with Indian women were the *Lavell* and *Bedard* cases. These were the first cases to attempt to gain Indian women recognition as "full persons" with the same rights and status as Indian men (Atcheson, 1984, p. 12). They challenged section 12(1)(b) of the Indian Act as being discriminatory against Indian women and sought to have the section declared inoperative.

Jeanette Corbiere Lavell was an Ojibwa woman who lost her status after marrying a non-Indian man. She challenged the band administration's decision to strike her name from the band list (Atcheson, 1984, p. 12).

Yvonne Bedard, a Six Nations woman, tried to return to her reserve to live in a house that was left to her in her mother's will. Because she had married a non-Indian, her name was taken off the band list. Since she was not considered a band member, she and her children were ordered to leave the reserve (Atcheson, 1984, p. 12).

Lavell and Bedard argued that they were discriminated against on the basis of sex, which contravened the Canadian Bill of Rights. The two cases were heard together before the Supreme Court of Canada. The Supreme Court affirmed a lower court's decision upholding the validity of section 12(1)(b), which deprived Lavell and Bedard of their Indian status. The decision stated that the Canadian Bill of Rights meant equality only in the administration and enforcement of the law. The actual substance of the law could discriminate between men and women as long as the law was applied by its administrator in an even-handed way (Atcheson, 1984, p. 12). Thus, the Supreme Court of Canada backtracked from the *Drybones* case by refusing to declare a federal discriminatory section of the Indian Act inoperative.

Another important case to challenge section 12(1)(b) of the Indian Act was the *Lovelace* case of 1981. Sandra Lovelace, a Maliseet woman, lost her status and band membership when she married a non-Indian man. She took the Canadian government to an international court, the United Nations Committee on Human Rights, because her rights as an Indian woman were denied by section 12(1)(b), which the Supreme Court of Canada had upheld as valid legislation (Stacey-Moore, 1993, p. 22). She won her case and brought international shame to the Canadian government. The Human Rights Committee found the government of Canada in breach of the International Covenant on Civil and Political Rights to freedom from sexual discrimination (Silman, 1987, p. 251). However, the government of Canada delayed four years before amending this discriminatory legislation. Meanwhile, other Indian women's groups were lobbying the government, national Native organizations, and local band administrations to deal with their concerns. For example, the Tobique women marched from their New Brunswick reserve to Ottawa to protest housing conditions. This action saw 200 women and children make the seven-day trek (Silman, 1987, p. 149).

The Bill of Rights lost most of its significance with the adoption of the Charter of Rights and Freedoms in 1982.

The Charter of Rights and Freedoms

In 1982, the Canadian Constitution Act terminated the United Kingdom's imperial authority over Canada and the Charter of Rights and Freedoms was adopted. The Charter protects certain fundamental rights and freedoms, one which is equality before the law. Indian rights had to be entrenched in the Constitution for the paternalistic attitude of the Canadian government to end. Indian organizations had to do some effective

lobbying in Canadian Parliament to get aboriginal and treaty rights entrenched.

Section 15(1) of the Charter states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race or sex.

In addition, section 28 states:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Although both sections stated that discrimination on the basis of sex and race would contravene the Charter of Rights and Freedoms, the Indian Act continued to do exactly that. It was not until three years later that the discriminatory provisions of the Indian Act were amended.

Although section 35 of the Charter of Rights guarantees aboriginal and treaty rights to Indian people and section 27 states that rights apply equally to men and women, Native women were not assured by governments or Native leaders that they could speak to their concerns. The Native Women's Association of Canada wrote the following about the process of entrenching aboriginal rights into the Constitution: "These arrangements are required to provide an arrangement that gives Native women and their children a destiny that they can participate in full and direct themselves" (Stacey-Moore, 1993, 21).

The entrenchment of the Charter of Rights was a major step toward ensuring the rights of Native women and would assist in fighting discrimination based on gender.

Bill C-31

Bill C-31 came into effect on April 17, 1985. This bill was meant to rectify the infamous section 12(1)(b) of the Indian Act. Bill C-31 was also meant to restore Indian status to people who had been enfranchised. Some have argued that Bill C-31 is an Indian issue rather than solely an Indian women's issue, since enfranchisement occurred for a number of reasons: obtaining a university degree, joining the military or the clergy, or voluntary enfranchisement (Sanders, 1984, p. 38). However, it should be seen primarily as a women's issue because women were affected the most by involuntarily losing their status for marrying a non-Indian man. Joan Holmes, researcher for the Canadian Advisory Council on the Status of Women, states that 12 305 of 16 980 losses of status, or 72.5 percent, were to women because of marriage to non-Indians (1987, p. 9). A United Nations Human Rights Committee report states that in Canada for the period 1965 to 1978, there were 510 marriages between Indian women and non-Indian men, while there were 448 marriages between Indian

The Indian Act requires that Indians be registered on a central registry and that applicants apply for Indian status to the registrar (Paul, 1993, p. 6). Bill C-31 states that those eligible to be registered as status Indians include:

1. women who lost status as result of marriage to non-status men;
2. individuals who lost status or were denied status under other discriminatory provisions of the Indian Act;
3. individuals who lost status through enfranchisement, a process under the old act whereby persons could voluntarily give up status; and
4. children of persons in any of the above categories (Paul, 1993, p. 6).

In addition, Bill C-31 gave individual bands the authority to determine their own band membership. In other words, only Indian Nations should be able to decide who their members are, and what their rights and responsibilities are to those members. This is where much of the present-day contention lies.

Although the principle of the Bill C-31 was to rectify the past injustices of the Indian Act, it appears to have created new problems. For example, Bill C-31 allows for a separation of status¹¹ and band membership.¹² The band determines membership while the federal government determines status. Band councils made up primarily of men determine whether Indian women who married out can become band members again.

Therefore, Bill C-31 has created new problems by stratifying Indian status: status Indian, band member, and combined status and band membership.

CONTEMPORARY INDIAN WOMEN'S CONCERNS

Anthropologist Joanne Fiske studied the link between political and social life on a British Columbia Indian reserve. She writes that Indian women's domestic responsibilities are undifferentiated from community obligations (Fiske, 1991, p. 127). Women are expected to share their surplus food, to assist young people, and to intervene in domestic disputes in an effort to restore harmony. She concluded that the Indian women could not fulfil their domestic goals without political action (Fiske, 1991, p. 136).

The Indian world is a political world; there is no getting around it. As Karen Illnik states, "If you don't want to get involved, you really have to work at it" (1990, p. 37).

Women of the New Brunswick Tobique Reserve took some radical steps to improve their economic and political situation. Women were desperate for housing. Many women found themselves and their children out on the street with no place to go. Some women were kicked out of their house by their husbands.¹³ Since the Indian Act gave men sole ownership of the

family houses through certificates of possession, their wives had no housing rights and no legal recourse (Silman, 1987, p. 11). They took action by marching on Ottawa to protest their situation.

Indian women found themselves at the mercy of their husbands, the Chief and Council, and the federal government. This situation of male domination in the Indian community¹⁴ was brought about by many factors.

Adoption of European Values

One of the major problems faced by contemporary Indian women is male domination. There is a discrepancy between the traditional respect accorded to Indian women and the reality of gender tensions generated within the community (Fiske, 1991, p. 130).

In a submission to the First Nations Circles on the Constitution, Mary Stanaicia addresses the adoption of non-traditional leadership principles by Indians. She writes:

The Indian Act imposed upon us a patriarchal system and laws which favoured men. By 1971, this patriarchal system was so ingrained the "patriarchy" was seen as a "traditional trait." Even the memory of our matriarchal forms of government and descent was forgotten or unacknowledged. How can our Aboriginal leaders argue a case for traditional laws and customs when they continue to exclude women? Recognizing the inherent right to self-government does not mean recognizing and blessing the patriarchy created in our communities by foreign governments. (FNCC, 1992, p. 34)

It appears that Indian men have adopted the attitude that Indian women are dispensable. This has likely resulted from their indoctrination in residential schools, the practices legislated by the Indian Act, and through Euro-Canadian control of the socialization process of society in general. A submission to the First Nations Circles on the Constitution echoes the impact of the Indian Act on Indian government. It states:

Contrary to our traditional systems, the Indian Act system provides a political voice only to elected chiefs and councillors, normally residents on reserve and usually male. The Indian Act silences the voice of the Elders, women, and youth. We believe that true Aboriginal government must reflect the values which our traditional governments were based. (FNCC, 1992, p. 34)

Indian leaders — that is, Indian men — must loosen their grasp on the power given to them by the government. They must remember that they are there to serve the people. Men must be re-educated about the nature of their responsibilities in our efforts to abolish the experience of subjugation of women in our communities (Monture-Okanee, 1992, p. 260). Indian women have suffered from the lack of respect and validity shown to

Community Conflict over Legislative Change

Another reason for the contemporary situation is the conflict raised in the communities over the legislative changes described above. Challenges by Native women to the non-status issue were attacked by male-dominated Indian organizations, the largest being the National Indian Brotherhood (which later became the Assembly of First Nations, or AFN). They feared that if the Indian Act could be struck down on the basis of discrimination, Indian people generally might lose certain special rights under the Indian Act. They also felt that the Indian Act should be kept intact for use as a bargaining tool with the federal government (Paul, 1993, p. 31). The National Indian Brotherhood and other organizations lobbied the government to allow bands to deny women their full status. They wanted to be able to determine band membership. Noel Starblanket, president of the National Indian Brotherhood, stated:

The Canadian Government cannot change one section of the Indian Act without looking at the effect those changes will have on the Indian people of our communities. We feel the wrong being done to Indian women and their offspring cannot be undone by imposing further hardship on the rest of Indian people. (Paul, 1993, p. 31)

There was a general fear that the success of any equality argument would undermine the Indian Act's special protections, and the white paper's policy could succeed through court decisions, even though it had been defeated politically. Chiefs and councillors are primarily concerned about the long-range cultural and economic impact in their community (Opekowi, 1986, p. 16).

There has been much conflict between Bill C-31 Indians (those recognized under Bill C-31) and band members over the distribution of already scarce resources. Housing has been the source of one such conflict (Silman, 1987, p. 11). Reserves usually have a long waiting list for housing. Reserve people already on the waiting list for housing grew resentful of the perceived "special status" given to new Indians who desired to move back to the reserve (Paul, 1993, p. 68). There was a belief that Bill C-31 Indians did not have to wait as long for houses or were placed at the front of the waiting list.

Some bands have not given band membership to people given status by the federal government because they do not have the resources or the land base. Most reserves are already overcrowded. Many feel that conditions will worsen if there is a rush of reinstated Indians wanting to return to the reserve. Pamela Paul, in her study of the impact of Bill C-31 on First Nations people, states that many reinstated people say that they are not interested in returning to the reserve because they are established off the reserve and that the reserve has nothing to offer them as far as housing or employment is concerned. They say that they are more interested in

This has created a great deal of tension and conflict between reinstated members and band councils. In some cases, such as the Sawridge Band in Alberta, there has been a continuance of discriminatory practices. The band has developed a rigorous and prying membership code so that few, if any, can qualify for membership. Indian women have not been welcomed back with open arms and warm hearts, which is the normal Native custom. Patriarchy cannot be solely blamed for this situation. It can be viewed more as an economic guarding of scarce resources by the band. However, continued discrimination by band administrations has left many Indian women sceptical about whether male-dominated organizations and band councils will ensure their political rights.

Reinstated Indians are referred to as "C-31s" and sometimes scornfully called "paper Indians" or "new Indians" (Paul, 1993, p. 94). Bill C-31 has further divided the Indian community, and given rise to negative attitudes on the reserves toward reinstated Indians. It seems that C-31s are being blamed for creating or exacerbating social problems occurring on the reserves. One band administrator stated that the influx of C-31 people is bringing a change in the culture, a change in ideas into the community. He also blames them for increased drug, alcohol, and child abuse problems. He even blames them for a decrease in church attendance¹⁵ (Paul, 1993, p. 97). But this band administrator ignores the fact that Indian culture is not retained when non-Indian women become mothers of their children. In fact, according to Kathleen Jamieson, a researcher for the Advisory Council on the Status of Women/Indian Rights for Indian Women, during the period from 1965 to 1976, the ratio of Indian men marrying non-Indian women to Indian women marrying non-Indian men was 0.8:1 (1978, p. 66). These data show a constant increase in the number of Indian men marrying non-Indian women — from 258 in 1965 to 611 in 1976. These men did not lose their status for marrying out as Indian women did. It is sad that Indian men feel obliged to protect their non-Indian wives' newly found Indian status at the expense of the status of their own mothers, sisters, and aunts.

The fear of the influx of reinstated Indians to reserves has been unfounded to date. Gail Stacey-Moore, spokesperson for the Native Women's Association of Canada, states that of the 70 000 reinstated Indians, only 1400 (2 percent) have moved back to the reserve (1993, p. 22).

Political Inequality

A third factor of concern to Indian women is political inequality. Most of the elected leaders in the Indian community are male. Although traditionally many leaders in the Indian community were male, women's input was

...nergency. An Indian and Northern Affairs study (1979) showed that
...ment of the Indian labour force compared

bound authority. The department makes all important and fiscal decisions. Sometimes the band in question is informed and consulted and sometimes it is not. The band administration simply carries out instructions given by the department.

The chief and council are the allocators of the scarce resources to band members. Joanne Fiske calls them "power brokers" (1990, p. 123). They determine which band members receive limited band employment opportunities, education funding, occupational training, housing allocation, housing repairs, and other band-administered services. This power, however limited, has a great impact on the day-to-day lives of band members. In some respects, the chief and council have taken over the role of Indian agent as intermediary and allocator of resources. It is in the best interest of the band members to stay in the favour of the allocators.

Although women make up about 50 percent of the population, they do not make up 50 percent of the leadership. There are only a handful of women chiefs.¹⁶ There is no guarantee that the concerns of women, such as child care, housing, education, family violence, and social programs, will be heard and acted upon. A very high percentage of Indian women are single parents and this may lessen their influence with the male-dominated council. Single mothers may have less political influence in the community or less time to deal with community issues. The inability to muster political power can cause a person to be disregarded.

Women hold many of the administrative positions¹⁷ but few of the decision-making positions. They do the preparatory work and must receive approval from a superior, usually a male. However, this situation may change over time because more women than men are receiving post-secondary education.

Women remain in good standing with the reserve administration. If they speak out against inequality and injustices, they are labelled as "trouble makers." This can set up barriers for them in subsequent encounters with the band. Glenna Perley summed up the political climate when she stated, "the chief treated us like we were invisible," after she and other women exposed the treatment they had received at the hands of the chief and council to the media (Silman, 1987, p. 124).

SPEAKING WITH OUR OWN VOICES

Indian women have taken the initiative to protect their own rights and interests. The past has shown that Indian men have not always acted in the best interest of Indian women. Bold moves on the part of Indian women have ruffled a few feathers in the Indian community. For example, ... Canada attempted to block the national

(Stacey-Moore, 1993, p. 21). Indian women demanded a seat at the constitutional table to ensure that women's issues would be addressed, and demanded a portion of the funding given to male-dominated political organizations.

This action caused a stir in the Indian community. It pitted males against females. The Native Women's Association of Canada was accused of placing individual rights over the rights of the collective. They were accused of going against tradition. It is ironic that these same males live under the untraditional Indian Act. Women were also pitted against women because NWAC was seen as dividing the Indian community and wiping out the image of a "united front" under the Assembly of First Nations.

By speaking on their own behalf, Indian women can pursue their own priorities and concerns. For example, family violence is of great concern to Indian women. It is thought that since women and children are usually the victims and men are the usually perpetrators, women are concerned that male-dominated organizations and band councils will not give this issue priority. It is seen as a woman's problem and not a general societal problem. If the Indian communities cannot address Indian women's concerns, then women must advocate on their own behalf.

CONCLUSION

It appears that the tension between Indian women and male-dominated organizations began when Indian women decided that they would stand up for their rights as individuals.

Women have reached a point in their political and individual growth where they will not be denied. They will not sit helplessly by while others negotiate their future, because this has not worked for them in the past. They have gained their own voice and can now articulate their own needs and concerns. They must work against adversity because some leaders are not prepared to relinquish power.

Women are moving ahead. Women as the workers and care-givers feel a responsibility to the children and grandchildren in the community. They initiate and sustain many community programs and services. They are prepared to deal with societal problems such as family violence, child abuse, unemployment, and alcohol abuse. They do not want these issues to be swept under the rug. Elder Joyce Leask states:

There are lots of times that people have things to say that hurt us, but that's what life is all about: a lot of frank statements that must be made. We must be strong enough to be honest. (FNCC, 1992, p. 56)

Indian women are playing a greater part in the education of their children and in promoting health, training, and recreational programs in the communities.¹⁸ They are concerned by the loss of cultural identity and the decrease in language retention in the youth because of pressures from

Indian women were able to bring about social, educational, and economic change through their relentless efforts and unwavering commitment to their community. Indian women were in desperate situations and felt they had nothing to lose because their children's welfare and their cultural identity as Indian women were at stake.

In many respects, Indian women still play the traditional role they played before European contact; they are still the care-givers, the transmitters of culture, and the nurturers, and they are ultimately responsible for the future of the community; only time and the conditions have changed. Although they are no longer the social and political equals of Indian men that they once were, Indian women be will not be given the respect and recognition they deserve until Indian men heed their call. Wake up!

NOTES

1. Excerpt from Rose Auger's chapter in Meili (1991), p. 25.
2. The perspectives put forth in this chapter are based on the author's personal experiences as a Native woman, conversations with other Native women, and a survey of existing literature.
3. Personal interview with Nellie Carlson, activist and founding member of Indian Rights for Indian Women in Edmonton, April 4, 1993..
4. Structural supremacy means the hierarchical structure of European society at the time of contact.
5. This ethnocentric view may be shared by all people, but we are dealing specifically with the European view of Indian people and the results of that view.
6. According to *Webster's Ninth New Collegiate Dictionary*, patriarchy is a social system marked by the supremacy of the father and the legal dependence of wives and children, and the reckoning of descent and inheritance in the male line.
7. It must be understood that there is no "pan-Indian" form of social structure or hierarchy with regard to the treatment of women. Tribes were individual in their customs and values and must not be viewed as a homogeneous group. The practice of viewing all Indians in the same light is one that exists to this day and that must be resisted.
8. There is a distinction between voluntary enfranchisement, which a person could apply for and be granted, and involuntary enfranchisement, which occurred when an Indian person lost his status through offences such as possession of alcohol.
9. The Gradual Enfranchisement Act of 1869 was the first legislation to deal with Indians after Confederation, but there had been earlier acts. The Act for the Gradual Civilization of the Indian Tribes of Canada was passed in 1857.
10. Section 11 states:
 - 11(1) Subject to Section 12, a person is entitled to be registered if that person
 - (a) on the 26th day of May 1874 was, for the purposes of An Act providing for

of the Department of the Secretary of State of Canada,

and for the management of Indian and Ordinance Lands, being chapter 42 of the Statutes of Canada, 1868 as amended by section 6 of chapter 6 of the Statutes of Canada, 1869, and section 8 of chapter 21 of the Statutes of Canada, 1874, considered to be entitled to hold, use or enjoy the lands and other immovable property belonging to or appropriated to the use of the various bands or bodies of Indians in Canada;

- (b) is a member of a band
 - (i) for whose use and benefit, in common, lands have been set apart or since the 26th of May 1874 have been agreed by treaty to be set apart, or
 - (ii) that has been declared by the Governor in Council to be a band for the purpose of the Act;
- (c) is a male person who is a direct descendent in the male line of the male person described in paragraph (a) or (b);
- (d) is the legitimate child of
 - (i) a male person described in paragraph (a) or (b), or
 - (ii) a person described in paragraph (c);
- (e) is the illegitimate child of a female person described in paragraph (a), (b) or (c);
- (f) is the wife or widow of a person who is entitled to be registered by virtue of paragraph (a), (b), (c), (d) or (e).

11. Status means registration on the Main or Central Indian Registry in Ottawa.
12. Band membership means that the band accepts and recognizes a person as a member.
13. On the Tobique reserve, some men kicked their wives and children out of their homes and moved their girlfriends in. Women had no place to live and resorted to living in abandoned shacks or tents.
14. Community means the reserve and the urban area.
15. It is interesting that church attendance is viewed as a measure of tradition in a community, especially since traditional religious rituals do not occur in a church.
16. Currently in Alberta, two of 44 Indian chiefs are female. There may be a number of reasons for this situation. Females running for chief may not have the sufficient community support to attain the office. In addition, women may choose not to venture into the primarily male domain until there are more females holding the post.
17. Administration means secretarial and support staff.
18. The author drew this conclusion after attending a number of conferences dealing with Native women's issues.

DISCUSSION QUESTIONS

1. How did European society subjugate its women?
2. How was the Canadian government responsible for the current situation of Indian women?
3. What was the impetus for Indian women to organize?
4. Why is it in Indian men's best interest to maintain the status quo?

5. What are some of the benefits and some of the drawbacks of Bill C-31 status?
6. Will Indian women's social, economic, and political position ever equal Indian men's?

FURTHER READINGS

- Green, Joyce. 1993. "Constitutionalizing the Patriarchy: Aboriginal Women and Aboriginal Government." *Constitutional Forum* 4(4): pp. 110-119. This article details the political jockeying between the Native Women's Association of Canada (NWAC) and male-dominated political organizations during the constitutional negotiations in 1992. It explains NWAC's position.
- Holmes, Joan. 1987. *Bill C-31 Equality or Disparity: The Effects of the New Indian Act on Native Women*. Ottawa: Canadian Advisory Council on the Status of Women. This background paper was commissioned by the Canadian Advisory Council on the Status of Women to gauge the impact of Bill C-31 on Indian women. It clearly explains sections of the Indian Act that discriminated against Indian women.
- Jamieson, Kathleen. 1978. *Indian Women and the Law in Canada: Citizens Minus*. Ottawa: Minister of Supply and Services Canada. This classic was commissioned by the Canadian Advisory Council on the Status of Women and Indian Rights for Indian Women. It laid the foundation for social and political arguments that are still cited almost 20 years later.
- Paul, Pamela Marie. 1993. *The Trojan Horse: An Analysis of the Social, Economic and Political Reaction of First Nations People as a Result of Bill C-31*. Master's Thesis, University of New Brunswick. This thesis analyzes the social, economic, political, and cultural complexities as viewed by the people affected by Bill C-31. It is a candid review of the internal and external conflicts caused by this policy, which was to correct past wrongs.
- Silman, Janet. 1987. *Enough Is Enough: Aboriginal Women Speak Out*. Toronto: Women's Press. This book details the struggles of the Tobique women of New Brunswick in their fight for political and social rights and their part in the implementation of Bill C-31. It contains memoirs of the women involved in their ongoing struggles with fellow reserve members, band administrators, and government officials who helped.
- Stacey-Moore, Gail. 1993. "In Our Own Voice." *Herizons: Women's News and Feminist Views* 6(4): pp. 21-23. Gail Stacey-Moore speaks to the recent reclaiming of Indian women's social and political voice. Indian women have begun to articulate their own issues and concerns and have confronted male-dominated Indian organizations with those same issues.