

“Indigenous Women’s Resistance to Patriarchy”
Lecture Transcript | wgs102.org Dr. Daisy Raphael

WGS102 students may cite this lecture. Otherwise, please do not cite without permission.

To cite:

Raphael, Daisy. 2020. “Indigenous Women’s Resistance to Patriarchy.” *Women and Gender Studies 102: Gender & Social Justice*. University of Alberta.
<https://wgs102.org/2020/04/11/indigenous-feminisms-lessons/>

This lecture explains how Indigenous women have resisted Canada’s attempts to strip them of their identities. In 1876, the Government of Canada introduced the *Indian Act*, which consolidated Canada’s colonial laws about so-called ‘Indian’ land and identity. The *Indian Act* -- which is still in effect today -- not only collapsed distinct and diverse Indigenous nations into one category by creating the category of the “status Indian”, it also institutionalized patriarchy in Indigenous communities (Lawrence, 2003: 4-5). Section 12(1)(b) of the *Indian Act* stripped an Indigenous woman of her “Indian” status if she married a man who did not have “Indian” status. This is a patriarchal understanding of a woman’s identity as dependent upon her husband’s, and meant that an Indigenous woman lost vital connections to her Indigenous identity and community if she married a non-status man. Women who lost their status could not pass on their status to their descendants. Because the reserve system mandated that ‘Indian status’ is required to live on a reserve, the removal of women’s status effectively rendered these Indigenous women and their children landless.

Resilient Indigenous women, including Mary Two Axe-Early, Yvonne Bedard, Jeanett Corbier (Lavell), Senator Sandra Lovelace Nicholas, Lynn Gehl, Senator Lillian Dyck, and Sharon McIvor challenged the patriarchal provisions of the Indian Act. In 1973, Jeanette Corbiere (Lavell) and Yvonne Bedard, who lost their status when they married non-Indigenous men, argued to the Supreme Court of Canada that the Indian Act discriminated against Indigenous women by stipulating that a status Indian woman would lose her status if she married a non-status man. The Supreme Court of Canada upheld section 12(1)(b) of the *Indian Act*, arguing that it was not discriminatory because it treated all status women the same. In 1981, Sandra Lovelace took

her case of discrimination and loss of status to the United Nations, which ruled that Canada was in violation of the International Covenant on Civil and Political Rights. In response, the Government of Canada passed Bill C-31 in 1985, repealing section 12(1)(b) of the Indian Act.

Bill C-31 created new problems for Indigenous women and their descendants, stipulating that those with 6(1)(c) status can pass status on to their descendants, while those with 6(2) status cannot. Sharon McIvor, whose son would not be able to pass status on to his descendants, mounted a nearly 20-year legal battle to ensure that her grandchildren would have status. As recently as January 2019, the United Nations Human Rights Commission found that the Indian Act continues to discriminate against Indigenous women. In August 2019, the government fully implemented Bill S-3 to remove sexism from the Indian Act and restore status to those whose status has been stripped from them. These Indigenous feminist challenges to settler-colonialism as a gendered structure are important because they have drawn national and international attention to the ways Canada has systematically disenfranchised Indigenous women. Further, their cases demonstrate that Indigenous women are a powerful political group with claims to rights and sovereignty, and illustrate the importance of an Indigenous feminist analysis of the relationship between colonialism and patriarchy.