

Unequal Communities: Exploring the Relationship between Colonialism, Patriarchy and the Marginalization of Aboriginal Women

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ABSTRACT

Since the entrenchment of the Indian Act, the Canadian state has subjected First Nation communities to a lifestyle of dependency where they have been forced to accept and internalize its colonial and patriarchal components. As a result, the Indian Act has perpetrated power dynamics of oppression within these communities. Studies have found women to be particularly vulnerable to this oppression. This essay expands upon these findings by exploring the impact the Indian Act has on Aboriginal women. Its central argument is that the Indian Act has defined the identity of Aboriginal women in a colonial and patriarchal discourse that obstructs their ability to be politically empowered within their communities. The first section of this essay explains how the colonial perception of Aboriginal women contradicts how women were perceived within their communities prior to the Indian Act. The second section of this essay examines the membership and band council provisions of the Indian Act in order to highlight the oppressive effects these provisions have upon Aboriginal women and emphasize the extent to which these forms of oppression have become internalized and legalized within First Nation communities. This essay concludes with the recommendation that First Nation communities should engage themselves in decolonizing processes that embrace the philosophies of their ancestors. Because these ancestral philosophies emphasize the pre-colonial perception of women, this essay argues that they have the potential to decolonize power dynamics within First Nation communities and revitalize the empowerment of women.

Since its entrenchment in 1876, the Indian Act has been used as a tool by the Canadian state to exert social control over First Nation communities. As a result to being treated as subjects of the state rather than as sovereign nations, communities across Canada continue to live in a reality of colonialism in which their rights and values are defined and determined by the Canadian state. Rather than referring to a single isolated event, colonialism refers to interactions, relationships and structures that have made Aboriginal communities physically, psychologically and financially dependent upon the colonial state.¹ As a result

1 Taiaiake Alfred, "Colonialism and State Dependency," *Journal of Aboriginal Health* (2009):42.

of the coercive enforcement of state laws and policies under the Indian Act, colonialism has perpetuated a sense of disempowerment amongst First Nation communities. Aboriginal women are particularly vulnerable to this disempowerment and the Indian Act's patriarchal provisions have redefined their identities in ways that marginalize the role they play within their communities. Not only have these women become exposed to lifestyles of poverty, poor health and abuse, the Royal Commission on Aboriginal Peoples has found them to be commonly excluded from critical decision making processes within their communities.² In addition to rarely holding formal positions of political leadership, Aboriginal women are often silenced on matters affecting the well-being of themselves and their communities. In this essay, I will explore the colonial portrayal of Aboriginal women in greater depth. I will argue that the ability of Aboriginal women to be politically empowered within their communities is inhibited by patriarchal elements of the Indian Act which have become internalized within their communities. After explaining the pre-colonial political identity of Aboriginal women, I will examine their colonial political identity that has been created by the Indian Act. More specifically, I will investigate the membership and band council provision of the Indian Act, and their oppressive effects upon women. Ultimately, I will conclude with the suggestion that First Nation communities engage themselves in decolonizing processes in order to remove these patriarchal power dynamics. To do so appropriately, these communities should attempt to return to their traditional roots and embrace the philosophies of their ancestors, which emphasize the importance of women. While Métis and Inuit women also suffer from similar effects of colonial oppression that warrants academic inquiry, the scope of this essay is restricted to studying First Nations because they are the only group of legally recognized Indians to fall exclusively under the jurisdiction of the Indian Act.

In order to understand the oppressive nature of the colonial identity imposed upon Aboriginal women, it is important to examine the pre-colonial identity of Aboriginal women and illustrate the extent to which these two identities contradict each other. While the specific responsibilities of Aboriginal women were varied across First Nation communities prior to the enforcement of the Indian Act, a shared perception

2 Jo Anne Fiske, "Boundary Crossings: Power and Marginalization the Formation of Canadian Aboriginal Women Identities," *Gender and Development* 14(2006): 245.

of their importance linked all these communities together. According to the “circle of life” and “medicine wheel” philosophies that have been traditionally embraced within First Nation communities, women were placed at the centre of life. As givers of life, their motherhood was honoured and understood as requiring them to care and nurture the entire community.³ As such, these philosophies viewed women as being the foundation of their nation. This statement, “If the heart of the women is strong, and her mind is clear then the nation is strong and knows its purpose”⁴ echoed by an Ojibway elder, implies that women were not only the foundation of the present, but were also the strength of their community’s future. Women were viewed as being complete within their communities, and respected for their spiritual and mental strength while men were respected for their spiritual and physical strength.⁵ As such, spiritual teachings required all community members to live in harmony and balance with both masculine and feminine components of the natural world. In fact, men were responsible for supporting and helping women fulfil their responsibilities, just as women were responsible for supporting men in fulfilling their responsibilities.⁶ To reflect this philosophy, gender equality was a communitarian notion where both genders were equally valued and their differences appreciated.⁷

In this light, gender roles were perceived as being complimentary rather than dichotomous and formal positions of political authority were held by both genders. In both matrilineal and patrilineal communities, history shows that women often held positions of political and military leadership. When they were not chiefs, they were responsible for selecting chiefs, taking power away from chiefs, and controlling the allocation of the communities’ natural resources.⁸ Furthermore, Aboriginal commu-

3 “Marginalization of Aboriginal Women,” University of British Columbia First Nation Studies Program, accessed January 21st 2012, <http://indigenousfoundations.arts.ubc.ca/home/community-politics/marginalization-of-aboriginal-women.html>

4 Mary Ellen Turpel, “Patriarchy and Paternalism: The Legacy of the Canadian State for First Nation Women,” *Canadian Journal of Women and Law* . 6(1993):175.

5 “Marginalization of Aboriginal Women”

6 Turpel, “Patriarchy and Paternalism: The Legacy of the Canadian State for First Nation Women,” ,182.

7 Carl Fernandez , “Coming Full Circle: A Young Man’s Perspective on Building Gender Equality,” *Strong Women Stories: Native Vision and Community Survival*, ed. Kim Anderson et al. (Toronto: University of Toronto Press, 2003) 243.

8 “Marginalization of Aboriginal Women”

nities governed according to communitarian decision-making structures where consensus was favoured over hierarchy and the viewpoints of both men and women were weighted equally. This model ensured that all community decisions were made while incorporating the voices of women.⁹ As such, this model of governance reflected the high level of respect that women received as being the giver and nurturer of life of their communities.

Contrary to the pre-colonial political position of Aboriginal women, the Indian Act disregarded the circle of life and medicine wheel philosophies by placing men in high positions of political authority and alienating women from political participation. While it can be argued that these new patriarchal power dynamics within First Nation communities should be blamed on Aboriginal men rather than on the Indian Act, Aboriginal women argue otherwise. To Aboriginal women, the men who politically oppress and marginalize them should not be viewed as oppressors themselves, because they are also suffering from the effects of colonialism.¹⁰ More specifically, these men have lost understanding of the traditional role that women play within their communities and the responsibilities they hold to women. Instead, these men have been taught that patriarchy is the ideology of the civilized, and community advancement means excluding women from political discussions.¹¹ Influenced by the colonial discourse stipulating that men and women play distinctive roles in the public and private spheres of society, men have internalized the perception that women are better suited to hold domestic responsibilities in the private sphere rather than to hold positions of political authority within the public sphere.¹² When examining the present day power dynamics of Aboriginal communities, it is evident that men have internalized this colonial conception of power and are often not aware that they have attained dominance over women. In a field study surveying Aboriginal men, Carl Fernandez found that while respondents

9 Memo Bodlt and Anthony J Long, "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indian," *Canadian Journal of Political Science* 17(1984): 545.

10 Agnes Grant, "Feminism and Aboriginal Culture: One Woman's View," *Canadian Women Studies* 14(1994):57.

11 Turpel, "Patriarchy and Paternalism: The Legacy of the Canadian State for First Nation Women", 182.

12 *Ibid.*, 182-84.

acknowledged the presence of female passivity within their communities, these respondents did not acknowledge the presence of male domination.¹³ Thus, it can be said that sexism is a consequence of colonization, and the oppression of women results from an internalization of European values. This relationship between colonization, patriarchy and oppression is evident when examining the membership codes created by the Indian Act to determine the Aboriginal citizenship of women in addition to examining the Band Council system created by the Indian Act to govern Aboriginal communities.

In pre-colonial First Nation communities, every woman, by virtue of being born into a family kin, qualified as being a citizen. This is well articulated by a Nisga'a president who states "Everyone fits into our structure. There is no individual standing off to one side who has nowhere to go. You belong."¹⁴ However, by imposing racist and sexist membership codes upon these communities and legitimizing these codes as a means to enable the state to exert social control, the Indian Act has fabricated an artificial identity of Aboriginal women. Not only have women of diverse nations lost their cultural distinction by being generalized into the bureaucratic category of "status Indian," Aboriginal women have been subject to additional labels as a result to their gender. Prior to 1985, the status of Aboriginal women and their children were determined exclusively by the status of their husbands. As such, women lost their status and faced exclusion from their communities upon marrying non-status Indian men, and non-Indian women gained Indian status upon marrying status Indian men.¹⁵

In an attempt to eliminate these sexually discriminatory consequences of the Indian Act and ensure that its provisions aligned with the Canadian Charter of Rights and Freedoms, the government tabled amendments to the Indian Act through Bill C-31 in 1985. Under Bill C-31, marriage was no longer a determinant of Indian status, and those who lost their status prior to 1985 became eligible for status reinstatement.¹⁶

13 Fernandez , "Coming Full Circle: A Young Man's Perspective on Building Gender Equality," 252.

14 Carole Blackburn, "Differentiating indigenous citizenship: Seeking multiplicity in rights, identity, and sovereignty in Canada," *American Ethnologist* 36(2009): 70.

15 Joyce Green, "Canaries in the Mines of Citizenship: Indian Women in Canada," *Canadian Journal of Political Science* 34(2001): 723-725.

16 Green, "Canaries in the Mines of Citizenship: Indian Women in Canada," 723-725.

However, by categorizing women into classes, Bill-C31 has enhanced the patriarchal foundations of the Indian Act. For instance, women who chose to reinstate their status (referred to in this essay as Bill C-31 women) have often been denied membership renewal by the band councils of their communities. As Bill C-31 granted Aboriginal communities the right to develop membership codes independent of the Indian Act, the requirements to determine Indian status and the requirements to determine band membership became different from one another. In cases where women qualified for status but disqualified for band membership, they fell into a new classification category known as bandless Indians.¹⁷ As bandless Indians, these women were denied on reserve residency rights and all affiliation with their band councils. Because they became excluded from the communities where they were formerly members of and where their ancestors came from, extensive rifts began to emerge between bandless women and Band Chiefs, resulting in family and community divisions. Most significantly, this exclusion deprived Bill C-31 and bandless women of opportunities to participate in critical decision-making processes of their communities.

In cases where First Nation communities did not create membership codes independent of the Indian Act and Bill C-31 women were granted renewed membership status, the same trend of political disempowerment has prevailed. Upon return to their communities, Bill C-31 women have been treated as inferior to other members. According to an interview by Grace Ouelette, Bill C-31 women experienced long-term difficulties reintegrating into their communities as a result of this sense of inferiority.¹⁸ As noted through testimonies delivered to the Royal Commission of Aboriginal People, their voices have become marginalized and disregarded within political forums.¹⁹ Furthermore, Bill C-31 women often received less financial assistance from their Band Councils than other members of the community and experienced greater difficulty

17 Val, Napoleon, "Extinction by Numbers: Colonialism made easy," *Journal of Law and Society* 16(2001): 120-122.

18 Grace J. M. W. Ouelette, "The Fourth World: An Indigenous Perspective on Feminism and Aboriginal Woman Activism." (Halifax: Fernwood Publishing 2002), 67-68.

19 Tim Scouls, *Shifting Boundaries: Aboriginal Identity, Pluralist Theory, and the Politics of Self-Government*. (Vancouver: University of British Columbia Press, 2003), 50-65.

attaining on-reserve jobs and housing.²⁰ Similar to communities that have created their own membership codes, these communities have internalized the Indian Act's categorical membership provisions and have legitimized patriarchy and disempowerment as a result. To Cree activist Mary Ellen Turpell, by creating division and alienation within family and community structures, these power dynamics have impeded upon the self-confidence of Aboriginal women in ways that make it difficult for them to reconnect with their pre-colonial identities.²¹

In addition to the patriarchal membership provisions of the Indian Act, disempowerment of Aboriginal women has also resulted from the Band Council System provisions of the Indian Act. Although Band Councils are the only bodies of Aboriginal governance recognized as being 'legitimate' to the Canadian State, rather than being structured according to the communal and egalitarian conception of Aboriginal governance, Band Councils are structured according to the patriarchal political system of the colonial state. Contrary to the circle of life and medicine wheel philosophies that advocate for equal inclusion and participation of all members, the Band Council System is founded on the colonial understanding that there must be a ruler and a ruled, because equals will not obey equals. With power vested in the hands of a few, and limited opportunities for community participation beyond Band Elections, the system is centred on hierarchy and authority.²²

By contradicting traditional values of Aboriginal governance, the power dynamics of Band Councils have made it difficult for Aboriginal women to hold positions of political leadership and engage in community decision-making processes. Although the original Indian Act has undergone amendments to grant women the legal right to run and vote in band elections, the configuration of Band Councils continue to reflect the European assumption that women inherently have no capacity for politics.²³ Despite representing half of the Aboriginal population, women

20 Jo Anne Fiske, "Boundary Crossings: Power and Marginalization the Formation of Canadian Aboriginal Women Identities." *Gender and Development* 14(2006): 13.

21 Turpel, "Patriarchy and Paternalism: The Legacy of the Canadian State for First Nation Women," 182-84.

22 Bodlt, Long, "Tribal Traditions and European-Western Political Ideologies," 540.

23 "Marginalization of Aboriginal Women"

are generally excluded from leadership positions.²⁴ In cases where women do hold positions of authority within community governance, they are generally only bureaucratic assistants to the Chief and Council, and do not have the capacity to contribute to the political agenda of their communities. As a result, issues important to women such as community development and social welfare are often absent from the political agenda because those issues are typically not addressed by men.²⁵ The limited space for community participation within the hierarchical decision-making processes of Band Councils has also created inequalities between men and women. In testimonies presented to the Royal Commission of Aboriginal People, many female respondents recalled experiences of domination by male political elites. As a result of their experiences, these women felt they were perceived as being unequal, and claimed that their interests and needs were inadequately taken into account.²⁶ This sense of inequality has become internalized by Aboriginal women to such an extent that even in instances when they are able to participate, they are hesitant to. For instance, women commonly do not voice their opinion in community circles because they know that their husbands will speak on their behalf.²⁷ While specific experiences of Aboriginal women vary across communities, these examples illustrate general trends that have shaped governance as a result to the imposition of the Band Council system.

While exploring the relationship between colonialism, patriarchy, and the oppression of women within First Nation communities, I have argued that women face disempowerment and marginalization as a result of the imposition of the Indian Act. In particular, its membership and band council provisions have created power dynamics that overlook the Aboriginal conception of gender equality, disregards the pre-colonial role of women and subjects women to male domination. In reaching these conclusions, I have demonstrated the extent to which the patriarchal and oppressive values of the Indian Act have become internalized within their communities. To some, the Indian Act has been accepted because it is

24 Fernandez , “Coming Full Circle: A Young Man’s Perspective on Building Gender Equality,” 242.

25 Kim Anderson, “Affirmations of an Indigenous Feminist”. *Indigenous women and Feminism: Politics, Activism, Culture*, ed. Cheryl Suzack et al. (Vancouver: University of British Columbia Press, 2010), 84.

26 Scouls, *Shifting Boundaries: Aboriginal Identity, Pluralist Theory, and the Politics of Self-Government*, 50-65.

27 Fernandez, “Coming Full Circle: A Young Man’s Perspective on Building Gender Equality,” 247.

sometimes perceived as the only way to protect Aboriginal communities. Other communities have become so preoccupied with attaining greater self-determination and autonomy from the Canadian state that they have lost sight of their traditional values that make them culturally distinct.²⁸ Regardless of the reasoning of each community, the internalization of the patriarchal Indian Act and its colonial constriction of gender roles justify the need for urgent reform. To reform effectively, Aboriginal scholars and activists encourage communities to consult and embrace the teachings of their ancestors because these teachings emphasize the importance of gender balance and highlight the significant role women play in developing and maintaining healthy communities.²⁹ Through symbolic analogy, Turpel argues that internal power dynamics must be reconstructed independently of the 'white man' because involvement of the white man would merely result in greater patriarchy and oppression.³⁰ While specific communities will engage in different processes that reflect their distinctive needs, cultural revitalization in some form must occur before women and men can recapture and internalize their pre-colonial identities. Furthermore, cultural revitalization will help women regain their influential roles within community governance.

Once First Nation communities are able to live according to their ancestral philosophies and re-empower women appropriately, these communities will be able to defend the traditional importance of Aboriginal women in the face of the Canadian state. This could result in the repeal of the Indian Act, or result in amendments that are culturally appropriate to both Aboriginal men and women. Given these possibilities, revitalizing the traditional role of women within First Nation communities will also help revitalize these communities from the colonial and patriarchal influence of the Canadian state.

28 Bodlt, Long, "Tribal Traditions and European-Western Political Ideologies," 540.

29 Fernandez, "Coming Full Circle: A Young Man's Perspective on Building Gender Equality," 242.

30 Turpel, "Patriarchy and Paternalism: The Legacy of the Canadian State for First Nation Women," 189-192.

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