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Measuring "real indianness": normative identity in the context of Indian status in Canada

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MEASURING "REAL INDIANNESS": NORMATIVE IDENTITY IN THE CONTEXT OF INDIAN STATUS IN CANADA

In this article an attempt will be made to consider the Indian Act of 1876 not only as a body of laws that introduced and regulated Indian status in Canada, but also as a legal tool in the process of subjection of the Native individual. Being the result of subjection, the category of "real indianness"[1] became one of many categories of Native identity.[2] As Bonita Lawrence claims, different subjects – including subjects produced by the Indian Act – "have been naturalized as distinct groups of Native peoples with entirely different histories, whose difference the Indian Act [...] now merely acknowledged" (Lawrence 26). More importantly, those different categories could be described – as Lawrence herself states–in the terms of "real Indians and others." One is tempted to ask whether Indian status was an instrument of colonial oppression or – in the words of Kathleen Jamieson – a "repository of sacred rights for Indians" (Jamieson 2), precisely "real Indians"? To be more specific, was the Indian Act and its definition of the term "Indian" internalized by Native individuals so that it became a part of their identity (the effect of subjection), at the same time seeing the "others" as profoundly threatening to the community of "real Indians"? On the basis of the above questions I will try to explain the essence of Indian status as a normative category which excluded those individuals that failed to fit its definition. This can be illustrated by the case of Indian women who, in accordance with the discriminatory regulations of the Indian Act of 1876, were not considered Indians.

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[1] The term "indianness" was taken form Bonita Lawrence's book *Real Indians and others* (22).

[2] As Emma LaRocque notices "terminology about identities is a minefield, given the history of stereotypes and legislative divisions, real cultural and historical differences" (LaRocque 7). Therefore, I decided to use the term "Indian" in the context of the Indian Act, which is a European term that represents the colonial power. I refer to LaRocque's explanation of using the term "Native peoples" which describes a "cohesive Native body in a common struggle against colonization" (LaRocque 7).

It is tempting to suggest that the process of creating different subjects – assigned to a group of "real Indians and others" – cannot be understood without taking into account the problem of normative identity. Jacek Kochanowski – a commentator of Foucault's works – explains that normative identity may be defined as identity which is a product of the subjection of an individual (Kochanowski 27–37). As such, it is concerned with behavioral or thinking patterns in accordance with social expectations. In terms of social expectations, the subjection of an individual is achieved via a system called by Michel Foucault a combination of knowledge and power. It is noteworthy that Michel Foucault was interested in the relationship between knowledge (the general accepted way of seeing and interpreting social life) and power. Indeed, to take the argument further, knowledge "organizes" the social life and imposes the interpretation of what is understood as a norm. When normative identity is taken into consideration, it is important to explain Foucault's definition of power, because power is linked with the normalization of individuals. Foucault understands power as:

> [...] multiciplity of the force relations immanent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations transforms, strengthens or reverses them; as the support which these force relations find in one another, this forming a chain or a system or on the contrary the disjunctions and contradictions which isolate them from one another, and lastly, as the strategies in which they take effect. (Foucault, *The History* 92)

Thus, power may be defined as "the network of violent relations" (Kochanowski 24), or a dynamic process in which the "interplay of nonegalitarian and mobile relations" may be observed (Foucault, *The History of Sexuality* 94). Power is effective because it uses a norm to control individuals and their actions. In the light of Foucault's interpretation, power must be analyzed through its effects. With respect to the effects of power one should draw attention to the concept of subjection.

The term subjection – in French *assujetissment* – means "introducing, imposing rules." The subject or *sujet* is understood as "one under the rule of another," the Native (colonized) under the rule of the one who is colonizing. The subject of knowledge is derived from *assujettissment* to power. The "self" comes from the subjection (Komendant 381–382). Foucault shows that the formation of one's sense of "self" is the result of "disciplinary procedures" and it came into existence inside the modern practices of power. Thus, comparing the practice of disciplining individuals (described by the French philosopher) with the practice of colonial systems, one can see the mechanisms of the subjugation or, in other words, imposing "relation of docility-utility" (Foucault, *Discipline* 137) on the colonized body. Foucault emphasizes that disciplinary

methods " made possible the meticulous control of the operations of the body" (137). Moreover, "discipline increases the forces of the body (in economic terms of utility) and diminishes these forces (in political terms of obedience" (138). As Linda Tuhiwai Smith notes, the colonizing of the Native peoples through discipline has numerous meanings, such as exclusion, marginalization or denial (Smith 68). The control of colonial authority exerted over Native peoples and the policy of assimilation provide many examples of disciplinary techniques. One method of disciplining individuals is by controlling them within a particular space. Foucault emphasizes that "discipline sometimes requires enclosure, the specification of a place heterogeneous to all others and closed in upon itself. It is the protected place of disciplinary monotony" (141).

The reserve system, introduced by the British and entrenched by the Canadian government in the nineteenth and twentieth centuries, is an example of the above mentioned principle of "enclosure" as defined by Foucault. The reserves were created to remove Indians from the path of white settlement and to assimilate them to mainstream society by transforming them into farmers. Olive Patricia Dickason provides an excellent example of disciplinary methods by describing the project of W. M Graham, the resident agent in the File Hills Colony on the Peepeekisis Reserve. The project involved establishing an Indian farm with individual lots of 80 acres each, for young Indians returning from government schools in the Northwest. The inhabitants of the File Hills Colony became farmers and "were controlled to the point of even having their marriage partners selected for them" (Dickason 299–300). As Dickason states, the colony was considered a successful experiment in Indian assimilation, partly because of Indian people's co-operation (Dickason 300). There are certain grounds for supposing that the success of the File Hills Colony can be considered a form of disciplining Native peoples in enclosed places, places which were set aside for the assimilation or normalization of Native peoples.

For the purposes of the following analysis I will use the definition of an Indian, introduced by the Indian Act of 1876. It is important to focus on how the aforementioned Act described a person who was officially declared an Indian. First of all it applied to "any male person reputed to belong to a particular band; any child of such person, any woman who is or was married to such person" (*Acts of the Parliament of the Dominion of Canada* 56). In 1869, the Gradual Enfranchisement Act stipulated that any Indian woman who married a white man would lose her Indian status and any right to band membership. It was the first act that created the concept of "status Indians" and "non-status Indians," which was then passed to the first Indian Act in 1876. This Act affected the situation of Indian women. Those who married a man without Indian status lost their own Indian status and were forced to leave their communities. As Kathleen Jamieson notes:

> The woman, on marriage, must leave her parents' home and her reserve. She may
> not own property on the reserve and must dispose of any property she does hold.
> She may be prevented from inheriting property left to her parents. She cannot take
> any further part in band business. Her children are not recognized as Indian and
> are therefore denied access to cultural and social amenities of the Indian community.
> And most punitive of all, she may be prevented from returning to live with her
> family on the reserve, even if she is in dire need, very ill, a widow, divorced or
> separated. Finally, her body may not be buried on the reserve with those of her
> forebears. (Jamieson 2)

The above description demonstrates the legal and social parameters affecting
the understanding of Indian status. The Indian Act determined the ethnic
identity of Native peoples. Quijano and Wallerstein understand ethnicity as
"the set of communal boundaries into which in part we are put by others, in
part we impose upon ourselves, serving to locate our identity and our rank
within the state" (550), so the ethnicity serves not only as "a categorization
imposed from above, but as one reinforced from below" (551). Native peoples
were socialized into mainstream society by cultural rules associated with ethnic
identities. Ethnic categories imposed upon "Indian" communities could mean
submission to the legal definitions of "indianness." What Quijano and
Wallerstein call "political calming" or "reinforcing from below" (551), Foucault
understands as a product of discipline procedures and subjection. Therefore
the Indian sense of "self," shaped by the process of colonization and then by
assimilation, is the result of subjection. The "self" is in fact a result of subjection
that is conforming to the norms of ethnicity or "real indianness." The categories
of identity have the potential of self-disciplining in relation to power/knowledge
patterns of behavior, here established in structures of colonial society. These
categories can be called "normative identities" (Kochanowski 41), those which
are the result of socialization, which is the process of early internalization of
social norms. Hence, identity indicated the place of the individual in the social
space (Kochanowski 31–32). Indian status appointed the place of Native
peoples in the colonial, social space in Canada and created the standards of
"real indianness."
    Linda Tuhiwai Smith also interprets the creation of identity categories and
their legal equivalents as a way of Native peoples' subjection. She says:

> [...] legislated identities which regulated who was an Indian and who was not, who
> was Métis, who had lost all status as Native person, who had the correct fraction of
> blood quantum, who lived in the regulated spaces of reserves and communities,
> were all worked out arbitrarily (but systematically), to serve the interests of the
> colonizing society. (Smith 22)

Using these categories was crucial for the working of the colonial system,
which Smith understands as a project ("image") of the nation. The project

included methods of dealing with Native populations. Bonita Lawrence believes that the process of forming the official standards of "real indianness" was designed to naturalize Canadian Native communities which omitted such significant cultural or linguistic differences. The author summarizes it as follows:

> In many respects, regulation of Native identity with the legislation is part of a discourse through which crucial aspects of European race ideology were imparted as a world-view to Native people [...]. Legislation regulating Native identity has been [...] a necessary means of unraveling social connections, which maintained the collective nature of most Native societies [...]. (Lawrence 38)

The Indian Act applied to "status Indians" usually living on a reserve. For instance non-status Indians might be full blooded Indians, but they were not registered as official members of a recognized band. Until the 1960s, the provisions of the Indian Act were enforced by federal Indian agents, who were federal employees and had enormous powers over the Native individuals on the reserves. They stood at the top of the disciplinary system. One of the former Indian agents recalls: "Here I was a young kid in his early twenties and I was absolutely astounded at the power I had over the life of these people" (York 59–60).

The boundaries of the reserves (here considered as enclosed places) became the limit of Indian status. The Indian Act determined who had the right to settle on the reserve. The part of the Act which was entitled "the protection of reserve" pointed out the consequences of disrespecting its rules. Only those individuals defined by the Act as Indians were the legal residents of Indian reserves, which were defined as "any tract or tracts set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians" (*Acts of the Parliament of the Dominion of Canada* 57). In connection with the issue of subjection and normalization of the individual, it is worth remembering that the purpose of a norm is to organize social life, as well as to create the subjects who would fit its limits. The norm became the tool of exclusion of others, here represented by individuals determined by the Indian Acts as "illegitimates." Therefore the Indian Act could be seen, on the one hand, as an instrument of disciplinary procedures and, on the other, as a tool of the exclusion and marginalization of others. To take the argument a step further, the example of gender discrimination of Indian women by the Indian Act can be a good illustration of the marginalization mentioned.

There is no doubt that the gender discrimination in the Indian Act was preceded by the disempowerment of women through the colonization process. The issue of the changes of women's position in traditional Native cultures as a result of European colonization was traced and examined by many authors (Accose, Anderson, Green, Kelm and Townsend, Klein and Ackerman,

Lawrence, Mihesuah). Thus to take one example, Emma LaRocque argues that colonization "had taken its greatest toll on women" (LaRocque *The Colonization* 397). According to the author the racism and sexism that could be found in the colonial process served as a means of devaluing women in Native communities. The subordination of women and the violence that they had been subjected to, in both white and Native societies, could be seen also in the context of intersecting subordination. More to the point, the Native women faced double exclusion, because of their gender and because of their race. In this connection it is important to emphasize that the double exclusion was maintained by patriarchal policies, including the Indian Act. LaRocque claims that "the tackles of colonization are not only extant today, but may also be multiplying and encircling Native peoples in ever-tighter grips of landlessness and marginalization, hence, of anger, anomie, and violence, in which women are the more obvious victims" (LaRocque, *The Colonization* 398).

To take another example, Devon Abbott Mihesuah focuses on the impact of colonial patriarchal thought that, according to her, still affects Native women's position within modern communities. Being egalitarian, most of the tribes respected their women and the work performed both by women as well as men was equally important. However, the Christian system of culture and its values changed the way Native peoples viewed gender roles. Mihesuah describes the effect of introducing Christianity into the Cherokee tribe and the intermarriage between Cherokee women and whites in the USA. She adds:

> Generally speaking, the status of women diminish as male power increased [...] by 1808 many white men had intermarried with Cherokee women, and many Cherokees had adopted Christianity. In an effective attempt to undermine the female-dominated clan system, a Council of Headmen declared that the patriarchal family was the norm, not the traditional matriarchal model in which children belonged to their, mother's clan and property belonged to the women. (Mihesuah 49)

From numerous examples it transpires that, as the effect of the colonization process in North America, Native women were cut off from the religious, political and economic life of their communities.

There is no escaping the fact that the Indian Act with its definition of the term Indian was also the colonial construct which for many years had controlled the group of "status Indians" in every aspect of their lives. Last but not least, as was mentioned above, the Indian Act was responsible for the identity formation in a group of "status Indians," ignoring the differences and dimensions of Native peoples' identity. Janice Acoose describes how the institutions, characterized by the author as white-eurocanadian-christian-
-patriarchal (weccp), made her "an Indian" according to the norms of "the Indian Act of Canada." Taking Acoose's words into consideration, it is

remarkable how the aforementioned Act violated her right to form her own identity as Cree/Métis and Saulteux (Nehiowe and Nahkawe) woman, and placed her at the bottom of Canadian society. She recalls:

> [...] the legal categorizations Indian traumatically altered my life. This legally imposed the term at once erased my Nehiowe-Metis and Ninahkawe cultures, ultimately situating me at the bottom end of the hierarchy, a place which I unconsciously accepted until I began to come into consciousness [...] and a position that would inevitably define me as someone who was other than a member of the wecc patriarchy. (Acoose 23)

Contemporary Native identity is therefore placed, on the one hand, in the category of racial identity, and, on the other, in the category of "tribal" identity (Lawrence 5). To take the argument a step further, one might argue that the Indian Act is to guard racial identity but also influences the understanding of "tribal" identity and becomes the guard of "real indianness." As it was mentioned earlier, the Indian status can be viewed as an element of normative identity and the result of colonial powers imposed on Native peoples. Again, when we examine the issue of identity we should remember that it is embedded in systems of power based on racial and gender norms. Identity is also "a powerful factor in stratification; one of its most divisive and sharply differentiating dimensions" (Bauman 38).

Those individuals who weren't officially recognized as Indian due to their gender or insufficient blood quantum became the victims of intersecting systems of oppression. Given the accelerating gender discrimination in the Indian Act, Indian women attempted to address the disempowerment of women particularly with respect to the issue of the loss of Indian status. The issue of regaining the Indian status became a fight against intersecting oppression, as well as an attempt to cross the boundaries of social invisibility. It can be assumed that both the Canadian (federal) and tribal (band) authorities had difficulties accepting multidimensional identities of Indian women, the situation when ethnicity, gender and sometimes class are crossed and intermingled. "Indianness" as a result of the subjugation processes referred to a man and a member of the band which was recognized by the federal government. The identities of the "others" were ignored or marginalized as not matching the identity of a "real Indian." When in the 1970s and 1980s Indian women challenged the colonial order and began their fight against gender discrimination of the Indian Act, they were accused by the band authorities of cooperation with the white feminist movement in Canada. The subordination of Native women was a crucial element in the process of Native peoples' subjection. Moreover, the gender divisions created by the colonial powers impacted the women's struggles. When issues of gender discrimination of the Indian Act arose, they were framed as "individual rights" versus

"collective rights," as if violations of Indian women rights were not violations of Native rights.

Gayatri Chakravorty Spivak notes that "[…] both as object of colonialist historiography and as subject of insurgency, the ideological construction of gender keeps the male dominant. If, in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as female is even more deeply in shadow" (Spivak 82–83). The subaltern is a key word here, the term which refers to the experience of intersecting oppression of Native peoples. I agree with Spivak that the term "subaltern" is "truly situational," and in my opinion, reflects the position of "Indian' women in the structure of Canadian society. On the one hand, women's struggle to regain Indian status in Canada can be understood as a form of speaking from the bottom of patriarchal, colonial structure, here represented not only by the Canadian authority, but also by Indian leaders. On the other hand, the Indian status is a colonial construct but essential to maintain the bonds with Native community.

What is surprising is that Indian women could not "speak" without reference to Indian status because all their claims were rejected as unfounded. According to the rules of the colonial system a husband or a partner was responsible for a woman and her identity. The Indian woman could not be an independent individual. She had to wipe out not only her identity and forget about family (tribal) ties, but also had to deny her womanhood. Lee Maracle claims that "the denial of Native womanhood is the reduction of the whole people to a sub-human level. […] The dictates of patriarchy demand that beneath the Native male comes Native female. The dictates of racism as that Native men are beneath white women and Native female are not fit to be referred to as women" (Maracle 17–18).

The sources of oppression against Indian women could be seen as the result of introducing the system of knowledge/power, where the white part of Canadian society objectified and located the "other" at the bottom of a social structure. As bell hooks writes, "As objects, one's reality is defined by the others, one's identity created by the other, one's history named only in names that define one's relationship" (bell hooks in Collins 71).

It is obvious that the Indian status can be considered as a category of normative identity. Therefore the identity is originated from a norm, based on a norm and used as realization of a norm (Kochanowski 40–41). Disciplinary methods of colonial system and categories of normative identity (status Indian, the "real" Indians) built, maintained and replicated the colonial discourse. "the Indian status was invented not by the laws of the powerful, but by the actions and choices of many Native peoples. The people turned a law designed for the purpose of eradicating Indians into law that could do the opposite – legally maintaining a distinct identity" (Kulchysky 64). Far be it from me to criticize the author's conclusion, but as was argued above those

"actions and choices of many Native peoples" which maintained "distinct identity" and the Indian status became the categories of self-controlling in many Native communities. The norm of "real indianness" originated in the colonial discourse, based on patriarchal gender regimes and used to marginalized those who failed to fit the frames of "Indian" identity, including Indian women who married out.

Uncertainty still prevails as to whether an individual can go beyond the categories of normative identity. Kochanowski indicates that rejection of culture, which is a source of normalizing systems, is a fiction, but an individual can create "local points of resistance inside a relation to power" (Kochanowski 49). He refers to Michel Foucault who states that

> Where there is power, there is resistance, and yet or rather consequently, this resistance is never in a position of exteriority in relation to power. [...]. Hence there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of revolutionary. Instead there is a plurality of resistances, each of them a special case [...] the points, knots, or focuses of resistance are spread over time and space at varying densities, at times mobilizing groups or individuals in a definitive way, in flaming certain moments in life, certain types of behaviour. (Foucault, *The History* 95–96; also quoted in Kochanowski 49)

Thus Kochanowski deals with the problem of non-normative identity which is defined by him as a process of exceeding limitations and barriers of a norm. That transgression of normative determinants is a local project and an individual effort (Kochanowski 52). In the view of the fact that the beginning of resistance is regaining consciousness of subjugation, the relationship between colonizer and colonized is being overcome and reversed. In that sense, overcoming subjugation and objectification is a step towards a project of transgressing a norm of "real indianness."

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