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**FACULTÉ DES ÉTUDES SUPÉRIEURES
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**FACULTY OF GRADUATE AND
POSTDOCTORAL STUDIES**

Christine Baillargeon

AUTEUR DE LA THÈSE / AUTHOR OF THESIS

M.A. (Globalization and International Development)

GRADE / DEGREE

School of International Development and Global Studies

FACULTÉ, ÉCOLE, DÉPARTEMENT / FACULTY, SCHOOL, DEPARTMENT

**Aboriginal Women Claiming Rights Through Writing:
a Comparative Analysis of Selected Texts**

TITRE DE LA THÈSE / TITLE OF THESIS

Natacha Gagné

DIRECTEUR (DIRECTRICE) DE LA THÈSE / THESIS SUPERVISOR

CO-DIRECTEUR (CO-DIRECTRICE) DE LA THÈSE / THESIS CO-SUPERVISOR

EXAMINATEURS (EXAMINATRICES) DE LA THÈSE / THESIS EXAMINERS

Andrea Martinez

Joshua Ramisch

Allen Good

Gary W. Slater

Le Doyen de la Faculté des études supérieures et postdoctorales / Dean of the Faculty of Graduate and Postdoctoral Studies

**ABORIGINAL WOMEN CLAIMING RIGHTS THROUGH WRITING:
A COMPARATIVE ANALYSIS OF SELECTED TEXTS**

Christine Baillargeon

Thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
In partial fulfillment of the requirements
For the Master of Arts degree in Globalization and International Development

School of International Development and Global Studies
Faculty of Social Sciences
University of Ottawa

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Your file *Votre référence*
ISBN: 978-0-494-51827-4
Our file *Notre référence*
ISBN: 978-0-494-51827-4

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ABSTRACT

Aboriginal women and their concerns are largely underrepresented in most political arenas in Canada. In order for their preoccupations to be adequately addressed by governing bodies, these must first be identified and better understood. An exploration of how Aboriginal women resist and challenge oppression is thus needed. In this thesis, I examine a selection of academic works, authored by three prominent Aboriginal women activists in Canada: Sharon Donna McIvor, Patricia A. Monture and Kim Anderson. Their writings address the multiple injustices faced by Aboriginal women. The authors' methods for claiming individual and collective rights range widely, from awareness spreading, to reviving traditional ways, to taking legal action. They all express the difficulties and contradictions they face as indigenous women, though they diverge in their opinions concerning possible solutions. This, as well as their decisions to label themselves feminists or not, is perhaps due to their personal backgrounds and histories.

FORWARD

Much research has been done with Aboriginal women in Canada, though it has often been done from an 'outsider's' perspective, sometimes not reflecting indigenous women's outlooks or omitting their personal opinions (Ouellette, 2002: 11). Although as a white woman, I am an 'outsider', in this thesis I explore how Aboriginal women authors choose to represent their hardships and resistance efforts, and I make a conscious effort to reflect their viewpoints as much as possible. An "engaged" approach to this topic should compel me to constantly remember the inherent power dynamics in this type of research. Every choice I make, such as my theoretical background, is loaded with ideological and cultural assumptions. Taking a feminist stance, I necessarily look out for gender inequalities and resistance initiatives more than other factors. My own gender, age, language abilities, and experience conducting document analysis will also impact the choice of research 'subjects' and modify the findings.

In this case, I, the researcher, recognize that as a Canadian, middle-class, white, blonde-haired, twenty-five year old, female student and former government worker from Montreal; have led a very different life than those lived by Aboriginal women in Canada. I understand that my interest in them stems from my experience with indigenous land claims at the Minister of Indian and Northern affairs Canada, where I represented certain interests and perspectives that may not correspond with indigenous worldviews. I kept a personal journal throughout my research so that I might remain aware of my personal biases concerning these issues. The reflexive component of my research assisted me in keeping a critical outlook on my personal ideas concerning traditional gender roles and Aboriginal peoples, helping me gain a more grounded and relative stance during the critical analysis.

George Marcus describes feminist reflexivity as the practice of positioning oneself in a way so that essentialist modes of knowledge are criticized and other ways of conceiving things are allowed in (1994: 400). Knowledge in this type of research is gained by the links I make when analyzing other women's writings, and being reflexive means being constantly aware of the partiality of my perspective in relation to these other women (Marcus, 1994: 402).

ACKNOWLEDGEMENTS

The realization of this project would not have been possible without the constant support and encouragement of my mentor and supervisor, Natacha Gagné. Thank-you, Natacha, for being my teacher, my role model and my advisor. Your wisdom and expertise greatly enhanced the quality of this paper, and your openness, availability and patience (sometimes at the very last minute!) helped keep me motivated and focused.

I would also like to thank the members of my thesis committee, Andrea Martinez and Joshua Ramisch, for their valuable feedback on my research proposal and for agreeing to evaluate my paper.

To my family, thank you for always believing in me and cheering me on. I promise you I will finish school, one day!

Paul, you know I could not have done this without you. Thank you for pushing me, especially when I really needed that extra shove to keep going. You provided me with a loving foundation I could rely on and you helped me secure the confidence in my abilities and in myself that I needed to succeed.

Finally, I would like to thank God for blessing me with this opportunity, which became such an enriching and enlightening experience.

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LIST OF ABBREVIATIONS

AFN	Assembly of First Nations
APNQL	Assemblée des Premières Nations du Québec et du Labrador
AWAN	Aboriginal Women's Action Network
AWHHRG	Aboriginal Women's Health and Healing Research Group
CEDAW	Convention for the Elimination of All forms of Discrimination against Women
CNA	Conseil de la Nation Atikamekw
CRIAW	Canadian Research Institute for the Advancement of Women
DRIP	United Nations Declaration on the Rights of Indigenous Peoples
FAQ/QNW	Femmes Autochtones du Québec/Quebec Native Women
FAFIA	Canadian Feminist Alliance for International Action
FNLMA	First Nations Land Management Act
ICCPR	International Covenant on Civil and Political Rights
INAC	Indian and Northern Affairs Canada
IRIW	Indian Rights for Indian Women
MNCW	Manitoba Native Council of Women
NAC	National Action Committee on the Status of Women
NCC	Native Council of Canada
NIB	National Indian Brotherhood
NWAC	Native Women's Association of Canada
SWC	Status of Women Canada

INTRODUCTION

On September 7 2007, Members of Quebec Native Women Inc. and the Native Women's Association of Canada led a protest to call on the federal government to support the United Nations Declaration on the Rights of Indigenous Peoples (DRIP). The solidarity walk, held in downtown Montreal, came less than a week before the Declaration was adopted by the Nations in the General Assembly, by a vote of 143-4, on September 13. The Canadian government voted against the declaration, stating that the provisions on self-determination, lands and resource rights were overly broad and open to interpretation, possibly putting into question matters that had already been settled by Treaty (INAC, 2006). This is not to say that Aboriginal men's groups were all against the proposition, as some Aboriginal men's groups were in favor of the declaration, including the Assemblée des Premières Nations du Québec et du Labrador (APNQL). Unlike the APNQL however, the women who engaged in this protest believed that the Declaration could help protect not only their collective rights as members of indigenous nations but also their individual rights as females (QNW, 2007).

At that time, I was a junior analyst for the Minister of Indian and Northern Affairs Canada (INAC), and I was working on a Treaty between Canada, Quebec and the Atikamekw Nation Council. I was preoccupied by Canada's stance on the DRIP, especially concerning the rights of Aboriginal women. From my experience, there seemed to be a lack of female input on the part of the Aboriginal negotiation team. While Canada maintains that land-claims and self-government negotiations are an effective way of legally protecting First Nations' inherent rights to territory, resources and autonomy, Aboriginal women have not played an important role in these negotiations. In fact, they have been seriously underrepresented in the treaty making process (McIvor, 2004:107).

If Aboriginal women are not very visible in formal claims to land and sovereignty, perhaps there are other areas where they are more inclined and/or encouraged to get involved. The literature demonstrates that Indigenous women have resisted multiple forms of oppression since the beginning of colonization (Stevenson, 1999 and Brodribb, 1984). They have brought their cases before law, appealed to the international community, created civil society groups and engaged in various forms of protest. They have been active leaders in

their communities and in urban areas, especially regarding issues of physical and mental health, education, domestic violence and youth protection; for instance by building women's shelters and heading Aboriginal friendship centers (Ouellette, 2002: 76-83).

In addition to these activities, some women have chosen to write as a means of defying discrimination. It is an important way of documenting women's actions and is an effective method for spreading awareness about the situations of Aboriginal women and their children across Canada. While studies on Aboriginal women's involvement in indigenous politics exist, an examination of these women's academic writings remains absent.

Written studies on Aboriginal women's issues in Canada include: their history of oppression (Brodrigg, 1984; Kelm, 2006) violence against women (McGillivray and Comaskey 1999, Mann 2005, Comack 2006, Cameron, 2006; Green 2007), matrimonial real-property on the reserves (Jamieson, 1981 and Stevenson 1999; Away et al. 2005), the sexist discrimination embedded in the Indian Act (Moss, 1990; McIvor and Turpel, 1994; Jordan, 1995; Stevenson 1999, Mann 2005), Bill C-31 (Green, 1985; Stacey-Moore, 1989; Fiske, 1995 and McIvor, 1996, 2004), the Canadian Charter of Rights and Freedoms (Koshan 1998) and section 67 of the Canadian Human Rights Act (Barker, 2006; Desmarais, 1999; CHRC, 2008). Native and non-Native scholars have analyzed the literary works of famous female Aboriginal authors, such as Beth Brant, Lee Maracle, Jeanette Armstrong and Eden Robinson (Hoy, 2001; Armstrong, 1993; Acoose, 1995; Young-Ing, 2001; Alba, 1999). However, academics have been criticized for paying more attention to popular Native writers and favoring their literary genre (LaRocque, 1996: 17). Of all writings by Native authors, poetry is the most popular genre, followed by documenting life experiences, rewriting historical texts to include colonization and assimilation, novels, playwrights and children's books (Heiss, 2001: 222-224).

There exists a plethora of literature analyzing the Aboriginal autonomy movement in Canada. Unfortunately, women's voices are often excluded from this discourse, and much of this work has tended to homogenize Aboriginal experiences as male ones (Cunneen, 2005: 87; Reynolds, 1996; Asch, 1997). As will be demonstrated later, women's issues are not

often at the forefront in the indigenous lobby for self-determination. This is because it has sometimes been taken for granted that women's concerns would automatically be covered by the affirmation of Indian rights to self-government and lands (Barker, 2006: 150).

Similarly, in the extensive literature on sexism and the emancipation of women in North America, indigenous women's representations in the feminist movement are few (though growing as of late) and certainly not as prevalent as those of white, middle-class women (Ouellette, 2004: 45). Perhaps it was assumed at first that Aboriginal women's demands would be covered by the assertion of feminist demands in general (Barker, 2006: 128). There is thus missing an analysis of academic literature authored by Aboriginal women who write about issues that cross over both discourses on Aboriginal sovereignty and women's rights.

Many first Nations women authors, including Emma LaRocque (1996), Sylvie-Anne Sioui-Trudel (2002), Jeanette Corbière-Lavell and D. Memee Lavell-Harvard (2007) have spoken of the importance of giving Aboriginal women a voice. I interpret this as providing a space for indigenous women's ideas, opinions and stories to be heard, understood and taken into consideration. Since their preoccupations have often been ignored or brushed aside, it is important to analyze the work of those indigenous women who have been able to voice those concerns through their writing.

In this thesis, I explore how certain Aboriginal women in Canada have found a way to defy oppression by writing articles and non-fiction books that bring awareness of their hardships and resistance efforts and encourage other women to take action in a political realm largely dominated by men. This research will begin to fill a gap in the existing literature by examining how some Aboriginal women have written, often in the colonizers' languages, about their adversities and how they have confronted them. Using selected writings as a site of resistance, my main research question is:

What injustices are aboriginal women authors contesting, and how are they claiming their individual and collective rights through writing?

OPERATIONALISATION

Since my situation is such that it would be impossible to study the entirety of the population at hand, I opted to critically analyze a sample of writings by certain prominent Aboriginal women activists in Canada. To represent some of the different discourses that are integral to Aboriginal women's issues, I chose to analyze the works of three authors whose writings have not been formally analyzed together: **Sharon Donna McIvor**, **Patricia Monture-Angus** and **Kim Anderson**. I decided on six writings by each author, which I believe to be relevant to my topic.

Given the scope of my research question, the goal of this thesis is to provide a description and demonstrate an understanding of the chosen authors' views concerning a series of Native women's issues. In order to achieve this, my objectives are to (1) depict the authors' thoughts, feelings and opinions on the matters that are of concern to them; (2) illustrate the process(es) by which they choose to get their message across; and (3) discover clues surrounding the different contexts in which they write and get engaged in the Aboriginal women's movement. To these ends, I have privileged a qualitative methodology and an inductive approach.

The first step in an inductive approach is to identify a particular phenomenon related to the researchers' interests, a concrete situation that can lead to a provisory research problem (Chevrier, 2003: 71). In this case, it is my experience in land claims negotiations that led me to take notice that Aboriginal women's involvement was lacking. The following step is to devise a general research question, which allows one to choose the proper method (2003: 70). This question permits the researcher to establish the limits of their research and the pertinence of their data by making it meet certain criteria (2003: 76). Therefore, instead of forming a hypothesis and trying to prove it right or wrong, I formulated open questions to guide my research. From the data gathered using this approach, one can use inductive analysis to build abstractions, concepts, relationships, hypotheses, and theories, based on

their interpretation of the phenomena (2003: 70). I attempted to do this by making links between the authors' ideas and pointing out where these converged and diverged.

Throughout this process, the research question may change or be elaborated on (2003: 79). Mine effectively began as "why aren't Aboriginal women involved in treaty-making?" and was transformed into "do Aboriginal women get politically involved in other ways? If so, how, where and why?" Since this approach is one that cannot predict the directions that the investigation might take, it is essential to explain the method used in addressing the research question.

Qualitative Content Analysis

I performed a qualitative content analysis on the selected writings, which enabled me to portray the authors' reflections on specific subjects. It also allowed me to gain a better understanding of their thoughts by identifying the contextual elements that shaped their evolution over time. Using qualitative content analysis involves categorizing the data into specific themes or units of understanding. Using this technique, the similarities in ideas and conceptions will become more evident and links can be made more easily. Krippendorff (2004) defines content analysis as "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use" (18). It uses various kinds of written documents to observe human thought, whether individual or collective, in specific settings. Content analysis is essentially deriving meaning from a discourse within a discourse: it is an interpretation of written documents that are themselves an interpretation of the social world (Sabourin, 2003: 358).

Content analysis was originally intended for communication, media or literary studies, using documents such as diaries, biographies, fictional stories, interviews or oral histories (Sabourin, 2003: 358). The writings I have chosen are political essays, research papers, ethnographic writings, and scholarly works, written with a specific political agenda, but written in a very distinct fashion when compared to typical Western academic writings.

Today content analysis can be applied to these types of writing, and is often utilized to study social problems and the ways used to confront them (Sabourin, 2003: 367).

This content analysis permits me to identify the fundamental distinctions that emanate from this discourse on Aboriginal women's rights, and it must generate an overall vision of this topic, circumscribed to a certain group of people (Aboriginal women) at a certain time (late 90s to present day) in a certain place (Canada), allowing me to make connections between the ideas (Sabourin, 2003: 383).

The goal of content analysis is to classify and interpret the constitutive elements of a text, implicit and explicit, using the rules of inference. I listed the questions I had in mind, and as I began reading, I concentrated on making links between the data and my research questions to identify relevant concepts and patterns (see Annex A for the list of questions that framed my reading). Some of those questions were not preconceived; they emerged as I examined the texts and compared them. To keep track, I tagged key sentences and paragraphs in the documents and took note of segments that could be important. As I read, I consistently tested new findings against old ones; engaging in what Glaser and Strauss (1967) refer to the *constant comparison* approach to data analysis. As different ideas and relationships transpired, the constructs on which I categorized my data were redefined and reinterpreted.

What emerged was a list of important issues, and almost each one was addressed by all three authors. This list formed the categories I used to classify the data and to structure my analysis. These categories, overarching themes or 'levels of analysis' used to demonstrate how each author presents their case are those of historical interpretation, present day multi-layered oppression, theoretical affiliation and personal and group mobilization. I make links and point out the discrepancies between how the authors:

(1) explain their personal connection to the issues and the impacts of their activism on their identities, by giving accounts of their personal histories and backgrounds, their identity formation as Aboriginal women and academics, and their use of indigenous epistemology;

(2) give themselves and other Aboriginal women a voice distinct from the Anglo-American feminist movement by reflecting on feminism in general;

(3) describe the oppression they and their people have faced through colonization and continuing discrimination in State legislation and policy;

(4) explore specific issues facing Aboriginal women by giving descriptions of difficult legal, political and economic conditions; descriptions of social, community and family adversity; and understandings of the relationship between Aboriginal autonomy claims and women's rights; and

(5) illustrate the various efforts of Aboriginal women mobilizing for their rights by representing other women's voices and actions.

The "analysis" part of the qualitative content analysis takes place during the entirety of the data collection process as well. The detailed information that was gathered is then arranged into a composite picture that answers the research question. My analysis points to the plurality of meanings behind indigenous and female identities. It demonstrates how the chosen authors' simultaneously refuse to be confined to or excluded from the categories of "indigenusness" and "womanhood". These women have a voice in how they wish for their writings to be read, and this thesis attempts to link this voice to the Aboriginal women's movement as a whole.

Sample

The writings I have selected to examine and compare all have a common theme: Aboriginal women's struggles and efforts to have their human rights recognized and protected, whether it be by reinserting them into Canadian history, by recounting personal narratives or by relating the results of interviews with various women across the country. The chosen texts are either scientific articles or non-fiction books; however, this does not mean that other

genres of writing will be excluded, as these works often include segments of poetry and prose.

The chosen authors all currently reside in Canada, and were born and raised here. I attempted to include a French-speaking First Nations female author who wrote about women's issues in my sample, however, none could be found. All three authors are recognized scholars and activists, and have written extensively on women's issues in the past ten years. I chose authors who are also scholars or professors: although they remain few, they are a growing number and face many challenges in a world dominated by white men. It would be interesting to try to understand their position in the changing world of academia, one that I am personally engaged in. What are their opinions, for instance, on the many new 'Native studies' programs being developed in Canadian universities, and the various ethical research standards recently being implemented by certain schools or research chairs for research with Aboriginal peoples?

I chose authors whose writings were recent enough to give an adequate picture of the present-day situation. They are also activists outside academia, and show real concern and initiative for transformative change. Although different in backgrounds, ideologies and approaches, they have devoted themselves to both the women's and the Indian autonomy movements. They have been selected among a myriad of Aboriginal women writers in Canada because of the common subject of their writings, and the similar audience they are trying to reach. In addition, while the evident commonalities initially attracted me to the particular authors, their distinctions are especially interesting. They all have the same goal: promoting the rights of Aboriginal women; but they have each chosen diverse means throughout their lives to attain this objective.

While the three women I selected are exemplary, I acknowledge that their claims, as well as their writings, make up only a small portion of Aboriginal women's actions and that they represent a forcibly limited view of the diversity of positions that are held by indigenous female activists and scholars in Canada. Nevertheless, I believe that the chosen authors comprise a legitimate sample in that they have all written extensively on the topic of

Aboriginal women's claims to rights, and their works combined have never been subjected to a comparative analysis, as opposed to some of the more 'famous' Aboriginal women activists mentioned earlier.

It was not difficult to obtain background information on the chosen authors as they often provided it themselves in their works. Kim Anderson explains that Aboriginal teachers and writers usually introduce themselves, because their background inevitably influences the observations that they share (2000: 22). This might be because Aboriginal authors who write about socio-political issues are not usually writing from a neutral, uninvolved, 'academic' standpoint. The authors I am analyzing, for instance, have a lot at stake; the problems that they write about and the issues that they address deeply affect their lives and those of their families and friends. Therefore, who they are as people intimately influences how and what they write as scholars and professionals. Anderson even states that the 'authority' of her work is closely tied with her personal experience (2002: 22). The following section provides background information on each of the authors' beginning with Kim Anderson.

Kim Anderson

Kim Anderson was born of an English-Protestant mother from Manitoba, a Cree-Scottish father with French and Salteaux heritage from British Columbia. She grew up in a white middle-class neighborhood outside of Ottawa. She defines herself as a Cree/Métis woman, and explains that her father and the Iroquois and Ojibwa communities nearby raised her "in the Native way" (2000: 23). Anderson is the youngest of the chosen authors and stands in contrast to the other two because they both have Law degrees. Furthermore, unlike them, she was not personally a victim of discrimination or abuse. She obtained her Ph.D. from the Tri-University Graduate program in History (Guelph, Wilfred Laurier and Waterloo). She has worked in social and health policy work through her consulting firm, *The Write Circle*. She has published academic work, fiction and poetry in *Fireweed*, *Canadian Woman Studies* and *Paragraph: the Canadian Fiction Review*, as well as in several anthologies. She makes her living as a freelance writer and researcher, producing studies, reports, and publicity material

for Aboriginal organizations. She is also the Chair of the Aboriginal Women's Health and Healing Research Group (AWHHRG), where she does regular workshops and lectures on Aboriginal women's health and healing (AWHHRG, 2008).

Anderson currently lives in Guelph, Ontario with her partner and two children. Her first book, *A Recognition of Being: Reconstructing Native Womanhood* (2000), is the result of 40 interviews with Aboriginal women from across Canada, where she tries to answer the question "How do Aboriginal women maintain their power, in spite of all of the oppression?" She takes a historical-anthropological approach to advocating for Aboriginal women's rights, interpreting her own and other women's visions and experiences. Her works address issues of youth, health and sexual identity; the environment; women's aging; Fetal Alcohol Syndrome; education and schooling; the role of tradition; prostitution and street workers; and cultural identity reclaimed through art and music. With her mixed background and middle-class upbringing away from her Native community, Anderson has had her own personal struggles with identity. She tells the story of how she came to the realization one day in college that she had lost her Native identity, and that she wanted to reclaim it.

My classmate, a white woman from Alaska, had been arguing that the young Native character, Pique, retreats to the bush in Manitoba at the end of the book because the only alternative to assimilation is withdrawal from mainstream society. This touched all sorts of buttons about my own position as an assimilated Native person, and brought on a hurricane of emotion. I surprised my classmate and myself with the explosion that was my reaction. Underneath that explosion, I discovered a profound sadness...Sylvia Maracle has suggested to me that my experience was the manifestation of blood memory...we carry the memories of our ancestors in our physical being. (Anderson, 2000:24)

This incident was the first in her journey of "recognition of being", the search for the meaning behind her Native identity. She and her brother began participating in an Aboriginal organization in Toronto where they lived, and through the people there, she gained knowledge that helped shape her identity. This process was not easy, and she had to work through legitimacy issues, to the extent of questioning whether she measured up to a certain standard of "Indianness" (2000: 26). She was a "half-breed", didn't speak a Native language, had grown up in an urban area and not on a reserve, and these factors all play a part in how people, especially Aboriginal people, perceived who she was (2000: 26). It was the Elders who usually made her feel the most comfortable and accepted (2000: 26).

The other portion of her 'blood', the Euro-Canadian heritage and education, is what gave her the 'privilege' of never being victim to racism, violence or poverty (things she considers should be human rights and not privileges in our country) (2000:31). She sees this privilege as related to her purpose, in the sense that it has given her the opportunity to raise awareness in a way that can benefit both Native people and Euro-Canadians. While she is able to criticize some aspects of her Euro-Canadian upbringing, she highlights the fact that her white grandmother had a lot to teach her about a positive female identity (2000: 30).

When Anderson was young, she participated in general forums for social justice, rather than women's groups. "When I began to reclaim Native culture, I was faced with many teachings that do not allow one to operate as genderless, so I had to start to examine what that meant" (2000: 32).

The works I will analyze are:

- (1) Anderson, Kim
2006 *New Life Stirring: Mothering, Transformation and Aboriginal Womanhood*.
In "*Until Our Hearts Are on the Ground*": *Aboriginal Mothering, Oppression, Resistance and Rebirth*. D. Memee Lavell-Harvard, and Jeanette Corbière Lavell, eds. Pp. 13-25. Toronto: Demeter Press.

In this piece Anderson gives a very personal account of her experience of pregnancy, miscarriage, childbirth and child rearing. The aim of the anthology is revive the notion of motherhood as sacred and powerful, and the idea that the responsibility for raising a child belongs to the community, not just the mother.

- (2) Anderson, Kim and Bonita Lawrence
2005 Introduction. Theme Issue, "Indigenous Women: The State of Our Nations,"
Atlantis 29(2):1-10.

In this piece, Anderson and Lawrence introduce their special edition of *Atlantis*, which focuses on the role of women in Aboriginal claims to autonomy. They explain how women's role in the social spheres has been explored in literature, but that their implication in the

political realm is rarely addressed. This consequently explains the need for this special edition, which includes texts by indigenous women from around the world.

- (3) Anderson, Kim
2005 Doctor, Lawyer, Indian Chief. *Herizons* 19(1):25–29.

In this short news article published in *Herizons*, Anderson interviews some important Aboriginal women leaders: politicians and professionals. She then writes back to the magazine after her article was published to criticize their choice of title, which she finds demeaning.

- (4) Anderson, Kim and Bonita Lawrence, eds.
2003 *Strong Women Stories: Native Vision and Community Survival*. Toronto: Sumach Press.

Anderson edited this anthology with Bonita Lawrence, in which different Aboriginal women authors share their experiences and outlooks.

- (5) Anderson, Kim
2000 *A Recognition of Being: Reconstructing Native Womanhood*. Toronto: Second Story Press.

Anderson's PhD thesis project (which led to the above-mentioned book), was based in her own community, and the relationships she had with her informants were vital in that they trusted her and her motives (2000: 46). For this book, she had to interview participants across Canada, most of whom she did not know. In total, she interviewed 40 women over a 3-year period. Most of the women she interviewed were between the ages of 45 and 60. The age differences are important to contextualize what the informants say and therefore Anderson provides a chart that separates the women into age groups. For example, younger women may have more experiences with bridging the traditional/mainstream divide; women over forty may have been to residential school; women over fifty will have been raised closer to the land; and women over sixty may have had very little contact with non-Native people (2000: 47).

- (6) Anderson, Kim
2000 Powerful History of Native Women. *Herizons* 14(1):15–18.

In the article Anderson asks, “Where are the women?” the women who used to hold positions of authority and respect in Aboriginal groups.

Patricia A. Monture

Patricia A. Monture, is a citizen of the Mohawk Nation, Grand River Territory. She is a mother, a lawyer, a human rights activist and a professor of Aboriginal Justice in the Sociology department at the University of Saskatchewan. From 2001 to 2004, in addition to her teaching responsibilities, she was a Special Advisor to the Dean of the College of Arts and Science on Indigenous Initiatives. She began as a litigator after she graduated from the University of Western Ontario, Queen’s University and Osgood Hall Law School. From 1989 to 1994, she taught in Canadian law schools wanting to use the law to fight her battle. She later realized that this only perpetuated her oppression because the process was so lengthy and changes to Canada’s legal system were so difficult to make (Monture, 2006: 79). She faced intolerable amounts of discrimination teaching law in university, and ended up changing schools in 1994 to join the Department of Native Studies at the University of Saskatchewan. She had a difficult childhood and tumultuous upbringing in an environment filled with violence and abuse. In her writings, she focuses on issues of discrimination in the federal sentencing process, institutionalized violence against Aboriginal women, discrimination in Canada’s mainstream educational system and Aboriginal identity. She takes a critical look at the way Aboriginal and Canadian political and judicial institutions deal with inequality issues. Recently she has focused on the exclusion of women from Aboriginal and treaty rights litigation. She takes a personal approach yet also writes in an academic fashion, at once linking herself and distancing herself from the issues she describes.

Patricia Monture begins by telling the reader how she has written and published scholarly works about her people, but that many do not even have access to these documents from where they live. She also explains how she had difficulties being able to express herself

fully in the English language, and that the labels 'Aboriginal, Indian, Native, First Nation' gave her the most trouble. "Growing up "Indian" in this country is very much about not having the power to define yourself or your own reality". Therefore, when she uses the term 'Indian', it is with the knowledge that although some may find it inappropriate, she still feels comfortable with it, recognizing that the responsibility for forcing this label on native people is not hers (1995: 3). "My experience is the experience of a person entitled to be registered under the *Indian Act*. Further, I have never been denied that right. These facts shape how I understand life, law and politics". She also explains her name, so that people do not assume she is divorced. Okanee is her husband's mother's Cree name, and Angus is her husband's father's Cree name.

In her book, *Thunder in my Soul, a Mohawk Woman Speaks* (1995), Monture reveals that both her parents died by the time she was nine years old. She would constantly read books as a way to escape and she dreamt of being a writer (46). She was raised off-reserve and is half-white; therefore, she did not feel accepted in neither the Aboriginal nor the white world. At age 12, she was raped and began using drugs, and she spent most of her teenage years on the streets (46).

The amount of violence against women that she witnessed on the street is what motivated her to go to law school. When she went to pass the bar however, she refused to take the oath because it meant swearing allegiance to your Queen. She felt this was incredibly racist and with the guidance of elders, she filed her first lawsuit (1995: 50). Monture's personal experience influenced her perception of Canada's legal system (1995: 83). At different moments in her life, she has gone through three stages of four on her personal medicine wheel: she identifies these stages as victim, survivor, warrior and teacher (2006: 84). This process of recovery, resistance, creativity and change is not chronological for her, and she admits to regressing back to the victim stage at times (2006: 84).

The works I will analyze are:

- (1) Monture, Patricia A.

2006 Standing Against Canadian Law: Naming Omissions of Race, Culture and Gender. In *Locating Law: Race, Class, Gender, Sexuality, Connections*. Elizabeth Comack, ed. Nova Scotia: Fernwood.

Monture explores Canada's excuses for blocking the creation of Aboriginal justice systems, fiscal restraint and jurisdiction. She laments that the federal government has profited off the lands that belonged to Aboriginal Peoples, and fiscal restraint is just based in racism.

- (2) Monture, Patricia A.
2006 Confronting Power: Aboriginal Women and Justice Reform. *Canadian Women's Studies* 25(3-4):25-33.

Based on her work with federally sentenced women in 2002, Monture goes into more detail concerning the overrepresentation of Aboriginal women within the Canadian correctional system. The correctional service system continues to fail to meet the needs of Aboriginal women. Monture identifies the issues which need to be addressed, and makes suggestions for policies, programs and practices that could result in improved outcomes for Aboriginal women.

- (3) Monture-Angus, Patricia
2005 Shape Shifting Systems: Thinking about Change. In *Justice as Healing Indigenous Ways: Writings on Community Peacemaking and Restorative Justice from the Native Law Centre*. Wanda D. McCaslin, ed. St. Paul, Minnesota: Living Justice Press.

In this section of her paper, Monture examines from within specific First Nations tradition, the gendered relationships which support governance and legal structures. Her main point is that an analysis of power, of which colonialism is a form, is essential to the development of a successful legal research strategy.

- (4) Monture-Angus, Patricia
2002 The Lived Experience of Discrimination: Aboriginal Women Who Are Federally Sentenced. Canadian Association of Elizabeth Fry Societies, electronic document,
<http://www.elizabethfry.ca/submissn/aborigin/aborigin.pdf>, accessed April 2008.

This is a report prepared for the taskforce on federally sentenced women. In it, she interviews Aboriginal detainees to find out what could be done to encourage rehabilitation and healing and to try to eliminate racial discrimination in prisons.

(5) Monture-Angus, Patricia

1999 *Journeying Forward: Dreaming First Nation's Independence*. Halifax, NS: Fernwood.

In this book, Monture criticizes the current political and legal processes that the Canadian government has put in place in an attempt to rectify the injustices brought on by colonization. She proposes an alternative to the idea of “self-government”, which was framed in the oppressive *Indian Act*, and she calls it “Independence”. She sees this quest for independence not only as a legal and political issue, but also as one of collective and personal yearning.

(6) Monture-Angus, Patricia

1995 *Thunder in my Soul: A Mohawk Woman Speaks*. Halifax: Fernwood

In *Thunder in my Soul*, Monture compiles four articles that she wrote at different times in her life, starting in 1987. She says that they were meant to be read together, to show the evolution of her thought process and her emotional struggles within academia.

Sharon Donna McIvor

Sharon McIvor also went to law school, but unlike Patricia Monture, she continues to teach law. She is a practicing lawyer in Aboriginal law, a mother, and citizen of the lower Nicola Band in British Columbia. She has written many articles on Aboriginal women, within edited volumes and scholarly journals especially in the legal domain. Her doctoral dissertation (1995) was entitled “Aboriginal Self-Government: The Civil and Political Rights of Women”. She is a founding member and co-chair of FAFIA (Feminist Alliance for International Action), CEDAW (United Nations Committee on the Elimination of Discrimination against Women) and was part of the NWAC (Native Women's Association of Canada) board of directors for 10 years. She is the Department Head of Academic and

Indigenous Studies at the Nicola Valley Institute of technology and is a member of various other law societies and committees.

It has been over 20 years since McIvor first began her lawsuit against the Canadian government, to prove that the amendments to the 1985 *Indian Act* remain discriminatory, as a violation of section 15 of the Canadian Charter of Rights. The British Columbia Supreme Court ruled in favor of McIvor in June 2007, but the federal government has appealed the judges' ruling. Even though the Conservative government has cut her funding, she plans to pay the legal and court fees by engaging in an immense fundraising campaign.

McIvor does not explain her personal history in the writings I have chosen to analyze, but she does tell a story during different radio interviews that illustrates how important it is for her to be accepted by the Lower Nicola Band in BC, where she was born and raised. The story goes: she had lost her status when she married and then gained it back in 1985 with the enactment of Bill C-31. Sometime after this, she brought her children to a stream on reserve territory where her grandmother used to take her. A man came running after them, ready to kick them out if they were not Status Indians. Thankfully, he knew her and the fact that she had been reinstated, and so he let them stay. Without her Indian Status, McIvor could not pass on her heritage to her children because she would not even be allowed to walk on her ancestral territory (RedEye, 2007). This sense of community is something that is sought by all three authors, and it is a major motivating factor in their decisions to be politically engaged.

The works I will analyze are:

- (1) McIvor, Sharon Donna
2007 Interview by Jane Williams. BC Supreme Court Victory for First Nations Women. Red Eye, from Vancouver Cooperative Radio.

In these interviews, McIvor opens up about her personal reasons for taking the government of Canada to court. She points out the major deficiencies in the Canadian legal system that renders it possible for human rights abuses to endure. She also talks about Aboriginal feminists and their challenges in First Nations communities and in Canada.

- (2) McIvor, Sharon Donna
2006 Aboriginal Women: Working in Coalition to Advance Sex Equality. In *Calling for Change: Women, Law, and the Legal Profession*. Elizabeth Sheehy and Sheila McIntyre, eds. Pp. 153–163. Ottawa: Ottawa University Press.

McIvor shares her experience of how coalition work has helped progress the struggle for equal rights. She is a litigator for sex equality, a political activist for women's rights, a mother and grandmother within her community, and she believes that by working in coalition with other women nationally and internationally, Aboriginal people can achieve sex equality.

- (3) McIvor, Sharon, Mary Eberts and Teressa Nahanee
2006 Native Women's Association of Canada v. Canada (1994) 3 S.C.R. 627.
Canadian Journal of Women and the Law 18(1):67–119.

This report was written in collaboration with two other women for the Women's Court of Canada. It is a reconsideration of the above-mentioned case, in which the Supreme Court of Canada ruled against the NWAC's request to be included in constitutional negotiations regarding Aboriginal right to self-government. The decision paper goes into a detailed background description of what that led up to the case, the constitutional amendment process in Canada and the judicial history of the case. It then provides counter-arguments for every reason given by the Supreme Court to rule against the case.

- (4) McIvor, Sharon Donna
2004 Aboriginal Women Unmasked: Using Equality Litigation to Advance Women's Rights. *Canadian Journal of Women and the Law* 16:106–136.

In this article, McIvor describes the ways in which different Aboriginal women have fought for their rights by bringing their cases before the courts, including her own cases in these depictions.

- (5) McIvor, Sharon Donna
1999 Self-Government and Aboriginal Women. In *Scratching the Surface, Canadian Anti-Racist Feminist Thought*. Enakshi Dua and Angela Robertson, eds. Pp. 167–186. Toronto: Women's Press.

McIvor goes into detail about the different cases that went before the Canadian courts regarding self-government, and she explores what this means for Aboriginal women. She believes that Self-government must be defined in a way that protects the positions of power and authority that women held in many groups prior to colonization.

- (6) McIvor, Sharon Donna
1995 Aboriginal women's rights as "existing rights." *Canadian Woman Studies*,
15(2-3): 34-38.

McIvor defends the position that the civil and political rights of Aboriginal women are fundamental human rights, protected under the Constitution and should not be subject to any clause in the Indian Act in this short article.

Outlines of Chapters

For the reader to fully grasp what it is these authors are claiming, a general overview of Aboriginal women's history in Canada is necessary. Chapter 1 explains this history, as it has been recorded and as it is beginning to be modified by elders and academics of different First Nation, Métis and Inuit groups. It also details the Aboriginal women's 'movement', beginning with the first woman to take the federal government to court, to the formation of the first national Aboriginal women's organization. The chapter ends with an overview of present-day issues that continue to burden Aboriginal women and perpetuate the discrimination that was rooted in colonial policies.

Chapter 2 provides the theoretical framework for my analysis, defining the various facets of feminism and the ongoing debate between those Native women who believe feminism, especially third-wave feminism, is useful, and those who think that because of its Western origins, it cannot be applied to an Aboriginal woman's reality.

Chapter 3 of the paper begins the analysis of the twenty-four writings by comparing and contrasting the authors' views on certain topics. It begins by contrasting authors' positions

regarding feminism, native epistemology, academia, and explores the factors that motivated them to write.

Chapter 4 describes the authors' efforts at rectifying the historical record, and exploring the true nature of Aboriginal women's gendered identities. It then explores how the authors address the lasting negative impacts of colonization and the *Indian Act*, an issue that concerns them all. Finally, the deficiencies in the Canadian judicial system are described and put in context. Some issues are of concern to only two of the three authors, such as reviving traditional indigenous values to achieve a balanced relationship between women and men. This preoccupies Monture and Anderson, while the legal issues surrounding Indian Status and women's rights are explored by Monture and McIvor.

Chapter 5 analyzes each of the solutions advocated by the authors, and which resistance methods they write about the most. McIvor believes that the justice system can be used to gain rights, while Monture strongly disagrees. She posits a more structured approach, concentrating on effecting change within the Aboriginal communities instead of outside. Anderson follows in this vein, presenting the different ways that indigenous teachings could improve women and men's images of themselves, leading to better health and relationships that are more balanced.

I conclude by drawing out the most salient features of my analysis in an attempt to answer my original research question. I point to the elements, which were of great importance to all three authors, and the issues on which they absolutely disagreed. Finally, I provide a few possible avenues for future research on Aboriginal women's issues based on my research results.

CHAPTER 1: LITERATURE REVIEW

I need to know how it came to pass that “women’s issues” exist separately from men’s. I need to know how our men came to decide what the standard of normal for women ought to be. I need to know how it came to be that our women are the most violated human beings, the least educated, the most overworked and underloved and unprotected human beings in the history of Turtle Island. (Lee Maracle, *Decolonizing Native Women*, 2006: 30)

Before exploring the chosen authors’ opinions on Aboriginal women’s role in history and the oppression they faced, an account of this history is necessary to provide general context. The first section describes what is known about Aboriginal women and their roles, before and after they came in contact with Europeans. I am conscious of the wide diversity of Native cultures and experiences, and while these cannot be covered here, the following presentation aims at a general overview of aboriginal women’s historical roles and their common experience of marginalization since the beginning of the colonial expansion in Canada. Part one details how Aboriginal women’s roles in the family, in the community, and in governance pre and post colonialism. It is important to note that the early written accounts are from the perspectives of settlers, fur traders, explorers and missionaries. These ‘versions’ of history, and the stereotypical images of Indian women that emerged from them, will later be contested by the selected authors. The second section describes the main events **Error! Bookmark not defined.** of Aboriginal women’s activism and what led them to organize into civil society groups. The third part presents evidence of contemporary discrimination against aboriginal women, which can generally be traced back to colonial policies that continue to have a negative impact in the lives of Native women.

1.1 Aboriginal women’s roles and historical injustice

Written accounts dealing with Aboriginal women’s role in pre-colonial North America (or what some First Nations call “Turtle Island”) are evidently hard to come by. Writings by early missionaries and fur traders provide some insight, but are obviously biased by their personal ideologies and judgments of Aboriginal culture (Brodribb, 1984, 86). Moreover, Most European men of the time had preconceived notions of appropriate female behavior,

which served as their lens for understanding Aboriginal women's actions (Stevenson, 1999: 55). As Stevenson (1999: 56) states, most of these men have had trouble comprehending how Native women were not confined to the domestic sphere. They documented that Indian women could freely choose the identity and number of sexual/marital partners they wanted, and that they could get divorced if they so wished. They also owned the fruits of their labor (Stevenson, 1999: 56). There were established gender norms, but some women had opportunities to take on powerful roles in governance, trade and ceremonial life (Barker, 2006: 132 and Ouellette 2002: 32).

It has been documented by anthropologist Eleanor Leacock (1980: 3) that women's roles within Aboriginal communities were in many cases valued equally, before colonisation. Through her fieldwork with the Montagnais Naskapi, she discovered evidence of matrilineal residence (Leacock, 1980: 3). Leacock argues that it was the influence of the Jesuits and the fur trade that promoted women's subordination. Stevenson (1999: 61) describes how the Jesuits first converted the Montagnais-Naskapi men in Quebec, convincing them to 'lay the law' on their women. However, the explorer Samuel Hearn wrote in 1770s that Aboriginal women were traditionally purchased, forced into marriage or won by men, and were often violated and beaten (Brodribb, 1984: 89). These treatments of women could have been part of Native culture, or they could have been the result of outside influence. Traveler Ana Brownell Jameison noted in 1858 that, for example, the Iroquois did not rape women during warfare and that chieftainship was transmitted through the female lineage (Brodribb, 1984: 89).

Most accounts written by non-Native settler women in early 1900s described their difficult mission of civilizing the 'savage' women, through religious conversion, education and other assimilation tactics. Mid-19th century reports by various British commissioners illustrate their misconceptions about Indian culture, stating that Indian men 'imposed' the majority of the labour in the field and in the household on their women (Jamieson, 1981: 23). Writings of Aboriginal women pointed out however that it was an error to think that Indian men looked down on their women. There are accounts of women participating and taking leading roles in the Great Council (Brodribb, 1984: 91), though this does not dismiss the idea that

this participation may have been looked down upon or may have been the subject of contestation. Lee Maracle (2006: 30) states that early on, Elders protested the imposition of Western election processes that removed the authority from women who once stood up to chiefs.

Brodribb (1999: 57) cites authors like Bourgeault, Leacock, Van Kirk and Anderson who point to the autonomy that Aboriginal women had as a result of the huge contributions they made towards the subsistence of their families and the fact that they owned and ran their households. These descriptions state that women had power in the home and held authority over the products of their own and of their men's labor, being in charge of food distribution and assigning tasks and chores (Stevenson, 1999: 59). Aboriginal men living in horticultural or coastal fishing societies were not familiar with agricultural and fish distribution methods, as they spent much time away hunting or on diplomatic missions (Stevenson, 1999: 61). Many women refused to give up control over the goods they produced; for example, the Tlingit women even traded directly with the European merchants themselves (Stevenson, 1999: 62).

Missionaries were not expecting the aggressiveness and resistance they encountered with Aboriginal women, as they were accustomed to women being submissive and weak (Stevenson, 1999: 59). Aboriginal women were much more resistant to Christian conversion than their male counterparts were, at first, because they did not deal with the Europeans to the same extent and second because they did not see any advantage in converting (Stevenson, 1999: 60). It was evident to them that 'emancipated' European women held less independence and power than Aboriginal women did (Stevenson, 1999: 60). Seriously misunderstood was the practice of polygamy, which Westerners thought terrible for the women. Stevenson (1999: 61) believes that this was practical due to the fewer number of men, and because having a husband gave the women economic and social security and having co-wives reduced the workload and gave women greater control over the household. Christian marriage left many women single, poor and overworked (Stevenson, 1999: 61). Even when married, 'converted', and moved from their tents to single-family cabins, Aboriginal women resisted, refusing to send their daughters to residential schools, refusing

to take up household chores (Stevenson, 1999: 62). As indicated by Jaimes, "It was women who have formed the very core of indigenous resistance to genocide and colonization since the very first moment of conflict between Indians and invaders" (1992: 311).

Aboriginal women resisted colonial assimilation tactics not only because they threatened their personal autonomy, but also because they endangered the traditional social fabric of their communities (Stevenson, 1999: 63). In early Quebec, these policies included promoting intermarriage between French men and Aboriginal women as well as converting Indian children to Christianity (Jamieson, 1981: 16). Christian missionaries painted a terrible picture of Aboriginal women's degraded conditions; certain missionary's writings about Aboriginal women and their 'pagan' behavior were very popular among settler society. The missionary accounts of men like Reverend Egerton Ryerson Young are responsible for perpetuating negative images of Native women as overworked, exploited drudges to be pitied. This image of woman as victim served to prove Indian inferiority and to justify the European colonial conquest and 'civilizing' of the Aboriginal populations (Stevenson, 1999: 64).

Various Acts were drafted by the Canadian authorities from 1850 to 1875 in the aim of managing Indian lands and gradually assimilating Aboriginal peoples (Jamieson, 1981: 2).

Early colonial policies functioned to tighten the grip of colonial authority through the imposition of ideologies of patriarchal descent, the creation of an "aboriginal family," and the disempowerment of aboriginal women from political decision-making practices (Emberley, 2001: 62).

The *Enfranchisement Act of 1869* gave important powers to the superintendent general of Indian Affairs, who now could determine who could live on reserve land and could control Indian funds. He established that the Indian bands would create councils of males to be voted in by other males of voting age (Jamieson, 1981: 29). This, of course, was based on the model of (purely masculine) electoral franchise practiced in Canada as a whole at the time. Section 6 of this Act determined that Indian women who married non-Indian men would cease to be Indian, as would their children, and would have to leave the reserve. If she married an Indian man from another tribe, she and her children would be forced to live with his group (Jamieson, 1981: 30). As time went by, this section of the 1869 act was

added to and modified, restricting Indian women's rights more and more (Jamieson, 1981: 30). The Indian Council of Ontario wrote a letter to the Minister of Indian Affairs in 1872, objecting to the requested amendments to section 6 of this Act, which objected to and would have removed the discriminatory clauses against Indian women (Jamieson, 1981: 31). The Indian Council thus wanted to maintain the discriminatory wording. Indian enfranchisement — which meant wilfully giving up or being forced to give up Indian Status — was absolutely necessary if Canada was to assert its claim on as much land as possible before the American's moved further north (Jamieson, 1981: 31). Later on, this clause was useful in determining who was eligible for welfare and housing under the *Indian Act*, and federal authorities took it upon themselves to forcefully remove from the reserves women and children who were legally non-status, often against the will of the bands (Jamieson, 1981: 54).

The official *Indian Act* was created in 1876 and revised many times since. It established the reserves system and gave bands authority over their government and territories, but it devalued women's participation and role in band life (Barker, 2006: 150). Recent studies have demonstrated the enormous impact reserve life had on the roles and lives of women (Stevenson, 1999: 66). Widespread imagery of Aboriginal women as evil temptresses and terrible mothers served to justify state intervention in Aboriginal livelihood and social structure (Stevenson, 1999: 66). Reports from missionaries on the 'Aboriginal condition' were used to rationalize the oppressive measures taken and substantiated the various federal legislature created in the aim of domination and assimilation (Stevenson, 1999: 67). An example of this are the enfranchisement regulations initiated in 1857 which remained in effect until 1985.¹ Stevenson (1999: 69) notes that for an Indian to gain the rights and privileges of civil rights and citizenship in Canada, such as the ability to acquire real property, he had to give up his First Nation membership and prove certain criterion, such as mastering English or French, being free of debt and being of sound moral character. First Nations men were given complete authority, among other things, to enfranchise their wives and children, whether they wished for it or not. This undermined the traditional matrilineal

¹ Entitled "An Act to Encourage the Gradual Civilization of the Indians in This Province, and to Amend Laws Respecting Indians" (Stevenson, 1999: 68).

descent patterns and gave women no control over their legal status as a First Nation member (Stevenson, 1999: 69). The 1876 *Indian Act* also provided for involuntary enfranchisement, stating that any Indian who moved away too long, went to university, or became a priest would *ipso facto* be enfranchised (Stevenson, 1999: 70). In between 1965 and 1975, 95% of Indians that were enfranchised were women, and it was not voluntarily (Jamieson, 1981: 64).

The 1876 *Indian Act* was amended in 1951, giving Indian women the right to vote in band elections, however, the alterations in the sections on band membership and inheritance had even more negative effects of women (Jamieson, 1981: 59, Stevenson, 1999: 68). Any person over 21 whose mother or grandmother was not a Status Indian lost their status, emphasizing that the blood-line could only be passed on through the male (Jamieson, 1981: 60). A number of provisions made it so that all illegitimate children, regardless of whether both their parents were Status Indian or not, became enfranchised (Jamieson, 1981: 62). Once one was enfranchised, they were no longer considered an Indian, they were given 30 days to sell or dispose of all their property on reserve, and they were allocated Treaty money for twenty years (if their band had a Treaty-this equalled approximately \$261 total) (Jamieson, 1981: 63 and 67). Also, to eliminate practices of polygamy, one of the amendments required that all marriages be rendered official through provincial marriage legislation, despite the validity of customary marriage practices already demonstrated in court (Stevenson, 1999: 71). Finally, women's rights were further eroded by new provision that imposed federal divorce laws on Indians, making it much more difficult for a woman to leave her husband (Stevenson, 1999: 72).

Evidently, Aboriginal Peoples were not consulted in the drafting of legislation that concerned them, and there is documented proof that different groups across Canada were opposed to the discrimination against Indian women found in the Treaties that were being made (Jamieson, 1981: 13). The government's intent with this legislation was to eventually assimilate all Indians into Euro-Canadian culture, by gradually reducing their numbers and enacting policies to 'civilize' them (Jamieson, 1981: 13, Stevenson 1999: 74). Of course, Aboriginal Peoples and women fiercely resisted and fought to achieve justice as will be

demonstrated in the following section; however this could not prevent the internalization of patriarchal oppression in First Nations communities (Stevenson, 1999: 74). All the oppressive measures taken against Indians were made possible through the law (claiming land, sending children to residential schools, outlawing of Aboriginal traditions, stripping away Indian Status, etc.). These measures continue to have lasting impacts on the lives of Aboriginal women, and have led many women to take action in hopes of change.

1.2 Native women's groups, movements and legal activism

Many Aboriginal women understand very clearly that they hold the power of the future in their hands. (Anderson, 2000:211).

As pointed out above, the discrimination embedded within the *Indian Act* perpetuated a long process of social formation since colonisation (including the institutionalisation of Christian doctrine, capitalism, sexism and homophobia) which valued men's contributions above women's by making different laws apply to each gender (Barker, 2006: 150). Aboriginal women have confronted this discrimination in four ways: (1) bringing their cases before domestic courts as individuals and as groups; (2) engaging in public protests and marches; (3) calling media and international attention to their issues; and (4) forming solidarity groups that distinguish them from the feminist movement of non-Indian women in Canada.

As Marie-Ellen Turpel notes (1990), women began organizing together regionally and in their communities since the late 1960's (Ouellette, 2002: 31). In 1971, an international conference was held in New-Mexico and then a Canadian indigenous women's conference was held in Edmonton, and again in 1972 and 1973 (Ouellette, 2002: 31).

The first national Aboriginal women's group was created in 1971 in reaction to the revised 1970 *Indian Act*. The group, initially called "Equal Rights for Indian Women" and later changed to "Indian Rights for Indian Women" (IRIW) was dedicated to repealing section 12(1)(b) of the *Indian Act* (Ouellette, 2002: 44).² It was composed of Aboriginal women's

² 12. (1) "The following persons are not entitled to be registered, namely... (b) a woman who has married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section 11." (*Indian Act* in Jamieson, 1981: 8).

groups from all over Canada. Two important court cases had an impact on the creation of this group: Jeanette Corbière-Lavell, an Ojibwa woman and member of the Wikwemikong band on Manitoulin Island in Ontario, and Yvonne Bedard, from the Six Nations Reserve in southern Ontario (INAC, 1996: sec. 3)

Corbière-Lavell, who married a non-Indian, brought her case to court to fight against the discriminatory marriage provisions in the 1970 Act (McIvor, 2004: 112). At this moment in time, the “White Paper” had just been published by the government, a proposal to phase out the *Indian Act*. Indian leaders were opposed to it, and the general standpoint of Aboriginal men can be summarized in a famous comment by Harold Cardinal, a 24 year-old Indian politician:

We do not want the *Indian Act* retained because it is a good piece of legislation, it isn't. It's discriminatory from start to finish. But it is a lever on our hands and an embarrassment to the government, as it should be... We would rather continue to live in bondage under the *Indian Act* than surrender our sacred rights (Jameison, 1981: 2).

This is important to demonstrate why some Aboriginal groups that were mainly run by men did not support women's efforts to modify the *Indian Act*. Lavell's case was thus perceived as a threat to the sacred rights protected in the *Indian Act*, and Indian leaders stood against her (Jamieson, 1981: 2). The National Indian Brotherhood, a male-organized movement, was funded by the Federal government to intervene against Jeanette Lavell in this case, even though she did not receive any public funding herself (Lavell-Harvard and Corbière Lavell, 2007: 190, McIvor, 2004: 113).

Jeanette Corbière Lavell received a letter and 35 dollars from the government (her share of the revenue of her band) a few months after she married David Lavell, a non-Indian. Her greatest concern, and what pushed her to take legal action, was the fact that she was forced to abandon her community, as were her children (Lavell-Harvard and Corbière Lavell, 2007: 188). She stated: “The provisions of s. 12(1)(b) ... separated us from our communities, and also made it...impossible for us to raise our own children in our communities where they would have the benefit of close contact with our parents and extended family, and our traditional culture” (2007, 189). Mrs. Corbière Lavell initially lost her case at trial, the judge

stating that if the *Indian Act* was to be modified, Aboriginals should bring the affair before the Parliament. When Lavell appealed her case on the basis that it contravened the *Bill of Rights*³, she won, but this decision was revoked by the Supreme Court, who held that there was no inequality in the law, as all Indian women were treated (and discriminated against) equally by the *Indian Act* (Green, 2007: 151). Knowing she had lost by only one vote, Lavell then appealed directly to the Prime Minister, M. Pierre Trudeau (who is remembered as a great advocate of the Canadian Charter⁴), who responded by requiring her to obtain the support of her band chief and men before lobbying him on the issue (Green, 2007: 151). The government then began to blame Aboriginal representatives for wanting to maintain the discrimination against women contained in the *Indian Act*, implying that gender oppression was an inherent part of Native culture (Jamieson, 1981: 4).

Yvonne Bedard's case against the Six Nation's Council was brought forward in 1971 (INAC, 1996: sec. 3). Bedard had lost her status when she married out in 1964, and she moved back on reserve in her mother's home when she separated from her husband six years later. After a year, the band council had ordered her to leave the reserve with her children since she was not a Status Indian. Bedard's case was argued in the same way as Lavell's and she won at the federal court of appeal "by virtue of the legal precedent of that case" (INAC, 1996: sec. 3).

In August 1973, the Supreme Court of Canada revisited the cases in appeal and dismissed both on the grounds that the marriage provisions of the *Indian Act* were to be upheld. The judge stated that by marrying out, Lavell and Bedard may have lost their Indian Status, but they had gained equal rights with all other Canadian women (Barker, 2006: 136 and McIvor,

³*Canadian Bill of Rights* [S.C. 1960, c.44] R.S.C. 1985. Section 1 provides: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely... (b) the right of the individual to equality before the law and the protection of the law".

⁴ *Canadian charter of rights and freedoms*, Part I of the *Constitution Act, 1982*, enacted as Schedule B to the *Canada Act 1982* (U.K.) 1982, c. 11. Section 15(1) provides: "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, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Section 28 provides: "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

2004: 113).⁵ Following this decision, IRIW presented three interim requests to the federal government: 1) to stop all evictions of Indian women and children from reserves; 2) to suspend the implementation of section 12(1)(b) of the *Indian Act*; and 3) to be permitted to participate officially in the joint negotiation sessions for the revision of the *Indian Act*. All these requests were subsequently rejected (Jamieson, 1981: 92).

Though Lavell and Bedard lost their cases, they inspired other women to engage in public protest. The Native Women's Association of Canada (NWAC) was organized in 1973, to lobby parliament and the Canadian public on issues that affected Aboriginal women (McIvor, 2006: 254). The Lavell case got the attention of the Royal Commission on the Status of Women in Canada. With the support of this feminist group, IRIW was able to send elder Mary Two-Axe Early, a non-status Mohawk living on the Kahnawake reserve, to the 1975 World Conference on Women in Mexico City (McIvor, 2004: 114). Lavell herself was the founding member of the Ontario Native Women's Association and one of the elected vice presidents of the National Women's Association (Barker, 2006: 136).

The Maliseet women of the Tobique reserve in New Brunswick came together in 1977, tired of the deplorable conditions they had been living in. They decided to turn to the international arena in an effort to compel their band governments to grant them equal access to housing and social services. They used the case of Tobique woman Sandra Lovelace to present their complaints before the United Nations Human Rights Commission (Barker, 2006: 139). Lovelace had married-out and had attempted to return to her community six years later when she separated from her husband. She was refused access to reserve housing and was forced to live in a tent with her son on reserve lands (Barker, 2006: 139). In 1979, an important Native Women's March took place from Oka, Quebec, to Ottawa, Ontario, in

⁵ The majority of the court held "1) That the *Bill of Rights* is not effective to render inoperative legislation such as 12(1)(b) of the *Indian Act* passed by the Parliament of Canada in discharge of its Constitutional function under S.91 (24) of the B.N.A. Act, to specify why and by whom Crown lands reserved by Indians are to be used; 2) That the *Bill of Rights* does not require federal legislation to be declared inoperative unless it offends against one of the rights specifically guaranteed by section 1, but where legislation is found to be discriminatory, this affords an added reason for rendering it ineffective; 3) That equality before the law under the *Bill of Rights* means equality of treatment in the enforcement and application of the laws of Canada before the law enforcement authorities and the ordinary courts of the land, and no such inequality is necessarily entailed in the construction and application of S. 12 (1)(b)". (Jamieson, 1981: 85).

support of Sandra Lovelace and the repealing of section 12(1)(b) of the Act (McIvor, 2004: 114). The United Nations Human rights Commission rendered its verdict in 1981, and section 12(1)(b) was deemed discriminatory against women (QNW Inc, 2005:3).

In reaction to this decision, in 1983 and 1985, the Canadian government approved constitutional and legislative amendments to partially reverse the clause in the *Indian Act* which had in section 12 (1)(b) established patrilinearity as the criterion for determining Indian Status and all rights and benefits that stem from this status. Unfortunately, as mentioned earlier, Bill C-31 did not live up to the women's expectations for an amendment and women's groups continued to face discrimination when attempting to take part in negotiations concerning not only this amendment, but also the amendment to the *Constitution Act of 1982* (Barker 2006: 140). Sharon Donna McIvor, one of the authors who works I analyze, explores this continued discrimination in her 1995 article, "Aboriginal women's rights as "existing rights"" which will be examined further on.

Constitutional change has generally been driven by a white male elite capitalist interest, and historically efforts to contest it have not succeeded (Green, 2007: 140). However, social movements have made headway in this effort since the partition of the *Constitution Act 1867* and the adoption of the Canadian Charter of Rights and Freedoms (Green, 2007: 140). It is due to the efforts of Aboriginal and women's solidarity groups that the *Constitution Act of 1982* now includes equality rights and recognizes the treaty rights of Indians, Inuit and Métis (Green, 2007: 141, 146). What is the practicality of the new constitutional provisions? Technically, if a citizen has the time, money and expertise, they could bring government before the courts if their rights had been violated (Green, 2007: 147).

The government still has not established any laws or policies that require a gendered analysis during the negotiation of Aboriginal Treaties or in the development of equality rights and social processes (Green, 2007: 149). The issue of violence against Aboriginal women also remains to be addressed by federal authorities (Green, 2007: 149).

Throughout these court hearings and protests, Aboriginal women faced various obstacles, including opposition from their own band councils and other Aboriginal organisations that were against modifying the *Indian Act*. Besides the problem of gender discrimination in Aboriginal communities, the opposition was also due to the economic reprisals of reinstating Indian Status to those who had lost it. Housing and social services were already lacking on most reserves, thus there was the legitimate concern over the resources that would be allocated to the reinstated Indians (INAC, 1996: sec. 3).

When constitutional conferences were first held to discuss the definition of section 35 rights in 1983, representatives of the Aboriginal communities of Canada were to be invited, however all women's groups were initially excluded. Section 35 of the *Constitution Act 1982* recognises the "existing Aboriginal and treaty rights of the Aboriginal peoples of Canada"⁶, but "women's issues" were not deemed relevant in the definition of these rights (Barker, 2006: 141). It is important to note that from the very beginning, women were left out of any discussion related to Treaty rights and gender-issues were deemed irrelevant to matters of self-government (Barker, 2006: 140).

Many Indian men and Indian groups, such as the NIB (National Indian Brotherhood, now the Assembly of First Nations), supported women's exclusion from these talks, because they believed that the *Indian Act* protected their right to sovereignty and any amendment to it or to the *Constitutional Act of 1982* would contravene that right (Barker, 2006:148). They

⁶ *Constitutional Act of 1982*, Enacted as Schedule B to the *Canada Act, 1982*, (U.K.) 1982 c. 11. Part II, Rights of the Aboriginal Peoples of Canada, reads:

"35. (1) The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed. (2) In this Act, "Aboriginal peoples of Canada" includes the Indian, Inuit, and Metis peoples of Canada. (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired. (4) Notwithstanding any other provision of this Act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

35.1 The government of Canada and the provincial governments are committed to the principal that, before any amendment is made to Class 24 of section 91 of the "Constitution Act, 1867", to section 25 of this Act or to this Part, (a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and (b) the Prime Minister of Canada will invite representatives of the Aboriginal peoples of Canada to participate in the discussions on that item."

assumed that if these First Nations women were appealing to human rights and civil law in order to change the Act, this meant that they were not only fighting against Aboriginal inherent rights to self-determination, but that they were also using non-Indian ideologies to do so (Barker, 2006: 137).

Despite their initial exclusion from the constitutional conferences, Aboriginal women's groups, with the momentum from the Lovelace decision, rallied together to try and get a gender equity clause added to section 35 of the *Constitutional Act of 1982*. Though the NWAC was not invited to attend, it had elected representatives in the Native Council of Canada (NCC) and the provinces of Manitoba, Ontario, Saskatchewan and Quebec (Barker, 2006: 143). Despite protests from the AFN, the following amendment was added: "Notwithstanding any other provision of this Act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."⁷ (Barker 2006: 144). This was a great victory for Aboriginal women, assuring them that Treaty rights would apply to them equally, though it did not offer them any immediate reparations for the double discrimination they had endured.

In 1992, Aboriginal groups (mainly composed of males) were in talks with the federal and provincial governments to ratify the Charlottetown Accord, which would have accorded self-government rights (McIvor, 2004: 126). During these negotiations, funding and space were provided for Aboriginal organizations, but none for exclusively female Aboriginal groups. The NWAC brought the issue before the courts, stating that the consultation process was discriminatory towards women because it did not provide them with a right to representation. The NWAC hired two top female lawyers to help them in their legal battle against the federal government over the Charlottetown Accord. During the drafting of this accord, the participating groups (that were mainly composed of and led by men) received 10 million dollars from the government of Canada to participate (McIvor, 2004: 126). The women's organizations were excluded from the negotiations, but were allocated \$250 000 of the money that was accorded to the "men's" groups. Being affiliated to two of the men's groups, the NWAC received \$500 000, and used that money to obtain extensive media

⁷ Subsections 35(3) and (4) were added by the *Constitution Amendment Proclamation, 1983*. See SI/84-102.

coverage of the unequal participation they were being subjected to (McIvor, 2006: 256). They felt it discriminatory that they could only participate under the umbrella of organizations with a male majority, where the decision making power was mainly invested in men. The NWAC then engaged in a highly successful “no” campaign, even airing a commercial during a hockey game that influenced many Aboriginal voters into voting NO to the Charlottetown Accords (McIvor, 2006: 255). They refused to be represented by the Assembly of First Nations because they held opposing views on the protection of women’s rights by the *Canadian Charter*, even under Indian governments (McIvor, 2004: 129). The AFN argued that the Charter was a colonial instrument that could potentially counter Aboriginal traditions, and they won their case in the Supreme Court of Canada (Green, 2007: 150). Although it might not often be acknowledged in the historical record, Aboriginal women’s political activism played a large role in the failures of the Meech Lake and Charlottetown accords (Green, 2007: 141). McIvor goes into detail concerning this case, which she was personally at the forefront of, in her 2004 article on Equality Litigation.

The Aboriginal Women’s Action Network (AWAN) of Vancouver works with other solidarity groups to fight poverty, violence and discrimination (Green 2007: 154). In Quebec, the group Quebec Native Women is one of many associations that have been implicated in battles for women’s rights. For example, they gave a presentation in 1989 for the National inquiry on the impacts of Bill C-31, they co-ordinated various meetings and colloquium on women’s issues, they participate in various summits, protests and international gatherings, and they present opinionated reports and briefs to government institutions (Levesque et al., 2005: 1-11). The Association was initiated to provide a forum where women of different First Nations in Quebec could make their needs and priorities known. It provides women with the means to become active in their communities while representing all Aboriginal women in Quebec, living on or off reserve. The group deals primarily with issues of justice and human rights, non-violence towards women, better health conditions and job formation (QNW, 2005). Unlike the NWAC, which has recently reorganized its governing structure to reflect Aboriginal worldviews, QNW’s has a typical Euro-Canadian hierarchical structure, with an Executive Committee led by a president and a Board of directors composed of elected members of each nation (QNW, 2005). The NWAC,

on the other hand, has council representatives from the four directions, which represent the different provinces and territories, and each region has specific responsibilities that rotate over to the next region after a certain time (Ouellette, 2002: 50).

Aboriginal feminist promote social change in many areas by collaborating with different groups (environmental, sustainable development, human rights etc.) as well as with non-Aboriginal women's groups (such as the NAC) and feminists (Green 2007, 23). These activists then become aware of the challenges faced by Aboriginal women and can support them in their projects.

These groups continue to strive for the most basic rights of women: equal status and membership within communities, equal entitlement to share in matrimonial real property, and equal participation in Aboriginal governance (McIvor, 2004:108). They wish to have the same protections that other Canadian women have under the Canadian Law on Human Rights (Mann, 2005: 4). The federal government continues to exclude many of these women's organizations from any meaningful political participation and generally allocates them less funding than other Aboriginal organizations (Green, 2007: 154). This persisting inequality is the topic of the following section, which goes into detail concerning how sexist and racial discrimination impacts every aspect of Aboriginal women's lives.

1.3 Contemporary discrimination against aboriginal women

On the website of the Atikamekw Nation Council (a Nation in the Mauricie region of Quebec), the relationship between men and women is described as being "almost perfectly balanced" (CNA website, 2005). Women in this community play a major role in the social sector, in education and increasingly in politics. In fact, the recently elected Grand Chief/President of the band council, Eva Ottawa, is for the first time in the history of the Atikamekw, a woman. Despite this example, recent studies have shown that Aboriginal women in general are underrepresented in band governance and face many more grave problems in their everyday lives than other Canadian women do (Mann, 2005: 2).

(...) it was not only neo-colonial Aboriginal male leadership that suppresses women within the community but also the government of Canada that plays a dominant role in reinforcing patriarchy in law, policies, programs, and services for Aboriginal people. Just as the early missionaries, fur traders, and Indian administrators promoted and entrenched patriarchy as a way of life among Aboriginal peoples wherever they found them, so too do modern federal bureaucrats. Canada's reinforcement of patriarchy continues to subject Aboriginal women and their children to extreme violence in the home in the form of spousal abuse and child sexual abuse at the hands of men. It also consigns Aboriginal women to poverty and to various forms of social and political marginalization. (McIvor, 2004: 133)

Firstly, Aboriginal women are three times more likely to be victims of conjugal violence (Mann, 2005: 5). Many factors contribute to this violent behaviour in First Nations Communities, such as the marginalisation of women due to measures taken during the colonial era for assimilation. Overcrowded housing, alcohol and drug abuse, remote housing far from police stations and lack of resources all contribute to the high rate of violence (Mann, 2005: 3). Also, Aboriginal women's health in general is in a grave state. They have shorter life expectancy and higher rates of diseases such as diabetes and AIDS. They also have high rates of alcoholism and drug abuse, and their suicide rate is at least eight times higher than that of other Canadian women (Mann, 2005: 7). An important factor is the fact that 43% of Aboriginal women live in poverty in Canada, causing unsanitary living conditions and limited access to healthcare (Dion Stout et al., 1998: 21).

Secondly, attempts by the federal government at removing gender discrimination from the *Indian Act* with Bill C-31 have actually perpetuated the sexist discrimination onto future generations (Mann, 2005: 3). Since it was initially put in place in 1868, the *Indian Act* posited that if a woman married a non-Indian, she and any subsequent children of hers lost their Indian Status. If an Aboriginal man, on the other hand, married a non-Indian woman, not only did he and his children retain their status, but this status also got extended to his non-Indian wife (McIvor, 2004: 112). A woman who lost her status was subsequently forced to leave the reserve lands with her children, cutting any link she had with her community and preventing her children from experiencing her culture and passing it on to their children (Green, 2001:716). She also had to give up any property she owned on reserve land and could no longer inherit property from her parents. Even in the worst of circumstances, divorced, widowed, or ill, she could be prevented from returning to live with her family. Finally, she was not even permitted to be buried on the reserve lands with the remains of her

ancestors (Jamieson, 1981:1). The psychological effects of being removed from one's community and living in strange, often racist culture on non-Status Indian's identity are also grave, though largely undocumented (Jamieson, 1981: 72).

Under the 1985 newly revised *Indian Act* with the addition of Bill C-31, Aboriginal women no longer lost their status if they married non-Indian men, and women and their children who had lost this status were able to get it reinstated, under certain restrictions. These restrictions prevent the grandchildren of women who married out under the previous *Indian Act* from registering, creating a second-generation cut-off, a cut off which does not apply to the grandchildren of men in the same situation (McIvor, 2004: 118). (To understand the intricacies involved in Bill C-31, see Annex B)

Registration to obtain Indian Status is very important to First Nations women because it grants them certain advantages, such as access to programs offered by INAC, access to fiscal benefits for those owning matrimonial real property on the reserves and access to national programs such as postsecondary schooling and healthcare (Mann, 2005: 5). Additionally, if one is not listed as a band member on the INAC list because they are non-Status Indians, they cannot benefit from any eventual Treaty rights. Their children will not have the opportunity to be educated in their Native language; they do not have access to tax cuts or loans for starting a small business, free medicines etc. (Jamieson, 1981: 71).

In addition to these losses, following the 1985 amendments to the *Indian Act*, some Indian bands developed gender discriminatory membership codes and argued that these represented Aboriginal tradition. Some bands even tried to protect their power over membership. For instance, in the court case *Sawridge v. The Queen*, these bands argued that the Constitution recognizes and protects the band council's right to exclude women from membership if they marry outside the band, because this is considered an Aboriginal and treaty right. They lost their case, but it has now gone back to trial and is making its way through the judicial system again: the results will form an important precedent for Aboriginal women's rights (Green, 2007: 151).

The residual discrimination present in Bill C-31 goes against Canada's international human rights obligations and its Charter of Rights and Freedoms (Moss, 1990: 282). The federal government claims that there are three factors that are preventing it from taking action on the issue. First, they say that Bill C-31 was unilaterally agreed to. Second, there is still no consensus among Aboriginal groups concerning the issue. Third, the second-generation cut-off was imposed equally to women who married before and after the implementation of Bill-C-31 (Moss, 1990: 282). Unfortunately, these reasons do not take away from Canada's responsibilities, and the last reason makes no sense considering that men who married-out previous to and following the amendment are subject to different rules, rendering its application unequal (Moss, 1990: 283).

Thirdly, First Nations women living on reserves do not have the right to claim any property or belongings in the case of a divorce. Because section 91(2) of the *1867 constitutional Law* forces courts to rely solely on the *Indian Act*, by granting parliament all legislative power over Canadian Indian reserves, the provincial and territorial laws that provide for equal distribution of property between spouses do not apply to matrimonial real property on reserve land (Mann, 2005: 5). Since the federal government does not have a legislative framework for divorce cases on reserves, and because Aboriginal women's names often do not appear on ownership documents, women are left at the mercy of their ex-husbands will and have no recourse to gain rights on their homes or belongings when they divorce (Alcantara, 2006: 515).

Although the Crown own the Title to the reserve lands, band members can employ any of four kinds of individual interests: customary allotments (the most common choice), certificates of possession, leases and land codes from the *First Nations Land Management Act (FNLMA)* (Alcantara, 2006: 518). Although a band member can build on, sell or trade a customary allotment he has gained through an agreement with the Band Council and/or community, ultimate authority over it belongs to the band (Alcantara, 2006: 518). A certificate of possession is more official: it is gained through a Band Council resolution and approved by INAC, and permits the certificate holder not only to build, sell, and extract

resources from the land, but also to devise it in a will and use it for commercial reasons (Alcantara, 2006: 518). These holders of allotments or certificates of possession can lease this land to a non-band member, government or company (Alcantara, 2006: 519). The fourth type of regime is the individual interests provided by the land codes drafted, ratified and administered by the First Nations who have chosen to participate in the *FNLMA* (Alcantara, 2006: 519). This way INAC and the *Indian Act* are not involved in reserve land management, and the Crown can no longer expropriate this land without giving the First Nation other lands (Alcantara, 2006: 520). The *FNLMA* provides a framework for Band Councils to write matrimonial real property laws (Alcantara, 2006: 520). Despite these four property regimes, the majority of Aboriginal groups have established matrimonial real property laws on reserve land (Alcantara, 2006: 521). The courts have ruled again and again that provincial legislation does not apply to Indian reserves, although some women did receive monetary compensation, since this issue is not mentioned in the *Indian Act* (Alcantara, 2006: 522, 524). Despite the compensation, these judgements have often forced Aboriginal women to move off reserve because housing is so sparse (Alcantara, 2006: 528). Even when the women's names appear on the certificate of possession ownership documents jointly with their husbands, the court is paralyzed and leaves it up to the parties to settle it themselves (Alcantara, 2006: 529).

Fourthly, certain laws and government policies go against Aboriginal women's human rights guaranteed by the *Canadian Charter of Rights and Liberties*, so long as article 67 of the *Canadian Human Rights Law* stipulates that nothing in this law can supersede a clause in the *Indian Act*. This leaves registered Aboriginal women under the *Indian Act* unprotected by the Charter, while every other woman in Canada is (Mann, 2005: 7). This exclusion was decided during a joint consultation session concerning the revision of the *Indian Act* between the Minister of Justice and the National Indian Brotherhood, while Native women's organizations and their representatives were not permitted to participate (Jamieson, 1981: 9, Koshan, 1998:25). Some Aboriginal women affirm that the application of the Charter would not only guarantee the protection of their basic human rights, but also their participation in their band governments once autonomy was achieved (Koshan, 1998: 26). The Canadian Human Rights Commission issued a report in January 2008, recommending the immediate

repeal of article 67 of the *Canadian Human Rights Law*. They suggest including an interpretive clause which would ensure that First Nations collective rights were balanced with individual rights (CHRC 2008: 11).

Finally, because so many government laws and policies, particularly in the *Indian Act*, have often reinforced the discrimination faced by Aboriginal women, a patriarchal model now rules in many Aboriginal communities. The privileges accorded to Indian men through the law legitimated this inequality, allowing for a sense of entitlement to positions of power to emerge among men (Barker, 2006: 133). This has severely limited Aboriginal women's access to important roles in leadership and politics within their communities and other institutions or groups (McIvor, 2004: 108; Mann 2005: 8 and Dion Stout et al., 1998: 12). A concrete example of this is that although many women may have regained their Indian Status through bill C-31, this does not automatically give them reserve residency, a prerequisite for anyone who wants to run for office. The Report of the *Royal Commission on Aboriginal Peoples* states: "the authority to decide on-reserve residency matters rests with the band council under subsection 81(1) of the *Indian Act*". Since the *Indian Act* remains unclear concerning the rights to live on a reserve, there is no obligation for bands to include residency-rights in their by-laws concerning Bill C-31 registrants (INAC, 2004). Therefore, the band council can arbitrarily decide whether they wish to give a newly registered woman residency rights or not. If they believe she will try to challenge their authority, they are less likely to accord it.

These are just a few of the major obstacles currently faced by Aboriginal women in Canada. The contemporary issues I have presented are all addressed by the three authors in their writings, and will be explored in detail. By contesting invisibility or misrepresentation in the historical record, appealing to the international human rights instances, and attempting to decipher the intricacies of the *Indian Act* to point out its inequity, Aboriginal women are fighting for their rights. Now that we understand a portion of where they are coming from, let us explore how this has shaped their way of thinking and their worldviews.

CHAPTER 2:
THEORETICAL AND CONTEXTUAL FRAMEWORK:
ABORIGINAL WOMEN AND FEMINISM

Situated knowledge requires that the object of knowledge be pictured as an actor and agent, not as a screen or a ground or a resource, never finally as a slave to the master that closes off the dialectic in his unique agency and authorship of 'objective' knowledge...accounts of the 'real' world do not, then, depend on a logic of 'discovery' but on a power charged social relation of conversation (Haraway, 1991: 198)

My decision to analyze aboriginal women's works that dealt with women's issues was predicated on the idea that "aboriginal women's experiences" can be depicted and understood as objects of knowledge and action. This is both empirically and conceptually challenging, as the category "aboriginal women" is used to designate all First Nations, Métis and Inuit women, and is supposed to encompass women of various tribes or communities. Donna Haraway's notion of "situated knowledge" helped me become accountable for the contradictions that arise when using feminist analysis to compare these women's works, and even to welcome these contradictions as third world feminists do (Tong, 2009: 271). "Situated knowledges are particularly powerful tools to produce maps of consciousness for people who have been inscribed within the histories of masculinist, racist and colonialist dominations." (Haraway, 1991: 111). It can help demonstrate how binary oppositions, such as the local/global of the colonial discourse and the personal/political of the feminist discourse contribute to each other's construction and maintenance, and the mapping of women's consciousness (Haraway, 1991: 111).

Many authors have described Aboriginal women's activism in Canada as following in the feminist movement or as a feminist endeavour. Some Aboriginal women would not agree with this depiction, while others would proudly proclaim themselves feminists. It is important to be aware of the multiple aspects of this ongoing debate, in order to fully understand the motivations and approaches of the chosen authors. The following section goes into greater detail concerning the intersection of racial and gender discrimination in feminist theory and how this has been explored in the writings of Aboriginal women authors.

2.1 Feminism

There is a debate among Aboriginal women scholars as to whether feminism can be useful to describe their mobilization against the multiple types of discrimination they and their peoples face (Mohanty, 1991: 3). Some perceive feminism to be a Western notion and therefore inapplicable to Aboriginal women, while others believe feminism could be a useful tool despite its non-indigenous origins as a theoretical construct. Before entering into this debate, it would be useful to have a brief understanding of feminism, its general history, and some of its variants.

What is feminism? Joyce Green, in the introduction to her edited work *Making Space for Indigenous Feminism* defines feminism in its most general sense as an affirmation that gender relations form social processes and expectations, bringing to light the sexism embedded in our societies and searching for ways for women to break free from subordination (2007: 21). It is not only a theoretical framework for intellectuals but also a social movement for activists, in reaction to women's experiences of patriarchal oppression (Green, 2007: 21). "It leads to praxis-theoretically informed, politically self-conscious activism" (Green, 2007: 25). It asserts that sexism and patriarchy are not only a problem of colonization but also a problem within Aboriginal communities (Green, 2007: 26).

Feminism therefore acknowledges the different forms of oppression that women face and takes action against this subjugation, which includes promoting a more gendered approach to research. Gender is considered a socio-historical construct, elaborated at different, often contradictory societal levels, such at the international level, the State, the community, the household and the individual (Green, 1999: 149).

Feminism has constantly redefined itself in face of widespread hostility, controversy and internal questioning. For example, feminism began in the 19th century as a movement of mothers and homemakers who demanded property rights and access to education and citizenship. During this "first-wave", women used the fact that only they can give birth to try and gain some political authority. Later feminists would then reject the idea that motherhood

meant social power, opting for equal rights with men by emphasizing our common humanity (St Denis. 2007: 35)

In this “second-wave”, beginning in the 1960’s, the movement shifted from valorizing women’s roles as mothers to focusing on women’s similarities with men (St. Denis, 2007: 35; and tong, 2009: 271). An evident effort was made during the second-wave to incorporate the viewpoints of non-white women from different social classes. A famous example is bell hooks’ work on the exclusion of minority women from the feminist movement.⁸ When feminists acknowledged that not every woman’s experience of sexism or discrimination is the same, they were forced to theorize about “difference” and to include the views of “others”. As Moreton-Robinson (2000: xviii) points out however, the term “others” tends to homogenize their experiences and ignores the fact that whiteness is not ever named as a “difference”, since it is assumed to be the norm. In “third-wave” feminism, difference becomes the norm (Tong, 2009: 285). Third-wave feminism is largely a critical reaction by young feminists in the early 90’s to mainstream feminism, attempting to “understand the ways in which gender oppression and other kinds of human oppression can co-create and co-maintain each-other.” (Tong, 2009: 271). The following section will explore in detail the relationship between the Aboriginal women’s movement and feminism in general. It will then point out some of the similarities and differences between “third-wave” feminism and the aboriginal women’s movement.

2.2 The Indigenous Feminism Debate

An indigenous woman’s standpoint is informed by social worlds imbued with meaning, grounded in knowledge of different realities from those of white women (Moreton-Robinson, 2000: xvi).

A review of literature in Canada reveals that Aboriginal women have written about feminism, some promoting a feminist stance, others defending it, and still others rejecting it entirely. Some Aboriginal women refer to their “feminist” side, for instance Mrs. Lita

⁸ E.g. Her books *Ain’t I a Woman: Black Women and Feminism* (1981); *Feminist Theory: From Margin to Center*(2000) and *Talking Back: Thinking Feminist, Thinking Black* (1989).

Fontaine, an Ojibwa artist, yet do not consider themselves feminists (Mihsuah, 2003: 161). In the 1970's, as more Aboriginals joined academia, it was generally accepted that feminism was problematic. For some, the multi-oppression of Aboriginal women did not fall neatly into the main feminist theories, and so they felt left out of the feminist movement (Ouellette, 2002: 20). In addition, feminism was and is still often viewed as opposing traditional indigenous values. This is a reason why it is sometimes difficult for Aboriginal feminists to identify themselves as such in public (Green, 2007: 17).

Feminism is nothing if not paradoxical. It aims for individual freedoms by mobilizing sex solidarity. It acknowledges diversity among women while positing that women recognize their unity. It requires gender consciousness for its basis, yet calls for the elimination of gender roles. (Nancy Cott, 1986, quoted in Ouellette, 2006: 25).

Mohanty (1991: 10) has pointed out that third world feminists have focused on four basic issues, similarly to Aboriginal feminists, as we will see later on. First, that feminism cannot ignore types of oppression that go beyond sexism, such as racism and classism, nor can it be separated from histories of colonialism and imperialism. Second, the role of the State in the adversity they face on a daily basis must be recognized. Third, collective memory and writing are important tools. Fourth, Native women have different ways of conceptualizing and reacting to gender oppression, depending on their relations to their tribes, their class, appearance, life partners, education and religion (Mihsuah 2003: 159).

Many Aboriginal (or other marginalized or colonized) women may initially perceive "feminism" in this way, or may feel compelled to portray the "feminism" that they feel does not include them. For example, Mayor (2003) writes about her personal experience with 'Native feminism'. She was initially entirely against it, citing language barriers (there is no term for gender in Cree language), a colonial-assimilationist agenda (being feminist meant rejecting one's traditions) and the misconception that feminism meant striving to be equal to white males. For her, those who disapprove of feminism most likely do not define it in the same way as those who do agree with it; it should be viewed as an ongoing process of theory and action rather than a static concept to describe a liberal political agenda (St. Denis, 2007: 35).

▪ **Aboriginal critique of feminism**

To begin, indigenous writers criticize the notion that women in every time and space are or were universally oppressed. One of the authors whose work is analyzed in this thesis, Monture, and her colleague Turpel (1994), claim that women had an important and highly valued role in many native societies. They (and others) assert that Western and Aboriginal cultures have fundamentally different values and that this is reflected in women's status and authority. For instance, some Native languages do not even have words for 'he' or 'she', reflecting an alternate worldview to the Euro-Canadian patriarchal model (Mayer, 2007: 31). As described earlier, a focus on matrilinearity characterized many Native societies before colonization. Jaimes (2003: 63) argues that some nations, for example, used matrilineal and patrilineal councils to negotiate important decisions, and that women had positions of authority and power. "Among these recurring themes that denote indigenous kinship are communalism; egalitarianism; reciprocity with others and with nature; and a complementary relationship between women and men, with special respect granted to children and elders" (Jaimes, 2003: 64). Lindberg (2004: 349) asserts that without first acknowledging the impact of colonization on indigenous men on Aboriginal systems of government and on communities, Aboriginal women cannot organize and empower themselves efficiently.

Second, feminist political agendas, philosophies and terminologies remain Western based, and 'traditional' women's roles have taken on a submissive connotation, one that never existed in pre-contact indigenous society (Lindberg, 2004: 346). For example, Anderson (2000: 83) states that motherhood is valued and seen as integral to womanhood in much Aboriginal culture, while motherhood is more likely to be considered an inconvenience in Western society. In the same vein, Lindberg (2004: 342) feels that white women cannot consider themselves 'sisters' of indigenous women: first because they have not shared in their oppression, and second because Western notions of kinship are not the same as indigenous ones. For her, it is white people who have ascribed their own meaning in the dominant language to relations in indigenous communities and never the contrary (Lindberg, 2004: 343).

Third, the concept of 'equality' is problematic in Aboriginal gender relations, since gender roles are defined quite differently in Aboriginal culture. LaRocque (2007: 64) points out that before colonization, even where gender roles were strict, there still existed some who assumed cross-gendered identities and were highly respected for it. Furthermore, 'Equality' can be interpreted as 'equal to white males', or the right for women to be men, and this goes against some Aboriginal women's objectives. For instance, the notion of "equality" is a term used by liberal feminists which assumes a universal women's agenda (Dhamoon, 2004: 11). At the Aboriginal Roundtable on Gender Equality (1999), which was held in Ottawa, the concept of "gender equality" was deemed useless because it is based on colonial Western assumptions and not on the holistic worldview of most Aboriginal peoples (Dhamoon, 2004: 11). Some participants even suggested that the very notion of feminism is offensive, because it builds barriers between women and men while it erases or trivializes the commonalities that they share with one another. An Inuit participant asserted that 'community well-being' is a far more useful term than 'feminism' to describe women's efforts to promote equality and justice for themselves and their children (ARGE, 1999).

The idea that Western "equality" is not the same as indigenous "equality" has been repeated by many Aboriginal women in criticism of their understanding of dominant feminist theory. Turpel states: "The objectives of the Native Women's Association of Canada are not feminist in nature and they do not strive for complete equality of men and women in all areas" (1990 in Ouellette, 2002: 31). For Ouellette, liberation for Indigenous women refers to gaining self-determination by overcoming barriers of racism and colonial oppression, while liberation for Canadian feminists refers to gaining equal rights for women over the barrier of male domination (2002: 42). According to Ouellette (2002: 26), there is no one feminist theory that can totalize Native women's thought. From Lindberg's (2004: 344) perspective, if feminism is to be used as a tool in Aboriginal communities, the definition of "egalitarianism" must be reviewed to meet different criteria than Western ones.

Fourth, for some Aboriginal women, the solution to end the violence and discrimination they suffer within their communities is to restore Aboriginal self-government and traditional

cultural practices that valued women's role. Even though violence against women is prominent in Aboriginal communities, Lindberg insists that the external reasons for this must be dealt with before looking at internal problems of communities. She believes that allying with feminists would mean taking away from the goal of improving the living conditions of Aboriginal people as a whole (Lindberg, 2004: 350).

Fifth and finally, gender inequality may not be the most pressing concern for some women, who face racism, economic disparity and colonial oppression as well as sexism. Some aboriginal women feel that Western feminism has excluded their concerns. Lindberg (2004: 345) believes that the ideologies encompassed within feminism cannot possibly address the various concerns of Aboriginal women across nations. Feminism could potentially be used to advance Aboriginal women's agenda's, but it could also possibly replace indigenous visions with Western ones (Lindberg, 2004: 344).

▪ **Aboriginal support of feminism**

According to Green (2007: 20), there has not been a significant amount written on or by indigenous women in the feminist literature. Yet it is still common for Aboriginal women scholars to reject feminism, and sometimes ironically, quoting white men to do so (St. Denis, 2007: 34).

Aboriginal feminists suggest that not all pre-colonial Aboriginal communities were egalitarian and free of sexist attitudes or practices, therefore colonization cannot be at the root of all gender domination (Mayer, 2007: 36). While some Aboriginal communities historically valued men and women's roles equally, others have always been patriarchal or became that way after colonization (Green, 2007: 22). There is evidence of sexism in some Aboriginal communities prior to European invasion (St. Denis, 2007: 45). For instance, LaRocque (2007: 64) indicates that in some Native communities, when Europeans first arrived, they could not point to any major differences in gender roles, clothing and appearance. In reality however, a greater honor may have been bestowed upon females who took on a male role than vice-versa, implying an implicit gender hierarchy in favor of men

(LaRocque, 2007: 64). LaRocque (2007: 65) points out that denying the discrimination that existed before the Europeans came can lead to romanticizing traditions, many of which might privilege men over women. She believes that while it is important and useful to criticize the Euro-Canadian colonial forces that seriously traumatized Aboriginal ways of life, it is even more essential to confront the oppressive attitudes towards women that permeate Aboriginal societies today (LaRocque, 2007: 65).

LaRocque (2007: 65) states further that Aboriginal women cannot take on the sole responsibility of nurturing and healing men, as this just affirms patriarchal notions of what women's roles are. She continues to say that this attitude can be "totalizing and exclusionary" (LaRocque, 2007: 63). This follows in the pattern of many nationalist movements that honor women as the keepers of traditions and the markers of cultural difference, while men assume all the important political roles (LaRocque 2007: 66). Attaching femininity solely to procreation can create a dogma as in Christianity, which might require submission (LaRocque, 2007: 64). While it is important to honor traditions, Aboriginal feminists believe they must not all be blindly venerated. In the same way, Aboriginal feminists uphold that contemporary political frameworks should not immediately be cast aside because they are inauthentic to Aboriginal culture (Green: 2007, 23).

Moreover, Aboriginal feminists point out that Western patriarchy affected all women, including those who survived colonization, and did not necessarily escape these ideologies (St. Denis, 2007: 44). The fact that Aboriginal scholars must usually employ the colonizers' language to express themselves demonstrates that colonization has had important impacts that cannot be overlooked. St. Denis (2007: 42) believes that to gain a true comprehension of the patriarchal attitude now ingrained in Native communities, one must also understand Western feminism.

According to Green (2007: 25), an important challenge faced by Aboriginal feminists is the idea that feminism is a product of colonial ideology and that Aboriginal women who subscribe to it are therefore undermining their indigenous heritage. Gendered analyses of Aboriginal power relations within a community are generally avoided by Aboriginal

intellectuals because they are considered a threat to traditional values. However, Mayer (2007: 34) asks, what are 'traditions' exactly? How many come from historical Aboriginal philosophy and value systems, and how many are just mythical ideals of tradition? For many Aboriginal peoples, tradition is rooted in pre-colonial times when they practiced self-government (Green, 2007: 26). Because Aboriginal communities have to resist assimilation under colonial rule, the traditional social practices that they try to protect are not often critically assessed (Green, 2007: 25). Certain Aboriginal elites have even invoked traditions that violate women's human rights (Green, 2007: 27). This is why some see Aboriginal feminism as critical, to avoid romanticizing cultural traditions and letting the male elite have the monopoly over what is considered 'traditional' (Green, 2007: 27).

We are all very much aware of the history of the colonization. . . . What is not as well known is that the influence of a patriarchal and imperialistic culture upon a people [that] has not only been devastating, but also dehumanizing to a degree that is unimaginable. . . . I speak in specific of the severe and irreversible effects on Aboriginal women, and the resultant effect on our nations. (Jeannette Armstrong 1996, ix, quoted in Mayer, 2007: 36-37).

Loraine F. Mayor, a Métis academic, came to the realization that her intolerance towards feminism could be interpreted as a form of internal colonization: a refusal to acknowledge what all women share, though in different ways (Mayor, 2007: 25). "We all, Aboriginal and non-Aboriginal, stand to gain from respectful reciprocity" (2007: 26). St. Denis (2007: 43) points out that the concept of 'equality' as meaning sameness to men may have been advocated by some feminists, but it was also contested and by other feminists and continues to be.

Native feminist activists intervene in both sovereignty and in feminist ambitions - keeping decolonization and self-determination as their main goals while developing a Native feminist politic around these goals (Smith, 2007: 95). They point out that sovereignty will not necessarily eliminate the sexism now embedded in many Native communities, as some Tribes even institute discriminatory rules or practices in the name of their sovereign right to do so (Smith, 2007: 99). Smith (2007: 99) states that for them, attacks on Indian women's rights should be considered attacks on Indian sovereignty. LaRocque adds:

I do not think ... that feminism is irrelevant... because race/racism is more urgent and/or fundamental to Native women than sex/sexism. Racism/sexism is a package experience and it is virtually impossible to untangle one from the other. But the integrity of my sexuality and my body will not be sacrificed for race, for religion, for "difference," for "culture" or for "nation" (2007: 67).

Feminism could be seen as similar to the Aboriginal claim to self-determination, in that they both threaten the legitimacy of the dominant patriarchal/colonialist society (Green, 2007: 22). Ramirez (2007:23) argues that issues of culture, nation and gender should be addressed with equal importance, in order to achieve full liberation from oppression and colonization. Julia Emberly (1993: 51, 76), a feminist theorist, states that feminism must question the colonial assumptions which have shaped its discourse, but that the contradictions between decolonization and Anglo-American feminism can be productive, and together form a "feminism of decolonization". Feminism alone represents a hegemonic power apparatus that can engulf all the marginalized voices, totalizing them (Emberly, 1993: 112). For Emberly (1993: 98), if the prevalent form of feminism in Canada was to absorb the history of oppression and resistance in Aboriginal women's efforts at justice, then the differences between movements could be braided together to overcome sexual and racial discrimination.

Aboriginal feminism merges the critical approaches of feminism and anti-colonialism since Aboriginal women are affected and must react to both sexism and racism at once (Green, 2007: 23). This position evidently generates some hostility from male indigenous elite whose power is threatened and even some Aboriginal women who still believe feminism is for white women (Green, 2007: 23). As Smith points out:

Women of color have for too long been presented with the choices of prioritizing either racial justice or gender justice. This dualistic analysis fails to recognize that it is precisely through sexism and gender violence that colonialism and white supremacy have been successful (2007: 103).

For Aboriginal feminists, gender is as important as race and tribal nation for understanding oppression. They believe that Aboriginal men and women should adopt a Native feminist consciousness; it is an issue of survival as the conjugal violence statistics demonstrate, to ensure that claims to autonomy do not deny women's perspective (Ramirez, 2007: 25).

Aboriginal and minority women have had to deal with rejection from their own communities if they accept that feminism can have relevance in their activist endeavors and in their lives (St. Denis, 2007: 47). As mentioned earlier, there is a notion that “nationalism” means loyalty to one’s nation above all else, and being feminist means giving up one’s devotion to Native sovereignty. As St. Denis states, “Native American women risk being dismissed as “assimilated” if they openly identify with feminist politics” (2007: 49). Some Aboriginal women prefer to distinguish themselves as “Tribalists” or “activists” to emphasize their concerns with the community as a whole and not just gender issues (Mihesuah, 2003: 160). They prefer to distance themselves from academia so as not to conform to Western models and assumptions. Those scholars who do identify as Native feminists usually engage in academics with the intent of helping their communities, but have been criticized by other Aboriginal authors for being assimilated and focusing on civil rights rather than tribal rights (Mayer, 2007: 31; Mihesuah, 2003: 162). Wilma Mankiller, a famous Aboriginal activist and tribal leader who calls herself feminist, would counter this criticism by putting forward that her actions covered a broad scope of Aboriginal rights (land, sovereignty etc.) but at the same time not accepting marginalization because she is a woman (Mihesuah, 2003: 162). Mankiller borrowed elements from both feminism and her Cherokee culture to create a new concept, the “beloved woman”, who is at once politicized, yet traditional (Janda, 2007: 183).

Some Aboriginal scholars, such as Lita Fountaine, have found a way to balance how they are viewed or how their work is interpreted by labeling themselves “tribal feminists”. This shows their concern for both tribal and gender issues (Mayer, 2007: 31). Where Western feminism has perhaps run the risk of projecting an image of Aboriginal women as victims, Tribal feminists appropriate and perform their own changing definitions of their gendered positions in society, definitions that legitimate their actions in the face of adversity and that sustain their dignity as First Nations people. Tribalism can be regarded in Western thought as backwards or primitive because of the connotation with conformity, however it also connotes kinship and community (Jaimes, 2003: 59). Native feminists of Tribal feminist academics must usually conform to Western standards for research and writing, and this power imbalance affects all their experiences. Not only are they ostracized in the academic world for relaying their experiences in ways that are not considered ‘scientific’, they are

ostracized by their communities for subscribing to a theory that focuses on individual rather than collective rights (Mayor, 2007: 30). As Native feminists point out, just because they strive for gender equality does not mean that they prioritize individual rights over collective ones (Mayor, 2007: 31).

A difference that has been alluded to between Native feminists and non-feminists is that the former tend to be academics, while the latter are most likely activists (Mayor, 2007: 27). Like third-wave feminists, aboriginal women activists are perhaps reacting to the widespread perceptions about feminism rather than to the movement itself. As Labaton and Martin (2004) point out, young third-wave feminists have fused activism and feminism together, in an effort to support multitude of women's causes across the world. The following section will demonstrate the similarities between the Native women's movement and third-wave feminists.

2.3 Third-Wave Feminism

For many Indigenous women...their analyses have emerged from the intersections formed through the politics of Western feminism and the politics of their own Indigenous communities. (Linda Tuhiwai Smith, 1999: 127)

Young feminists in the late 1980's and early 1990's decided to try separate themselves from the popular ideas and misconceptions about feminism, as well as to become more racially and sexually inclusive (Labaton and Martin, 2004: xxv). They realized that the many forms of oppression (class, race, sexual orientation and gender) are interconnected and to focus on specific ones without including the others would not reflect all women's realities (Labaton and Martin, 2004: xxvi). "As a result, feminists became more likely to address the intersectionality of the various "isms" with sexism" (Mack-Canty, 2004: 158). Initially, authors like Naomi Wolf (1993), Camille Paglia (1992. 1994), and Katie Roiphe (1993) wrote works that criticized the second-wave, though they did not necessarily offer new ideas. In response to this early criticism, Gillis, Howie and Munford (2004) point out that

some feminists denied the emergence of a third-wave. These “second- wavers” state that feminist debates surrounding anti-essentialism and the recognition of diversity have existed for nearly three decades, and therefore are not new to feminism. What might distinguish the third-wave from its precedents however, according to Mack-Canty (2004: 155), is that it bases itself in the situated worldviews of different women, as opposed to relying mainly on foundational theories (liberalism, socialism, Marxism, psychoanalytic theory) like early second-wave feminists have done. Like Haraway’s “situated knowledge”, third-wave feminists concentrate on the “Self” and how it is created/creates and shaped by/shapes individual experiences and the environment.

Today, there are various tendencies within this third-wave, most significantly including generational/youth feminism, ecofeminism, queer theory and postcolonial feminism, the latter two having their roots in the second-wave. Despite this, gay rights, globalization, multiculturalism and environmentalism were issues that probably weren’t as evident during the second-wave of feminism (Mack-Canty, 2004: 157). Tong (2009: 286) explains how third-wave feminist books are written by women of multiple ethnicities and socio-economic backgrounds (for examples, see Collins, 1990; Lugones, 1990; Young, 1994), who speak for themselves, even if gender issues are not at the forefront of their concerns (which is the case for many indigenous women).

This new feminist analysis is considered more inclusive than its precedents because it recognizes that present-day inequality often has its foundations in oppressive paradigms that were imposed through colonization but continue to veil the diversity of indigenous peoples internationally. As Haraway points out, “feminist discourse and anti-colonial discourse are engaged in this very subtle and delicate effort to build connections and affinities, and not to produce one’s own or another’s experience as a resource for a closed narrative” (1991: 113). Therefore, third-wave feminism goes beyond a dialogue about gender and race and becomes a feminist movement “whose conversation is race, gender, and globalization” (Labaton and Martin, 2004: xxix). Many indigenous women have assert that the kind of oppression that they experience is distinct from that of other marginalized groups and therefore cannot be

subsumed in a movement which includes all groups, however intersectional feminism, derivative of third-wave feminism, may offer an alternative.

2.4 Intersectional Feminism

An interesting form of feminism developed following the third-wave incorporation of the interests and concerns of minorities into the feminist agenda are intersectional feminist frameworks (IFFs). The *Canadian Research Institute for the Advancement of Women* created the intersectional feminist frameworks as an alternative approach to social and economic justice issues. It acknowledges that while the gender based approach does point out inequalities that exist between women and men, it does not represent the full diversity of women's lives by excluding other types of identities or power relations (CRIAW, 2006: 5). IFFs explore how the multiple aspects of women's identity such as class, gender, race, sexuality, and geographic location are combined with their historical and current oppressive situations such as colonialism and globalization (CRIAW, 2006: 5). This new notion is described by Carol Alyward:

intersectional oppression [that] arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone (1999b: 7).

Intersectionality goes beyond gender based analysis which only looks at one power relationship, and recognises that peoples identities are multiple, layered, embedded in history and interrelated (Parisi, 2007: 2). This approach may clarify how and why they authors choose to represent themselves on their own terms when facing the combined issues of women's rights and Aboriginal sovereignty. One conclusion that stems from this approach is that Aboriginal women have appealed to the international community because they are engaged in a politics of intersectionality, linking the local to the global and the private to the public in the same way that they pursue both individual rights as women and collective rights as indigenous peoples (Parisi, 2007: 5).

Through intersectional politics, Aboriginal women could ensure that their interests as women are not subsumed under the Indigenous rights rhetoric which may take indigenous

men's experience as "the" experience of all indigenous people. They also assure that Aboriginal women's rights are not subsumed under the feminist rhetoric which may take non-Indian women's experiences as "the" experiences of all women. As will be demonstrated in the following section, this is a huge concern for the selected authors, and contextualises how they address the major issues they present.

In my attempt to point out the connections between these women's experiences and their affinities/disconnections with the feminist movement, I do not mean to incorporate them into this movement. Rather, I attempt to discover how they locate themselves within the various feminist theories. In the following section, by looking at what/how the authors write, the relationship between the personal and the political and the intersections between gender and race are put clearly in evidence. As Haraway states "each of these readings is a pedagogic practice, working through the naming of the power-charged differences, specificities, and affinities that structure the potent, world changing artifacts called 'women's experience'" (1991: 124).

CHAPTER 3:

MONTURE, MCIVOR AND ANDERSON: ONE GOAL, THREE WORLDVIEWS

The following chapter juxtaposes the three authors' stance on feminism to their motivations for writing about women. These elements bring to light the contradictions involved in being Aboriginal, female, educated, and activist. Because of these contradictions, Monture attributes her resistance efforts to her personal attachment to the causes, while McIvor and Anderson state that feminist ideals contribute as motivating factors as well.

Monture, McIvor and Anderson explicitly detail the personal experiences that led them to write about Aboriginal women's concerns, explaining their theoretical and epistemological affiliations, and expose the difficulties they face by identifying at once with their Native culture and with Western culture. This 'self-positioning' is in itself a form of resistance, challenging the dominant model for acquiring and spreading knowledge in Canada. Rather than attempting to stand outside the issues they write about and remain impartial, these authors situate themselves and their identities as integral to the outcomes of their work.

As I have come to understand it from listening to the Elders and traditional teachers, the only person I can speak about is myself. That is how the creator made all of us...All I have to share with you is myself, my experience, and how I have come to understand that experience' (Monture in Anderson 2000 : 21)

Kim Anderson begins her book, *A Recognition of Being*, with the above quote by Patricia Monture, to make clear that although she considers it imperative to write about Aboriginal women's issues, she is not attempting to speak for all Aboriginal women. This notion of only being able to speak for oneself might be related to the anti-feminist stance that many Aboriginal women authors have taken.

3.1 The authors' positioning towards feminism

Patricia Monture describes feminist analysis of Aboriginal women's experiences as problematic. "My experiences of culture are complicated by my gender and the fact that the

dominant culture in this country also oppresses women” (Monture, 1995:56). She cannot find solace in the feminist movement, because the oppression she experiences does not derive solely from her gender, it derives first from her culture, and it is often difficult to distinguish the two.

Listing race, ethnic origin and/or gender as discrete grounds of discrimination can be problematic for the claims Aboriginal women would wish to make. In writing about the impact of the *Charter of Rights and Freedoms* on the lives of Aboriginal women, I commented: I am particularly concerned with silencing along the lines of race (more appropriately culture) than gender. I do not mean to be constructing a hierarchy of “isms” nor do I intend this to be perceived as exclusionary. It merely reflects that my voice is the voice of a Mohawk woman (mother and law professor). *It is only through my culture that my women’s identity is shaped.* It is the teachings of my people that demand we speak from our own personal experience. That is not necessarily knowledge which comes from academic study or books (Monture, 1996: 29, emphasis added).

Anderson (2000) corroborates:

I think that the most immediate source of oppression has been as Native people, not as women. So that is what hits the wall first, and that is what the majority of the people really have to struggle with. Being a woman is another dimension of that. But the identity battles that they have had to do has been as Aboriginal people, and then the definition of being comes out of who we are as Aboriginal people. (275)

Monture questions the relevance of the feminist movement in Aboriginal women’s lives, especially for those living in remote communities.

Does the impact of the women’s movement and their initiatives, political or otherwise, reach into Grassy Narrows, Davis Inlet, Hay Rier or Norway House? How do you build a safe house with a protected location in a community of not even 20 homes? Ensuring the right to live without violence in your life as an Aboriginal woman requires a degree of creativity that the women’s movement has never been required to fully imagine. (Monture, 1995:173)

She inserts a note here to clarify that she is not suggesting that political action for women’s rights in mainstream society has been easy, just that some women have fought from a more privileged position (1995: 185). Even for the women who have chosen to move from the reserve to the city, it is mostly to escape gender violence and in doing so, they must give up a part of their identity (Monture, 2006: 86). Monture links this de-legitimization of her lived experience through wrongful labeling of ‘violence against women’ to the feminist movement and states, “The simple truth is that feminism as an ideology remains colonial” (1995: 172). There is lacking an analysis of the early women’s movement and its relationship with Aboriginal women, and Monture believes this to be essential for

understanding their current relationship (1995:177). She states that colonialism needs to be incorporated into feminist frameworks and actions. She believes that this is why many Aboriginal women choose to reject feminism as the entire solution to the difficulties faced by Aboriginal women (Monture, 1995:178).

I do not consider my position to be anti-feminist. I just do not see feminism as removed from the colonial practices of this country...I remain very woman centered. Some would call it Aboriginal feminism but I have no use for a label that has no meaning for me. My view is simple. It is the view of a single Mohawk woman who has experienced more than a decade of study of Canadian law and before that a decade of overt physical violence in my life. (Monture, 1995:177)

Monture (1995) points out how much of the literature concerning Aboriginal women focuses on Section 12 (1)(b) of the *Indian Act*, but she thinks that it did not impact as many women as violence and abuse does. She suggests that perhaps so much attention was placed on the marrying out clause because it was in parallel to the feminist movement's agenda. Non-Aboriginal women could point to the gender discrimination in the *Indian Act* because it affects Aboriginal women in the cities, it was mainstream because of the Lavell and Bedard cases, and it did not force them to leave their comfort zone and explore the other issues facing women within the reserves (2006: 87).

Anderson (2000) also exposes the historical realities that make it difficult for Aboriginal women to relate to white women:

I think Indian women resist feminism for a number of reasons. There is the fact that many women working within the feminist movement have not recognized or acknowledged some of their own racist or elitist behavior. We are not all universal sisters, we have a different history, and white women of this country are complicit in the oppression of Native Women (Anderson, 2000:275)

Reminding us that some white women have been paternalistic and condescending in their effort to 'help' Aboriginal women since the 19th century, Monture criticizes how the mainstream sometimes continues to appropriate Aboriginal women's experiences and what they should aspire to (1995:176).

Non-Aboriginal academics would do better to pursue their own historical responsibilities rather than continuing to try to explain Aboriginal women's aspirations today. For example, the assumption that Aboriginal women's organization began in the 1970s is an historical error. It is

based on the failure to incorporate the impact of colonialism on women's ideology. It relies on a definition of organization that belongs to mainstream women. It is about the power to define what organization is and is not. (Monture, 1995: 177)

Monture notes that the mainstream feminist movement originally borrowed from Aboriginal practices and beliefs, and that this shared history needs to be recognized (1995: 231).⁹ The different histories must also be acknowledged, in terms of Canadian women emerging from a society that legally sanctioned violence against women for instance (1995: 234).

Monture's critical approach to feminism carries over into her studies on the federal sentencing of Aboriginal women (2006, 2002). She states that instead of simply layering different forms of oppression such as sexism and racism, feminism must try to conceive of their interconnectedness (Monture, 1995: 232). In the same way, the tendency by legal officials and administrators has been to combine the multiple layers of discriminatory effects on Aboriginal women, ignoring the important ways in which they overlap each other (Monture, 2002: 33). "The challenge is to approach and resolve these issues by addressing the way gender is racialized or race is gendered as this is the way it often feels to those subjected to multiple forms of discrimination" (Monture, 2002: 33).

Monture defines intersectionality as "discrimination within discrimination", instead of "compound discrimination". Compound discrimination, as opposed to intersectionalism, allows that white women or Aboriginal men may feel the same kinds of discrimination as Aboriginal women (intersectionalism says that they will not), but Aboriginal women will feel it more intensely (Monture, 2002: 34). To illustrate this further, she states:

Incarceration is not the only reason that women lack power. Women in and out of prison also lack power because they are women, because of economic realities and issues that result from disrespect for their racial, linguistic, and cultural heritages... Female offender programs may not be culturally relevant and likewise, Aboriginal offender programs may not consider the very real gender differences. Aboriginal women, therefore, are treated as Aboriginal or women but never both at the same time. (Monture, 2002: 31, 39).

McIvor, on the other hand, seems to be able to separate her gendered identity from her Native roots. She openly refers to her goal of achieving equal rights for Aboriginal women

⁹ This is to be nuanced. Julia Emberly writes: "While the leaders of the American women's movement of the nineteenth century borrowed ideas about universal suffrage for women from the Iroquois confederacy, their ideas on women's equality did not extend to the originators of this democratic tradition" (2001 : 65)

as a 'feminist' one. In her works, McIvor gives a descriptive review of the many attempts of Aboriginal female litigants since 1969 to have their rights recognized. She indicates that because these women's use the courts to gain rights, they have been defined as 'feminists' by other Aboriginal women, even if they do not identify themselves as such (2004: 110). As we saw in part 3.1.2, she believes that many Aboriginal women may have a negative idea about what gender equality means to feminists. Anderson also points this out: "Another part of resisting feminism has been responding to people who want to claim their power by becoming white male-which is very individual based and it doesn't really change anything" (2000, 75).

McIvor (2006: 252) brings attention to the fact that Aboriginal women are opposed by both male dominated Aboriginal groups and male dominated white courts. Through this comes the lesson that working with all women, regardless of race, nationality, ethnicity, ability or orientation is an essential tool. McIvor shares her experience of how coalition work has helped advance the struggle for equal rights. She is a litigator for sex equality, a political activist for women's rights, a mother and grandmother within her community, and she believes that by working in coalition with other women nationally and internationally, Aboriginal women can achieve sex equality (McIvor, 2006: 253). Working in coalition also means accepting that one does not have to be Aboriginal to fight for Aboriginal rights (McIvor, 2006: 259).

Monture (2006: 87) opposes this view by stating that the women's movement in Canada may be proud of the changes that were made to the *Indian Act* in coalition with Aboriginal women, but they often fail to acknowledge the discrimination that remains. Not only does Bill-31 still not ensure equality, it does not compensate women and children for what was taken from them (Monture, 2006: 88). She does not see the amendments to the *Indian Act* (Bill C-31) as a victory for Aboriginal women in any way... "Equal access to oppressive laws is not progress" (Monture, 1995: 183). She also reminds us of the matrimonial real-property issue and the exclusion of Métis people.

Monture (1995: 181) labels the NWAC (of which McIvor is a part) as part of the feminist movement because it was created to fight against discrimination in the *Indian Act*. For her, because these women are working within the Canadian legal structure, they are not really addressing 'women's issues'.

Members of the women's movement have always wanted access to the existing political structures; many Aboriginal women continue to just want out of that mainstream political structure. This recognition is so essential. It is one of the biggest sources of conflict among Aboriginal women. (Monture, 1995:182)

McIvor (2004: 110) counters this by explaining that this conflict between women has led the predominantly male organizations to include a women's forum within their groups, taking away the funding from the all-female groups.

Monture (1995: 182) argues that not all Aboriginal women feel adequately represented by the NWAC, and this is partly because they are so pressured to put forward a unified front if they want to be heard, that sometimes, important distinctions between women of different communities are put aside. Her proposal is the formation of an indigenous women's network that respects diversity among nations and experiences (Monture, 1995:179). She points out many of the conflicts between men and women's political groups exist because they forget the original source of their problems, blaming each other instead of the State (1995: 182). For instance, Monture (1995: 180) finds that the way the NWAC has divided itself, (according the Canadian provinces and territories instead of Native groups or ancestral territories) is a way of legitimizing colonialism. The Congress of Aboriginal Peoples and the AFN have similar problems. In Monture's view, band council leaders gained their authority from an imposed system (the federal government) and they are forced to negotiate the future of their communities through this contradiction (1995: 181).

My ability to re-claim my position in the world as a Haudenosaunee woman is preconditioned on the ability of our men to remember the traditions that we have lost. These are not found in the European roots of the feminist movement or the present-day idea that women's oppression will be eradicated when women assume male-defined positions of status and power. (Monture, 1995: 179)

To Monture (1995: 179), the equality that the mainstream women's movement strives for does not measure up to the standard of the position historically accorded to women of her society.

These concerns about women and self-government expressed here are not situated in a feminist methodology or practice, which concerns itself centrally with rights to equality. The issue, which requires examination, is the degree to which imposed ideologies have disrupted gender relationships in First Nations communities. (Monture, 2004: 42)

Kim Anderson agrees: "The restoring of balance between the female and the male individuals, energies and properties of our universe is critical to our well-being as women and to our well-being as a people" (2000: 173). She further describes how men are associated with fire and women are linked with water, and every person, male or female, has both elements within them. Aboriginal cultures find power in women's creative role because it is outside the dominant paternalistic worldview (Anderson, 2000: 174). What comes across the stories Anderson (2000: 175) includes from her informants is that a large amount of value is placed on achieving balance, as one's work cannot be completed without the others. To illustrate this, Anderson (2000: 176) speaks about basket weaving, and how women and men must each perform specific tasks to complete the basket, which represents their cooperation and love. Dances and songs also have established roles for men and women, however the symbolism that accompanies their distinct functions in these arts is seldom taught today (Anderson, 2000: 177).

Which way offers the best possibilities: accepting modernity and using its tools (such as feminism) to gain rights through established institutional processes, like McIvor does; criticizing these processes and institutions and concentrate on sovereignty as Monture does; or trying to revive traditional ideas and symbolisms like Anderson does? Each of these approaches is riddled with complications and the following section will explore these.

3.2 Contradictions Involving Identity

Oppression is a central concept that assists me in organizing the little bit of knowledge that I have earned. No course of study in the university has ever helped me understand oppression. My understanding of oppression has grown from the margins of my university experience. It is what I have learned in spite of what others have tried to teach me. (Monture, 1995:147)

Aboriginal academics are faced with many contradictions concerning the ways truth, knowledge and wisdom are shaped (Monture, 1992: 218). Monture claims that while they are asked to explain their knowledge systems, they are not invited to let them transform the objective style of academic writing. For her, the conventional, academic way of creating knowledge is by searching for it outside oneself, and this is opposed to the introspection involved in Aboriginal knowledge systems. Although Western academics are interested in these, it is rare that they will offer to change their objective methods to accommodate these new understandings (Monture, 1995: 219). Monture points out that in addition to education,, traditional knowledge is an important part of Aboriginal recovery (Monture, 1995:5). For instance, Native studies departments are beginning to grow in universities, just as women's studies has, but they remain marginalized (Monture, 1992: 220). The similarities between gender and racial oppression demonstrate how institutions in Canada remain dominated by white males.

In the same vein, Anderson points out how colonization has also silenced women within academia by excluding them from scholarly writing on nationalism and post-colonialism.

And if you want to talk about women being mothers of the nation, then there is really a significant role for people like you ... you are doing your work as a university professor in a situation where there are very few Native women and very few poor women. You are carving out that space for them (Anderson, 2000:274).

This is partly due to the marginalization of Native scholars in general. Often, the women who do make it as professors in universities feel it is their obligation to use their privileged position to address the social needs of their communities, rather than theorizing about issues of self-determination (Anderson, 2005:6).

With such under-representation, those few Aboriginal women who are in the academy have found that their highest priorities involve finding ways to 'bring their communities with them.' They are busy working to utilize academic frameworks to address community needs, rather than addressing issues of nationalism on a more abstract level... (Anderson, 2005: 10)

This idea that Aboriginal women are more concerned with their community needs than ideological debates is in opposition to much of Monture's writings. In *Flint Woman*, Monture describes her experience as an invited guest to a retreat/conference on racism. She expresses to the other participants her discomfort with the label "disadvantaged", which many conference goers had been using to describe Aboriginal peoples. She explains to the academics around the table that the word "disadvantaged" conceals the racism, dispossession and colonial abuse that rendered Aboriginal people materially disadvantaged, and ignores the advantages that white culture lacks, such as Elders teachings and the support of an entire community (1995:14). It was difficult for her because she was not ready to have her pain (of being a victim of racism) appropriated, as "...some days it is all I have." (1995:16). It reminded her of her law school courses, an example being when the cases being studied dealt with rape, professors were very careful not to say something that might offend or hurt someone. However, when the issue of racism came up, the same precautions were not taken for Monture (1995:16).

At this same conference, it came to her attention during a round table discussion that behind her back, people had been arguing over her comments the previous day, one person using her as an example for why these types of conferences were good, the other claiming they were too experimental, and both in actuality belittling her pain and her life.

Whenever something like this happens, discussions on gender and race, I cannot separate them. I do not know, when something like this happens to me, when it is happening to me because I am a woman, when it is happening to me because I am an Indian, or when it is happening to me because I am an Indian woman. (1995:20)

She felt as though her Aboriginal identity was being appropriated, as were the other minority people present, who had been split up so that each group had at least one person who was ethnically diverse. This arrangement only advantaged the white people. Monture makes us understand that this is the story of her (and every First Nations persons) life (1995:25).

These contradictions are elaborated in Monture's descriptions of her experiences of being a Mohawk woman in a university setting. She finds that naming the confusion and discomfort she feels regarding certain aspects of being a student and professor is the first step in finding a solution (1995:53).

The contradictions arise because Aboriginal culture is not the dominant culture of the university and my gender places me in another minority in the university teacher population...My experience of the university, and in particular the demands of an academic career, are complicated by the fact that I am both Mohawk and woman. (1995:53)

These contradictions are what made her decide to quit teaching law school and teach Native studies instead (1995:54). Being a teacher made it more difficult to negotiate the contradictions because the authority it gave her blurred the manner in which she felt oppression as opposed to when she was a student (1995:54). It was difficult to work within an institution that did not reflect the values of First Nations (1995:32). When she taught Aboriginal law, she was often met with hostility from her students, to the point where the racism she felt while correcting their exams made her nauseous (1995:62). She was criticized for teaching 'propaganda' because she was taking a perspective that was not Euro-Canadian and for making students feel 'guilty' (1995: 63). Even when she tried to encourage her colleagues to include Aboriginal issues in their curriculum, she met with a typical distancing and excuses (1995:63). Monture goes into detail about how the structure of the university does not have a space for Aboriginal professors, who have the double duty of representing the Native view while doing things the "white way" (1995:64). She spends a significant amount of time reflecting on her role as a professor, and feels a responsibility towards Native students of law to lessen their feeling of alienation (1995:65). She makes us understand that although she has the authority of a professor, she is not protected from the de-legitimization students can attempt based on her gender or race (1995:66).

Monture gives another personal story to exemplify the way the university system is not made for minorities. She was asked to give a course on Aboriginal women for the women's studies department, of which two third of the class was made up of white women. These complained that the course made them feel threatened because of the anger they felt from the women of color. Monture (1995:67) explains that it was probably the first time in their university experience that the women felt threatened in a classroom setting, while for her and the other minority or native women, it is was the only way they experience university, it is a constant state of being attacked. She states "...It seemed very ironic to me that my efforts to insulate myself by claiming a women's space only highlighted for me the differences of my race/culture experience again" (1995:67). She says that it did not matter

what approach she took to teaching, someone in the classroom always ended up offended. This 'contradiction' was also evident in the way that Monture could not adhere to a feminist viewpoint for the course, while most professors of women's studies did (Monture, 1995:67). Monture (1995: 67) expresses how while the women of color and the white women were arguing, there was no space left for the Aboriginal women to voice their opinion, even though the course was about them. This is oddly familiar to the conference on racism that Monture attended (in *Flint Woman*) where the discussion were usually between a white man and a white women, with the people of color remaining withdrawn.

The concept of anger is one that Monture has had to study repeatedly as a university teacher, but in this article she expresses what an inadequate term it is for what she feels now, and what she felt when she wrote *Flint Woman*. "What I am naming as anger feels more like thunder, thunder in my soul. Sometimes, it is a quiet distant rumbling. Other times, it rolls over me with such force that I am immobilized" (1995: 68). She expresses that becoming a professor revealed to her that no matter what she did, while people would not regard her as equal.

As I climbed that ladder of success I never understood that I could not climb to a safer place. I now understand that the ladder I was climbing was not my ladder and it cannot ever take me to a safe place. The ladder, the higher I climbed, led to the source of my oppression. Being so close to the fire explains for me why I now feel the contradictions and conundrums at a new heightened level...As a result I have begun to realize that I am still battered-intellectually and spiritually battered. But like the women, I am not yet beaten. (1995: 70)

Despite the contradictions, Monture still believes that the education system can be used as a vehicle for change, especially for women, by incorporating traditional indigenous values and knowledge systems into curriculums.

This fall I have been struggling a lot with questions of my identity and where happiness rests for me. I am frustrated with the image of myself I see the world reflecting back: "lawyer", "professor", and "academic". All these images are rigid and they repel me. Do not put me in a box I had no hand at carving. The beauty I possess is as a woman and particularly as a woman. My woman's identity, in turn, flows through my culture. (Monture, 1995: 51)

Anderson does not refer to these kinds of contradictions explicitly, but she does mention when speaking about herself that she sometimes does not feel 'authentic' because of her

'privileged' upbringing. Perhaps because she is not directly involved in the legal system, and is not a full-time professor, she does not feel the tensions as strongly. Interestingly, McIvor does not explore the contradictions that arise in practicing and teaching law while also reclaiming her ancestral rights as a First Nation. Perhaps this is because she believes that the Canadian legal system will eventually help her find justice. In contrast, Monture gives a personal account of how most of her identity was formed by the acknowledgement that she was oppressed, in the layered forms of oppression against Indians and women (2006: 79). She decided to go to law school to "fight back" against this oppression and violence she and her people face. She discovered, however, that fighting back through the Canadian legal system was a long process, a process that often perpetuates oppression because one realizes how impossible transformative change is through the Canadian legal system (2006: 80). She realized through self-reflection (a methodology common in First Nations epistemology) that law was the problem and not the answer to all of the problems faced by Aboriginal peoples (2006: 89). All the oppressive measures taken against Indians were made possible through the law (claiming land, sending children to residential schools, outlawing of Aboriginal traditions, stripping away Indian Status, etc.).

McIvor, interestingly, does not refer to any contradictions in her everyday life. Perhaps she is so entrenched in the world of legal battling that these contradictions have become normal to her. On the other hand, perhaps she never felt them at all, having accepted the Canadian justice system as a legitimate way to fight inequality.

3.3 Indigenous epistemology in writing

There are differences between Aboriginal and Western methods for contextualizing knowledge (LaRocque, 1990: xviii). This is not to imply that indigenous peoples all write the same way. There is a diversity of Aboriginal cultures, and so Aboriginal writers might often feel more comfortable relating personal experiences rather than speaking for others, however they also evoke a sense of belonging to a larger indigenous community (Heiss, 2001: 207). Heiss (2001: 217) notes that Aboriginal writers might also share some similarities in form, using slang or their Native language within mainly English texts, or writing more closely to the way they speak, perhaps because their stories were originally in

oral form. Colonialism is what rendered oral tradition to be dismissed as primitive (LaRocque, 1990: xvi). This dismissal is what led to the denial of their history and their subsequent lack of an official history. By “storytelling, Aboriginal people remain true to their knowledge systems (Monture, 1999: 63).

There is also the relationship with the colonizer’s language, whether it is English or French. Indigenous language also helped some women hold onto their identity. Monture (1995: 33) tells us that written language can be used as a tool for silencing and exclusion, which leaves peoples of an oral tradition at a disadvantage in a country where the written word is the law. Anderson confirms this: “The way in which various Indigenous languages are constructed can protect Native women from understanding themselves from a patriarchal world view” (2000: 130). It offers Aboriginal women with a different way of looking at things and helps them avoid negative conceptions of themselves (Anderson, 2000: 131). Anderson then draws attention to the difficulties in expressing some of her informants’ ideas in the English language, especially concerning notions of motherhood, self-sufficiency and nurturing oneself. These are represented from a feminist tribal perspective, as opposed to a mainstream, Western liberal perspective, and the reader should interpret them as such (Anderson, 2000: 50).

According to Anderson (2000: 21), speaking in the first person is considered an Aboriginal way of contextualizing knowledge. She and Monture speak in the first person consistently throughout their writings¹⁰. Sharon McIvor, on the other hand, only occasionally speaks in first person, as her works are rather technical in nature. McIvor’s articles usually conform to the Western standards of academic writings, because that is part of her job and she believes the legal avenue can be used to effect change. She does represent her Aboriginal roots however in her 1999 article on women and self-government, by preceding her thoughts with this Native poem about colonization:

¹⁰ The choice to speak in the first person is inscribed in the larger movement of decolonization, in feminist studies, in anthropology etc. See Salazar, Claudia. (1991) *A Third World Woman’s Text: Between the Politics of Criticism and Cultural Politics* In *Women’s Words: The Feminist Practice of Oral History*. Sherna Berger Gluck and Daphne Patai, eds. Pp. 93-106. New York: Routledge.
SOMMER, Doris. (1988) ‘Not Just a Personal Story’: *Women’s Testimonios and the Plural Self* In *Life/Lines: Theorizing Women’s Autobiography*. Bella Brodzki and Celeste Schenck, eds. Pp. 107-130. Ithaca: Cornell University Press.

*the eagle of war
whose wings lent you glory
they were nothing but
carrion crows;
push'd the wrens from
their nest
stole their eggs
chang'd their story*

In her 2006 article, “Aboriginal Women: Working in Coalition to Advance Sex Equality”, McIvor ends with a poem by Marcie Rendon, a writer of the White Earth Anishinabe Nation about Aboriginal heroines having no names because they were erased from history’s pages.

Kim Anderson and Patricia Monture both articulate their desire to follow in the Native tradition of storytelling, and this is how many of their pieces are written. Storytelling and oral tradition is one of the ways that Aboriginal women resist and stay connected to their people. Anderson (2000:133) gives the example of Maria Campbell, a writer, educator and storyteller, to illustrate the fact that mundane stories are also important. These everyday stories usually depict how elder women get things done without depending on anyone.

Referring to the writings of Kimberly Blaseser, who compared reading and responding to a text to traditional Aboriginal oral practices, where the listener holds the same amount of responsibility in the creation of the story as the teller does, Anderson asks the reader consider his/her response/ability. “Before he or she engages in the text, I ask of them: What is your ability to respond to literature written about and by Native women? What kind of education and experience do you bring to this text?” (2000: 49). She states that this is especially important for non-Native readers, to challenge, for example, clichéd ideas that Native writings are a source of special wisdom or spirituality (2000: 49). The reader should locate himself or herself before engaging with any writings, as their stance and preconceived notions will inevitably influence their interpretation of it (2000: 50). This explains again, why she describes her personal history and identity to her readers before presenting them her ideas.

I would not ask that anyone suspend their own frame of reference. I merely caution readers to acknowledge their personal abilities to respond. I ask that they resist the temptation to 'claim' the text, and that they be open to new interpretations, paradigms and meanings. (Anderson, 2000: 51).

A real-life example of non-Aboriginal people 'claiming' the words of Aboriginal people is the 2001 report of the *Task Force on Federally Sentenced Women*, which, according to Monture, defines the grounds on which incarcerated Aboriginal women are discriminated against, without asking the women themselves. Monture was asked to work on the next year's *Task Force on Federally Sentenced Women* in 2002, and she decided to interview thirty-nine Aboriginal female detainees. These women all been raised in a violent environment and this violence continued to permeate their lives into adulthood (2006: 82). Monture (2006: 83) then explains her suggestions for a more inclusive research method that would incorporate Aboriginal systems of knowledge into conventional research practices. For instance, storytelling is an important method of knowing and understanding their history in many Aboriginal cultures, and could be used as a tool to add authenticity to a research project (Monture, 2006: 83).

The written historical record, which has omitted women's roles in governance, is sometimes used in court to justify unequal gender relations in First Nations governance. Monture suggests that researching women's oral histories, as part of a Native Studies curriculum for instance, could help make a difference (2004: 46). Corroborating this, Anderson points out the importance of oral knowledge and how it has been undervalued in Western society. This is why she chose to conduct interviews. In her writings, she explains a situation, and then she usually inserts a quote from her informants or even from her personal diary to provide context and depth. The quotes give the reader a strong sense of connection to the one who is speaking. Monture and McIvor do the same, inserting direct quotes from academics, judges and community members. I follow in this tradition by inserting quotes from these author's writings throughout my analysis.

Some of the contradictions that native scholars must deal with include writing in English and not in the languages of their peoples, and conforming to Western styles of academic writing. It is important for them, especially for Monture, to make evident these

contradictions, because they are inescapable for any Aboriginal woman in Canada who wants to fight for her rights. What does it take for these women to overcome these roadblocks and engage themselves despite the confusion? This will be addressed in the following segment.

3.4 Motivation and strength to take action

To get a grasp of what concerns are most important for Aboriginal women, we must explore what motivates them to write. For many, it is much deeper than simply publishing as an academic work, it is about bringing awareness, promoting change and giving voice. This inevitably alters the structure, content and meaning of their writings, essentially determining whether they will take on a feminist outlook or not.

Because of their close connection with the issues at hand, Anderson, McIvor and Monture explore the motives that push them to take action and the conditions that make it easier for them to do so. Anderson tries to enumerate the different motives through her interviews with her informants, while Monture goes into detail about what pushes her personally to get involved.

As a child-welfare worker, Kim Anderson began to question why Aboriginal women are the poorest and most abused people in Canada, and why sexist behavior is so prevalent in Native communities (2000: 33). In her book, "A Recognition of Being", she seeks to answer her questions and search for solutions by talking with Aboriginal women. Through discussions with her interviewees, she looks for the commonalities they share in their resistance efforts, in the aim of mapping out the actions and attitudes that might help others develop a positive sense of identity (2000: 115). Asking her informants what encouraged them to engage in acts of defiance; Anderson found that the most common factors were a sense of community, strong families and a close relationship with the land (2000:116).

In the same vein, Patricia Monture states, “It is a sense of belonging with my people, the Mohawk (even when geographically removed from my home community) that has carried me through thus far.” (1995: 7). The definition of community for Anderson includes friendship centers, organizations, whether on the reserves or in urban areas (Anderson, 2000: 124).

The community of women in the 1970s saw a growth of women organizing politically, but there has always been a strong sense of community among women who support one another. Aboriginal women find a lot of strength and inspiration in the company of other women, if not through their immediate families, then through their alternative families. (Anderson, 2000: 127).

Sharon McIvor, like the other two authors, emphasizes the importance of passing on this sense of community to her children, and as we will see later, this pushed her to the point of taking the government to court.

Anderson points to political activity as a departure point for many women’s activism and as way to make communities closer:

Aboriginal people also find and create community through political activity...the emergence of Indigenous political resistance movements have shaped the political identity of many Native women. (Anderson, 2002: 125)

She continues by giving examples of women who stood up against the unfair treatment they were subjected to by the State, such as Mary Two-Axe Early, Jeanette Lavell, Yvonne Bedard, Sandra Lovelace and Wilma Mankiller, who became politically active only after she participated in her first protest, the occupation of Alcatraz prison (2000: 125). In addition, the Oka crisis was a departure point for many Aboriginal people in Canada (2000: 125).

The erosion of women’s rights has also been a politicizing experience. The crisis of women who were enfranchised by the *Indian Act* was instrumental in sparking a critical consciousness about identity and inspiring resistance (Anderson, 2000: 126).

Like these women, Sharon McIvor’s motivation to take action came from a very personal place:

Under the 1985 amendments to the *Indian Act*, I have been designated as a section 6(2) Indian. As a result, in 1987, my three children, all of whom were born prior to 1985 and are now young adults living in the area of their ancestral home, were denied registration as Indians. My designation, I was told by the registrar of Indian affairs, was the result of my grandmother having married a non-Indian man. My children were denied registration because as a section 6(2) Indian married to a non-Indian, I cannot pass my Indian Status and band membership to my children. I have brought suit personally and on behalf of my three children, under the section 15(1) equality guarantee of the *Charter*, to challenge the continuing discrimination against Aboriginal women and their children and grandchildren under the 1985 *Indian Act* (McIvor, 2004: 111).

McIvor also writes about Mary Two-Axe Early, Jeanette Lavell, Yvonne Bedard and Sandra Lovelace and many other women who went before the courts. “For some women, to stand up in court is to be subject to the harshest treatment from their own communities locally, regionally, and nationally --be they Indian, Inuit or Métis” (McIvor, 2004: 111). Sometimes this is because these women are branded as feminists and accused of turning their back on their heritage. This is why McIvor says that having support from one’s family is essential.

Anderson corroborates, stating that a family that instilled a sense of pride in Aboriginal heritage from a very young age helped some women maintain a strong self-esteem, despite negative influences from outside sources (2000: 117). Having a large extended family, many female relatives, a father who was respectful of his wife and strong women role models also had a positive impact (Anderson, 2000: 117). Anderson (2000) points out that in contrast to elderly women in Western culture, elders in many Native societies hold a significant amount of power (119). Some of these women grew up in an environment where women were responsible for childrearing, economic transactions, providing for the family and acting as healers, teachers and community organizers (Anderson, 2000: 121). Anderson says that the relationship between Aboriginal girls and their grandmother is an important motivating factor as well. Monture personally confirms this statement:

My “Kookum” (grandmother in Cree) sits on my bed at night and watches me when I sleep in those times of my life when I struggle...My parents long ago left their earth walks but never have I felt they left me alone. Those first seven years of kindness, love and nurturing they gave me are my most important years. They are the solid years on which I have been able to build the life I now have. (Monture, 1995: 7)

It was when Anderson became a mother that she began to critically analyze the general oppression of women and accept that equity could not be reached without first recognizing

and accepting the impacts of gender identity (Anderson, 2000: 32). “At 29, it had never occurred to me in any real way that that every human life is connected to the hard work and sacrifice of a woman.” (Anderson, 2000: 23). The first time she was pregnant she lost the baby, and to be able to bury the remains on her land she enlisted the help of an Aboriginal health centre. Although hospital policy was against the removal of human remains, by calling on sovereignty rights and presenting a letter from a Chief, they were able to have a ceremony to bury the child (Anderson, 2006: 15).

The physical experience of pregnancy represented a deep emotional, spiritual and mental change for her (Anderson, 2006: 14).

Since the time of my earliest pregnancy, I have been like Sky Woman, dancing and creating and laying tracks for a new world. I've made a career out of researching and writing about Aboriginal women and children because I believe the health of a society is deeply connected to the health of its women. (Anderson, 2006: 22).

She states that mothers in Canadian society are often isolated and the work they do is not valued (Anderson, 2000: 33).

Motherhood also moved me to reflect on how poorly we treat the women and children in our societies. I have been humbled by my privilege, as a woman so loved, so supported, and honored. But I have also been demoralized to think about all the women and children who pass their early years together in situations of abuse or neglect. The implications are immeasurable. Motherhood gave me a new starting place for making social change. (Anderson, 2006: 23).

Motherhood is known to be a motivating factor for women globally.¹¹ Monture (1995: 5), on the other hand, does not speak so much of motherhood as she does her dream that First Nations can retrieve the respect they once had for their women. Anderson might argue that this respect could be retrieved if motherhood was given back respect it once had.

¹¹ “Women's gendered roles, lived out on a daily basis, are arguably a strong motivation to action. Women are key players in protests, because they bear the greatest responsibility for family welfare and face the greatest disadvantage and risk to personal security when their way of life is disrupted. Raising children, maintaining a home and retaining cultural identity is a tremendous challenge in the face of unjust social and economic structures, ecological destruction and armed conflict. Yet often, societies expect women to continue fulfilling those gender roles, even in the most adverse circumstances.” SWC, 2006.

Overall, it is a lack of justice that motivates the authors to write and to take action, and this comes from a very personal place for each of them.

I have a particular interest in understanding the organization and political relationships of the Indigenous women's movement. It is not just an academic interest. It stems from the fact that that I am a survivor of violent relationships. My definition of violence includes the effects of both racism and colonialism. Especially, I am interested in the relationship or patterns between violence against women and violence against Aboriginal people. Women's organizing has also focused on an anti-violence platform. (Monture, 1995: 169)

From these discussions about the authors' motivations, the links between each of their preoccupations becomes evident. They are concerned with their families, children and relationships, which is linked to health and violence. They are also concerned with women's rights, which is linked with discrimination and inequities remnants of colonization and the Indian Act. Finally, they are concerned with Aboriginal sovereignty and methods for taking action. Each one of these issues will be discussed in Chapter 4.

CHAPTER 4:

MAJOR THEMES ADDRESSED BY THE AUTHORS

When we begin to reclaim our ways, we must question how their traditions are framed, and whether they are empowering to us. The gendered nature of our tradition can be extremely damaging if interpreted from a Western patriarchal framework (Anderson, 2000:37).

This portion will examine how the authors addressed all of the issues that are important to them. It begins with rectifying the historical record, and exploring the true nature of Aboriginal women's gendered identities, something which Anderson and Monture put much importance on. It then explores the lasting negative impacts of colonization and the *Indian Act*, an issue that concerns them all. Anderson focuses mainly on social problems and community issues, because these were emphasized most by the women she interviewed for her book. Finally, the deficiencies in the Canadian judicial system are described and put in context. Evidently, McIvor and Monture have a lot to say regarding the legal issues, since they were both trained in law. Monture expressed her discontent with the justice institutions in Canada, while McIvor tries to explain what can be done within this system to ensure Native women's rights.

4.1 Women's Roles throughout History

The authors all take issue with the way Aboriginal women have been typically presented and stereotyped in Canadian historical literature and mass media. They aim to clarify Aboriginal women's roles 'pre-contact': how they had authority over food and goods distribution, property issues, land ownership, and how they played an active role in politics. In one of her articles, *Powerful History of Native Women*, she Anderson quotes Marilou Awiakta, Cherokee/Appalachian who asks, what ever happened to the balance that once existed among her people and the respect that afforded women positions of political authority?

4.1.1 Governance

In the article “Nation ReBuilding” (2004), Monture approached the issue of Women and Self-Government. She believes that more research needs to be done on the gender relationships that have been and are part of First Nations social, legal and governing systems. She wants to explore what responsibilities Aboriginal women had in traditional societies. While there is evident that women had important roles in child rearing, governance structures, family life, cultural teaching and legal systems, there lacks documentation on these gendered responsibilities (Monture, 2004: 44). Anderson (2000: 14) points out the difference between traditional Western political systems, which excluded women, and traditional Aboriginal governing structures, which included them as equals to men.

McIvor (1999: 168) posits that female participation in leadership and matriarchal governments are actually part of the inherent right of Aboriginal peoples to self-determination. She believes that Aboriginal women’s individual rights should abridge their collective rights and that a balance in gender relations should be restored in order for those individual rights to be respected (McIvor, 1999: 168). Therefore, the definition of self-government should include women’s traditional political roles as part of the inherent right for a People to choose how to govern themselves (McIvor, 1999: 168).

Anderson (2000: 15) also gives the example of Iroquois women, who owned land, negotiated treaties, selected and dismissed Band Chiefs, and addressed Tribal councils. She illustrates how the Mohawk and Cherokee women also had their own Councils, brought their issues before the Grand Council and held public meetings. While some Mohawk women have continued this tradition, they are not regarded with the same authority they had before Western systems of governance took over. Some societies, like the Inuit, had gender-mixed councils, and some, such as the Plateau, even had female chiefs. In the Algonquin and the Sioux societies, the wives of the Chiefs would serve as advisors and would take over chiefdom if their spouse passed away. Moreover, even where only men could be chiefs, the elder women who were part of council would guide them and had a significant level of influence. Inuit women exercised their political influence by stating their opinions to their

spouses and elder women would speak out concerning policy decisions during public gatherings (Anderson, 2000: 15).

It may seem incredible that this territory we know as Canada once hosted societies that afforded significant political power to those currently most marginalized: older women. Yet in "Indian country", the political authority of older women is not so far in the past. Many contemporary women can describe the political authority their grandmothers held in their families and societies, even after the introduction of Western political systems. (Anderson, 2000: 16)

Anderson (2000: 17) mentions two great female Icons: Jeanette Armstrong and Maria Campbell, who both had grandmothers that had positions of authority. They point out that women once played a vital role in decision-making, having authority over resources, land, wealth, family, labor and other sectors.

It becomes clear when we listen to these women that their societies understood the significant roles, responsibilities and skills involved in being the primary caregivers of children. Their societies upheld the people who held these roles and gave them the power to make decisions about their families, communities and nations. (Anderson, 2000: 17).

Monture, McIvor and Anderson therefore agree that women once held powerful roles within many native communities, and that these should be restored or at least acknowledged. As we will see, McIvor may mention self-government as a way for Native women to regain the positions of authority they once had, but only with the protection of the constitution, something that Monture does not agree with. Anderson fails to make the link with Aboriginal self-government and women's roles in leadership that McIvor and Monture make. She goes into detail that they do on the aspects of motherhood, sexuality and spirituality and their importance for restoring gender equality in Native communities.

4.1.2 Motherhood

Anderson (2003: 177) is the only one of the three authors to insist on the reverence for mothers who were considered the root of the family, community and nation. This high regard was bestowed on all mothers, regardless of whether the children were biologically theirs or not (Anderson, 2000: 83). Anderson believes that these "notions and ideals are still

part of our collective psyche, providing a sense that, as women, it is part of our 'roles and responsibilities', our purpose, as it were, to have children" (2003: 177). Divorce was easy in traditional societies, and either party could initiate it. Women did not fear poverty as they do today, because divorce did not mean that either party would end up economically deprived or homeless (Anderson, 2000: 82). The imposed patriarchal nuclear family structure changed all of this, promoting the idea that wives had to obey their husbands, could not divorce them, and no longer made decisions in the family (Anderson, 2000: 83). Individualist ideals were to replace communitarian ones. The men who openly disrespected women and children were once blocked from achieving any status within the community; now they can achieve powerful positions, while women cannot (Anderson, 2000: 84).

Traditionally, if a woman got pregnant, she was not afraid, because regardless of who the father was, the child would be taken care of by the community. One of Anderson's informants even describes how her tribe used to raise the unwanted abandoned white babies of English, Irish and Scottish settlers, because Aboriginals regarded children as sacred (Anderson, 2000: 87). For women who have to raise a family without the presence of a male, extended family and community play a key role in bringing men's teachings to the single-parent home (Anderson, 2000: 209). The difference between traditional societies that raised children in a community atmosphere and the prevalent nuclear family structure of modern societies is that the children are now often alone with the mother (Anderson, 2006: 21). For example, Anderson (2006: 21) describes walking with her baby to the park to see her husband off to work each morning, and every hour that passed, she would "measure with loneliness". For her second child, she chose to change her social environment and let others in, such as her parents, and rejoined the activities of her community (Anderson, 2006: 22).

Anderson (2006: 16) draws comparisons between her experience of pregnancy and the way some Aboriginal communities treat pregnant women. During her second pregnancy, her partner David treated her like a queen, just as a community would traditionally do what it takes to ensure a healthy environment for the mother and future child. The Haudenosaune and the Anishnaabe for instance, teach that men should not engage in hunting while their wife is pregnant. The Mohawk and Iroquois believe that whatever precautions the future

mother takes during pregnancy, the father-to-be must make the same mental or physical effort (Anderson, 2006: 16). Anderson (2000: 206) insists that an important value that women must bring back to family life is the balance between men and women. During pregnancy for instance, the man is responsible for creating the best environment possible for childbirth, and in some tribes, he takes the same precautions as the pregnant woman. Anderson's partner observed these practices during the course of her pregnancy, abstaining from alcohol and contributed by building the baby a crib (Anderson, 2006: 17). The same goes for childrearing, if the father has sacrificed during pregnancy, he will be more prepared to change his lifestyle when the baby comes (Anderson, 2000: 207). Anderson (2000: 209) quotes Ojibwa grandmother Vera Martin, who compares the role of the father as protector and provider to that of the sun: while he might leave for a time, he always comes back, circling around to protect his family and providing warmth and light.

Anderson (2006: 18) compares her birthing experience to many Aboriginal ceremonies that simulate childbirth, such as the sweat lodge. Other Aboriginal traditional practices also involve physical deprivation and hardship for spiritual gain. In the past, women did not participate in ceremonies such as the sweat lodge or the Sun Dance, in which dancers' labor for days without shelter, because it was understood that women have their own cycles in which they are cleansed and transformed (Anderson, 2006: 18).

4.1.3 Sexuality

Sexuality was not a topic to be ashamed of in traditional societies, and the practices across tribes vary greatly. According one of Anderson's informants, gender identities could be fluid, with some societies counting up to four genders, and people taking on different gender roles or dress (2000: 89). There are accounts of homosexuals being treated with extra respect because they had the spirit of two people (male and female) within them, and therefore were considered especially skillful (Anderson, 2000: 90).

To address the notion of large families as a part of traditional Aboriginal culture, Anderson inserts a quote from Maria Campbell, a Cree/Métis Elder from Saskatchewan. She explains that in discussing 'tradition' with other women over time, she found that women were valued for whatever useful skills were taught to her to nurture and protect life at that time. Family planning was the domain of Native women because it depended on their knowledge of reproductive and sexual health. Historically, Aboriginal families may have been quite small, since it would not have been practical to have a large family when traveling to locations where the game was (Anderson, 2003: 178). This is corroborated by historical facts: in some societies, men were away hunting for long periods of time, women breastfed long-term, infant mortality rates were higher, certain herbal medicines were used for birth control, and young girls were taught by Elder women about their bodily cycles in and how this is linked to fertility in special ceremonies (Anderson, 2003: 179). According to accounts by Elder women, one would never have more children than they could grab and run with if there were to be a battle (Anderson, 2003: 178).

It was the church's condemnation of birth control that most likely had the greatest impact on Aboriginal reproduction. She points out that a lot of what people today call 'traditional' is in actuality historically imprinted by Christian beliefs and dogma (Anderson, 2003: 177). Anderson quotes Maria Campbell stating, "Today we hear lots of people say that it is cultural to have lots of children. We were responsible people and we loved children, we never had more than we could look after" (Anderson, 2003: 178). Anderson explains how Aboriginal peoples today continue to feel desperate about reproduction, because of the genocidal attacks against them. These include incidents in recent memory, such as the residential school system, which tore away their children, from the late 19th century up until the late 20th century (Anderson, 2003: 175). There was also the child welfare system, which took children from their families, and over 40% of the children in the system were Aboriginal by 1960. In the US, there was the forced sterilization of 25 to 50% of Aboriginal women, between 1970 and 1976 (Anderson, 2003: 176). All of these horrible injustices instilled in Aboriginal consciousness a fear of losing their children and an "ongoing threat of extinction". Historical events, recent memory and current events continue to feed these insecurities, and the "social, political, emotional and practical response" has been to keep

reproducing despite it all (Anderson, 2003: 176). This illustrates a dynamic tension between the recent and the more distant versions of “traditional”, showing each to be legitimate in its own context.

When young Natives were forcibly sent to residential schools, many girls had to forgo the menstruation ceremonies of their Peoples and be submitted to cruel and inhumane practices surrounding puberty. Anderson (2000: 76) recounts, with direct quotes from her informants, the traumatic stories of having ones underwear inspected by the mistress and being beaten and humiliated if there was any blood. Young girls were taught in residential schools that they should not speak or even look at boys, and were punished if they did. They were taught that their bodies were dirty and that they should be ashamed of them. Hypocritically, the residential school priests and nuns, who proclaimed sex as evil, committed rape and sexual abuse against the Aboriginal children (Anderson, 2000: 94). Homosexuality, children out of wedlock, and women being open with their sexuality were unacceptable to the European settlers, and were condemned vehemently (Anderson, 2000: 91).

According to Anderson (2003: 185), participants who identified themselves with Native spiritual beliefs were less likely to be pregnant. None of the participants however, including social workers, had ever heard of traditional Aboriginal teachings in the domain of sexuality and reproduction (Anderson, 2003: 186). When asked about the ‘ideal’ way to start a family, most respondents gave 25 as the age to begin having children, the necessity of being in a stable relationship and having steady income and finished school, having gotten over the ‘partying stage’, and limiting children from 2 to three (Anderson, 2003: 186). Despite this, Anderson tells us she is jarred by Maria Campbell’s comment: “In one community where I worked, young girls were either getting pregnant or committing suicide”...she asks if there are the only options we can offer our youth? (2003:186). She states that it is our duty to make these teenagers’ ideals a reality by giving them the tools they need for healthy family planning (Anderson, 2003: 187).

4.1.4 Spirituality

Women also played an important role as spiritual leaders, a position that was regarded with respect in traditional societies. Even today, many Aboriginal groups do not separate the spiritual realm from the political, economic or social realms (Anderson, 2000: 71).

However they work with their spirituality, a connection with the Great Mystery has been a significant factor in helping Native women resist oppressive experiences and redefine their womanhood. Taken in an Indigenous context, it is really a part of everything we do and for this reason, it underpins a lot of the discussion in this book. (Anderson, 2000:136)

Creation stories, which exist in many cultures, are usually female centered, and this idea of the female bringing forth life transpired through all aspects of life (Anderson, 2000:71). Anderson (2000: 72) compares this to 'male-centered' Judeo-Christian creation stories, where a white man creates a white man, which formed the patriarchal consciousness that now frames many societies. She states that women in traditional societies had a significant spiritual role, while those in male-dominated religions do not (Anderson, 2000: 72). Women can now use spirituality to help them get through difficult times and to gain the strength to persevere, despite the many attempts of outsiders to eradicate these practices and scarring comments that made a mockery of their beliefs (Anderson, 2000:135).

While Anderson goes into detail about reviving the role Aboriginal women had in the past, Monture and McIvor would rather not dwell on the issue. They point out that the historical record ought to be rectified, but put less faith in the reinstatement of 'traditional' values and gender roles. Perhaps they believe that the effects of colonization have cut too deep to ever be reversed. As we will see in the following sections, these authors focus their energies on the present-day situation and search for more tangible solutions.

4.2 Colonial Impacts

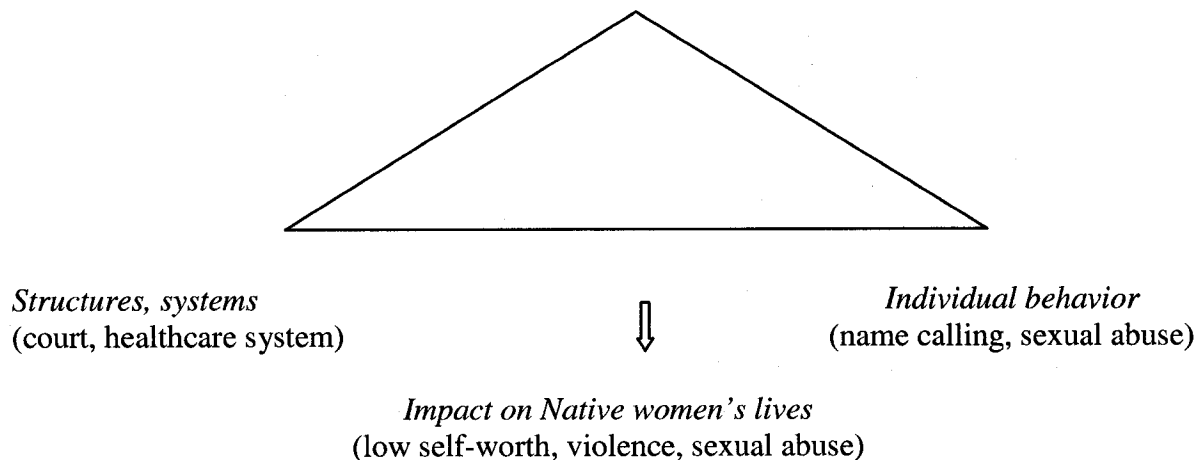
(...) resistance to a negative definition of Native womanhood is, at the same time, resistance to colonization itself. (Anderson, 2000: 115).

Just like elsewhere in the world, Aboriginal Peoples in the Americas, Australia, New Zealand and other places were dominated by outsiders through forced entry, war, exploitation and cultural imperialism. They are minority populations in the land they once occupied (Stevenson, 1999: 51). Anderson (2000: 115) quotes Aboriginal activist Grace Ouellette, who uses the notion of the “Fourth World” in her resistance efforts. This fourth world is contained within Canada’s boundaries, where the official state ideology of “multiculturalism” is often invoked to excuse this form of internal colonialism (Emberly, 1993: 75). Ouellette, in Anderson (2000: 115), defines the Fourth World as Aboriginal groups as independent and sovereign, another order of government in Canada, emerging from their history of colonial domination. This colonial domination has had lasting impacts on Native peoples’ identities, values, territoriality and notions of belonging, and these are touched on by the authors the following subsections.

4.2.1 Identity

Anderson (2000: 106) indicates that many Native female writers have spoken of the negative, destructive, self-hating images they had of themselves, by internalizing the demeaning stereotypes born of colonization. “Drunken squaw”, “dirty Indian”, “easy”, “lazy”: Anderson (2000: 99) asks how these images of Aboriginal women became entrenched in Canadian consciousness and how they continue to have a negative impact in Native peoples’ lives. In *Risky business: Talking Family Planning in Indian Country* (2003), she points out the judgmental stereotypes in north-American society concerning poor, marginalized people and “welfare mothers” as lazy people who are a burden on society (Anderson, 2003: 175). She inserts in her text the following diagram developed by the Doris Marshall Institute, which illustrates the impacts of colonial oppression on identity.

The Triangle of Oppression
Dominant ideas, assumptions and values “EASY SQUAW”



(Source: Anderson, 2006: 145)

This perception of aboriginal women has repercussions in many aspects of their lives. In *The lived Experience of Discrimination, Aboriginal Women who are federally Sentenced* (2002), Monture addresses the overrepresentation of Aboriginal women in Canadian prisons and what factors can be attributed as the main causes for this. The first factor she identifies is colonialism, and she makes an important link with Anderson's work:

The gendered specificity of colonialism is an essential component to understanding the present day situation of Aboriginal women in prison which one legal scholar has called a "glaring sexual inequity" (Gibson 1990: 227). Kim Anderson in her groundbreaking work, *A Recognition of Being: Reconstructing Native Womanhood*, traces in detail the impact of colonial relations on Aboriginal women:

If Native women are constructed as "easy squaws" and are locked into this imagery through the behavior of individuals, they will continue to be rendered worthless in public institutions such as courtrooms or hospitals. If we treat Native women as easy or drunken squaws in the court system, we feed negative stereotypes that will further enable individuals to abuse Native females, and so on. Native female images are part of a vicious cycle that deeply influences the lives of contemporary Native women. We need to get rid of the images, the systems that support them and the abusive practices carried out by individuals (112).

Colonialism must be understood as the foundation for the various forms of discrimination and disadvantage Aboriginal people (including women) face today.... The dilemma, however, is that the current Canadian human rights regime does not expressly acknowledge colonialism as a form of discrimination. (Monture, 2002: 6).

According to Monture (2002: 6), colonialism includes taking away the power from people to identify themselves, as the labels Indian, Inuit and Métis do not reflect true tribal identities.

Thus, when Correctional Services Canada creates “Aboriginal” policies, and they do not take into account differences between Tribes, the program options they come up with are not relevant for many women. This is an example of why Monture and Anderson place importance on valuing aboriginal women’s roles.

4.2.2. Gendered Values

Monture (2006: 80) discovered in law school that oppression can be felt both personally and collectively, and that this oppression is caused by the impacts of colonialism. Colonial beliefs and relationships are still present and active in Canada’s institutions, which continue to consider Western values and ways as superior to others (2006: 80). The idea that women should be devalued and regarded as dirty or the bearers of evil evidently came from principally Christian teachings, and they began to influence the way Aboriginal men treated their women (Anderson, 2000: 77). Anderson illustrates how the missionaries used the key female representatives of Christianity, the troublemaker Eve and the Virgin Mary, to strip Aboriginal women of their power. The men were taught to believe that women should be passive, domesticated, and that their evilness needed to be controlled (Anderson, 2000: 77). This loss of spiritual power affected every part of women’s lives and led to their loss of political power as well (Anderson, 2000: 77).

Anderson states that patriarchal settler society legalized marital rape and spousal abuse, and they could not understand the absence of violence in the Aboriginal communities they encountered. One of Anderson’s research participants (2000: 95), Lee Maracle, describes how when a man raped a woman in Plateau societies, he was turned over to a group of women who beat him up publicly and then kicked him out of the village. Since colonization, violence gradually became a regular part of life for many Native groups, from the children who brought abusive behavior home with them from the residential schools, to the fathers who turned their anger and hatred of the white man onto their own families (2000: 97). Alcohol and drugs only exacerbated the problem. The entrenched “easy-squaw” imagery has increased the likeliness that sexual predators will attack an Aboriginal woman over a white

woman. It has also made it so that cases of rape, assault and murder against Native women are not taken as seriously in general (2000: 110). These effects of colonial rule have transcended into everyday struggles for most Aboriginal women, and so it is no wonder that two of the three authors include domestic violence in their discussions of women's issues.

4.2.3 Reserve-based thinking

Monture believes that the *Indian Act* remains a Colonial tool of oppression and should not be allowed to determine who is Mohawk, Cree or other (2006: 85). It promotes the idea of an "Indian" identity and reserves as belonging to them, forgetting how the reserves came to be (2006: 85). She would rather think in terms of her people's territory rather than Indian reserves (2006: 85). Unfortunately, the *Indian Act* makes it so that unless one lives on reserve, people are not eligible for benefits like tax-cuts, education and healthcare (2006: 86). This division of Indians and non-Status Indians is a strategy of colonialism because it separates Aboriginal peoples from each other and from their lands (Monture, 2006: 86). The worst is that Aboriginal peoples themselves have come to consider off-reserve Indians as less 'authentic' (2006: 86). Monture believes that in their efforts to save what rights they have left, Aboriginal people have become blind to the oppression they are still subjected to under the *Indian Act* (2006: 86). It has torn away their ability to define their territory and relationship with the land. Monture refuses to conceptualize the territory we live on as it is defined and delineated by the Canadian state. This notion of "reserve-based thinking" that she uses is integral to understanding the impact of colonization on Aboriginal women. According to Monture:

Reserve-based thinking is thinking that remains colonized. This oppressive thinking, which so many of my people have picked up, predisposes us to leading a life of oppression. (1995: 47)

Also addressing the issue in an interview on BC radio, Sharon McIvor explains how deeply entrenched this "reserve-based thinking" is in her community (she does not use the exact term) (RedEye: 2007). She says that for the government, Indian Status represents access to benefits such as tax-cuts, medical and dental coverage, and funded education. She warns

however, that there are much deeper intricacies to being considered a Status Indian. It means being recognized in your community, being able to walk down the street. She would be kicked out of her traditional territory if she was not officially a Status Indian (RedEye, 2007). As Monture pointed out in her article, McIvor affirms that acceptance often depends on Status.

Disinheritance. That basic piece of where you belong, who you are. The acceptance from the community. I always knew who I was, but my community was quite adamant that I didn't belong, even though I was born there and I spent a lot of early years there... you're not status, you don't belong. (McIvor, RedEye: 2007)

Anderson (2000: 180) points out that there is little written about Aboriginal women's relationship to land, which was central in many agricultural tribes. She asserts that many indigenous women, like men, have a broken relationship with the land; because of colonization they were displaced from their territory or forced into urban areas, and this essentially tore them away from their home (Anderson, 2000: 181). Many women describe the earth as a female entity and gain strength from witnessing its resilience (Anderson, 2000: 184). Water, streams and rivers also symbolically represent women and their abilities to provide sustenance and to adapt to changing situations. Since the cycles of mother earth are respected and honored in Aboriginal societies, so too were the cycles of women's bodies. Anderson (2000: 186) believes this is why it is important to bring back ceremonies that celebrate womanly functions and recognize the sacredness of feminine cycles. She refers to Maria Campbell, who describes how the moon (which in Cree is called Grandmother) helped her with menopause (Anderson, 2000: 187). Indigenous conceptions of their relationship to land also helps them distinguish them for Western notions of "owning, raping" the land, like women (Anderson, 2000: 191).

Monture also points out that men's right to hunt and fish has been the topic of many court cases, women's right to gathering and growing has not (Monture, 2004: 44). In addition, the numbered Treaties do not mention women's responsibilities and authority over the produce of the land (Monture, 2004: 45). This is perhaps illustrative not only of the low priority of these rights within the list of legal challenges brought by First Nations communities, but also of how "women's" tasks are not seen by the Canadian state as challenging its power. To

further illustrate the importance of Aboriginal connection with their land, Monture recounts the experiences of Yvonne Bedard and Jeanette Lavell. An interesting story is that of Yvonne Bedard's eviction from her home by the band council. It is an example of Aboriginal people using a rule that was originally supposed to "protect" Indian lands from White encroachment, to force a woman from her land and remove from her any property.

This is an indication that the colonized have accepted their colonization...in all the articles that discuss the Lavell and Bedard cases, little attention is paid to the impact of colonialism on the issue." (Monture, 1995: 135).

Anderson corroborates, saying that colonization not only dispossessed women of their community and communal authority, it severely dismantled their authority within the family and community through the imposition of patriarchal marriage and property rights, ingrained in the *Indian Act* (Anderson, 2000: 17).

Whatever the intent, the patriarchal provisions of The *Indian Act* removed Native women from their roles as decision-makers and teachers, and robbed them of their voice in community affairs. Once active participants in the management of community affairs, they were forced into positions that held little power. This deliberate state action imposed on Native women devalued the position of women in Western society. White women had no power to vote, they did not hold political positions and were not included in decision-making on matters ranging from the family, to community, to nation. Native women who held political power were a threat to this kind of a system. They could effectively be put in their place through assimilation, or by making them the same as white women. (Anderson, 2000: 18)

Moreover, McIvor (2006: 97) mentions the continuing discrimination by Band governments and by the Canadian government and justice system, a legacy of the colonial past.

The NWAC argued that because of their prominent, equal, and egalitarian role in Aboriginal societies pre-contact, women would have directed or been consulted on important community decisions. The NWAC argued that the legal disability of Aboriginal women began with the imposition of English common law and civil law and that it significantly altered their way of life in all respects. It led to women's displacement in their traditionally equal role in politics, government, economics, and domestic relations. This role was taken from them, not by their own peoples, but by settler society, and their subordinate role in *Indian Act* communities was constructed by the legislation of Canada. (McIvor, 2006: 100-101).

The effects of colonization are still felt by many Aboriginal women today. The following sections will examine these continuing negative effects more specifically, as approached by the chosen authors.

4.3 Community Issues

First Nations social issues, while typically managed by women, are often neglected by male leadership at the political table (Anderson, 2005: 26).

In this section, we will explore the concerns the authors have regarding children and youth, domestic violence, and politics, which are areas that the three authors selected for this study identify as important and discuss. Monture (1995: 172) points out that some Aboriginal leaders must deal with a multitude of crises in their communities today, such as suicide, alcoholism, poverty, disease, lack of housing, and substance abuse. As a result, 'women's issues' are often left to the side. These issues are usually deemed 'social' or 'community' issues, including: childcare, education, teenage pregnancy, sexual abuse and domestic violence. Monture states that Band governments rarely address these problems because silence is also an expression of helplessness, an attitude that was adopted by many Aboriginals because of colonization and oppression (Monture, 1995: 172). Anderson (2000: 170) suggests it could also be because band leaders prioritize land-claims and self-government negotiations over all other preoccupations, and there are not enough women involved in band governance. She explains this well:

As a starting point, we knew that 'community issues' and 'sovereignty issues' have often been separated within our communities. 'Sovereignty issues,' as articulated by the formal leadership (largely male) have addressed land claims and constitutional battles, in the courts and within government circles. 'Community issues,' as articulated by the informal leadership (largely female), have encompassed a range of struggles, including addressing violence against women and children, alcoholism and other addictions, the health needs of children and elders, and education that is culture-based and community controlled. Too often, the agendas of the formal leadership are prioritized, while the informal leadership's concerns receive secondary attention. The gender divisions that underpin whose perspectives are prioritized are obvious; what is less clear are the ways in which the gender divisions forced on us by the colonizer may have resulted in different definitions, among men and women, of 'sovereignty' and 'nationhood'. (Anderson, 2005: 3)

4.3.1 Children

Native women will often say that their motivation for engaging in community development comes from a sense of responsibility to the children and the need to preserve justice...Aboriginal women know how to 'make things happen'. (Anderson, 2000:213)

Children are at the heart of Aboriginal communities, everyone has a responsibility towards them, not just the parents (Anderson, 2000: 159). Anderson (2000: 161) cites the example of Michèle Audette, once president of Quebec Native Women, who likes to bring her young sons with her when she travels for the organization. Anderson (2000: 161) has brought her children along during work meetings, and she sees this as a statement that Aboriginal peoples continue to find space for their children in the adult world. She cautions that there remains progress to be made in reclaiming the central role of children in Aboriginal communities, as the effects of the residential school system cannot be undone (Anderson, 2000: 161). Anderson (2000: 161) quotes Maria Campbell, who believes that the settlers knew that the best way to assimilate the Indians was to forcibly remove the heart of their nations, the children. Anderson (2000: 170) believes that because they produce life, it is the Aboriginal women's responsibility to ensure that the children of the community grow up with teachings that reflect their cultural values.

Monture describes the 'cyclone of pain' (1995: 173) that emerges when an incident of child abuse is disclosed. It cannot be compared to a similar incident in an urban community, because on reserve, everyone knows each other, and everyone feels each other's pain. There is awareness that the 'perpetrator' was himself a victim, and that the justice system, which is supposed to bring healing, is foreign and does not share in Aboriginal values, and this builds into an anger that can be unbearable to carry (Monture, 1995: 173). Monture (1995: 174) explains that blaming Aboriginal governments might serve as an outlet for this frustration, but it only leads to alienation between men and women and a masking of the real source of the pain. For her, it is the State that is the true perpetrator: through colonialism and patriarchy, the State continues to commit acts of violence against Aboriginal peoples. "Being able to name the State as my oppressor has allowed me to sit outside the personal cyclone of pain that once raged out of control in my life". (Monture, 1995: 175)

Anderson conducted a study with 340 participants, through questionnaires, interviews, workers and Elders and focus groups. She found that sexual abuse was an important factor in risk-taking behavior and teen pregnancy (Anderson, 2003: 182). Of the sexually active youth interviewed, only 38% said they used contraception all the time. Of the reasons for

pregnancy, popular answers included being drunk, high on drugs, or bored at the time, no protection was used or the protection did not work (Anderson, 2003: 183). Other motivation factors for young girls are that pregnancy was seen as a way to escape from a dysfunctional family or as a way to gain self-esteem after being neglected for so long (Anderson, 2003: 184). Social workers commented on the poverty of their clients and the lack of resources to care for their babies (Anderson, 2003: 185). Overall, having a child affected the participants by making their lives more difficult than before (Anderson, 2003:185). Sexual abuse also emerged as an important preoccupation.

Women can build a sacred sense of purpose into their lives, and work with it to validate and guide their life experiences and life work. Our purpose is almost always tied in to what we do for the community. (Anderson, 2000: 202).

Anderson (2000: 214) is the only author who explicitly talks about women's rights and responsibilities as life-givers and nurturers, and the authority that this gives them within the community. Anderson illustrates through her informants' stories how they used their nurturing qualities to get involved in community development or in the workforce. "Many Native female administrators are like effective mothers because they create the conditions for growth and self-determination in the workplace" (Anderson, 2000: 215). She gives the example of Ida LaBillois-Montour, a Mi'kmaw who was the executive director of the Montreal Friendship Centre and the interim director of the Native Women's Shelter of Montreal (Anderson, 2000: 215).

Anderson (2000: 46) also explores the central role of relationship building in reclaiming identity and culture. One of her informants states that women traditionally were the one who taught about relationships, with other people, with nature, with the creator, and with oneself (Anderson, 2000: 157). "We exist because of and for the relationships we hold with everyone around us" (Anderson, 2000: 46).

4.3.2 Violence

More than half the women that Anderson interviewed said that they had tolerated relationships in which they were abused (2000: 57). Spousal violence has become commonplace in many communities, and is of great concern to Anderson and Monture, however the women do not put the blame for this and other social problems solely on the men. They recognize that many of the problems that plague their communities, including violence, were brought on by colonialist policies and ideologies (Anderson, 2000:58).

Monture (1995: 170) reminds her reader that Aboriginal women are more likely to be victims of violence than any other women in Canada are, and this violence is most often not incidental. They are often raised in a violent family environment and this is translated into their adult relationships, where they are raped and battered by their partners (Monture, 1995: 170). The notion of 'violence against women', limited to abuses committed by men, cannot fully describe what is lived by Aboriginal women. However, the definition is used by most organizations or institutions that are funded to help women in situations of abuse. Monture (1995:171) sees this narrow definition as ideological violence, because it constrains her experience of violence, thus rendering it invisible.

Monture (2004: 42) remarks that the issue of violence against Aboriginal women and children, whether in communities or in urban areas, has been researched and written about extensively. In a footnote, she cites Kim Anderson's *A Recognition of Being*, and herself, *Thunder in my Soul*. As important and prevalent as this issue is, she states that it requires action much more urgently than it requires study (Monture, 2004: 42).

4.4 Legal and Political Inequality

As we have seen earlier, Aboriginal women have been excluded from the positions in politics and governance that they once held. Anderson (2000: 172) writes that because of this loss of women's political authority, words like mothering and nurturing have taken on a

negative connotation. Anderson refers to Lee Maracle (2000: 172), who suggests that the term 'auntie' be used instead, a Native term which means providing guidance and love regardless of blood ties or biological motherhood.

It is clear we have a lot of careful thinking to do about how we want to reconstruct our position of authority in our respective nations given our current marginalized positions in Aboriginal politics. The equity stand may be the best approach, and it may be that women's governing bodies need to address social issues because women have become more experienced in this area. In the future however, many women hope to reach a stage where they can reconstruct our age-old supreme authorities back into the management of our communities and nations. (Anderson, 2000: 221)

Sharon McIvor and Patricia Monture, both trained in law, are very concerned with issues of women's rights before and under the law. They concur that federal laws and policies continue to propagate patriarchal and colonial attitudes, which have rendered it acceptable that men in Aboriginal communities should be the ones to hold positions of authority and power (McIvor, 2004: 107 and Monture, 1995: 135). McIvor (2004: 108) points out that citizenship usually automatically affords one official membership in the nation as well as equal access to partake in the government. In spite of this, Aboriginal women have had to use sex-equality litigation to achieve these rights. She emphasizes the discrimination that remains, while Monture maintains that litigating is a waste of time. The legislation these authors address includes Bill C-31, The Canadian Charter of Rights and Freedoms and the Canadian Constitution 1982.

Aboriginal women's legal and political inequality deprives them of social and economic benefits, affecting their right to enjoy an adequate standard of living... The broad struggle for recognition of their sex equality rights represents the effort by Aboriginal women to shed these shackles of oppression and colonialism. (McIvor, 2004: 107).

4.4.1 Bill C-31

While women are actively engaged, creating organizations, protesting injustices, waging court battles, they still do not have the authority in their communities and in Canada to effect political change. Anderson refers to Lee Maracle's warning of the danger of carrying the

weight of their nations without having any authority...”eventually our backs will snap” (2000: 217).

McIvor (2004: 112) analyses the case of Jeanette Corbière Lavell, who as we saw was the first woman to claim her right to equality in a court, after Canadian laws had been discriminating against women for over a century. She lost her case because the majority of the Supreme Court adopted a narrow definition of “Equality before the law” and agreed that the Bill of Rights could not alter any legislation that gave parliament authority over “Indians” (McIvor, 2004: 113). Commenting on this decision, Monture (1995: 131) asserts that the term the court used, “equality” is not a useful term for her, and that it cannot be used in the expression of her experience as an Aboriginal woman in Canada.

Monture (1995: 137) notes a subtle fact about this case that is rarely referred to in writings about the “aboriginal women’s movement”: despite the loss, the Lavell case had such an impact on the women’s lobby for the protection of their rights within the *Charter*, that section 15¹² was altered so that equality would be guaranteed both before the law and under the law, and that everyone was entitled to equal protection and benefit of the law. Therefore, the equality rights of all women in Canada were improved as a result of Aboriginal women’s attempts to gain rights for themselves (Monture, 1995: 137). The position of women in general before the law was improved; however, the position of Aboriginal women had not changed (Monture, 1995: 137).

¹² These women were arguing on the basis of the 1960 Canadian Bill of Rights, (now know as the Charter of Rights and Freedoms of 1982). Section one of the Bill reads:

“It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, color, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

(c) freedom of religion;

(d) freedom of speech;

(e) freedom of assembly and association; and

(f) freedom of the press.”

Another important yet not often discussed event in works on aboriginal gender inequality is pointed out by McIvor (2004: 111). The *International Covenant on Civil and Political Rights (ICCPR)* came into force in Canada in 1976. Since Lovelace (see Chapter 2.2) had married before this, the Human Rights Committee decided not to consider whether her loss of Indian Status could be considered sex discrimination in violation of Articles 2, 3, and 26 of the *ICCPR*. This judgment meant that thereafter, an Aboriginal woman who was wed after 1976 could prove her case before the UN Human Rights Committee because of sex discrimination (McIvor, 2004: 111).

McIvor, who was a member of IRIW, details how in 1982, the IRIW successfully lobbied the minister of Indian affairs and Northern Affairs to call for special hearings by a parliamentary sub-committee looking into Indian women and the *Indian Act*. This concession to Indian women was part of Canada's agenda to study Indian self-government through the same parliamentary process. The resulting report on self-government was published and distributed by the federal government, but the report on Indian women and the *Indian Act* was simply tabled by the standing committee, which then proceeded to appoint the new Sub-Committee on Indian Self-Government. Not only did they appoint this sub-committee, they were also allocated funds to travel and hold public meetings and finally submitted a 200-page report. While these studies were part of the Liberal government's strategy, this government was voted out of office before it took any action on Indian women's legal rights or self-government, a fact which McIvor denounces (2004: 111).

The Canadian Human Rights Commission noted that Canada was indeed in violation of Article 27 of the International Covenant on Civil and Political Rights, as well as the United Nations Convention on the Elimination of All Forms of Discrimination against Women (McIvor, 1999: 175). McIvor believes that this court decision inspired women to take political action to gain equal rights with men (1999: 175).

Aboriginal women's struggle continues, however, as some Indian Chiefs are trying to overturn the amendments in court, claiming they interfere with their jurisdiction to determine membership in their own communities. It is my position that the civil and political rights of Indian women are fundamental human rights, and that they are Aboriginal rights, which are now

recognized under section 35(1) of the *Constitution Act, 1982*. These rights have never been extinguished and they continue to exist. (McIvor, 1995: 1)

McIvor points out the Bill C-31 gave Bands the authority to define their own membership codes (section 10). Therefore, a woman may be able to have her Indian Status reinstated, but if her band enacted a membership code before this, she could be excluded from the list. She gives further details: “Bands may not exclude anyone who was a member prior to June 1985, including non-Indian women who married into the band, but they may develop membership codes with criteria very different from federal government rules for registration as a Status Indian” (McIvor, 2004: 199 n. 44). McIvor’s mistrust of Aboriginal band governments stands in stark contrast to Monture’s faith in the autonomy movement, as will be detailed further in Chapter 5.

McIvor (1999: 174) describes the controversy when the Assembly of First Nations (AFN) wanted control of Indian membership even though Indian Status had not yet been reinstated for those from whom it had been removed. The Native Women’s Association of Canada (NWAC) wanted the reinstatement of the enfranchised Indians before the recognition of Indian self-government, this way its form could be determined collectively with men and women. The AFN countered this argument by stating that a focus of women’s individual rights only reaffirmed Canada’s refusal to acknowledge Aboriginal collective rights, which were protected under various international Treaties. The NWAC then used the same argument to prove their point: Canada’s international obligations include protecting women’s rights (McIvor, 1999: 174). In the end, the rules concerning Indian membership status are not to be determined by the AFN, but they are to be decided in the Treaties with band governments.

McIvor (2004: 198) believes that when given the power, Aboriginal leaders will not necessarily treat women equally or fairly. To illustrate this, she gives the court case example of *Sawridge Band vs. Canada*, when the courts had to order the band to include 11 elderly women in their band list because their criteria for membership had been too harsh (McIvor, 2004: 199). Some bands even stopped providing services to reinstated women until they established their own membership code. In *Raphaël v. Montagnais du Lac Saint-Jean*

Council,¹³ the Canadian Human Rights Commission ruled against the band, ordering them to pay damages to four reinstated women to whom they had refused to provide service to (McIvor, 2004: 199).

4.4.2 The Charter and Self-Government

In section 15 of the *Charter*, every citizen is equal and has the right to be free from discrimination. Monture (1995: 138) explains to us the legal meaning of the term 'discrimination' as it is used in the *Charter*. Discrimination means that some sort of action caused a disadvantage to someone based on a factor that makes them distinct, and the grounds listed are 'in particular' race, national or ethnic origin, color, religion, sex, age and mental or physical disability (Monture, 1995: 138). This action must be a transgression of the law and must be on analogous grounds with the factors enumerated (Monture, 1995: 139). Therefore, Monture (1995: 139) insists on the idea that the legal definition of discrimination may be much narrower than what is actually lived by those who experience it.

Monture (1995: 139) uses this legal definition of discrimination to try to situate her own experience, beginning with the list of 'grounds of distinction'. Race, color, national or ethnic origin, religion and sex do not come close to encompassing Monture's identity and the way she is discriminated against. These qualifiers exclude culture and spirituality, and ignore their own interconnectedness and overlapping (Monture, 1995: 140-141). One should not be forced into issuing a complaint on the grounds of sex, for instance, to the exclusion of other grounds such as race. Monture (1995: 142) also disagrees with the notion that the Canadian state can limit any of the rights held within the *Charter* if they deem it is reasonable to do so.

My opinion is a result of my experience of Canadian law (and probably the result of my status as the colonized). It is based on knowledge of the Bedard and Lavell cases. It is based on the knowledge of Aboriginal over-representation in the criminal justice system. It is based on the knowledge that our ceremonies and dances were once prohibited by Canadian law. It is based on my understanding of the history of Canada and Canadian laws which is a history that has taught me not to trust easily." (Monture, 1995:142)

¹³ C.H.R.D. No. 10 (QL)

The *Charter* is limited in its ability to protect the rights of Indian women because it can only be used to bring action against the government, not private proprietors. Monture (1995: 143) has little faith in this legal instrument, which could not even protect women against the overt discrimination in the *Indian Act* without international action, and has yet to do anything about the lack of matrimonial law regimes on reserves (Monture, 1995: 143). In addition to all of this, section 33 of the *Charter* provides that if a province wishes to pass a law that might be discriminatory, the notwithstanding clause allows them to make their legislation exempt from section 15. She compares this to the way the federal government rendered the *Indian Act* exempt from review under the *Canadian Human Rights Act* with article 67 (Monture, 1995:144).

To Monture (1995: 144), the *Charter* is not the answer for Aboriginal problems nor does it offer an idea of equality that applies to her experiences as an Aboriginal woman. The question of *Charter* application has led to divisions within the Aboriginal community because some, like Sharon McIvor, believe it to be a tool to end the abuse of Aboriginal women. A group that supports this view is the NWAC, but Monture (1995: 146) argues that she has yet to witness the positive application of the *Charter* in support of Aboriginal women's rights. Monture (1995: 146) also disagrees with the way the NWAC interprets the *Charter* as a human rights law that could protect Aboriginal women from abuse and how this implies that the Aboriginal governments are partly to blame for this abuse. She states that it was the federal government that is responsible for the gender discrimination in the *Indian Act* and that colonialism should be acknowledged in the *Charter* (Monture, 1995: 146).

Indian governments have never had the power to amend section 12 (1)(b) of the *Indian Act*. That is a power of the federal government only. Powerlessness and frustration is not a healthy form of existence. It is also a consequence of colonialism and colonization. As women involved in the healing of our nations we must remember that this (the occupation of band governments by men) reflects the political way of the dominant society. (Monture, 1995: 147)

McIvor thus takes a different stance. She points out that the participating Aboriginal groups in the negotiations for the Charlottetown Accords in 1992 were mainly composed of males. These included the AFN, the Native Council of Canada (NCC), the Inuit Tapirisat of Canada

(ITC) and the Métis National Council (MNC), and excluded the NWAC, Pauktuutit and the Manitoba Native Women's Council (MNWC). The Accord generally dealt with Aboriginal relations with the Federal and Provincial-Territorial governments, it also included suggestions to alter the wording of section 25 of the *Charter* (a notwithstanding clause for Aboriginal people¹⁴), and section 35 of the *Constitution Act, 1982* (McIvor, 2004: 126). If the representatives of Aboriginal women's organizations wanted to be heard at the constitutional meetings, their issues had to first be approved by the men's organizations. Although the NWAC made many suggestions, the AFN did not include their wording on sex equality rights during the entire negotiation process (McIvor, 2004: 127). When Aboriginal women protested the gender inequality during the process of drafting the Charlottetown Accord, their opponents spread the false notion that they were giving priority to individual rights rather than collective rights (McIvor, 1999: 167). McIvor (1999: 168) says that in reality, Aboriginal women share the same desire for self-government, though their visions of how it is to be achieved and implemented may be different. Anderson shares the same opinion as McIvor concerning this point:

Viewed this way, the political choices facing our communities are not, as they are frequently articulated, between 'sovereignty' (men's concerns) and 'community healing' (women's concerns). They are about different ways of understanding sovereignty. In the shutting out of women's voices from sovereignty struggles, it is impossible for Native women not to fear that 'sovereignty,' as the formal male leadership expresses it, may ultimately involve gendered and racialized formulations of nationhood." (Anderson, 2005: 5)

Just as it has often been repeated by Anderson and Monture, McIvor (1999: 174) reiterates the tension between Aboriginal men's efforts at gaining autonomy and Aboriginal women's efforts at ending sexual discrimination, with the former often claiming that the latter were prioritizing individual rights over collective rights. Defending women's efforts for once, Monture (1995: 184) states that the way that Aboriginal women were represented in the media as advocating for 'individual' as opposed to 'collective' rights during the constitutional rounds goes against Native culture and values. She maintains that in

¹⁴ 25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

'Aboriginal tradition', there is no hierarchy of individual/collective rights, they both exist within each other (Monture, 1995: 184). Even the notion of 'rights' itself is different in many Aboriginal societies, which are structured around responsibilities more than rights (Monture, 1995: 184).

McIvor (2006: 258) then explains how Aboriginal women's groups have not only had to deal with opposition from men's groups, and the federal government who supports the men's groups and not them, but also realize that Canada will not consult them concerning their rights, and will even hire people to oppose them in their struggle for equality. She lists the case of the British Columbia Native women's Society (BCNWS), who brought the issue of matrimonial real property to the Minister of Justice. To make a decision, the minister commissioned a non-Aboriginal consultant firm to meet with selected participants across Canada to discuss matrimonial real property, and never consulted with the BCNWS (McIvor, 2006: 257). Even when she herself met with the Minister in 1992 to discuss the removal of section 67 of the *Canadian Human Rights Act* he said he would have to Consult the Assembly of First Nations first (McIvor, 2007: 257).

After encountering this intransigence in every meeting room from Charlottetown to Whistler, Gail Stacey-Moore and I persuaded NWAC's board of directors to bring a court case to, *inter alia*, stop the referendum on the Charlottetown Accord, because the process had excluded us and infringed our sex equality rights. The NWAC applied for injunctive relief to prevent the continuation of discussions between the federal government and certain Aboriginal groups until the NWAC was afforded the opportunity to participate in the constitutional review process on equal terms and to prohibit the federal government from proceeding with the 26 October 1992 referendum on the Charlottetown Accord. (McIvor, 2004: 127)

These women not only litigated, they engaged in protest on Parliament Hill with signs that read "No to Self-Government without the *Charter*" and "No self-government without sexual equality". "After 135 years of sex discrimination by Canada, we were afraid of self-government. Why would neo-colonial Aboriginal governments, born and bred in patriarchy, be different from Canadian governments?" (McIvor, 2004: 128). McIvor maintains that the scope of modern-day Aboriginal women's civil and political rights will be determined in the context of the inherent right of self-government (McIvor, 2004: 128).

Over the past few years, organized Aboriginal women's groups like the NWAC have fought for participatory rights. In other words, they demand, as women, to be part of the policy and legislative processes that are being set up to define, develop and interpret their forms of Aboriginal government. This process includes defining who is a member of the group or of the collective (McIvor, 1995:4). For McIvor (1995: 4), an Aboriginal woman's right to define her political and civil rights is part of the Aboriginal right to self-government, because these are central to the existence of their nations. She believes that the federal government has a responsibility to take into account Aboriginal history and tradition when interpreting civil, political and Treaty rights under section 35(1). International instruments also protect the rights of women. All of these instruments should prevent both Parliament and Aboriginal communities from discriminating against Aboriginal women based on sex or race in future. She notes that at least some of them will be valuable in challenging existing discrimination that is still going on (McIvor, 1995: 5).

While McIvor (1999) assertively advocates for the *Charter* be applied to Aboriginal governments, Monture (1995) looks at the history behind the *Charter*. She does not understand how a society that took away so many rights from Indians and Indian women in particular, could consider itself egalitarian, democratic and civilized.

The federal government has thirty-five years of experience of aspiring towards equality. My people have hundreds and hundreds of years of experience of successfully living in balance (you might call it equality). (Monture, 1995: 148)

Monture does not share McIvor and Anderson's fear that self-government could mean further exclusion of women in Native communities, thus making Charter protection necessary.

It must be understood that we live in a country where women's equality rights were not automatic. Equality rights were something that women had to stand up and justify. The fact that section 15 (of the *Charter*) did not grow out of a kind, caring nurturing relationship is something that is very important to me. Furthermore it did not grow out if respect. Its seeds were planted in a fight. I find that very disturbing. (Monture, 1995: 134).

She reminds us that white men, with the goal of remaining impartial and objective, wrote the law. Excluding women and emotion from the law makes it so that fairness and justice cannot

be achieved until women take on the responsibility of putting the 'heart' back in the law (Monture, 1995:148).

4.4.3 The Constitution

Aboriginal women's human rights are part of the inherent right to self-government under section 35(1) of the *Constitution Act, 1982*, where gender equality is affirmed under sections 15 and 28. In 1983, section 35(4) was added to guarantee equal rights to Aboriginal women.

I was asked to speak about Aboriginal women and the Canadian Constitution. Such a venture always makes me nervous. I speak only for myself as a Mohawk woman, one woman. There are many Aboriginal women with a multiplicity of views. My views are often in opposition to the views held by political organizations of Aboriginal women. (Monture, 1995:152)

McIvor (2004: 128) tells the story of how the NWAC was excluded in the Charlottetown Accord negotiations. They went to court in an attempt to gain access to these negotiations, and also to prevent further allocation of funds to certain groups for their engagement in the constitutional review process. McIvor (2004: 128) explains that because there was dissent within the NWAC, the evidence against the AFN (which would have shown that they did not adequately represent the viewpoint of women) was not brought forward successfully. Despite this loss, the NWAC became one of the five recognized Aboriginal Organizations, and was subsequently invited to participate in federal-provincial negotiations (McIvor, 2004: 128).

While still fighting for its cause through political channels, the NWAC has entered the court arena both to escape the "inhospitable political landscape" and to seek the rightful place of Aboriginal women among the recognized Aboriginal groups. (McIvor, 2004: 129).

McIvor (1995: 2) notes that sex-discrimination remains in federal regulations, concerning matrimonial real property, voting and political rights related to living on reserve. She believes that the ruling in the Sparrow case, which confirmed that inherent rights could be effectively recognized as an existing right under section 35(1) of the *Constitution Act 1982*, can be applied to the civil and political rights of women, which are not extinguished simply because the *Indian Act* regulated them for so long (McIvor, 1995: 2).

The civil and political rights of Aboriginal women differ according to culture and tribal traditions. Most Aboriginal societies were traditionally matriarchal and matrilineal, including hunting and gathering societies. Aboriginal women's civil and political rights are foundational and do not derive their existence from documents or treaties (Sparrow 390). The right of women to establish and maintain their civic and political role has existed since time immemorial. These rights are part of customary laws of Aboriginal people and part of the right of Aboriginal self-government. (McIvor, 1995:3)

In the same way that she did with the Charter, Monture (1995: 156) attempts to find herself within the Constitution, and she considers Constitutional amending an important way of reinserting Aboriginal nations into Canadian history. She starts with the recognition of Aboriginal rights and Treaty rights (section 35) in 1982. Section 35(1) rights are “recognized and affirmed”, as opposed to *Charter* rights, which are granted. This assumes that the rights existed before and confirms that Aboriginal rights are inherent (Monture, 1995: 158).

Quebec did not ratify the 1982 Constitution, even though the federal government presented them with a package with new provincial powers and which included recognition as a ‘distinct society’. Monture (1995: 159) brings to light the fact that a few weeks before, Canada had failed to acknowledge Aboriginal Peoples distinctiveness because it could not agree on a definition of self-government. The Meech Lake Accord, which proposed the new changes, was defeated in 1990 because of Aboriginal resistance, not against Quebec’s goals but against the exclusion of Aboriginal Peoples (Monture, 1995: 159).

Monture (1995: 159) asserts that the problem with section 35(1) is that it has not been implemented, since there is no mechanism in place to do so. She points to the exclusion of Aboriginal women that goes beyond their race/gender, adding their sexual orientation, disability or language (Monture, 1995: 154). According to her point of view, Constitutional amendment goals are therefore not the same for Aboriginal peoples and the rest of Canada, because of the need to heal the wounds of exclusion “that is oppression and colonialism” (Monture, 1995: 155).

Monture (1995: 161) provides a detailed explanation of section 91 and 92 of the 1867 Constitution Act, which describes the shared powers of the federal and provincial governments. Section 91 (24) gives the federal government authority to pass laws regarding

Indians and Indian lands (Monture, 1995: 162). This goes directly against the inherent rights provision in the 1982 amendment. Beyond this, Monture provides six other reasons for the constitutional review of sections 91 and 92.

1) dispelling historical myths, including the doctrine of discovery; 2) ending the denial of Aboriginal participation in the creation of this country; 3) recognizing the reality that Aboriginal Peoples were historically and continue to be self-governing; 4) dispelling the narrow view of the relationship between people and land; 5) removing the source of the divide and conquer strategy; and 6) ending the legitimacy for legislative regimes such as the *Indian Act* which are non-democratic.” (Monture, 1995: 165)

Monture does see solution in the future, but she locates them in collective memory (just as Anderson does) and not in constitutional reform.

Our survival as a people has always depended on our own creativity and not on a political power-sharing relationship with the federal government. And Aboriginal women have a special responsibility within that creativity. (Monture, 1995:185).

Monture also uses the argument that even though some small battles have been won, the Supreme Court of Canada has almost always ruled against Aboriginal women, obliging them to find alternative ways to attempt to have their rights recognized, such as public protest or appealing to International Institutions. McIvor believes this to be part of the process:

The Aboriginal women's movement since the 1970s, along with its successes and failures in the courts and on the streets, has reinforced the view that success in the sex equality struggle will come only if women are willing to engage broadly...I am among the women who hold out hope that justice will be done for the Aboriginal women of Canada. (McIvor, 2004: 133)

Countering this view, Monture states:

Foster care and residential schools have left deep wounds. Many women and children have been physically and sexually abused, as have some of our men. Some of us have accepted the *Indian Act* rules. We need to heal from abuse, oppression and colonization. In my mind, these things are more important than worrying about how we write down our rights in Canada's Constitution. (Monture, 2006: 278)

According to Monture (2006: 90), the justice system does not work for Aboriginal rights because it forces Canadian courts to question the legitimacy of their own existence, which comes from Canadian sovereignty. Aboriginal claims to self-government put into question this sovereignty. This issue, which is at the heart of all Aboriginal claims, will never be

debated in Canadian courts. “This is what distinguished much feminist litigation from Aboriginal “rights” litigation (2006: 90).

As we have seen in this Chapter, the three selected authors have very strong opinions on the major issues facing Native women in Canada today. Anderson and Monture agreed that a definite prerequisite for gaining access to positions of authority and respect is a return to traditional aboriginal values, especially in the areas of mothering, spirituality and sexuality. All the authors insisted upon the fact that the intense negative effects of colonization on women and men’ identities and values need to be acknowledged before there can be healing. However, while Monture continually blames the State for the continuing discrimination brought on by colonialism, McIvor does not hesitate to condemn aboriginal men as well. She insists that women’s rights need additional protection even if aboriginal sovereignty is gained, since the men in power may continue to treat them unfairly, and Anderson agrees. Finally, it is important to note that Monture and her children and grandchildren did not fall victim to the sexist inequity of Bill C-31. Although Monture often makes links between the legal system and her personal experience of it, McIvor is the only one who has actually had first hand experience with this discriminatory rule in particular. The many ways in which the authors have linked their backgrounds to their actions is given more attention in the following chapter.

CHAPTER 5: REFLECTIONS ON RESISTANCE AND POSSIBLE SOLUTIONS

Now that we have covered where the authors come from, what motivates them, what their preoccupations are, we can see what they are doing and what they believe needs to be done. As we saw, McIvor believes important changes for women can be made using legal avenues, while Monture does not. While McIvor describes women's use of the courts to advance their sex equality rights as "repeated attempts to place themselves on a level playing field with men and other Canadians" (2004: 107), Monture (1999: 48) does not believe that Aboriginal People will ever be on a level playing field with other Canadians, and should rather place their energies on gaining independence (her version of aboriginal sovereignty). Anderson (2000) approaches the issue of what Aboriginal women should do and how they take action as a conclusion to process of *A Recognition of Being*. For her, it is all about reviving traditional ways to bring balance back into gender relations.

5.1 Legal Attempts

As we have seen, Monture (1995: 133) does not agree with many traditions of the court, such as the obligation for a lawyer to remain objective when the facts of the case are the real life experiences of pain and discrimination. She also expresses her disagreement with the way courts only hear the most serious cases because of the high costs of trial and that they have not developed a way to judge ongoing discrimination, throughout a lifetime, as they can only rule on specific events (1995: 133). The Court has also openly stated that it could only rule on one form of discrimination at a time (Monture, 1995: 136). Regarding this, Monture says:

I cannot say when I name an act of discrimination that has happened to me because I am a Mohawk or because I am a woman. I cannot take the woman out of the Mohawk *or* the Mohawk out of the woman...my experience is 'discrimination within discrimination.' (1995:137)

Monture's conclusions concerning the inadequacy of the Canadian legal system's treatment of Aboriginal people, especially women, are not popular among her law professor

colleagues. She delves into her personal history to enlighten the reader as to why she has reached this conclusion (2006: 76). She has spent five years as a law student and five years as a law professor and so has extensive experience in this field, working in Canadian prisons.

She argues that the legal process in Canada does not take into account the social reality and historical oppression of Aboriginal communities. For instance, by criminalizing the use of drugs and alcohol during pregnancy, the government is putting the blame on women for all the social disruption and sickness in their communities. Furthermore, by implementing an individualized legal system where it used to be collective, the State is removing these people even further from their traditions (Monture, 2006: 76). Monture (2002: 44) points out that while the Canadian justice system can be used by Aboriginal people to have their rights recognized, many Native people mistrust the system and purposely try to avoid it.

Monture (2006: 275) illustrates how Aboriginal people are drastically overrepresented in the criminal justice system. Yet the number of Aboriginals working in the criminal justice system leaves much to be desired (Monture, 2006: 276). Monture (2006: 276) wants to make clear that Aboriginal people cannot respect a justice system that takes away the men from their communities and forces them to pay fines to support a system they do not comprehend, a system that oppresses them. Changes made for Aboriginal peoples in the justice system are usually programs added on under the guise of “cultural accommodation” (Monture, 2006: 77). Monture (2006: 77) believes these types of changes only perpetuate the racism embedded in legal institutions by blaming Aboriginal people’s differences for the failures in the system. Despite these efforts, incarceration rates of Aboriginal people continue to increase (Monture, 2006: 77).

The constitutional right to the exercise of a fiduciary duty to First Nation’s is very important in the examination of the rights of Aboriginal women in prison. ...the real issue is not whether the Correctional Service has violated the rights of women including Aboriginal women. Since the first human rights complaint launched in the 1980s, the issue is much more of a case of the continued failure to remedy what has been repeatedly recognized as a breach of the human rights of women prisoners (Monture, 2002: 46).

According to Monture (1995: 221), the only way to bring about change is not to invent new programs or policies, but to challenge the core structural beliefs of the dominant society. She begins by debunking the idea that there exists one unitary Indian reality (Monture, 2006: 73).

The challenge to do more than just accommodate the needs of Aboriginal Peoples in the existing justice system is not important to Aboriginal Peoples alone...delegating Aboriginal Peoples to a removed corner of experience also fundamentally denies the mainstream the opportunity to benefit and learn from the culture and ways of the Aboriginal nations (Monture, 1995:222).

In her opinion, two solutions exist: one is the reform of the Canadian criminal justice system to better deal with Aboriginal offenders and inmates (Monture, 2006: 277). This discussion must necessarily focus on women, because in Aboriginal terms justice equals balance between women and men (Monture, 1995:224). It must also recognize that Aboriginal women's experience of Canadian justice is not the same as that of other women or other minority women (Monture, 1995:225). The other is to work on the elaboration of Aboriginal justice systems. This is where the concept of healing becomes important, because 'justice' is negatively associated with ideas of control and punishment (Monture, 2006: 277). In an Aboriginal justice system, 'healing' will help Aboriginal groups recover their traditional methods of social ordering, based in family (Monture, 2006: 277). Monture (2006: 278) complains about Canada's excuses for delaying the implementation of Aboriginal justice systems, fiscal restraint and jurisdiction. She laments that the federal government has profited off the lands that belonged to Aboriginal Peoples, and fiscal restraint is just based in racism.

Monture (2006: 75) criticizes the justice system further by pointing out that court decisions usually fail to quote Aboriginal or female scholars in their decisions regarding indigenous cases for instance, or non-Aboriginal academics quoting Aboriginal scholars only to point to cultural difference and not legal method. She believes these are obvious examples of how the Canadian justice system perpetuates colonialist assumptions and denies Aboriginal peoples their rights to exist as autonomous Peoples (Monture, 2006: 75). This is why the Women's Court of Canada is revolutionary in its approach and McIvor felt it was important for people to be aware of their work.

The Women's Court of Canada is a group of women academics and professionals who came together to revise six Supreme Court of Canada decisions and rewrite them taking equality fully into consideration. They specifically recruited Mary Eberts, Sharon McIvor and Theresa Nahanee to write their reconsideration of the 1994 case *Native Women's Association of Canada v. Canada*, in which the Supreme Court of Canada ruled against the NWAC's request to be included in constitutional negotiations regarding Aboriginal right to self-government (McIvor, 2006: 77). Even though the authors of the Women's Court of Canada decision were directly implicated in the original case (Sharon McIvor was an original applicant and formed the NWAC strategy during the case), McIvor justifies this defiance of usual judicial conventions:

Our role as the Women's Court of Canada bench in this appeal does, we acknowledge, defy the conventions of judicial impartiality and disinterestedness, as does the composition of other benches in the Women's Court of Canada project. More significantly, our involvement in this judgment illustrates the combination and recombination of roles that women's equality advocates must undertake in the struggle to achieve substantive equality. Women from the grassroots are fundraisers, litigants, and participants in consultations to develop arguments in test cases and are instrumental in creating and maintaining the non-governmental political organizations that both lobby and litigate in the search for equality. Women academics create knowledge that is used in women's litigation and, in doing so, undermine old "knowledge" that has been used to confine women. They step out of the classroom into the courtroom, non-governmental organizations, and government lobbies and then back again to write, teach, and lecture, mentoring and inspiring new generations of equality advocates. Barristers, too, create and destroy knowledge and fashion arguments in collaboration with women from the grassroots and the academy. Given the magnitude of the task, achieving equality does not permit any woman to play only one role. (2006: 67-68).

McIvor was the vice president of the NWAC in 1992 when she and Jane Gottfriedson, former president of the British Columbia Native Women's Society, decided to bring the NWAC case to court (McIvor, 2006: 68). The Métis National Council and the governments of Yukon and Northwest Territories had recently gone to court to establish a right to participate in the first ministers' conference on constitutional change and had both lost. Nonetheless, they were invited to sit at the constitutional table in their own right to represent their interests. Reasoning that the NWAC would earn a seat at the constitutional table whether they won or lost, they decided to go for it. Unfortunately, by the time they lost and were subsequently ensured a seat at future constitutional talks, the four mandated constitutional meetings affecting Aboriginal Peoples had expired (McIvor, 2006: 69). This is

why the Women's Court rendered its judgement, in an attempt to gain back what was lost from women's absence at these meetings.

It took extreme courage for these women to stand up and demand change, not only from the Canadian government, but also from their own Band leaders and other Aboriginal organizations. For instance, when McIvor spoke before the national meeting of chiefs to ask for seat at the upcoming Premiers meeting, she was rather offered tickets to a wine and cheese party with the Premier of BC (McIvor, 2006: 70). NWAC representatives were prohibited from attendance at constitutional meetings across the country when the Federal Court Trial Division and the Court of Appeal heard the NWAC case (McIvor, 2006: 70). In the meanwhile the NWAC leadership engaged in protests on Parliament Hill, in Toronto and in Vancouver.

The decision paper goes into a detailed background description of what that led up to the case, the constitutional amendment process in Canada and the judicial history of the case. In short, after the Constitutional Amendment Proclamation, 1983 added two sub-sections to section 35 ("the Aboriginal and treaty rights...are guaranteed equally to male and female persons") and section 37.1, which required the convening of at least two more first ministers' conferences on the Constitution. Many meetings of this kind were subsequently held, at which constitutional matters that directly affected the Aboriginal peoples of Canada, such as self-government, were discussed. The federal government was required to invite "representatives of the Aboriginal peoples of Canada" to these first ministers' conferences. The NWAC considered a national Aboriginal representative organization (these were the AFN, the NCC, the MNC and the ITC) and so was not invited to these constitutional talks in its own right. Because men dominated these groups, the NWAC argued that they could not represent the interests of Aboriginal women (McIvor, 2006: 89). One major element of contention was the AFN's position on the application of the *Charter* to Aboriginal self-government. They opposed it while the NWAC supported its application (McIvor, 2006: 89). The national Aboriginal representative organizations received government funding to participate in the various constitutional amendment processes, while the NWAC depended on their contributions to be able to join in (McIvor, 2006: 87). The NWAC argued that the

governments funding of these organizations was discriminatory on the basis of sex and infringed on their rights.

On March 30 1992, the NWAC's case was dismissed, the judge holding that "the applicants' section 2(b) rights had not been violated and that to guarantee a right for "everyone" to be present at constitutional discussions would "paralyze the process" of constitution making" (McIvor, 2006: 89). At the appeal of the Trial Division however, the court granted a declaration that the NWAC's *Charter* rights had in fact been infringed upon by the government (McIvor, 2006: 91). The government appealed to the Supreme Court of Canada, and the case was reopened March 4 1994. Besides the judgments indicated above, the Supreme Court also held that there was no evidence to support the contention that the funded groups were less representative of the viewpoint of women with respect to the *Charter*, or that the funded groups advocated a male-dominated form of self-government (McIvor, 2006: 92).

In conclusion, the Women's Court of Canada found that past legislation and justice apparatuses prove that the constitution norm is that women are entitled to speak for themselves (McIvor, 2006: 101). In their final analysis of the case, the authors offer one final criticism of the Supreme Court Judgment:

According to the process used by Canada to identify and include representatives of Aboriginal peoples in the constitutional discussions, it is the government who validates and authenticates the ability of a group or groups to speak for Aboriginal communities of interest. In saying that Aboriginal women must win the approval of the male-dominated organizations for their points of view before those proposals can be brought to the constitutional table, the government suggested that Aboriginal women should continue to be subordinate to men. (McIvor, 2006:104).

The Women's Court of Canada makes these revisions available on its website, encouraging an ongoing critique of Canadian case law and the active engagement of the public in equality issues.

5.2 Political Activism

As we have seen, all three authors often refer to Aboriginal women political activists and Aboriginal women's groups to demonstrate that resistance is possible. Thus far, only the pioneers of Aboriginal women's activism have been referred to. Anderson and McIvor also point to contemporary activists, Anderson focusing on individual female leaders and McIvor on women's groups, and her own battles.

In a short article for a feminist magazine, Anderson Interviews Aboriginal women Chiefs, to answer the question: "What would First Nations look like if women had more political authority?" (2005: 25). She points out that fifteen percent of chiefs in Canada are women. Chief Kim Baird, who grew up off reserve, decided to study Aboriginal issues after returning to her community as a teenager. She began as a volunteer researcher for Land Claims, and is the Head Negotiator for the Tsawwassen Band to this day (Anderson, 2005: 26). Chief Shirley Wolfe-Keller worked in Aboriginal family services in Regina for over 20 years before getting into politics. She is Saulteaux but leads the Muskowekwan band, and brings the experiences and concerns of families, youth, children and elders into the political arena. Grand Chief Angie Barnes, a Mohawk from Akwesasne concentrates on healing and building a safe, healthy, drug free community so that they will have the strength to address political issues (Anderson, 2005: 26).

Anderson (2005: 26) notes the priorities of Chief Maureen Chapman of the Skawahlook First Nation in BC, who talks about addressing violence in the community, as well as an Aboriginal Child Welfare Priority. She states that male leaders may pay lip service to women's issues, without making the budget available. She is the chair of the Women's Council of the Assembly of First Nations, sitting on the AFN executive. She feels that women should be involved in Treaty negotiations, being consulted beyond social issues (Anderson, 2005: 27). According to her, women are often met with resistance, especially from men in the organizations who fear that their initiatives will take away from their own funding (Anderson, 2005: 27).

Anderson (2005: 27) points out that while many of the female Chiefs are experienced in community work, they are skilled leading in domains such as business agreements, economic development initiatives and public administration. She says they are also skilled at negotiating and building bridges between Bands. When Anderson saw her article published, she engaged in her own act of resistance, by writing this letter to the magazine editors, which appeared in the following issue:

I was greatly disappointed, when I received my latest copy of *Herizons*, to discover the headline "Doctor, Lawyer, Indian Chief" on my article about female chiefs. A big part of my work involves writing to dispel stereotypes; it is about rewriting racist representations and reclaiming our voice. While I realize that your intentions were good, I find it demeaning to introduce an article about First Nations leadership with this nursery rhyme. It invokes images of the classic cartoon-style chief that North Americans so love to embrace and claim as their own. (Anderson, 2005)¹⁵

In retrospect, Anderson (2000: 218) points out that some women are also attempting to bring balance into Aboriginal systems of governance "the place where women have lost the most power over the years." Anderson (2000: 219) gives the example of a female chief who advocates for more female chiefs and the 1997 proposal for a gendered system in Nunavut, although it fell through. She then gives the example of FAQ, which struggles to have a meaningful role in politics at the provincial and national scale, and which calls for more concrete policy changes from the gender councils and secretariats in the 'men's national organizations (Anderson, 2000: 221).

McIvor, who herself was on the governing board of the NWAC and started the group Feminist Alliance for International Action (FAFIA), is a huge advocate for women's groups. She points out how Pauktuutit, Inuit Women's Association (IWA) and the British Columbia Native Women's Society (BCNWS) brought Human Resources and Development Canada (HRDC) to court, alleging that by funding only male-dominated organizations for job-creation programs that their rights (sections 24(1), 7 and 15 of the *Charter*) are being violated (McIvor, 2004: 131). The courts hold that the funded organizations represent women equally, but the plaintiffs hold that they do not.

¹⁵ Anderson, Kim 2005 "Headline insulting" (Letter to the Editor). *Herizons* 19(2): 3

She also illustrates how the NWAC initially was recognized as the main, all-encompassing Aboriginal women's organization, which meant that often the needs of Métis and Inuit women went unheard (2004: 131). The Métis National Council of Women (MNCW) took to the courts in an attempt to gain the same kind of funding from HRDC for job creation as the NWAC and other organizations were getting. When McIvor wrote about this for an article in 2004, the case was still before the courts, but recently a judgment against the plaintiffs was rendered. The reasons were that there was "No evidence that the Métis National Council fails to properly represent the interests of Métis Women" and that there was "No evidence of level of support for MNCW by Métis women in general".¹⁶ She explains why women must litigate for their rights:

In all these cases, litigation has represented a claim by Aboriginal women for the right to participate as equals in decision making, to gain access to government and change policy. In the face of exclusion from government consultations with Aboriginal groups on programs, policies, services, and legislative amendments, Pauktuutit and the MNCW are using the courts to gain access for Inuit and Métis women. In these struggles, Aboriginal women are seeking from the Canadian government and from men in their own communities recognition of their rights as equal persons to be Indians, to pass on their Indian Status to their children and grandchildren, to hold property on an equal footing with men, and to participate fully as Aboriginal women where decisions are being made about the rules for their communities and the distribution of resources and opportunities. (McIvor, 2004: 132)

McIvor has also lobbied at the United Nations concerning matrimonial real property rights of women on reserves, through FAFIA (McIvor, 2006: 258). Having personally experienced the sex-discrimination in Bill C-31, we know that McIvor herself has fought for over 20 years to have the status of her children and grandchildren recognized, and of all other second-generation descendants of section 12(1)(b) women. She states her personal motive for this in interview: "The minute that they denied status to my children and grandchildren I realized this isn't fair because my brothers' children and grandchildren are registered so something was wrong" (McIvor, 2006: RedEye). Her case was rejected in 1985 and again in 1987. In 1990, she appealed, but her case was not heard until 2007, where the British Columbia Supreme Court judged in her favor.

¹⁶ <http://decisions.fct-cf.gc.ca/fct/2005/2005fc230.shtml>

The court ruled that Bill C-31 contravene international conventions on human rights, women's rights and children's rights as well as the Canadian Charter of Rights and Freedoms. By drawing a distinction between male and female ancestors in determining who is a Status Indian, the amendments offend the basic notion of human dignity, and imply that "one's female ancestors are deficient or less Indian than their male contemporaries. (McIvor, 2006: RedEye)

Unfortunately, the federal government has appealed the BC Court's ruling, and so McIvor will be forced to go to court again. In addition to this, the government has cut off funding to the "court-challenges program", which had covered a good portion of the \$100,000 of McIvor's legal fees over the years. She now has no other choice but fund-raising to be able to meet the future costs. It is interesting to note that the B.C. Supreme Court also refused the government's request to be granted two years to find a remedy, because it was demonstrated that the Canadian government had deliberately delayed the McIvor's case for 17 years. In addition, she explains how on the day her case finally went to court, the government suddenly decided to finally recognize her son's Indian Status. This 'tactic' did not dissuade her however, and she continued on for the sake of all the other descendants of Aboriginal women.¹⁷ The progress that McIvor has made in her legal battle is important, even though it has taken much time, money and effort, and she has not won yet. Of course, taking on the federal government has most likely meant spending a lot of time away from the reserve and her Native community. Perhaps this is why she is less likely to address community issues in her writings. Anderson, who does all her work within the communities, is waging a different battle, one that aims to revive the positive elements of traditional native customs and values.

5.3 Reviving Traditional Values

Throughout much of their works, Monture and Anderson discuss the need to bring balance to Native communities. As we saw, they focus a lot on the impacts of colonization because they want to emphasize the fact that many positive elements of Aboriginal cultural traditions were eradicated or forgotten. In this segment, they try to show how these teachings, values and beliefs should be revived to help heal the wounds of colonization and to give hope for a better future.

¹⁷ http://www.fafia-afai.org/en/how_sharon_mcvivor_is_taking_on_the_Indian_act

This process (of reclaiming the things that were wrongfully taken by colonization) is significant because many of our ancestral traditions, customs and lifeways are better for us than the Western practices that were thrust upon us in their place. (Anderson, 2000: 157)

Anderson (2000: 128) believes in reviving the respect that was traditionally held for women. As we saw earlier, the authors all agreed that the relationship with the land is critical to Native female strength and resistance. As Anderson's informants reveal, young girls used the bush as an escape from conflict and dysfunction within their families and communities. Monture supports this in her writings:

When my bare foot caresses the earth, I am connected to that long line of beings whose blood now flows in the earth of the territory I now call home. Their bodies and bones build the foundation that nurtures my life. I know that it is impossible for me to ever walk alone. (Monture, 1995: 8).

The land has a nurturing and healing quality, and the security of always being there (Anderson, 2000:129).

As Aboriginal peoples, we can move forward by building on traditions that kept our people healthy in the past. We come from many different nations and cultures, but I have discovered that we are linked by cosmologies and systems that once ensured gender equity, recognized the sanctity of all women and protected against abuse. Our women were traditionally granted significant authority in recognition of their power as creators and nurturers. (Anderson, 2006:23)

Many of the participants in Anderson's book spoke of first nurturing and loving themselves enough to walk away from abusive relationships (Anderson, 2000: 230). For Anderson, this is the first step in de-colonization, and it is essential for getting rid of the self-hate and racism that was instilled in Native communities. To her this means rejecting the societal pressure of sacrificing for others all the time and deciding to take sometime to oneself. For some women this is done during 'moon time' (menstruation), for others it is an everyday occurrence. Anderson (2000: 233) believes that nurturing oneself is essential to nurturing others.

In spite of being one of the most marginalized groups in North American society, Native women continue to hold on to a sense of their power to make change. They can appreciate the outcomes of their actions of the past and continue to look for ways to nurture the future. (Anderson, 2000:235)

Beginning with teachings about mother earth and woman as a lifegiver, she believes Native women can use this in their everyday lives to remind them of their transformative and healing powers. This will force them to reflect on the responsibility that comes with this power, and encourage them to effect change (Anderson, 2000: 254). Lifegiver teachings can also persuade women into taking care of themselves and surrounding themselves with a network of helpers (Anderson, 2000: 254). For example, the “skirt” or “tipi” teachings¹⁸ can also help women negotiate balance and create boundaries in their lives. It provides a space for women to think about whom they let into their lives and how they can pass on their sense of balance to future generations (Anderson, 2000: 255). “As an urban Native person, it reminds me that I have to seek out the time and space to nurture my relationship with the natural world, and that I have a responsibility to share those opportunities with others.” (Anderson, 2000: 256-57)

Anderson (2000: 164) asserts that to empower young women, traditional ceremonies should be interpreted in a way that values women’s roles. For instance, women do not usually participate in the “Sun Dance”. It is a practice in which the dancers exert themselves to the point of exhaustion and try to tear out their flesh. However, in Anderson’s interpretation, the exertion of the dancers could be compared to giving birth, and since women already experienced this symbolic act of giving their all for their community, they do not have to feel excluded from the dance (Anderson, 2000: 165). In addition, ceremonies around menstruation, which include teaching about life and sexuality, can give young women a positive understanding of their life-giving ability (Anderson, 2000: 166). The informants spoke to her about the importance of reinstating these teachings to change the current taboos associated with menstruation (Anderson, 2000: 166). She provided the examples of customs such as the moon lodge, where the women would pray that any negativity around ongoing ceremonies would be filtered out through their blood, are an important part of reestablishing a positive image of women’s bodies (Anderson, 2000: 167).

¹⁸ The skirt or tipi teaching is that women used to wear long skirts that touched the ground, because it served as a reminder that they are connected to the earth and are one with nature (Anderson, 2000: 256)

To Anderson (2000: 195), it is by remembering the role of the female body in creation that women can accept that it is sacred and it should be treated with care, thus breaking unhealthy patterns of smoking, drinking, unwanted sex and eating poorly that were brought on with colonization. One of her informants points out that if all women were fully aware of their role in creation and that this role is was respected, they will take better care to prepare their bodies properly for this great responsibility, by keeping them healthy and clean (Anderson, 2000: 195). Anderson suggests that a better understanding of the sacredness of a new life might also help prevent unwanted teen pregnancies. In traditional Iroquois societies, a couple that wanted a child would offer tobacco at a ceremony and then wait two years. In this time, they would prepare by learning from other people's children and discussing how the child will be raised (Anderson, 2000: 196). Teenagers today may not follow these traditions, but Anderson says that contemplating the sacredness of life and the female body could help (Anderson, 2000: 197).

The unique part of Anderson's approach is her conviction that at the same time, Aboriginal women must try to help their men heal. "It is more difficult for men than it is for women to define their responsibilities in the contemporary setting and reclaim their dignity and sense of purpose." (Anderson, 2000: 239). She refers to Sylvia Maracle, who states that men have been completely separated from their roles as providers because of colonization, and are living a dependency (because of social welfare) that they have never dealt with before (Anderson, 2000: 239). The justice system and the police have replaced their roles as protectors, and they have often become the perpetrators of the acts they were meant to defend their families from (Anderson, 2000: 240). For Anderson (2000: 240), a part of the reclaiming of Native women's identity involves supporting Native men and remembering their sacred qualities.

Although I did not explore the 'sacredness of man' (which I think deserves a book on its own) with the women I interviewed, they were very clear that the sacredness of woman does not imply that women are in any way better than men. We sit together in the web of life, not in a hierarchical structure that places one gender (male or female) in a position of superiority or dominance. The well-being of our world is dependant on this male-female balance. (Anderson, 2000:240)

Anderson notes that many Native women's organizations include men's programs in recognition of the necessity of this balance. She clarifies that supporting men means helping them heal from destructive behavior, without shaming them but also without making excuses for them (Anderson, 2000: 241). It means planning for the future, by breaking the cycle of violence and abuse when raising young boys. This includes helping them develop emotionally and spiritually and guiding them into becoming independent young men (Anderson, 2000: 243). She inserts a story about how eagles raise their young, by gradually and lovingly teaching them to fly on their own, told by Sylvia Maracle. In the same way, mothers must be strong female role models, teaching their sons to be self-reliant (Anderson, 2000: 243).

As Monture and Anderson state at the very beginning in what motivates them, Native mothers and grandmothers must pass on important teachings to young girls that will help them become responsible for their actions and empower them to resist and make change (Anderson, 2000: 245). The respect for elder women's authority and wisdom is making a comeback, according to Anderson's informants (Anderson, 2000: 238). She states that young girls must understand where feelings of helplessness came from, through comprehensive teachings about how colonization has affected women (Anderson, 2000: 246). Many of the participants in Anderson's study incorporate these teachings into their everyday jobs (2000: 246). They try to help young women recognize the roots of certain behaviors (such as sexual promiscuity) as contextualized in a colonial past. They also help them see how the racist and sexist 'white ideal' currently widespread in mass media and education systems is what leads to a negative conception of the self. Passing on the stories of these women not only helps revive traditional knowledge and respect for women, it gives young women something to relate to in bad times and good (Anderson, 2000: 248).

The women who are found on the pages of this book can tell stories about residential schools, internalized racism, participation in resistance movements, recovery from alcohol abuse and relearning how to build healthy families. They will tell both the warrior stories and the love stories of our century, stories that will help us to shape a better future and reclaim our identities as strong and powerful women. (Anderson, 2000:249)

Anderson (2000: 253) tells us how she sometimes feels that she still only knows a small fraction of the knowledge of Aboriginal women. Her main goal was to find out how this knowledge fits into Aboriginal life in a contemporary context.

On an individual level, I am leaving this book with a stronger sense of myself as a Native woman and as an educator. Learning about the strength and authority of Native womanhood has helped me to be more courageous. When I feel vulnerable, I call on those powerful granny stories and think about responding with that same combination of kindness and the “no-nonsense approach” that I have recorded in these pages. As an educator, I have learned that it is my duty to speak up about injustice, and as a Native woman who knows her responsibilities, I feel I have the right to be heard. (Anderson, 2000: 257)

5.4 Writing as resistance

Writing about women’s acts of resistance forces women to think about the negative impact colonialism has in their lives and in the lives of their Peoples, as a tool of assimilation, cultural genocide, and sexual and racial oppression (Anderson, 2000: 149). Anderson quotes Maria Campbell’s *Halfbreed* as an example of written resistance.

In most of their writings, McIvor and Anderson try to make out a pattern in the strategies and methods Aboriginal women use to actively resist discrimination and oppression. Monture states: “I have often understood my life in terms of resistance. A lot of what I do in the university is about resistance” (2006: 80). Although she claims quoting the dictionary is not a sound academic methodology, she uses Oxford’s definition of resistance, an act of resistance in its own (Monture, 2006: 80). The dictionary defines it as refusing to comply; hindrance; impeding or opposition, and these are not the concepts that she would choose to build her life on if given the option (Monture, 2006: 81). This is because resistance is actually a response to oppression from the state, which actually enforces colonial power by asserting it! (Monture, 2006: 81).

A lot of Aboriginal political activity, including the energy of Aboriginal women, has focused on the politics of resistance. I think being preoccupied with rights ideology is related to being able to live in resistance only... Perhaps it is my dissatisfaction with resistance that inspires my dissatisfaction with women’s politics as the standard that I am supposed to be content with. (Monture, 1995:183)

To her, resistance is the most basic step away from victimization and usually only ensures survival, nothing more (Monture, 2006: 81). Anderson corroborates this, remarking that while women have formed ways of resisting, they have yet to integrate a new way of being, that reflects an interpretation of Aboriginal traditional values that is empowering for women (Anderson, 2000: 152). “Writing offers both a means to resist and an opportunity to reinvent.” (Anderson, 2000: 139)

From her interviews, Anderson gathers that many women were inspired to write as a response to the negative image of Native people that was presented to them in school (Anderson, 2000:140). LaRocque, quoted in Anderson (2000: 141) expresses how her desire to write emerged from a sense that Indianness and Métisness had to be legitimated as human “Writing also gives women a means of surviving oppression and a way to engage in a healing process” (Anderson, 2000: 141). Aboriginal women can express their anger and pain through writing, helping them discover the positive nature of their Aboriginal identity. This can foster healing not only on a personal level, but also on a national level by sharing experiences of discrimination (Anderson, 2000: 141). Increasing opportunities for Aboriginal women to publish their works challenges the stereotypical image of Indian women in literature (Anderson, 2000: 142).

Things happen and I write them down, sometimes quite compulsively. Writing - talking back - is the process through which I come to terms with my pain, anger and emotion...my oppression, the oppression of my people, and the corresponding helplessness and hopelessness that sometimes ride over me like a tidal wave (Monture, 1995:55).

Monture turns towards women's literature to gain comfort and understanding, “I have sat with these women's words of their own pain and exclusion and I felt empowered by our common experience.” (Monture, 1995:56). Anderson expresses how in a similar way, singers and musicians recount how they discovered their Native womanhood through art. Because many traditional forms of artistic expression were banned by the State at one point in time, practicing these can help women reclaim their Native identity and the power of creation (Anderson, 2000:143).

An example of writing as resistance is Anderson’s work with the Ontario Federation of Indian Friendship Centers (OFIFC). She published a report on urban Aboriginal child

poverty, which demonstrates the dire state that many Aboriginal children are in (2003: 173). The OFIFC is trying to get the government to take responsibility for this, but Anderson wants to focus on what Aboriginal communities themselves can do to change the situation. Therefore, she started at the beginning of youth: conception, knowing that adolescent parenting usually leads to child poverty. She is now working on another report on Urban Aboriginal Youth Sexual Health and Pregnancy (Anderson, 2003: 174).

Speaking out about oppression is not easy, especially for some women who grew up being told to 'be quiet' and then lived similar experiences in their marriages (Anderson, 2000: 236). Often they must voice injustices that can be embarrassing or difficult to talk about, such as poor living conditions (Anderson, 2000: 236). Anderson (2000: 237) believes that by recognizing their responsibility to the future, a notion that is integral to some Aboriginal cultures, women can find the strength to break the silence imposed on them by patriarchal practices. To me, it is evident that McIvor, Monture, and Anderson have each recognized the responsibility they have to the future generations of their Native peoples, and perhaps this is what motivates them to keep writing. While Monture and Anderson express this explicitly, it is implicit in McIvor's writings as well.

CONCLUSION

The goal at the outset of this thesis was to determine what injustices Aboriginal women authors are contesting, and to explore how they are claiming their individual and collective rights through writing. It has been shown that the chosen authors have also engaged in activities outside of writing, through court battles, women's groups, community work, attending and contributing to international forums and participating in the Aboriginal women's movement in Canada, which inscribes itself within the larger global indigenous women's movement. There is a growing body of work (Lynn Stephen, 1997; Karen Kampwirth, 2002, 2004; Sylvia Marcos, 2005; June Nash, 2001) that deals with the multiplicity of ways in which indigenous women respond and resist to the contemporary repercussions of colonialism and the new reconfigurations that neoliberalism has on their lives. In developing countries that are experiencing rapid economic growth, women's growing involvement in local processes of development and democratization and increasing participation in the opposition or alternatives to these processes is reshaping traditional gender roles and altering their living conditions as well as those of their communities. An example of this is in Mexico's southern province of Chiapas, where indigenous women's growing participation in the formal and informal economy is inexorably linked to their upward involvement in political struggles for indigenous and women's rights. In the same way that McIvor experienced hostility from men's groups, men in Chiapas also discouraged women's participation in politics and public speaking (Eber, 1998: 5-6). Women who do speak out or engage in non-traditional activities will risk being criticized or even intimidated. Yet when it comes to describing their living conditions and the suffering they experience, indigenous women in Chiapas, like Monture and Anderson, have usually focused on the oppression that affects their whole community as opposed to women especially (Eber, 1998: 6). Like Monture concentrates on First Nation Independence, the women in Chiapas have tended to focus equally on the power dynamic between their people and the State as well as the female oppression within their communities (Eber 2001: 448).

It is because of the many similarities in their struggles that indigenous women worldwide have built international networks and organizations, and Aboriginal women from Canada

have been active participants in this movement. For instance, Femmes Autochtones du Québec is a founding member of the *Enlace* network, coordinating continental meetings and hosting members from across the continent. Enlace participates in the International Indigenous Women's Forum (FIMI), an organization whose objective is to make aboriginal women's role in international decision-making processes more prominent. It was created after the first International Indigenous Women's Conference in Beijing in 1995, and promotes collaboration between Indigenous women's efforts and the non-indigenous women's global movements. Mónica Alemán, a founder of FIMI, states however that:

FIMI is working to make the feminist movement more inclusive, and to develop a sustainable development agenda that can be adopted by the global women's human rights movement. Today, one of the biggest challenges facing the feminist movement is the creation of a plural feminist identity that can integrate the vision of Indigenous women. This is necessary if the feminist movement is to discard its homogenised version of struggle which, at times, repeats the same patterns of discrimination and cultural degradation that the State has inflicted on Indigenous Peoples and, in particular, Indigenous women. (Jones, 2008)

This take on the global feminist movement encompasses the three views of the studies authors: McIvor, who believes in coalition work; Anderson, who supports the creation more multifaceted ways of envisioning women's identities, and; Monture, who emphasizes the recognition of implicit power relations that tend to erase the distinctiveness of aboriginal women's experiences. Despite this, none of the authors spoke of an attempt to change or improve the global feminist movement, even McIvor who is active in representing Aboriginal women's issues under the United Nations Convention for the Elimination of Discrimination Against Women (CEDAW). Perhaps this is because of their preoccupations lie first and foremost in Aboriginal women's issues in Canada.

Linda Tuhiwai Smith illustrates an "Indigenous Research Agenda" which incorporated the notions decolonization, healing, mobilization and transformation as its four directions, as "...processes which connect, inform and clarify the tensions between the local, the regional and the global" (1999: 117). I believe this model to be illustrative of the approaches taken by McIvor, Monture and Anderson. Although experiences differ among the selected authors, all

their writings are one way or another about the fallout of colonization and the challenges to rebuild. All three authors explore how they (or Native women more generally) are actively creating a better world for future generations. Their works are inclusive of the experiences of men, reserve and urban Aboriginals, those with and those without Indian Status, those who are Métis or mixed-blood, children, elders, and everyone in-between. They highlight the importance of healing and decolonization, focusing on the relationships between individuals and communities and between Native communities and Canada.

Patricia Monture's dream is to have a space in Canadian law and education that is free from oppression, respectful of the multiple layers of Aboriginal identity, and encourages Aboriginal people to be all that they can be (Monture, 2006: 90). Anderson wishes to remember traditional values of Native women's identities and roles, and apply these to current day problems in Aboriginal communities (Anderson, 2003: 11). McIvor wants the guaranteed protection of legally binding instruments to prevent the government from inflicting any further discrimination against Aboriginal women (McIvor, 2006: 260).

The injustices identified by the authors ranged from ideological, to social-family issues, to legal-political problems. Every author had prioritised certain ones, but they all had concerns in common. Monture focused on issues of violence, justice, education, governance, independence (the term she uses instead of self-government), and identity. She sees the Canadian legal system as a tool of colonisation and not as a tool for gaining rights. She doesn't think transformative change can be achieved through the justice system. This is because Aboriginal women have faced serious discrimination and experienced disappointment in past attempts at gaining equal rights and status through Canada's judicial system.

Anderson concentrated her efforts on identity formation, violence, children, motherhood, education, and nation building. She believes that there are so many pressing issues, the health and very survival of communities is at stake, and so women feel obligated to write about those issues rather than governance. Her writings repeatedly address traditional knowledge, and its vital role in healing, teaching and sustaining Aboriginal nationhood. She

also takes on issues of representation, and how negative colonial ideas about women are internalized and sometimes used by Aboriginal communities against their own People.

McIvor was preoccupied with women's rights, equality, justice, governance, politics, self-determination, women's group organizing, and community. She does not delve into identity issues as Monture and Anderson do, she is more concerned with the immediate effects that legal action can have. First Nations women have been largely left out the political negotiation process by the male elite who are often in power of their bands, and by provincial-federal governments who follow a principle of non-intervention in band-affairs.

An evolution can be noted in all of the author's works. McIvor begins by standing at a distance from the legal issues she discusses, such as human rights (1995) and self-government (1999). In 2004, she includes her own case against the federal government in her article on Aboriginal women equality litigants, yet remains objective, as in her 2006 work with the WCC. Her 2006 article on coalition work expresses more of a personal opinion, her belief that by working in coalition with other women nationally and internationally equality can be attained. Finally, it is her oral interviews (found online) in 2007 that truly expose her personal motivation.

McIvor articulates her concerns from a feminist point of view, believing that by working in coalition with other women, Aboriginal women can have their basic human rights protected. She does not trust that when (if) Aboriginal groups achieve self-determination, that they will prioritize or even take into consideration the interests and concerns of women. She draws this conclusion from her personal experience, with the Assembly of First Nations, who ignored the NWAC's requests during the constitutional rounds, and with her own community, who is ready to kick her off the territory if she is not a Status Indian.

From 1987 to 2006, Monture changed her approach considerably; she points to the evolution of her thought process in "Thunder in my Soul" (1995). She began by exploring her personal journey through law school and becoming a professor, as well as her struggles with discrimination and facing everyday contradictions. In her next work *Journeying Forward* (1999), she attacks the way the federal government has attempted to rectify the injustices

brought on by colonization and proposes her alternative solution, First Nation independence. Her optimism and hope for change is much more evident here than in her later works. She then shifts from introspection and theoretical musings to a more hands on approach, interviewing aboriginal women federal detainees in “The Lived Experience of Discrimination”(2002). This opens the way for her ideas about justice reform, through the acknowledgment of the residual colonial power dynamics in the legal system (2005). Her 2006 works include suggestions for policy and program changes for federally sentenced native women and an analysis of Canada’s position against Aboriginal justice systems. Obviously, for her, the Canadian legal system remains racist and works against native people instead of with them. In a sense, she has come full-circle

Monture is opposed to the feminist approach, as she does not find it adequately reflects her experience as both an Aboriginal person and a woman. She finds that often missing from gendered analyses is an integrated and detailed consideration of the how race and culture impact gendered lives. This exclusion of race and culture issues from women's issues makes Monture feel invisible. Because feminist ideas to her do not reflect her experiences of layered oppression, “discrimination within discrimination”, she articulates her struggles in terms of a search for Aboriginal independence. This idea of First Nations independence is not necessarily the same as what most men might have in mind. She does not like the term ‘self-government’ because it is defined and regulated by the Canadian State. To exercise their inherent right to self-determination, colonial attitudes as reflected in Canadian laws and institutions must be recognized and abolished. This means replacing them with an ‘intersectional’ approach that takes into consideration the multiple layers of people’s identities and the way they experiences discrimination. Monture does not believe in a single ‘Indian’ reality, no unitary worldview, and therefore only the ideas or the story of one woman (herself) can be told. In her reality, she thinks that only by gaining independence will Aboriginal groups be able to regain the balance that afforded women respect.

Anderson agrees that a multiplicity of positions regarding sovereignty politics exists among Aboriginal women, and she points out that there is still lacking a cohesive anthology of women’s views on these issues. Like her works, most anthologies of writings by Aboriginal

women have so far concentrated on community, children, mothering, violence, and social problems, etc... She even demonstrates the progression in her own work, from *A Recognition of Being* (2000), which focused on remembering and reclaiming the positive role of Aboriginal women in Native societies; to *Strong Women Stories: Native Vision and Community Survival* (2003) the edited anthology, which spoke of family, community and health problems; to "Indigenous Women: The State of Our Nations" (2005), which approaches self-determination from various women's points of view. Anderson adopts neither the feminist nor the autonomist frameworks, although she states that the most immediate form of discrimination Aboriginal people face is in terms of race/culture, not gender. I would describe her position as one of advocating spiritual, mental, physical healing for women and men through the restoration of traditional indigenous values and systems of governance.

It is ironic that McIvor faced such adversity from the AFN, who did not include the NWAC's wording on sex equality rights during the constitutional rounds, while Monture was serving on the AFN's council of women at the time. It seems as though Monture almost agrees with the idea that the AFN leadership was propagating about women's groups prioritising individual rights over collective ones. Anderson on the other hand, understands how because of their exclusion from political processes, some women could fear that sovereignty will equal even more marginalisation of Native women. She also points to the efforts of the NWAC in the 1980's to move away from the legal rights struggle and develop a "motherhood discourse" that would promote the value of women's traditional roles as teachers, nurturers and 'aunties', although this also was cut short when they were excluded from the constitutional rounds (Anderson, 2000: 220).

Monture places most of the blame for men's exclusionary attitudes towards women and their issues on the patriarchal ideologies instilled in them through colonialism. She believes that this way of thinking could be reversed with a revival of traditional forms of governance. McIvor points out that these men might continue to oppose Aboriginal women's groups as they are now. She asserts that sex-equality is necessary to ensure that women's rights will be

respected in autonomous Aboriginal societies. Anderson states that men are in need of even more healing than women, and that women must support them.

Recently, Jeanette Corbière Lavell and Memee Lavell-Harvard edited an anthology on Aboriginal experiences of motherhood. As we saw, Jeanette Corbière Lavell was the first to take the government to court head-on. Now she has chosen, like many other women (like Anderson, Green, Emberly, Miller and Chuchryk, Kelm and Townsend, Harjo and Bird etc.), to address social issues and focus on the immediate needs of their communities. Instead of continuing to fight for 'equal rights' through the justice system (as McIvor is), Lavell is trying to return to her roots and have the female qualities of nurturing and motherhood valued again. Is this a trend in the Aboriginal women's movement? If so, Does it mirror or engage with a similar trend in non-Aboriginal women's movements too?

Is this one of the reasons why there are fewer Aboriginal women in governance, politics and in treaty negotiations? Alternatively, does this prove that a cohesive aboriginal women's movement does not really exist? Is it too fragmented? If it is fragmented, could this explain why it was difficult for me to find any aboriginal women authors from Quebec? Are they excluded from participating 'Anglophone' women's groups and efforts? Are there other structural and historical reasons for this apparent absence? These are just a few of the questions that could be pursued in future studies.

Research on the existing discrimination in indigenous politics and Aboriginal women's role in Native claims for autonomy are important because they can help determine whether Aboriginal women's rights and concerns are being taken into consideration in these processes, which have far-reaching impacts on the lives of Aboriginal Peoples. It is my hope that this study brings awareness to Native women's preoccupations and incites further research on this topic, which has not nearly been examined enough.

As we saw, the selected authors have taken different approaches in addressing issues that face Aboriginal women: McIvor works within the established justice system; Monture works to change the structure of the educational and justice systems; and Anderson works to give voice to women who might have difficulty being heard by any governing system. Despite

their different viewpoints and even opposing opinions on certain issues, all three authors emphasize their personal attachment to their cause, as Aboriginal women, mothers and grandmothers. They also advocate for the remembrance and revival of the traditional ways and values of their Peoples, even though they acknowledge that they must often use the tools and language of their colonizers to achieve this. Finally, they have consciously made the choice to get involved, whether it is in their community, in their workplace or in the courtroom, and there seems to be a consensus that all women's issues are equally important regardless of what cause one advocates. It is giving voice and being heard that is imperative, as well as making an effort to bring healing not just to women, but also to men and the whole of Aboriginal Peoples. This is probably the single largest motivating factor in these authors' choice to be implicated and to write.

ANNEX A

Research Questions

The following sub-questions helped contextualize and substantiate the main research question, and served as indicators to formulate the broad categories or themes that emerged from the writings.

- How do these three Aboriginal women activists/writer/educators promote women's rights? Does writing provide an alternative way for them to get politically involved, and how? What other ways do they get politically active?

- Have these women experienced discrimination? If yes, how? How does education and living on or off reserve affect women's activism and ability to write, why? How does being an activist affect their every-day lives?

- What injustices or issues are the most important catalysts for these Aboriginal women's political writings? Do they have similar concerns, or do they prioritize certain issues over others? What do they define as 'women's issues' (social vs. politico-economic)? (E.g.: Violence against women, alcoholism, depression, health, mothering, education, youth, identity, place, vs. economic development, employment, Aboriginal/state relations, band governance, politics, Treaty-making, federal policy, regulations and legislation). Or is making a divide even necessary, since all these issues are interlinked and addressed by the authors?

- Do these authors have an opinion women's involvement in Band governance and Land claim negotiations? If so, how do they feel about Canada and Band Councils protecting their rights as women?

- In what terms do they articulate their resistance? Aboriginal self-determination? Feminist movement? A combination of both? Another form? How do the authors conceptualize of the separate discourses on indigenous autonomy and women's rights?

- Do they use a feminist framework when promoting women's rights? Why or why not, and how? If they do not advocate feminism, do they have another theoretical basis for their resistance tactics, and if so, what are they?

ANNEX B
Explanation of Bill C-31

The complications regarding Bill C-31 arise when it comes to the descendants of reinstated Indian women. To be eligible to register for Indian Status, the 1985 *Indian Act* states that one parent must be entitled under section 6(1), which provides a right of registration to a person who was omitted or deleted from the Indian register or the Band list under paragraph 12(1)(b). Therefore, the children of women who fall under this category 6(1) have no right to pass status onto their own children unless they marry another section 6 registrant. Thus the grandchildren of women enfranchised under section 12(1)(b) will have the right to register as an Indian only if both their parents are entitled to be registered under section 6.¹⁹ While it reinstated Indian Status to enfranchised women and their children, the grandchildren of the women who initially lost their status could not gain status (2004: 117). This is because the wording makes it so that a second-generation parent cannot pass on their status to their child unless that parent marries a registered Indian.

Bill C-31 repealed the “double mother clause” of the 1970 *Indian Act*, which provided that a person whose father had “married out” after September 1951 and whose wife and her paternal grandmother had not been recognized as Indians before their marriages, could be registered at birth, but their Status would be removed when they reached the age of 21. Bill C-31 made it so that these people are now entitled to registration under section 6(1)(c). So men who married out do not have to worry about their children’s’ status, while women who married out still do (2004: 120).

These grandchildren have become know as Section 6(2) Indians, and the reinstatement of their Indian Status is now what is at stake (2004: 118). While grandfathers who married out before 1985 can pass on their Indian Status to all their grandchildren, grandmothers in the same situation cannot.

¹⁹ The children of a woman’s section 12(1)(b) marriage are entitled under section 6(2) to register as persons one of whose parents is entitled to be registered under subsection (1).

There are even further sex discriminations that were not addressed by Bill C-31. Before 1985, the male children born of a common-law relationship between an Indian man and a non-Indian woman could register for Indian Status, while the female children could not. The amendments to the 1985 *Indian Act* made it so that these excluded women could register under section 6(2); however, this rendered their grandchildren susceptible to the second-generation cut-off.

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