

# Men, Masculinity, and the Indian Act

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*This book is dedicated to the memory of  
Gregory G. Cannon, 1962–2013*

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## Introduction

**I**N THE MID-TWENTIETH century, Indigenous women in Canada began to speak out against the Indian Act, the principal statute under which Canada administers Indian status. They argued that the Indian Act was sexist, that it created inequality between First Nations women and men. In particular, they opposed section 12(1)(b), which took away Indian status from Indigenous women who married non-Status Indian men, and section 11(1)(f), which conferred status on non-Indigenous or white settler women who married Status Indian men. These sections had formerly been sections 3(c) of the 1876 Indian Act. In the 1970s, women such as Jeannette Corbiere Lavell and Yvonne Bédard, women who had lost their status upon marriage, took their cases all the way to the Supreme Court, and when they lost, women's groups across the country pressured the government to change the law. The government was forced to act when Sandra Lovelace took her case to the United Nations Human Rights Committee, which found Canada in breach of the International Covenant on Civil and Political Rights.

In 1982, Canada amended its Constitution to include the Canadian Charter of Rights and Freedoms, which protects every individual from "discrimination based on race, national

or ethnic origin, colour, religion, sex, age, or mental or physical disability.” Motivated to address the Indian Act, the government passed Bill C-31, An Act to Amend the Indian Act, in April 1985. Its stated goals were to address the gender discrimination of the Indian Act, to restore Indian status to those who had been involuntarily enfranchised (those who had had their status taken away), and to allow bands to control their own band membership, a step towards self-government. The act terminated sections 12(1)(b) and 11(1)(f), and it restored the status of Indian women who had been enfranchised. It immediately resulted in 127,000 individuals having their status restored, and 106,000 individuals having it taken away (Trovat and Aylsworth 2012). Section 6 of the act, “Persons Entitled to be Registered,” introduced two new classes of Indians: “6(1) – those who can pass Indian status to their children” and “6(2) – those who have Indian status, but cannot pass their status to their children unless the other parent also has status” (Mccue 2011).

Although these developments appeared to be progressive, and in many ways were, they ushered in decades of divisive debates in Indigenous communities and internal disputes about identity, authenticity, and belonging. They pitted individual women against Status Indians and women against men. There were exceptions, but Indigenous men and Indigenous organizations did not support these women’s attempt to overcome sexism in the Indian Act. They feared that more and more involuntarily enfranchised women would return to reserves along with their husbands, placing pressure on land and resources. In the context of the human rights discourses of the 1970s and 1980s, they also feared they would lose their special-status citizenship rights to education, health, social services, and land, which are protected under the Indian Act. They did not want the Canadian Bill of Rights (which protects individual rights) to assume precedence over the Indian Act (which protects collective rights) and

therefore opposed the actions of women such as Lavell and Bédard (Canada 1973; Cannon 1995; Green 1997).<sup>1</sup> As Kathleen Jamieson (1986, 125) wrote at the time, “The acute shortage of adequate housing on most reserves and the intensity of inter-clan political rivalries on many of those same reserves combine[d] to make the issue particularly volatile and the women particularly vulnerable to victimization.”

**FROM MY PERSPECTIVE**, the politics of Indian status in these decades – which revolved around discussions of “women’s rights” versus “Aboriginal rights” or “individual” versus “collective” rights – didn’t make much sense at all. Nor did the stance of Indigenous men. Today, I am a federally recognized Indian man and a scholar. I am a member of the Onyota’a:ka (Oneida Nation), Turtle Clan, and a citizen of the Six Nations at Grand River Territory. Until 1985, however, as a “mixed-race” male whose mother had married a non-Indian, I was denied recognition under the Indian Act. I was an involuntarily enfranchised male, but debates in academic circles, Indigenous communities, and the courts were not addressing my situation, or that of other men like me (Cannon 2007a, 39). They were focusing instead on how the sexism of the Indian Act was harming women, on how individual women and their cases were threatening Indigenous nations, or on how the rights of women were being sacrificed in favour of the rights of First Nations to engage in self-determination. From my perspective, however, it looked like the sexism in the Indian Act was actually affecting all Indigenous people – women and men – and undermining the collective rights of our nations by taking away our ability to determine who does or doesn’t belong.

Under Canada’s Indian Act (and the way it is currently understood), my mother and I were forced to bifurcate our identities into impossible either/or categorizations. My mother could either be a Status Indian or a woman but not

both. But, as Patricia Monture-Angus, a Mohawk activist, lawyer, and author, has noted (1995, 136–37), it is simply impossible to separate out whether it is sexism or racialized injustice that impacts us as Indigenous men and women:

My life experiences are as both a Mohawk and a woman. I cannot say when I can name an act as discrimination, that it 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. It feels like all one package to me. I exist as a single person. My experience is “discrimination within discrimination” ... It is wound together through my experiences. This is very different from this idea of double discrimination. But the court could not even get to this first step, they could not see that two grounds of discrimination were occurring at the same time. In the court’s view, discrimination is competitive. One form of discrimination must triumph.

Similarly, under Canadian law, I was not an “authentic” or “real” Indian (Lawrence 2004) because my father is a *ha dih nyoh* (the word in my language for white settler). Under traditional law, however, it is of no matter that my father is of Anglo-British descent. It matters only that my mother and grandmothers are from the Onyota’a:ka Nation, a matrilineal culture in which women are esteemed. Haudenosaunee (meaning “we build the house together,” a reference to the distinctive houses in which my ancestors once resided as Six Nations, including the Seneca, Cayuga, Onondaga, Oneida, Mohawk, and Tuscarora Nations) look to relatives on the female side of the family to understand who we are as nations and peoples. In my nation, a person’s clan affiliation is matrilineal – it is determined through one’s mother and grandmothers. Our people have been determined to

document, remember, and preserve this practice of kinship organization at every turn (North American Indian Travelling College 1984, 1993). It is my responsibility to identify as Haudenosaunee and as Turtle Clan, not as “mixed” or “Métis,” and it is my responsibility as a Haudenosaunee man to question and resist discrimination directed at our mothers and grandmothers.<sup>2</sup>

It is nothing short of remarkable that we continue to remember and preserve the robust cultural knowledges of our ancestors where identity and nationhood are concerned. In responding to federally imposed categories of identity and citizenship, some of us look to traditional stories in a way that invariably transforms how we think about ourselves and our dealings with others. Our stories shape the way we think about identity and belonging, and they are especially relevant to how we are decolonizing ourselves and our nations. In my case, the Haudenosaunee creation story tells us of women’s esteemed status and of the responsibilities of men.<sup>3</sup> It tells us that we descended from Awen’ha’i, a woman who fell from the sky world through a hole in the ground where a standing tree had been uprooted. She landed on a turtle’s back, bringing with her the medicines of tobacco and strawberries. On her arrival, it was the water beings that greeted and assisted Sky Woman. Awen’ha’i is believed to have subsequently given birth to a daughter, Gaende’so’k, or Zephyr, who in turn gave birth to twins, Sapling (the Creator) and an impatient Flint. The latter caused his mother’s death by pushing his way out of her armpit to enter into the world. Gaende’so’k therefore became the first to die and be buried in the new earth world. Her burial is meaningful to us as *Ukwehuwé* (real human beings). Gaende’so’k is also the individual responsible for energizing Turtle Island (North America) with the eternal potential of Haudenosaunee existence.



Women are thus the very individuals through whom we trace our earliest origins and upon whom we continue to rely for continuity and survival. The three sisters – corn, beans, and squash – for instance, provide us with sustenance and nourishment. As Mohawk scholar Deborah Doxtator (1997, 32–33) writes, “Children born to the women created on the earth are referred to as the new faces pushing up from the earth. In the ‘Thanksgiving Address’ – a story that sets out the order of the universe – the earth is ‘our mother who supports our feet.’” The creation story is key to understanding the esteemed status of women in my nation. After giving birth to twins, Gaende’so’k’s spirit was released upon her death, and she became, literally, the progenitor of the nation. Indeed, this is where the word and very concept of *Yethi-nihstenha Onhwentsya* (she-to-us, our mother, the earth) comes from (S. Hill 2017, 21, 290). Women are fundamental to understanding our origins and continued existence as peoples. As ha dih nyoh writers Paul Williams and Curtis Nelson (1995, 20) write, “It is the women’s function to bring forth and nurture life, just as the Earth does.” Moreover, women’s ability and potential to sustain humankind is continually affirmed through the very concept of “our mother, the earth” itself – a principle that is widely recognized, remembered, and acknowledged in ceremony, even today.

The importance of women, however, should not be misunderstood as deriving only from the story of creation. Indeed, women are central to the story of the Great Law of Peace, or *Kayaneren’kowa*, the very basis of our traditional constitution and governance as peoples.<sup>4</sup> The *Kayaneren’kowa* is regarded as a “gift from the Creator for the purpose of saving the people of the Six Nations from destroying themselves.” It is understood as the “great, proper path” because, prior to the coming of the Great Law and the establishment of the Confederacy, it was a time of great sorrow and terror for Haudenosaunee. As Seneca scholar John Mohawk explains:

All order and safety had broken down completely and the rule of the headhunter dominated the culture. When a man or woman died ... the aggrieved family then sought vengeance and a member set forth with the purpose of finding [an] unsuspecting and arguably innocent offender and exacting revenge. That killing sparked a spiral of vengeance and reprisal which found assassins stalking the Northeastern woodlands in a never-ending senseless bloodletting.

Mohawk describes the context out of which a young man known to the Haudenosaunee as Ayenwahtha – the Great Peacemaker – brought a message of peace to the people. Brought to earth by Sapling – the Creator himself and son of Gaende’so’k – the Peacemaker’s message spoke of three philosophical principles that would ease our terror on Earth: peace, power, and righteousness, which he understood in this way:

Righteousness means justice practiced between men and between Nations; it means a desire to see justice prevail. [Peace] means soundness of mind and body ... for that is what comes when minds are sane and bodies are cared for. Power means authority, the authority of law and custom, backed by such force as is necessary to make justice prevail; it means also religion, for justice enforced is the will of the [Creator] and has his sanction.

Though the Peacemaker’s message is thought to have taken some time to reach the people and be accepted among them, it came to our nations at a time of tremendous strife and turmoil.

The message established a new system of governance, a system that reinforced the role of women as “cultivators of the soil, as leaders ... and as the holders of the future generations.” Ayenwahtha is believed to have spread his words of

peace first to a female. This woman, Tsikonhsase, “lived along the warpath and had once benefited greatly from the wartime state.” He spoke to her the words of peace, righteousness, and power, and when he finished, Tsikonhsase is believed to have accepted them. She also agreed to enforce the Peacemaker’s great message. Ayenwahtha is believed to have stated: “Since you are the first to accept the [Great] Law of Peace ... I will declare that it shall be women who shall possess the title of Chieftainships. They shall name the Chiefs.”

Thus, Haudenosaunee women are recognized as being fundamental to the Great Peace. Their status as holders of chiefly titles dates as far back as Kayaneren’kowa itself, estimated to have reached the Haudenosaunee in 1192, some eight hundred years before the United States of America would develop its own Constitution, which was informed by our Kayaneren’kowa (Johansen 1995).<sup>5</sup> Tsikonhsase was the very first Yakoyaner (clan mother). Governance among the Haudenosaunee was established and subsequently maintained through her original clan status – a system of affiliation that has since been traced through one’s mother, in my own case, Turtle Clan. Women quite literally enable political organization, governance, and the clan system in my nation. In this role, they are responsible for the appointment (and deposition) of Confederacy chiefs. In short, women are of fundamental importance to the future of the Haudenosaunee: as the original occupiers of Turtle Island and as clan mothers, they are the very basis of our governance as peoples. As Mohawk scholar Audra Simpson (2014, 48) writes, one’s clan affiliation determined one’s “place in the order of things.”

The responsibility of establishing peace, however, is by no means the responsibility of women alone. In fact, the Great Peacemaker enlisted another helper on his journey. Following his visit to Tsikonhsase, the Great Peacemaker journeyed onward towards the Kahnawà:ke, or Mohawk Nation. There, he is believed to have met up with Tekarihoken, a Kanyen’kehà:ka

man believed to have eaten humans. Ayenwahtha – the Great Peacemaker – spoke to him the words of peace, righteousness, and power, and when he finished, Tekarihoken is said to have accepted them. Tekarihoken also agreed to enforce the Peacemaker’s great message. Because he was the first man to accept the Great Law of Peace, the Peacemaker made him the first *sachem* (leader) in the Mohawk Nation. Sachems have since been expected to uphold the message of peace and to practise a good mind.

In choosing two helpers, one male and the other female, the Great Peacemaker established a “duality between men and women, a balance” (Williams and Nelson 1995, 14). Women and men hold autonomous and separate responsibilities related to all aspects of life, including kinship, political organization, economic relations, and the division of labour. These responsibilities elevate the status of Haudenosaunee women but also demand the unanimity and “good mind” of male leaders. Indeed, we are responsible as men to think about maintaining a balance of genders. In the place of violence and warring, we are responsible for using the power of *Kanikohri:yo* (good minds), brought to us by the Peacemaker, to be kind and supportive of one another and “to accomplish things together for the benefit of society” (R. Monture 2014, 9).

In this regard, maintaining the balance of the universe extends beyond men’s and women’s separate and distinct spheres. As ha dih nyoh scholar Barbara Mann (2000, 98) explains,

Women have their own ceremonies, rituals, vision quests ... just as the men have theirs, but together, the community forms a healthy spiritual whole. Moreover, each half is always fully apprised of what the other half is doing which works to ensure that its own half fits snugly into the space left for it by its gendered complement. Men’s councils await the decisions of women’s councils. Women’s

planting assesses the strength of men's hunting. Gendering entirely permeates Iroquoian culture. It is twinship ... in continual, human action.

Mann's assessment of gender relations and her use of the word *twinship* to describe it is profound. It illustrates how women's elevated status cannot be understood without comprehending the simultaneous and complementary status of men (see Anderson 2000, 173–74). Balance is maintained, in other words, through a dynamic interaction between men and women maintaining Ukwehuwé existence.

The maintenance of gender balance and complementarity actually demands that the roles, responsibilities, and energies of both Haudenosaunee men and women be embraced now and into the future. As Marlyn Kane and Sylvia Maracle (1989, 12) write, there are two interpermeable halves in life – one female and the other male – and both halves have to be there to make it complete (also see Anderson 2000, 173–74). The promotion of “balance and harmony in all of our [human] relationships” (Alfred 1993, 8) is an all-pervasive responsibility of the Haudenosaunee that stems from the Creator's original instruction. This is most certainly true of the relationships between men and women. In theorizing gender relations, Gerald Taiaiake Alfred (1993, 13–14) writes: “There are twin responsibilities for men and women: men must acknowledge, respect, and work to help eliminate the heavy burden that women carry; and women must commit themselves to making the nation livable from within the culture. A continuing neglect of either one of these responsibilities will end the cycle of life as surely as any ‘environmental catastrophe.’”

**AS A HAUDENOSAUNEE** man, I have a responsibility to maintain the balance of the universe, a responsibility I see myself taking

on in writing this book. In recent decades, scholars, governments, and the courts have addressed gender discrimination in the Indian Act through progressive analyses, legislation, and judgments such as *McIvor v Canada* (2007) and the Gender Equity in Indian Registration Act, which followed on its heels in 2010. *McIvor* found that section 6 of the revised Indian Act perpetuated gender discrimination by giving fewer rights to the descendants of female Indians who had married non-Indians. In my case, because I was registered under section 6(2) of the Indian Act, I cannot pass on status to my children unless I marry a Status Indian. This is known as the two-generation cut off. By contrast, if the situation were reversed and it had been my father who had been a Status Indian and my mother the non-Indian, then I would have been entitled to status under section 6(1). If I married a non-Indian, my child would be entitled to status. Thus, three generations are given status. I refer to this as a legal phenomenon that affects people who are related as cousins (Cannon 2007a, 36).

*McIvor* and the Gender Equity in Indian Registration Act addressed sexism in the Indian Act, but they said nothing about racialization – the process whereby the original inhabitants of the land became “Indians,” “Métis,” or were denied federal recognition altogether (Andersen 2014; Cannon 2014; Lawrence 2012). Broadly speaking, *racialization* refers to a set of practices, beliefs, ways of thinking, and state recognition processes that have made Indianness compulsory. The courts and legislation sought to redress how my mother and her descendants had been discriminated against on the grounds of her gender, but they failed to address why it was that the Canadian state, rather than Indigenous law, should have the authority to determine her status in the first place.

Why is it that after more than 150 years of it being a nation Indigenous people are still dealing with Canada as “Indians?” Prior to colonization, Indigenous peoples were not “Indians,”

nor were our territories delimited to the lands “reserved” for Indians under settler law. We defined ourselves as distinct peoples and nations with vast territories, trade networks, treaty agreements, strategic and military alliances, and political relationships that were peoplehood-based and nation to nation. People became Indians so that the state could delimit the occupation of certain lands to Indians and the remainder to settlers. This process coincided with the view that Turtle Island was *terra nullius*, an empty, unoccupied land. It was through the sorting out of lands “set apart by Her Majesty for the use and benefit” of the Indians that the idea of whiteness, and indeed race, became concretized in what is now called Canada (Harris 1993; Lawrence 2002; Thobani 2007). Therefore, the category “Indian” is no more than a legal construction rooted in the doctrine of discovery and histories of land appropriation and colonial domination. It is the product of the unilateral power Canada granted *itself* under section 91(24) of the Constitution Act, 1867, to claim jurisdiction and then legislate over what it called “Indians.”

In this book, I examine the role that sexism played in this process, and I argue that it is the responsibility of Indigenous nations and Indigenous men to understand that racialization and sexism are interlocked. Sexism dwells in and is safeguarded in patriarchy, which invaded our nations along with the colonizers, transforming what in many cases was largely egalitarianism into an imbalanced set of gender relations characterized by male dominance in family, cultural, and political life (Cannon and Sunseri 2017, xiv; Code 2000, 378). This is not to say that all Indigenous nations were egalitarian; indeed, some were patrilineal and patriarchal. However, the type of patriarchy that was imposed – European heteropatriarchy – was different. It was rooted in religiously authorized ethnocentrism and monotheistic exclusivism, and it normalized heterosexuality as a mode of gender oppression (see Mariedaughter 1986; Penelope 1986; Trebilcot 1988).

Heteropatriarchy informed the process of establishing the category “Indian” and erasing nation-based understandings of gender, sexuality, identity, and ancestry. In settler Indian policy, women were assumed to be the appendages of men when it came to marriage and Indianness. This assumption followed from Western heteropatriarchal and capitalist notions of women as the property of their husbands. Under the status provisions of the Indian Act, women therefore lost and acquired federal recognition based on the race of the man they married. Consequently, Indianness was premised on a patrilineal model of descent reckoning common to Europeans in the mid-nineteenth century. The criteria used to determine who was – and who was not – an Indian was also rooted in early race-based thinking about blood quantum and in colonial histories that did not recognize linguistic and cultural differences among Indigenous groups (see Kauanui 2008; Tallbear 2013). In her book, *Hawaiian Blood*, J. Kehaulani Kauanui (2008, 11) observes that systems of federal recognition based on blood quantum were “specifically devised to quantify ancestry in the service of discourses of dilution, which then lend themselves to the discounting narratives of assimilation”; they were used in the present and the past “to appropriate Native lands and to promote cultural and biological assimilation.” Blood quantum logic undermined our genealogical connections to our lands and reduced sovereign nations to the status of racial minorities (Cannon and Sunseri 2011; Porter 1999).

Patriarchy and sexism influenced the regime of band council government in Canada, which conferred status and decision making on men. In the case of the Haudenosaunee, the result was particularly damaging. As Alfred (2014, 77) writes, “If you’re trying to steal someone’s land, you have to go after the owners, and in the Haudenosaunee community, the owners, it so happened, were the females. So you put those two together, and it’s a pretty compelling reason to go



after the traditional roles of women in our society.” Under the Indian Act, it was assumed and expected that band council governments – appointed by an all-male Indian electorate until 1951 – would administer and enforce gender inequality. It went without question that only men would vote in band council elections. Not surprisingly, the imposition of patriarchal governance structures created an element of hostility and sex discrimination in Indigenous communities that has yet to be reversed.

That the colonial enterprise of racism was inseparable from heterosexism and patriarchy is not a new idea. Where the Indian Act is concerned specifically, ha dih nyoh scholars Thomas Isaac and Mary Sue Maloughney (1992) suggest that colonial ideas and assumptions about Indianness and femaleness literally combined to make Indigenous women unequal by virtue of both their gender and racialization. At the level of common sense, it was assumed that a woman, along with her children, would take on the racial status of her husband at marriage. In this sense, the racialization of Indigenous peoples could not have been realized in Canada without sexism and Western patriarchal knowledge. It went unsaid that women should be subject to the male-dominated, hierarchically structured Indian Act, with band council governments carrying out Western patriarchal customs and law. The patriarchy administered by band council governments, as Audra Simpson (2014, 61) has noted, was further consolidated by “fears of the world outside, the fears of the power white men may carry, and fears of the further dissolution of territory.”

Indigenous scholars have also demonstrated that sexism has been used to exact, mobilize, and entrench colonial dominance, legal assimilation, and what Australian writer and historian Patrick Wolfe (2006, 388) has referred to as the elimination of the Native: “As opposed to enslaved people, whose reproduction augmented their owners’ wealth, Indigenous people obstructed settlers’ access to land, so their

increase was counterproductive. In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination" (see also Kauanui 2008; Palmater 2015; Tallbear 2013). As scholars of settler colonialism like Wolfe have shown, the objective has always been either to eliminate us legislatively and physically or to assimilate or acculturate us by making us into "civilized," "white," or "British" citizens. The logic of elimination was an organizing principle of settler colonial society, and the act of federal recognition or forced citizenship must be understood as something other (or perhaps greater) than "the generality of non-colonial genocides" (Wolfe 2006, 400).<sup>6</sup>

Proponents of Indigenous feminism have also documented and drawn attention to the interconnectedness of sexism and racialization (see also Monture-Angus 1995; Turpel 1993). Beverley Jacobs (2014), a Mohawk scholar, for instance, defines patriarchy as none other than an attack on Indigenous womanhood following from colonization that has enabled a continued violence to be enacted on the bodies of Indigenous women. And scholars in queer studies have pointed out Indian policy is based on the heteropatriarchal assumption that we, as Indians, will marry members of the opposite sex (Cannon 1998; Mariedaughter 1986; Penelope 1986; Trebilcot 1988). Indeed, the limitations placed upon me as a result of my categorization under section 6(2) meant that I not only have to be concerned about the race or status of the person I marry but also about their gender if I want to bequeath Indian status to my children.

My book builds upon these arguments by showing that sexism in the Indian Act doesn't affect just women and gay or transgendered Indigenous people – it affects all Indigenous people and nations. Indeed, Indigenous feminists argue that racialized and Indigenous men participate in their own continued subordination even when they oppose racism (and colonial dispossession) because patriarchy is left unchallenged

(see Dhamoon 2015, 29–31; Fellows and Razack 1998; Razack 1999, 13–14). To back up and put all this in simpler terms, the Indian Act made Indian women and their children unequal to Indian men and their children, and the impact of sexism on Status Indian communities cannot be underestimated. For women, marriage to an unregistered or non-Indian man meant that they and their children were stripped legally of all statutory entitlements normally afforded to Status Indians. Upon marriage, they were banished from reserve communities. They held no further right to live on a reserve, to share in the property or collective assets of their bands, to hunt or fish, to access education and health care provisions, or to be buried in their home communities alongside their ancestors. Many women relocated to cities because of federal legislation, including laws that fell short of addressing the distribution of matrimonial property upon dissolution of marriage. Accustomed as they became to notions of interpersonal and institutionalized male dominance, women faced a formidable sexism directed at them by band councils and their communities. For men who retained Indian status and who remained on reserves, their racialization as Indians transformed social relations so that women were seen – though not always – as outsiders. The Indian Act created and legitimized the conviction that those who had “married out” represented a threat to Indigenous communities. When Indian status provisions combined with sexist attitudes about the “illegitimacy” of children, the election of male-only band councils, and male-only governance, the effects of patriarchy were especially damaging and intense.

The Indian Act also made Indian women unequal to settler women and their descendants under an imposed and legislatively sanctioned system of racialization. Until 1985, non-Indigenous women, as wives of Indian men, acquired federal recognition as Indians and, in many cases, they have lived

and participated in our reserve communities for generations. Indian women have been discriminated against as women, and they have been discriminated against as Indians. It is therefore clearly incorrect to describe the inequality that Indigenous women have faced as deriving only from sexism. Ultimately, the interlocking systems of sexism and racism have placed Indigenous men and women at a disadvantage relative to settler populations, the state, the legal system, and to each other.

Taken together, sexism and racialization have formed the principal instrument of power that has been used (and is continuing to be used) to disrupt the balance of gender complementarity in Indigenous communities (Cannon 2007a, 2007b; Sunseri 2011). As forms of discrimination, sexism and racialization do not simply impact Indigenous people as either “women” or “Indians.” The sexism directed at Indigenous women through the Indian Act belongs collectively to all “Indians,” women and men. Sexism therefore undermines the collective rights of Indigenous nations. I call on Canadian courts, lawmakers, and settler and Indigenous governments to stop telling a raceless story of sexism, one that envisages Indian women as divisible into either/or terms. This way of thinking restricts the possibilities for challenging sexism. Sexism does not belong to women alone – it threatens to define, reduce, and ultimately extinguish the registered Indian population. This either/or thinking prevents Indigenous nations from reconciling the treatment of Indian women, their children, and others who have been excluded from the category “Indian” and involuntarily enfranchised. I also call on Indigenous men to explore the complex ways in which their life’s journey has been shaped by the heterosexual patriarchy directed at Indigenous women – at their mothers and grandmothers. I call on them to think about how they have been complicit in it and what they can do to

return us to a state of balance. Writing this book was part of my own journey.

**TO SPEAK AS A MAN** is important to me, as my (cis)gender defines my sense of self and belonging. To say that I am male, Oneida, and Haudenosaunee means that I am conscious of early treaties, such as the Haldimand Deed of 1784, the Simcoe Treaty, the Silver Chain, and the Guswentah (or Two Row Wampum), which state who we are as Indigenous nations and as citizens and which describe our relationship with Canadian settlers. It also means that I am aware of the traditional stories we tell ourselves about women's esteemed status and about matrilineal kinship organization as it was brought to us by the Great Peacemaker. To say that I am Haudenosaunee means that there is an ancient, and not just a scholarly, context for opposing sexism and patriarchy.

Indigenous men typically do not talk about the presence or history of sex discrimination or the way it has impacted our lives, but there are important exceptions. Indeed, it would be overly reductive to suggest that all Indian men have passively corroborated the patriarchal systems of power that were imposed on us by the early settler state. In the absence of research and documentation, we can't assume that all the male children of involuntary enfranchised women – men such as myself – supported the sexist provisions of the Indian Act. We know that some men refused to support the disinheritance and banishment of women and children from their communities (Jamieson 1978, 13; Jamieson 1986, 121; Weaver 1974, 52–53; also see Weaver 1983, 60). In my own nation, Susan Hill, a Kanyen'kehaka scholar, has drawn on archival evidence to show that the Confederacy Council disagreed with "Dominion attempts to claim authority over lands and membership in this manner." They opposed the imposition of patriarchal systems of legal enfranchisement and attempts to undermine "family structures established

under the Kayaneren'kowa" (S. Hill 2017, 192, 199, 227). It would seem that many men in my community at Grand River Territory remembered the ancient systems of knowledge about women's roles as leaders, including the role they played in social life, governance, and clan-based kinship organization. Other men openly welcomed women back to reserve communities after the Indian Act was amended in 1985 (Woodward 1986, 3). And in the 1990s, the Assembly of Manitoba Chiefs recognized that "full self-government is the opportunity to overcome patriarchy, not an excuse for its continuation" (Greschner 1992, 348).

The nonpatriarchal characteristics demonstrated by Ukwehuwé men in early Confederacy Councils should be adopted today by the coming generation of men, especially when it comes to thinking about women as "the critical identity holders of the nation" (Antone 2015, 22). As Bob Antone argues in "Reconstructing Indigenous Male Thought," we must revisit these early principles if we are ever "to shed the colonial cloak of Western masculinity" (23). We must revisit and think more about our own systems of knowledge as men and Haudenosaunee peoples. On the one hand, this means looking to the stories we have told each other as Indigenous nations, especially about our responsibilities as men and women, for generations. As Antone suggests of the creation story and the story of the Great Law, "our psyche has to accept those teachings if we are going to decolonize" (23). The idea of men working to uphold the balance of the nation is especially significant to our future as Haudenosaunee peoples, especially if one considers the work of Onyota'a:ka scholar Lina Sunseri (2011), who writes that "being again of one mind" will require a commitment on behalf of both men and women to be mindful of and dismantle settler colonial dominance and heteropatriarchy.

Although some men understand and accept their responsibilities and support the rights of Indian women, the tendency

among the majority has been to divorce race and gender discrimination, to allow the rights of the Indian collective to eclipse the rights of Indian women. This tendency has kept us Indigenous men and nations from developing a more enlightened, urgent, and decolonizing politics. Indeed, the tendency has become so broad that it is not uncommon to hear some Indigenous women – some of whom may identify as Indigenous feminists – talk of the greater “self-evidence” of racism over sexism (Hammersmith 1992, 56–57; LaChapelle 1982, 262). This tendency has prevented us from undoing the citizenship injustice of the Indian Act, from dismantling the legal and conceptual regime of Indianness.

We can no longer afford a “race to innocence” where the patriarchal attitudes we have learned as a result of colonization and the Indian Act are concerned (see Fellows and Razack 1998; Razack 1999, 13–14). Indeed, I hope this book shows that the reason we need to dismantle Indian Act patriarchy and sexism is not so that we can “be nice” to Indigenous women (see Andrea Smith, quoted in Khan, Hugill, and McCreary 2010, 42) but because heteropatriarchy is a system of colonial dominance and oppression that seeks to obliterate our very existence as Indigenous people. It seeks to reverse our stories – in my own case, the story of creation and the coming of the Great Law. As Indigenous men, we should never, ever, forget this.

To be clear, I do not mean to come up with a series of prescriptive practices for engaging with Indigenous masculinity in this book. Indeed, the concept of masculinity is itself a highly gendered social construction, one that stems from European property law and patriarchal power. I do not suggest that there is one particular version (or “story”) of Indigenous masculinity – or even that I am remotely an adequate spokesperson to define or lead this scholarship. Nor do I mean to suggest that we shouldn’t problematize the concept of masculinity as Eurocentric and cisgendered (see

Halberstam 1998; Tatonetti 2015). Rather, I want to look inward at my own experience of colonial dominance and propose that it is indeed possible to “story” and indeed “restory” Indian Act patriarchy. It is possible to move beyond a colonial and decidedly Eurocentric way of thinking in singular terms about gender, sex discrimination, Indigenous masculinity, and the impact of sexism on entire nations of people.

**IN THIS BOOK**, I restory the Indian Act by exploring how the separation of racism and sexism unfolded historically, particularly how the last four decades of Canadian case law and politics have influenced the Indian Act and Indian status provisions. This book is not meant to be an exhaustive account of all that has happened since the 1970s. Other voices have spoken about these matters. Here, I am presenting my own set of perspectives as a Status Indian who, like so many others, has been treated differently and unequally in relation to other Indians because of discriminatory policies. I speak as a citizen of the Oneida Nation whose familial roots lie with the Six Nations of Grand River Territory. I also speak as a man exploring questions of sexism, heteropatriarchy, masculinity, and power, as a man exploring the benefits of using an anticolonial, decolonizing, and feminist Indigenous framework to interpret our complex personal and historical pasts. In writing this book, my intention is to create a space from which we can begin to realize an anticolonial and antisexist literature written by men affected by sexism. I believe a space for the emergence of this work can come from Indigenous men whose mothers have been targeted as Indian women, from men whose first thinking about sexism was motivated by the fact that they were Indigenous, and not simply because of feminist theory (Cannon 2011).

In Chapter 1, I provide a historical overview of the Indian Act and Indian policy. Chapter 2 then concentrates on the



1970s, comparing the two well-known constitutional challenges of the day: the *Drybones* and *Lavell* cases. The criteria that was used to determine whether these cases centred on race or sex discrimination set a legal (if not ontological precedent) for seeing Status Indians as either women or Indians, but never both. I also reveal how legislation in this decade made it possible for women and their descendants to be treated as individuals who threatened to undermine the collective. I document resistance by the National Indian Brotherhood in particular because it illuminates how Indigenous identity and citizenship were understood, constrained, and contested at the time.

Chapter 3 concentrates on the 1980s and '90s, opening with a description of the limitations, or residual discrimination, of the 1985 amendments to the Indian Act. It addresses how this discrimination left some Indian women and bands supporting the Charter of Rights and Freedoms as a viable option for the resolution of human rights grievances, including intergroup rights issues arising from legislated discrimination. I also show how some Status Indian organizations opposed all use or application of the Charter, going so far as to mobilize against it in the name of both culture and "tradition." My intention in this chapter is to illuminate how histories of racialization and sexism came to structure the activities of Indian political organizations in the 1980s and 1990s, in turn producing a bifurcated politics and a way of thinking about identity, belonging, and citizenship.

In Chapter 4, I bring the historical discussion full circle by focusing on the *McIvor* case. I argue that even after four decades, the courts and Parliament continue to see Indian women in either/or terms. I take the position that, in Canada, the very first act of colonial injustice was racialized injustice, referring to none other than the process through which we became Indians under section 91(24) of the Constitution Act, 1867. I suggest that until this history is reconciled, we cannot

engage in a productive or otherwise transformative discussion about Indigenous identity and citizenship in Canada. I argue that race matters, but that, as a concept, it is not being disentangled from nationhood. This, in turn, detracts from any critical engagement with the history of settler colonialism and the racialized processes whereby we are imagined to have become Indians in the first place.

My intention throughout is to highlight the challenges and complexities surrounding the politics of identity and recognition and to provide a series of new insights with respect to the invigoration and renavigation of them. Racism strikes at the very core of our experience as Indigenous peoples in Canada. Our lives are marked by these histories, including but not limited to matters of Indianness, the Indian Act, racial profiling, missing and murdered women, poverty, and economic marginalization. As an Indigenous person, and as a Status Indian (that is, a racialized person), I believe that Indigenous peoples must develop and share a vocabulary to describe histories of racism and the lived realities of Indigenous peoples in Canada. We cannot hope to witness or bring about a change in the structure of settler colonialism without providing these tools to one another and our nations.

In calling attention to race matters, I am not suggesting that stories of racialization ought to replace or even overshadow stories of sexism. Nor am I suggesting that Indigenous peoples should struggle as or be seen as racial minorities. I follow the Seneca scholar Rob Porter (1999), who insists on drawing a distinction between Indigenous peoples and ethnic or racial groups in light of our history and sovereignty as nations. Several other Indigenous scholars have suggested that we should refuse the invitation to Canadian citizenship at every turn (see Alfred 2005; Cannon and Sunseri 2011, xix–xx, 265; Henderson 2002; Porter 1999, 154–58). While I agree, I am also mindful that we cannot help but be concerned with matters of race as Indigenous peoples because

of the way it has been so fundamentally tied to colonial injustice from the beginning. For better or worse, colonialism – mutated as it has been through the racialized construct of “Indian” attached to colonialism – shapes the everyday experience of, and politics involving, Indigenous peoples in Canada.

Racism cannot be fully understood in Canada, nor citizenship injustices reconciled, so long as Indigenous peoples are administered as “Indians” under federal legislation. Indianness embodies a way of thinking about identity, citizenship, nationhood, and fiduciary relationships in state-based and racialized terms. As a matter of routine, we are pulled into a political relationship with Canada as “Indians,” or as “Aboriginal” peoples, but not as nations (Alfred 2005, 23; Alfred and Corntassel 2005, 599; Coulthard 2007). These politics work to expunge histories of colonial dominance aimed at our nations through the very act of renaming. The word *Indian*, and the politics surrounding it, should therefore be resisted at every turn. In fact, it is important to think critically about what is accomplished ideologically, and in terms of the maintenance of colonialism, each time we employ the category “Indian.” In this book, I use the word *Indian* in a descriptive sense, as a term that is deeply attached to the legislative history of settler colonialism in Canada, established in the first instance of the *Indian Act*. I do not use *Indian* as an identity to which we ought to aspire.

In other words, in order to undo citizenship injustice, we need to dismantle the legal and conceptual regime of Indianness. We need to acknowledge Indigenous peoples not as citizens of Canada, or as Indians, for that matter, but as nations. I hope this book will help to facilitate and further an understanding of these issues, paving the way for a new politics of Indian identity and citizenship. Indeed, I hope it will inspire research that recognizes that at the time of contact there were no “Indians” living on Turtle Island – only diverse

nations of peoples. I hope my contribution might in some way invigorate the thinking that goes into knowing and defining ourselves as dynamic and resilient Ukwéhuwé, as people who can at once accommodate ha dih nyoh and other settler populations in our communities and reject the legislative categories of belonging imposed on us by the state.

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