

Native women face discrimination

by Doug Janoff
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I realize now that the system that fucked me up, fucked up our men even worse. The missionaries had impressed upon us the feeling that women were a source of evil. This belief, combined with the ancient Indian recognition of the power of women, is still holding back the progress of our people.

— Maria Campbell
from her book
Half-breed



"The least members of our society." That's how Dr. Mary Two-Axe Earley, native women's rights activist from the Caughnawaga Indian Reserve, refers to her own social group.

"It seems inconceivable that our biological constitution should be reason enough for our birthright and heritage to be arbitrarily divested at the moment," she said while addressing a group at McGill last September.

Two-Axe Earley was referring to section 12-1-B of the Indian Act of 1951, "a sexist and discriminatory piece of legislation."

The Indian Act of 1869 states: "A person with respect to whom an order for an enfranchisement is made under this Act shall, from the date thereof, or from the day of enfranchisement provided for therein, be deemed not to be an Indian within the meaning of this Act or any other statute of the law."

"Enfranchisement" is the legal term used to mean an Indian's assimilation into Canadian society. Only after 1956 was an Indian recognised as a Canadian at the same time.

But when is an Indian not as an Indian? When she happens to be an Indian woman who marries a non-Indian. She loses her status from the date of her marriage.

On the other hand, the Indian men who marry non-Indians endow all the rights and privileges of band membership on their wives.

"If the father is a non-native, the child doesn't get status and is treated

terribly," said Dr. Two-Axe Earley. Here are some of the problems faced by enfranchised Indian women: they are banished from their traditional roles within the community, they forfeit their right to vote, they lose any claim they once had to property ownership and are subject to eviction from the home they grew up in, they are excluded from family and tribal inheritance, they are denied the right to be buried on their ancestral cemeteries.

The cultural and social alienation which results from the loss of status, however, is more difficult to document.

History of discrimination
It was only after the arrival of European settlers in Canada that the role of Indian women changed drastically. Iroquois society, for example, was matrilineal. Women controlled the traditional dwelling, the long house. Anthropologists discovered that if an Iroquois woman did not wish to go on in the existing living arrangement, she had only to throw her husband's personal possessions out the door of the longhouse, and so divorced him. Iroquois women also kept possession of the children and enjoyed fundamental political rights in the community.

Indian sex roles, then, changed radically with the arrival of the Europeans. The European customs which most significantly shook Indian society included private property inherited through the male; patrilineal inheritance of other goods; and repression of female sexuality. The European man encouraged the Indian man to take over legal ownership of his wife's capacity to produce and reproduce, through the Indian Act of 1869.

Canada grew and prospered in the early 20th century, while the laws controlling the lives of Indian women and their children became increasingly harsh. When, in 1920, the Superintendent-General was given the power to unilaterally commute an enfranchised Indian woman's annuities, an official of the Department of Indian Affairs justified the move by saying, "when an Indian woman marries outside the band whether a non-treaty Indian or a white man it is in the interests of the Department, and in her interests as well to sever her connection wholly with the reserve and the Indian mode of life...."

The final blow to the rights of Indian women came in 1951. Section 12-1-B of the new Indian Act stated: "The following persons are not entitled to be registered, namely, ...a woman who married a person who is not an Indian, unless that woman is subsequently the

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