

Before First Contact with the Europeans, women had a strong political role to play in many. This role has been diminished over time, to the point where their political voices have been silenced and violence against Aboriginal women has become a huge societal ill. The Indian Act played a large role in this: it stripped women of their status to be a legal Indian on their own – a woman had to have an Aboriginal husband or father in order to receive the privileges and rights that came with being an Indian.

### **Role of Aboriginal Women Before European Contact**

In many Aboriginal societies, women had a important role. In some Eastern nations such as the Iroquois, men could be chiefs and hold the balance of day-to-day decision-making responsibilities, but clan mothers were the ones responsible for voting on and selecting these chiefs within their nation. If the clan mothers later found that they did not like their selection, they had the right to revoke a chief's power and assign it to someone else. Therefore, male chiefs ultimately had to answer to women, who clearly held the balance of power.

Prairie Aboriginals were more patriarchal, as men held more power than in other Aboriginal cultures. There was still respect, however: any abuse or harm that came to any members of their nation could impact their own survival.

### **Causes of Gender Inequality and Violence**

Some argue that it was the Europeans who fostered the idea of inequality and redefined male/female gender roles in Aboriginal society. For instance, male European fur traders refused to deal with Aboriginal women, even though females were usually responsible for preparing the fur. Eventually, Aboriginal males had to take over these negotiations to successfully do business with the Europeans.

Even though Scottish and French men started families with Aboriginal women during the fur trade, some Europeans began to propagate myths that such women were somehow more promiscuous in nature. These notions made it easier for all men to unfairly blame or victimize Aboriginal women for their problems, and made them especially vulnerable to physical and sexual violence.

This was only furthered when Aboriginals moved into reserves on the Prairies in the 1800s and were forced to take up agriculture. Many men who had been great hunters or fishermen turned out to be dismal farmers, which was a source of shame and anger. These feelings sometimes boiled over into family life, leaving their wives or daughters as easy targets of displaced rage.

Many women felt their own self-confidence erode in these conditions. There was little recourse – if they moved off the reserve to escape the violence, they lost their Indian status under the old *Indian Act*.

Despite social and legal changes in recent years, the problem has not gone away. One out of three Native women can expect to be beaten by their partner.

### ***The Indian Act, 1876***

The *Indian Act* of 1876 effectively made women second-class citizens within Aboriginal society, and was particularly instrumental in helping erode their self-confidence and status as a group.

The act explicitly states that only males could be considered Indian in their own right. The only way women had access to the privilege of being called an Indian was to be directly descended from a father or to marry an Indian man.

If a woman with Indian status through birth married a non-Aboriginal person, she was enfranchised into mainstream Canadian society and automatically lost the right to:

- Be called an Indian.
- Live on an Indian reserve.
- Be buried on an Indian reserve with the rest of their family.

However, if a non-Aboriginal woman married an Indian man, then she was considered to be an Indian who could live and be buried on a reserve beside her husband, even if she had no prior Aboriginal blood ties.

From 1869 laws predating the *Indian Act*, until the *Indian Act's* 1951 revisions, an Aboriginal woman could not do any of the following:

- Run for the position of band chief
- Hold any other position on a band council.
- Vote in any band-related elections.

Supporting document in Early Canadiana Online:

#### ***Indian Act, 1876***

URL: [http://www.canadiana.org/ECO/PageView/9\\_02041/0056](http://www.canadiana.org/ECO/PageView/9_02041/0056)

Things did not get better for Aboriginal women with respect to their Indian status rights until 1985. That was when Bill C-31 was introduced and passed in the federal legislature. This bill reinstated Indian status for women and children who had lost it by marrying a non-Aboriginal or moving off a reserve.

These changes, however, caused outrage in Aboriginal communities, since they allowed more women and their children to share land, financial and other resources – resources that had been stretched thin by 1985. What should have been a cause of celebration fractured some Aboriginal communities even further.

Despite the changes made to the *Indian Act* in the mid-1980s, Aboriginal women are still unsatisfied with the law. They feel it continues to be sexist and unfairly favors men. They would like to see parts of the act rewritten to better reflect changes in society.

For instance, if an Aboriginal woman living on a reserve wants to divorce her husband, she can be barred from her own home without any recourse. The house, more often than not, will go to the ex-husband, according to the Native Women's Association of Canada, who, in 1999, launched a lawsuit against the Government of Canada over this issue.

### **Did you know ... ?**

At the start of this century, slightly less than 30 per cent of all Aboriginal women in Canada were living on reserves, most likely due to personal safety concerns and a lack of satisfying job opportunities. Most Native women leave reserves immediately upon becoming an adult.
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## **Modern Issues**

Life for some Aboriginal women may be better than it was under the most restrictive years of the Indian Act in the late 1800s and early 1900s. By 1974, the Native Women's Association of Canada had been created as a political vehicle to have their concerns heard across the country. (It and other grassroots Aboriginal women organizations, however, receive very little funding and often have to struggle to get heard.)

The following are just some of many outstanding issues that need to be dealt with regards to Aboriginal women's rights.

- Aboriginal women have yet to obtain an equal voice in regular First Nations organizations and band councils, which are male-dominated. Native men leading such bands and organizations have, in the past, focused more on treaty rights concerning land, hunting and fishing. While these rights are also a concern of Aboriginal women, they often overshadow other issues such as child welfare, housing and health care.
- Aboriginal women are still easy targets for violence, due to long-standing issues discussed earlier. They also have had serious trouble obtaining police help during domestic disputes or life-threatening situations in some areas of the country due to racial and cultural stigmas.

- Aboriginal women are more likely to go to jail than other women, caused by long-standing male victimization and other societal factors like poverty. For instance, Aboriginal women are more likely to not afford being able to pay small fines, and are incarcerated for this.

For more information, visit:

- the Native Women's Association of Canada.  
URL: <http://www.nwac-hq.org>
- the CBC News First Nations backgrounder.  
URL: <http://www.cbc.ca/news/indepth/firstnations>
- The Canadian Encyclopedia.  
URL: [http://www.thecanadianencyclopedia.com/index.cfm?TCE\\_Version=A](http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A)