

# The Indian Act:

## Social and Cultural Consequences for Native Indian Women on a British Columbia Reserve

### ABSTRACT/RESUME

*En utilisant le cadre théorique "urbain-rural" pour décrire les relations entre la société canadienne globale et une réserve indienne de la Côte Salish de la Colombie-Britannique, cet exposé décrit la situation unique et précaire de la femme autochtone vivant sur une réserve. La multitude des problèmes auxquels font face les femmes autochtones pour obtenir un logis convenable sur la réserve sont décrits et expliqués, non seulement en termes de la sérieuse privation économique chronique de l'Indienne, mais aussi comme conséquences directes des restrictions légales qui leur sont imposées par la Loi fédérale sur les Indiens.*

*Quotidiennement, les Indiennes subissent les conséquences sociales d'un environnement culturel qui limite leurs choix quant au maintien d'un standard de vie adéquat pour elles-mêmes et leurs familles. Les moyens utilisés par ces femmes pour surmonter ces difficultés sont décrits comme autant de stratégies créatrices, des témoignages de force et de viabilité plutôt que des preuves de déclin culturel et de désorganisation sociale. Il est question des arrangements que prennent les Indiennes pour obtenir des logements temporaires ou permanents ou des soins*

**by Marjorie Mitchell**



Pnina, Granirer,  
PORTRAIT OF AN INDIAN WOMAN,  
1978, mixed media on fabric,  
(22"x30")

*pour leurs enfants à la suite d'une désertion, d'une séparation ou d'un divorce. Ces arrangements sont décrits comme des exemples de la vitalité et de l'adaptabilité de la culture des réserves. Les relations entre ces arrangements et les modes d'hospitalité ainsi que les réseaux d'entraide sont dépeintes.*

*Des facettes de l'histoire personnelle de femmes autochtones, facettes recueillies au cours des années 1971 et 1972, témoignent des stratégies individuelles de survie ainsi que des mécanismes fondamentaux permettant à la culture de la réserve de se perpétuer.*

While involved in field research in 1972, on a suburban Coast Salish Indian reserve on Vancouver Island, I encountered considerable difficulty in taking a census--a simple head count--of the reserve population. Basically, there were two problems related to a census of the nearly 300 people on the reserve. First, the Department of Indian Affairs and Northern Development census that I intended to use as a guide bore very little relationship to actual numbers or to membership in individual households. Second, when I attempted my own census, the occupants whom I recorded in one house seemed determined to confuse me by appearing as occupants of a second and even a third dwelling. Other individuals,

clearly living on the reserve, did not appear as residents of any household. The apparent day-to-day fluidity of many living arrangements was a bewildering complication in the early months of my work in the field.

Of course, many native people had expressed to me their concern with housing problems but not until I related the acute housing shortage to my exasperation with "accurate" census-taking did the larger implications emerge. These implications centre on native Indian women and the consequences, for women and their families, of restricted legal status and economic deprivation. One of the major concerns of a majority of women on the reserve is obtaining a house; it is through the active and persistent efforts of reserve women who mobilize and manipulate economic and social resources to this end that, in large measure, the Indian household survives today. Without minimizing the contribution of Indian men, it can be argued that, on a daily basis it is the women of the reserve who must cope most minutely with the combined effects of severely limited legal rights, an exploited environment, narrow economic opportunities and an insecure or non-existent home base.

The prevailing opinion among many non-Indians in Canada holds that, because native people have somehow failed to integrate themselves into the dominant Canadian society, they exist in a state

of social disorganization and moral breakdown, characterized by welfare queues, disorderly houses, neglected children, alcohol abuse and other indicators of anomie. It is argued here that contemporary Indian society exhibits a high degree of organization and, for some time, has been fully integrated into the larger metropolis, albeit at a disadvantageous hinterland level. Native Indian social organization reflects not pathology but rather ingenious and complex adaptations to the harsh conditions created by the Canadian metropolis. More specifically, native Indian women are not passive and helpless victims; instead they are durable and exceedingly strong members of society who have evolved a wide range of creative and healthy strategies for adjusting to the unhealthy and stultifying environment imposed upon them. These cultural responses do not compensate for poverty and other hardships, any more than they perpetuate them, but they are mechanisms of considerable resourcefulness and flexibility that have allowed native Indian people and their culture to survive, in spite of poverty, in a hinterland situation.

The Royal Commission Report on the Status of Women was one of the first public documents to point out those sections of the Indian Act that discriminate against women. More recently, an association of Indian women commissioned Kathleen Jamieson to

identify and document discriminatory aspects of the Act, and she has accomplished this very ably in a volume entitled Indian Women and the Law in Canada: Citizens Minus.<sup>(1)</sup> Briefly, the Indian Act defines a registered or status Indian as a person whose name is recorded on a Band or General List of Indians maintained by the Department of Indian Affairs and Northern Development (DIAND). In order to appear on one of these lists, a person must be the legitimate child of a male who is registered on that list, or the illegitimate child of a female who is a registered Indian, or the wife or widow of a person who is entitled to be registered. This last condition confers upon non-Indian women, regardless of ethnic or racial background, the status of Indian through marriage to a registered Indian man. On the other hand, the Act also stipulates that if a registered Indian woman marries a non-Indian man, she loses her status, as well as all rights, privileges and property accruing to her as a status Indian. Her name and those of any issue from the union do not appear on the Indian list. Moreover, even if she marries a status Indian man, and he is a member of another band than her own, she retains her Indian status but loses her membership, rights and property in the band of her birth. She becomes a member of her husband's band and, although she is financially compensated for the loss of membership and

property, the amount is usually insignificant. As Jamieson observes, "no sum of money can ever compensate for [her] loss and that of [her] children of their culture and identity." (2)

The contrast between the legal position of the Indian woman in Canadian society and her customary position in aboriginal Coast Salish society is marked. In aboriginal times, a Coast Salish woman remained a member of her own village and bilateral kindred throughout her life, even if she married and moved to her husband's village. Upon divorce, she might take her female children and a nursing male infant back to her natal village, where they were accorded membership in their mother's village and kindred, as well as retaining rights in their paternal village.

The Indian Act, in effect, has taken from each native Indian society the right to determine its own membership and, because it is biased against women, has taken from them their rightful cultural heritage, all but severing the most basic of family and kinship ties. In addition, these discriminatory sections of the Act not only deny native women their birthright, but also have far reaching effects on their everyday lives. It is these effects, coupled with severe economic deprivation, that, in part, give Indian reserves their hinterland status and it is within this pervasive

hinterland milieu that native Indian women have developed strategies for coping.

Two items in short supply on the Coast Salish reserve are money and houses. Access to either of these essentials is even more limited for women than for men. Only five of the 63 adult women, or thirteen percent, were fully employed for nine months or more per year. Women's work outside the home consists of predominantly unskilled labour on potato or berry farms and in fish processing plants. Aside from three semi-skilled jobs as nurse's or teacher's aides, most work for women is characterized by seasonal lay-offs, low wages and poor working conditions involving exhausting, back-breaking labour of the most routine and monotonous type. Even knitting Cowichan sweaters, a home industry, involves both physically hard work, in washing the wool, and monotony for less than one dollar per hour in return. Furthermore, nearly half the reserve women receive no income from any form of employment and must depend either upon the insubstantial cash incomes of Indian men or upon some form of government transfer payments, such as social assistance supplemented with family allowance or old age pension.

In 1972, the median income from all sources for women was only \$975 per year, while it was \$3400 for native men. For non-Indian women of the Greater Victoria area, the annual in-

come was \$2000. Among reserve women with income from employment, the median for the year was an absurd \$183, compared with \$1900 for reserve men and \$2600 for non-Indian women in the capital region. The only relatively stable source of income for women is social assistance, averaging \$2000 annually, with almost eighty percent of women on welfare relying entirely on this source. Finally, if household incomes are compared, the median for female-centred households is an annual \$5400 or about \$900 per capita, while for male-centred households the median is \$6700 or nearly \$1300 per capita. To conclude this summary of employment and income among women residents of the reserve, it should be noted that eighty-two percent of all female-centred households on that reserve fall below the Senate Poverty Lines, compared with only thirty-six percent of all female-headed, non-Indian households in Canada.

Other evidence that virtually all women of the reserve are burdened with chronic, pervasive and severe poverty is found in housing conditions. The inadequacy of Indian housing has been documented countless times in government reports, local newspapers and other publications. Although conditions are gradually improving, the quality and quantity of homes on Canadian Indian reserves remains far below that for non-Indian Canadians.

Reserve houses have been poorly constructed, often without proper foundations, insulation, wiring or plumbing, and poorly planned, frequently lacking any closet or cupboard space and always lacking adequate floor space. For example, not only was the average number of rooms seldom more than four per house, compared with six for non-Indian houses but, more significantly, the average number of occupants per reserve house was six, compared with an average of three occupants in non-Indian Canadian houses. Because there is more than one person per room in reserve houses, they are classified by Statistics Canada as "overcrowded" which is simply another way of describing a housing shortage. With sixty percent of the Indian population under 20 years of age and at least five new families forming each year on the small reserve where I worked, DIAND housing programmes are failing to keep pace with need. Even if new houses are built for new families, fifty percent of existing homes are in such poor condition that they are beyond repair. Yet all are occupied, because there is nowhere else to live. Thus, in spite of their shortcomings, new houses are clearly preferable to the dilapidated, uncomfortable, overcrowded and frequently hazardous dwellings presently inhabited by more than fifty percent of reserve residents.

Poor housing is of particular concern to Indian women, in part because they

are more involved in homemaking and child-rearing tasks and, consequently, spend more of their time inside the house. In part, as well, poor housing may be inevitable for women who have lost their Indian status or membership in their natal band, through marriage. In either case, a woman and her children have no formal or legal right to live on her natal reserve. At best, they will always be visitors; at worst, they face eviction. Yet, if she is widowed or her marriage breaks up, a woman will seek, understandably, a return to familiar people and places--in other words, she will want to go home. This is especially true for Indian women who seldom have good jobs and stable incomes that tie them to another locality much less make them financially independent. Moreover, although an Indian woman may be eligible, as a member of her husband's band, for housing on her marital reserve, a woman may experience difficulty in establishing this eligibility and in feeling at home on her in-law's reserve, especially in the case of marriage breakdown.

Thus, for emotional, social and economic reasons, the no-longer married woman and her children opt to go home. There, she must first of all accept whatever accommodation she can find with parents, siblings or other close kin who offer her at least temporary shelter. Given the overcrowded houses that most reserve-dwellers occupy, her presence, along with that of her children,

creates additional pressures on living space, sleeping arrangements, privacy and, frequently, upon family finances. Consequently, she must be extremely sensitive to intra-household tensions and resentments that her presence engenders and that build up in spite of, or perhaps because of, the extremely close bond among Indian family members. On the other hand, cramped quarters are undoubtedly more tolerable among close blood relations than among estranged in-laws. Nevertheless, in order to prepare for the day when she may feel compelled to move out, in order to avoid an open rift with close kin in close quarters, a woman will create a network of social ties with more distant relatives by offering to help out with household chores, babysitting, ritual services and other tasks. In most instances, she will refuse pay, even if it is offered, preferring instead to win a reputation as a helpful, hard-working person against the day when she may need another place to live. Some women moved three or four times a year during the two years of my field work, thus creating and explaining some of the problems in census-taking I mentioned earlier.

If she is truly fortunate, a woman and her children may find lodgings with relatives in a house in poor or condemned condition. She regards herself as fortunate because, if the relative living in the house is eligible for new housing on the reserve, the con-

demned dwelling may one day be vacated and left abandoned by band members. Although she is not eligible for new or even improved housing, nor for band-financed repairs, she will probably be permitted to stay in the abandoned house, thus gaining a modicum of independence and control not available to her as a perpetual guest in other people's homes. On the other hand, she must be prepared to move from even the poorest house, if it is claimed by someone with a legal right to it, or if it is torn down or literally falls down.

As one might expect, women especially, place great value on hospitality and sharing. All native Indian women are potentially part of this floating population, moving from house to house, for marriage to a non-Indian or to a member of another band carries with it the shadow of an uncertain and precarious home base later on. Moreover, even if she marries a member of her own natal band, a woman may lose her right to her married domicile, if the marriage ends. There is no provision in the Indian Act for joint property and houses almost always are registered in the husband's name, especially if it is built on land held by him or his family. Consequently, invitations for hospitality are given generously by women, out of a realization of need and as a form of insurance against the day when they or their daughters may need a place to live, even for a few weeks. As one woman told me, "If I

tell someone, 'there is room for you in my house,' I know there will always be room for me or my kids, in her house." Interestingly, too, while seventy-one percent of the matrifocal households on the reserve were characterized by shifting membership, only twenty-four percent of male-headed households changed membership and many more women than men changed residence at least once.

That native Indian women are conscious of their precarious position with respect to obtaining housing without financial or legal resources can best be illustrated by describing, finally, the strategies they employ in arranging for child care during and after marital separation. After discovering several instances where mothers did not keep their children after a marriage breakdown, and after hearing many times the non-Indian contention that Indian women "deserted" their children, I investigated a total of 21 cases in depth, in order to determine under what conditions a separated mother kept her children or left them with someone else.

From the mother's point of view, when her marriage ends, her alternatives include, first, keeping the children with her and living with them; second, putting the children in the care of her own kin, but living separately from them; third, leaving the children in the care of their father; or, fourth, leaving the children with their



father's kin. Although it seemed likely that the economic position of one or the other parents would be a significant factor in determining whether a woman would keep her children or leave them with someone else, neither adequacy nor stability of income, nor employment status seemed to influence her choice. An unemployed mother faced with dependence upon social assistance after leaving her husband might keep her children, even though their father was fully employed and economically more stable. Other socio-economic factors were explored, to no avail, until an explanation was offered by one of the women of the reserve who was born a member of a distant mainland band. When I asked her why she intended to leave her children with their father and his mother, she replies:

I want them to have a home, a real house, not some old two-room place like some of our people live in. I didn't want them to be like my brothers who don't own any land or a house, because they grew up off the reserve. I want my kids to have something when they grow up. There is nothing I can give them. I'm nobody here on my husband's reserve, because I don't come from around here, and I'm nobody any more on my mum's reserve, because I can't get a house there.

Considering that her husband's house is fairly large and in good condition, the woman's comment suggested that

parental access to housing or land might play a part in determining child care arrangements when a couple dissolved their marriage. From the few cases where information was available, a tentative hypothesis can be proposed, that when their marriages end, women in deciding who should care for their children take into account the potential of adequate shelter for them. In all but one of the cases where women left children with their father, he lived in a new or relatively good house or was high on the waiting list for new accommodation. When their father or his kin do not have access to a new house or one in good condition, the native Indian mother seldom has any hope of finding adequate housing for her children, especially if she has lost her status or natal band membership. In these cases, she may leave them with her own kin who have reasonably good accommodation, although because the children have their father's band membership, they will not be able to inherit houses or land from their maternal kin and ultimately may be homeless. If the mother's welcome in a relative's house wears thin, she may leave her children there, in a secure and healthy environment, while she moves off reserve on her own to establish a precarious foothold elsewhere. Although she may be unable to provide adequate housing for the children by herself, she tries to select from the limited alternatives, the best life chances that she can for her young ones. The decision to go

without her children is always a painful one but she is somewhat reassured that they will grow up in better physical surroundings than she will ever be able to provide. For other mothers, of course, not even this meagre opportunity is open.

In conclusion, I have attempted to document, very briefly, how many native women, lacking economic self-sufficiency and control over their own legal status and band affiliation, as well as access to decent housing, face a never-ending search for a secure place to live and raise children. This search may involve frequent moves, with all of the attendant stresses and strains of enforced and involuntary high mobility. For some women, the search ends only when a condemned

house can be claimed, affording privacy, if not comfort, and the privilege of extending hospitality to others. Moreover, when a woman's partnership with a man ends, she will make decisions about the welfare of her children, in order to provide them with the best long-term shelter available. If she must leave them with others, it is not because she wishes to abandon her offspring but, on the contrary, because she is keenly aware of the limitations of her situation, and her desire to see her children raised in relatively spacious and healthy surroundings outweighs other factors, including her desire to be with them. And, if there is no better alternative, the native Indian mother keeps her children with her and does the best she can to find a place for them all.

#### NOTES

1. Kathleen Jamieson, Indian Women and The Law in Canada, Citizens Minus (Ottawa: Advisory Council on the Status of Women, 1978).
2. Ibid., p. 67.