

A Select and Annotated Bibliography
Regarding Bill C-31,
Indian Registration and Band Membership,
Aboriginal Identity,
Women and Gender Issues

Public History Inc.
October 21, 2004

Published under the authority of the
Minister of Indian Affairs and
Northern Development
Ottawa, 2005

www.ainc-inac.gc.ca

1-800-567-9604

TTY only 1-886-553-0554

QS-7074-000-EE-A1

Catalogue: R2-415/2005E-PDF

ISBN:0-662-41729-1

© Minister of Public Works and Government
Services Canada

Cette publication peut aussi être obtenue

en français sous le titre : **Bibliographie choisie et commentée sur le projet de loi C-31,
l'inscription au Registre des Indiens et l'appartenance à la bande
et les questions relatives aux femmes et au genre**

Introductory Notes

Erik Anderson
Senior Research Manager
Indian and Northern Affairs Canada

The 20th anniversary of Bill C-31, an *Act to Amend the Indian Act*, was recently marked by protest in Ottawa, and a renewed interest from around the Country. Bill C-31 was passed into law in April of 1985 in order to bring the *Indian Act* into conformity with the right to gender equality under the *Canadian Charter of Rights and Freedoms*. Bill C-31 was also a focal point for the debate over self-government, and was seen by many as an infringement on First Nations' sovereignty. In the end, Bill C-31 attempted to strike a balance between ending all gender discrimination under the *Indian Act* while respecting First Nation's control of membership. Many have argued that it failed on both counts, and a great deal has been written about the impacts of Bill C-31 from a number of competing viewpoints.

Canada's three stated goals in creating Bill C-31 were: to end all gender discrimination within the *Indian Act* for the future, to restore Indian status and band membership rights to those who lost them under previous discriminatory provisions, and allow bands to control their own memberships as a step towards self-government. To achieve these goals, the *Indian Act* provisions for Indian registration and First Nation membership were amended, which resulted in an immediate increase in the number of individuals eligible for Indian registration, and also First Nation membership.

The *Indian Act* has had a profound historical impact on shaping Aboriginal identities, and the 1985 changes have resulted in both continuing and new challenges. The challenges that Bill C-31 has posed for Aboriginal women, First Nation communities and different levels of government (Aboriginal and federal), include the continuing effects of gender discrimination from previous Indian Acts, competing notions of "Indianness" in the face of shifting demographics and a renewed debate over First Nation control of membership in the context of self-determination and sovereignty.

During the period leading up to and shortly after its creation, Bill C-31 was widely debated by federal officials and Aboriginal organizations who made public a number of papers and reports. Since 1985, a significant body of academic literature has developed on a broad range of topics related to the impacts of Bill C-31. These reports, journal articles and books cover a range of related topics including impacts on population growth, individual identity and group distinctions, discrimination and gender relations, Aboriginal rights and self-government, access to benefits and services, fiscal accountability, government responsibility and Aboriginal - non-Aboriginal relations.

In March 2003, Public History Inc. was contracted to prepare a select and annotated bibliography of secondary sources on Bill C-31. This annotated bibliography of secondary sources brings together in one place a body of literature on the related topics of Bill C-31, Indian registration, First Nation membership, Aboriginal identity, self-government and gender issues. In addition to domestic sources, a literature search for Aboriginal identity and membership experiences in an international context was conducted. Secondary sources were identified for American, Australian, New Zealand and other world settings that were available locally in Ottawa, and in particular at the National Library of Canada and the departmental library of Indian and Northern Affairs Canada. As per the terms of reference for this project, the sources included in the bibliography have been published or prepared since 1969. Altogether 616 sources were located and summaries produced, some based on journal article abstracts.

This bibliography will be essential for anyone researching or writing on these issues. Academics, Aboriginal organizations and government researchers and policy makers will find this an indispensable resource as they continue to frame the issues and debates at a time when pressure to develop new policies is increasing.

(1992). "Community-Based Self-Government". Report Submitted to the Royal Commission on Aboriginal People.

This document describes the federal government's Community-Based Self-Government (CBSG) policy, announced in April 1986 as a component of its non-constitutional approach to Aboriginal self-government. The objective of community self-government negotiations is to develop a new relationship between Indian communities and the federal government by working out practical new arrangements for Indian government at the community level. Such arrangements are given effect through specific legislation which then replaces the Indian Act for the community in question. The paper outlines various developments leading up to the establishment of the CBSG policy and process, and highlights the experiences and progress to date.

(1995). Santa Clara Pueblo et al, Petitioners, v. Julia Martinez et al West Publishing.

These are notes on the 1977 case and decision of 436 U.S. 49, 98 S.Ct. 1670. The action concerned a tribal ordinance which denied membership to children of female members who married outside the tribe, while extending membership to the children of male members who did likewise. The notes describe in detail the arguments put forth in the case, the background on the case, and the decision and dissenting opinions filed by the judges.

Abbott, Karen (2003). Urban Aboriginal Women in British Columbia and the Impacts of the Matrimonial Real Property Regime. Ottawa: Strategic Research and Analysis Directorate: INAC.

This report is based on research conducted in British Columbia that qualitatively documents the impact on Aboriginal women and their children residing in Urban areas of the matrimonial real property regulations (or lack thereof) on reserve. The links between domestic violence, matrimonial property rights, and children are underscored in Abbott's analysis. Demographic information and other statistics provide a picture of the socioeconomic plight of women and children as a result of a lack of matrimonial real property legislation or insufficient regulations on reserve. She provides accounts of the participants who address the issues important to them and examines some of the measures required to ameliorate their current social conditions. There is some discussion of Bill C-31 and membership.

Abbott, Karen (2004). "Urban Aboriginal Women in British Columbia and the Impacts of Matrimonial Real Property Regime". Aboriginal Policy Research: Selected Proceedings of the 2002 Aboriginal Policy Research Conference, edited by Dan Beavon and Jerry White. London: Thompson Educational Materials.

This article is similar to a report by the same title that was prepared for Indian and Northern Affairs Canada in 2003. See the separate entry for that report in this bibliography for its content details.

Absolon, Kathleen and Anthony Winchester (1993). "Urban Perspectives Cultural Identity Project, Victoria Report: Case Studies of "Sonny" and "Emma"". Royal Commission on Aboriginal Peoples Submission.

This study explores the meaning and nature of cultural identity for Aboriginal people of various backgrounds. It consists of interviews with Aboriginal people representing status, treaty, Inuit, Métis and Non-status groups. The participants discuss why gaining status is important to them. The authors note that many participants felt that status symbolizes inclusion in their home community.

Absolon, Kathleen and Anthony Winchester (1994). "Cultural Identity for Urban Aboriginal Peoples Learning Circles Synthesis Report". Report for the Royal Commission on Aboriginal People.

This large and exhaustive report examines Aboriginal identity in an urban context. It seeks to understand and clarify what "cultural heritage" means to Aboriginal people. It also looks at how Aboriginal identity is enhanced or diminished and the role it plays in the day-to-day lives of Aboriginal people. The report notes that there are degrees of identity for Aboriginal peoples, with some people fully identifying themselves as Aboriginal while others identify in a lesser way. The report examines how Aboriginal peoples maintain their identity in a complex world with its competing identity pressures. The authors are critical of past government policies, from colonial times to the present, that helped to eradicate the identity of people with Aboriginal descent.

Ackerman, Lillian A. (2002). "Gender Equality in a Contemporary Indian Community". *Many Faces of Gender: Roles and Relationships Through Time in Indigenous Northern Communities*, edited by L. Frink, R. Shepard and G. Reinhardt, pp. 27-36. Calgary: University of Calgary Press.

Ackerman counters the argument that industrial societies and gender equality do not mix. She does this by analyzing the Colville Indian Reservation in north-central Washington. She argues that gender equality and industrialization can occur together in the same society and that they do so on the Colville Reservation. Throughout her article Ackerman examines why this is the case. She provides historical context for gender equality on the Colville Reservation and carries that review forward into the modern American industrial society. In doing so, the author examines gender/power relationships operating in the economic sphere, the domestic sphere and the political sphere. For example, in the domestic sphere, when it comes to ownership of personal property, Ackerman observes, "A married couple continues to own property separately. A husband and wife will each have their own car. Consequently, if a divorce occurs, the woman, who sought a loan for her car and paid for it out of her own income, will automatically own it." Ackerman concludes, "In all aspects of contemporary Colville Reservation culture, gender equality has survived industrialization and modernization," with only two exceptions: "the currently threatened welfare of the children after divorce, and young women's limited access to leadership in the political sphere."

Advisory Council on the Status of Women (1976). *Indian Women and the Indian Act*. Ottawa: Advisory Council on the Status of Women.

This is a short discussion paper on Native women and the Indian Act. The paper begins by differentiating between treaty rights and rights based on the Indian Act. It discusses band membership, legal status and the definition of Indian as defined by the Indian Act. The paper also deals with customary marriages both before and after 1946. It also reviews section 12(1)(b), providing options for amending it, and comments on the Lavell-Bedard case.

Aks, Judith H. (2000). "Re-evaluating Rights at the Intersections of Power: Indigenous Women's Legal Mobilization in the US and Canada". PhD thesis, University of Washington.

This thesis examines what the author terms the "double bind." The double bind occurs when remedies to counter discrimination based upon one aspect of identity, for example sex, in effect entrenches discrimination based upon another identity facet, for example race. The author analyzes and compares cases in the United States and Canada where Native women marry outside their band or tribe. Six areas where this impacts on the lives of Native women are discussed: individual civil rights, sovereignty rights, membership standards, tradition, jurisdiction and economic and material forces. The author concludes that the legal mobilization of indigenous women might help alleviate the double bind, especially if such mobilization of Native women also provides indigenous women with opportunities to redefine rights.

Albers, Patricia (1983). "Sioux Women in Transition: A Study of Their Changing Status in a Domestic and Capitalist Sector of Production". *The Hidden Half: Studies of Plains Indian Women*, edited by Patricia Albers and Beatrice Medicine. Lanham: University of America.

The author examines how the status and roles of Sioux women changed during the previous one hundred years as the reservation system was introduced to the Sioux. She discusses how Sioux women have maintained a degree of autonomy in the face of new and changing capitalistic and domestic pressures.

Albers, Patricia (1985). "Autonomy and Dependency in the Lives of Dakota Women: A Study in Historical Change". *Review of Radical Political Economics*. Vol. 17, No. 3, pp. 109-134.

This paper examines the relationship between race, class and household and its impact on the role and status of women. It presents a case study of the historical contradictions which influenced the experiences of Dakota women during the past century. It concludes that the sexism and racism experienced by American Indian women differs from that experienced by other racial groups.

Alfred, Gerald R. (1995). *Heeding the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Native Nationalism*. Toronto: Oxford University Press.

This book explores the rise of nationalism and political activism among the Kahnawake Indians and the development of a traditionalist system of identity and governance based upon the Longhouse cultural tradition. Chapter seven discusses Mohawk jurisdiction over membership and the impact of Bill C-31 on the non-codified system of membership established by the Mohawks. The Mohawks believe that reinstating Bill C-31 registrants will detrimentally affect band finances and the delivery of programs and services to members. The author concludes that as a result of Bill C-31, the Mohawks have hardened their views on membership to the extent where they now require a 50 per cent blood quantum, as one factor among several, for defining membership eligibility.

Allen, Paula Gunn (1992). *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*. Revised edition. Boston: Beacon Press.

This work was first published in 1986, and documents "the continuing vitality of American Indian traditions and the crucial role of women in those traditions." The author explores the resurgence of Indian culture and identity.

Amer, Elizabeth (1988/9). "Native Women Struggle to Return to Reserves". *Feminist Action*. National Action Committee on the Status of Women, pp. 1.

The author addresses continual discrimination resulting from Bill C-31. The author argues that, while Bill C-31 did remove discrimination from the Indian Act, it also created new inequalities by allowing band control over reserve residency. "Many poorer reserves try to accommodate the returning women and their families but an important number of the richer bands frustrate the women's attempts to return home." Even where women are welcomed back to reserves they find that they cannot return because of the housing shortages and limited opportunities. This she blames on government parsimony. The result is that Native women are made to suffer hardships once again.

Anderson, Harry H. (1973). "Fur Traders as Fathers: The Origins of the Mixed-Blooded Community Among the Rosebud Sioux". *South Dakota History*. Vol. 3, No. 3, pp. 233-270.

This article discusses the rise of a mixed-blood population of Sioux-European ancestry as well as a history of their relationship with full-blooded Sioux and the larger white society and government.

Anderson, Harry H. (1991). "The Waldron-Black Tomahawk Controversy and the Status of Mixed Bloods Among the Teton Sioux". *South Dakota History*. Vol. 21, No. 1, pp. 69-83.

This article discusses the impact of the court case *Waldron v. United States et al* (1905), which established the full and equal status of mixed blood Indians in all legal aspects of their tribal affiliation. The court ruled in the Waldron case, originating in South Dakota, that Teton Sioux custom and historic precedent were determining factors in recognizing mixed bloods as Indians with full legal rights, including the allotment of land. The case also initiated the view that cultural characteristics and political factors were as important as biological aspects in classifying Indians as full bloods or mixed bloods.

Anderson, Karen (1985). "Commodity Exchange and Subordination: Montagnais-Naskapi and Huron Women, 1600-1650". *Signs*. Vol. 2, pp. 48-62.

This article explores gender roles in early contact Aboriginal societies. The author uses the Huron Indians on the shores of Georgian Bay in the 17th century as a case study. She shows that despite the division of labour between males and females, the centrality of the household among the Huron allowed Huron women to resist male domination and the undermining of their traditional roles.

Anderson, Karen (1993). *Chain Her by One Foot: The Subjugation of Native Women in Seventeenth-Century New France*. New York: Routledge Inc.

Anderson's work is a "feminist case study of the historical and political construction of gender and racial inequality." She claims "that the subjugation of women in the seventeenth-century New France was linked with the brutal colonization of native Indian populations." Anderson argues that prior to European colonization the Huron and Montagnais peoples lived in gender-egalitarian societies, but that French civilization - along with warfare, disease, famine, and Jesuit proselytization - combined to destroy Indian culture and sexual equality.

Anderson, Karen (1996). *Changing Woman: A History of Racial Ethnic Women in Modern America*. New York: Oxford University Press.

Anderson presents historical perspectives on the lives of American Indian, African American, and Mexican American women in the United States during the nineteenth-century. She places ethnic women at the center of her inquiry in order to illustrate the historical processes revealed and shaped through their lives and actions. Anderson focuses, in part, on the ways which exclusionary definitions of "fellow citizens" have inflicted harm on women of color (and others). By doing so, she "calls into question the emancipatory possibilities of identities based in national citizenship." Anderson adds that "only by analyzing the specifics of women's lives - their class, race, time, place, and so on - can we make sense of their attempts to create meaning, claim resources and power, and reconstitute social relations." When looking at American Indian women and their struggles with the dominant culture, Anderson emphasizes those nations that "experienced the clash between government authorities and traditional cultures most severely," most of which are located in the Western Plains states.

Anderson, Kim (2000). *A Recognition of Being: Reconstructing Native Womanhood*. Toronto: Second Story Press.

This book, through a series of interviews with 40 prominent and respected Native women, explores the position of Native women in traditional Aboriginal cultures prior to and following European contact. The central question of the book is: "How do Aboriginal women maintain their power in spite of all the oppression?" Anderson argues that Native women lost their equal standing in their communities as a result of European views towards women. She also examines how Native women have struggled to maintain their identities and form new ones in the face of this cultural clash. Native women, she says, have done so through a four-fold "identity formation process" that Anderson identifies as resist, reclaim, construct and act. That is, Aboriginal women should resist others' negative definitions of who they are, reclaim their Aboriginal tradition, construct a positive identity by infusing their tradition into contemporary life and act in accordance with the identity they have claimed in a way that sustains and uplifts their community.

Archibald, Linda (1994). "Inuit Women and Self-Government". *Canadian Woman Studies*. Vol. 14, No. 4, pp. 112-114.

The author provides a brief overview of what self-government means to Inuit women. "While Inuit women fully support and need self-governing structures at the regional level, and they want these recognized and protected in the Canadian Constitution, Inuit women also need to see and feel that they are self-determining at the community level." The paper provides comments by Inuit women on self-government that shows how this view was developed and is supported by Inuit women.

Archibald, Linda and Mary Crnkovich (1999). *If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey's Bay Nickel Project*. Ottawa: Status of Women Canada.

The authors study the connections among Aboriginal land claims, major resource development projects and environmental assessments along with their impact on the lives of Labrador Inuit women and their families. They observe, "when one examines these policies and processes, gender does not emerge as an obvious component." As such, they attempt "to expose the gender issues hidden within the land claims and environmental assessment processes under way in Labrador." The report is divided into three parts. Part one contains an overview of Aboriginal land claims and the federal land claims policy. It also reviews the impacts of the federal policy on Aboriginal women, including the absence of a gender-based analysis. Part two examines the federal laws and policies dealing with environmental assessment, focusing on the Voisey's Bay nickel mine/mill project environmental assessment process as it unfolded in relation to Inuit women. The paper concludes with recommendations of possible policy options to address the issues identified and discussed. These include greater Aboriginal women's participation in gender-based analyses of policies.

Armitage, Andrew (1995). "Australia: The General Structure of Aboriginal Policy". Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand, pp. 14-40. Vancouver: UBC Press.

The author discusses and describes the evolution of the definition of "Aborigine" in Australia. In the initial contact period, identity was based upon visual clues, sometimes referring to Aboriginal blood. Full-blooded Aborigines were those whose parents were both known as Aborigines. Half-castes, those with one Aborigine parent, were considered Aborigines but often with a lifestyle qualifying provision. By 1930, it had become difficult to use a visual method for determining identity, and various Australian states adopted other definitions. Some states kept registers based upon descent but these differed from state to state. Then, in 1967, Aborigines were brought under the legislative powers of the Commonwealth of Australia. In theory, since the 1970s, a definition has been unnecessary since services and regulatory provisions are universal; however, in practice, individuals "make their own judgments as to who are Aborigines". The current definition used in legislation refers to anyone who is wholly or partly descended from the original inhabitants, who claims to be an Aborigine and who is accepted as such within their community.

Armitage, Andrew (1995). "New Zealand: The General Structure of Maori Policy". Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand, pp. 100-135. Vancouver: UBC Press.

The author provides a general account of how the Maori of New Zealand have been identified since contact. He states that unlike the experiences in Australia and Canada, there have been few difficulties defining Aboriginal peoples in New Zealand because Maori-specific services are open to all who identify as Maori. The 1860 Treaty of Waitangi established the Maori on the same legal grounds as everyone else in the country, so few definitions based on race exist. Although some legislative definitions were made, in practice anyone can claim to be Maori if they have one Maori ancestor and wish to be recognized as such. Alternatively, any person of Maori ancestry could also define themselves as a British subject. A process of self-definition and Maori peer evaluation is used to determine affirmative action programs.

Armitage, Andrew (1995). "Similarities and Differences among Australia, Canada, and New Zealand". Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand, pp. 185-219. Vancouver: UBC Press.

The author compares the way New Zealand, Australia and Canada have defined Aboriginal peoples over time. He identifies several evolutionary stages: institutionalized contact, acculturation, domination, and paternalism, showing how the "white" definition of "Aboriginal" evolved through these stages. He brings in discussions on blood quantum, culture and lifestyle as being links to identity. Brief mention is made of the current struggles in Canada, Australia and New Zealand over the process of registration, access to areas reserved for Aboriginal peoples and the right to be Maori.

Arnott, Jennifer (1997). "Re-emerging Indigenous Structures and the Reassertion of the Integral Role of Women". In *The Presence of Women: Representations in Canadian Governments*, edited by Jane Arscott and Linda J. Trimble, pp. 64-81. Toronto: Harcourt Brace and Company.

Looking mainly at the Dene and Inuit peoples, the author studies the re-emergence of Aboriginal governments and decision-making bodies and the role Aboriginal women can play in those governments and decision-making bodies. The author discusses the different approaches to governing as practiced by Europeans and Aboriginal North Americans, noting that European structures tend to be male-dominated and top-down in orientation, while Aboriginal structures were traditionally consensus-based and allowed room for full female participation. Arnott explores the roles of women in these traditional Native systems. Based on her analysis, Arnott argues that the currently emerging Indigenous structures must embrace consensus decision-making, the full political participation of all people, stress collective rather than individual rights, and reflect a decentralized authority.

Assembly of First Nations (1984). *A Report on the Self-Government Bill*. Ottawa: Assembly of First Nations.

This booklet outlines the provisions of Bill C-52, *An Act Relating to Self-Government For Indian Nations*, introduced by the Minister of Indian Affairs in June 1984. The author explains the intent of the various sections of the bill and comments upon possible amendments. In the end, this Bill failed to pass the Senate and receive Royal Assent.

Assembly of First Nations (1988). *Assembly of First Nations Positions on the 1985 Indian Act Amendments or Bill C-31*. Ottawa: Assembly of First Nations.

This report analyzes the cost projections for programs in light of the Bill C-31 amendments. It was presented by the Assembly of First Nations to the DIAND Task Force on Bill C-31. Both the Native Council of Canada and Native Women's Association of Canada participated in the meetings which led to the report. Four principles were developed: that no band should have to deplete its current "A" Base funding, that budgeting must allow for a return of all persons added to membership lists, that additional land must be provided proportionate to the membership increase and that funding must cover all current and future impacts.

Australian Law Reform Commission (1980). "Aboriginal Customary Law - Recognition?" Discussion Paper No. 17. Australia: The Australian Law Reform Commission.

This report is intended to promote discussion and elicit comments for consideration by the Australian Law Reform Commission. The report discusses who is an Aborigine given that few Aborigines live a fully traditional life, and that many are urbanized, or are of mixed European-Aboriginal heritage. The paper defines some of the descent criteria under consideration by the commission, such as blood quantum, self-identification, acceptance by the group and lifestyle.

Bacigalupo, Ana Mariella (2003). "Rethinking Identity and Feminism: Contributions of Mapuche Women and Machi from Southern Chile". *Hypatia* [Special Issue: Indigenous Women in the Americas]. Vol. 18, No. 2.

Bacigalupo analyzes "how machi discourse and practice of gender and identity contribute to feminist debates about gendered indigenous Others, and the effects that Western notions of Self and Other and feminist rhetoric have on Mapuche women and machi: people who heal with herbal remedies and the help of spirits." She argues that the Machi's juggling of differing world views offers a unique understanding of the way identity and gender are constituted as well as insight into the relationship between Self and Other, theory and practice, subject and object, and feminism and Womanism.

Backhouse, Constance (1999). "Race Definition Run Amuck: Slaying the Dragon of Eskimo Status in *Re Eskimos*, 1939". *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*, pp. 18-55. Toronto: University of Toronto Press.

Chapter two explores the 1939 decision by the Supreme Court of Canada that established the Inuit as a federal responsibility by defining them as Indians. The author discusses how the legal definition of Indian developed, why distinctions based upon blood were made and how the definition of Indian impacts upon cases before the court. This chapter also discusses how the inclusion of Inuit in the definition of "Indian" affected their racial and cultural identity and how anthropologists categorized racial differences among them.

Baines, Beverley (1993). "Law, Gender, Equality". *Changing Patterns: Women in Canada*, edited by S. Burt, L. Code and L. Dorney, pp. 243-278. Toronto: McClelland and Stewart.

Baines examines legal challenges by individuals claiming legislative discrimination, both prior to and following the implementation of the Charter. The author discusses the *Drybones*, *Lavell* and *Bedard* cases, the Bill of Rights, and the role of the women's lobby in affecting Charter challenges.

Banks, Cyndi (2001). "Women, Justice, and Custom: the Discourse of "Good Custom" and "Bad Custom" in Papua New Guinea and Canada". *International Journal of Comparative Sociology* Vol. 42, pp. 101-122.

Banks explores and contrasts court decisions involving custom, the rights of women, and positivist law in Papua New Guinea and Canada. She observes that in Papua New Guinea the courts have struck down aspects of custom or customary law as being "repugnant to the general principles of humanity and in violation of positivist law." Meanwhile, Banks states, in Canada "men have argued for the application of custom as a mitigating factor in sentencing, asserting that it offers justification for conduct against women judged criminal under positivist law." By comparing and contrasting judicial discourse on custom or customary law in the two countries Banks attempts to illustrate the tensions between custom and positivist law. In doing so, Banks reveals how custom comes to be judged as either good or bad and seen as non-normative in one country but as an appropriate cultural response when sentencing in the other. The author also discusses judicial attitudes towards women held by judges in Northern Canada and how these views affect their judgment.

Barcham, Manuhua (2000). "(De)Constructing the Politics of Indigeneity". *Political Theory and the Rights of Indigenous People*, edited by D. Ivison, P. Patton and W. Sanders, pp. 137-151. Cambridge: Cambridge University Press.

This paper examines the politics of identity and its effects on the Maori people of New Zealand. In doing so, it discusses definitions, Aboriginal rights, Aborigines in urban settings and government policy.

Barman, Jean (1997/98). "Taming Aboriginal Sexuality: Gender, Power and Race in British Columbia, 1850-1900". *BC Studies: The British Columbia Quarterly*. No. 155/166 (Autumn/Winter), pp. 237-266.

The author discusses how white-male culture created an Aboriginal women's identity in British Columbia. She examines the years 1850 to 1900. Barman argues that Aboriginal women were "sexualized" and, given Victorian attitudes towards sex, their sexuality had to be tamed. Aboriginal women were sexual objects, who were rarely given any form of identity other than sexual, the author states. "Not just Aboriginal women but Aboriginal women's agency was sexualized. In the extreme case their every act became perceived as a sexual act and, because of the unceasing portrayal of their sexuality as wild and out of control, as an act of provocation. By default, Aboriginal women were prostitutes or, at best, potential concubines." Barman states that Aboriginal women's "actions were imbued with the intent that men in power had so assiduously ascribed to them, thus vitiating any responsibility for their or other men's actions toward them." "They were," states the author, "doubly inferior by virtue of their gender and race." The author laments the fact that such attitudes towards Aboriginal women are still found today.

Barman, Jean (1999). "Invisible Women: Aboriginal Mothers and Mixed-Race Daughters in Rural Pioneer British Columbia". *Beyond the City Limits: Rural History in British Columbia*, edited by R.W. Sandwell, pp. 159-179. Vancouver: UBC Press.

In this essay, Barman attempts to give voice to Aboriginal mothers and their mixed-race daughters who lived in rural, pioneer British Columbia. "After examining factors encouraging relationships between non-Aboriginal men and Aboriginal women," her work "explores the nature and range of contact." Barman then turns her attention to the mixed-race daughters of Aboriginal women and non-Aboriginal men. These women, she argues, faced "life chances" that "were very much affected by factors beyond their control," but who demonstrated "remarkable agency in fashioning their lives within the constraints imposed upon them." Despite this agency, many became "invisible women." The reasons for their social invisibility "were not only due to the willingness of the dominant society to have them disappear," Barman argues, but also, in some cases, it was due to their own complicity - they chose invisibility. "The uncompromising racism of the day... easily ostracized [visible] mixed-race sons" because as males, "they had no choice but to exist in the public world of work." However, mixed-raced "daughters had more options, and in the interests of their own and their offspring's survival in a racist society, many made themselves invisible."

Barsh, Russel Lawrence (1993). "Aboriginal Self-Government in the United States: A Qualitative Political Analysis". For Seven Generations. Ottawa: Royal Commission on Aboriginal Peoples.

The author provides the Royal Commission on Aboriginal Peoples with an analysis of the United States' 60-year-old experiment with tribal self-government. He is concerned with how tribal governments actually behave rather than with what U.S. law actually allows. The report is largely qualitative in nature, and is based on the author's observations made over the previous 20 years as a tribal lawyer and consultant. He provides an historical overview of American Indian self-government.

Barth, Fredrik, ed. (1970). *Ethnic Groups and Boundaries: The Social Organization of Culture Differences*. London: George Allen and Unwin.

This collection of essays addresses the problem of ethnic groups and their persistence: how they are organized, how they maintain their identity and how others view them. In short, this book is about how ethnic groups maintain their boundaries. The various articles discuss minority ethnic groups in Africa, Norway, Mexico, Afghanistan and Laos.

Bartlett, Richard (1988). *The Indian Act of Canada*. Saskatoon: University of Saskatchewan, Native Law Centre.

In this booklet, the author discusses the evolution of the Indian Act and the definition of Indian under the act, including the Bill C-31 era. The author also reviews the historic powers of band councils and their role on reserves. The discussion is meant to highlight where and how the federal government has failed in its promises with regard to treaties made with First Nations, and to show that the federal government has yet to confer any meaningful powers of self-government on the Indian people.

Bartlett, Richard H. (1986). "Indian Self-Government, the Equality of the Sexes, and Application of Provincial Matrimonial Property Laws". *Canadian Journal of Family Law*. Vol. 5, pp. 188-195.

This article explores the application of provincial matrimonial property laws to matrimonial property on reserves. The author analyzes several cases and critiques the reaction by the National Action Committee on the Status of Women and its demands for changes to the Indian Act that would provide women with similar marital property rights enjoyed by other Canadian women. The author contends that such an action would impinge upon the Indian right to self-government and threaten the assimilation of the Indian people.

Bastien, Betty (1996). "Voices Through Time". *Women of the First Nations: Power, Wisdom and Strength*, edited by Christine Miller and Patricia Chuchryk, pp. 127-130. Winnipeg: University of Manitoba Press.

In this short essay, the author explores how the concept of tribal identity and cohesiveness has been negatively affected by both the Indian Act and the education system. The author views a strong sense of self, or cultural identity, as providing the purpose of life for Indian people. The author argues that Aboriginal women are the ones who hold and perpetuate this tribal identity. Provisions of the Indian Act which have detached women from their bands, for example section 12(1)(b), have detrimentally affected the cultural strength and cohesiveness of both individual First Nations and Aboriginal society as a whole. Conversely, the author argues that it is through the efforts of Aboriginal women that tribal identity still exists.

Bataille, Gretchen M. and Kathleen M. Sands (1991). *American Indian Women: A Guide to Research*. New York: Garland Publishing.

This is an annotated bibliography with some 1,500 entries dealing with American Indian women. It includes references to Canadian Indian women and Canadian sources, but one review says that references to Canadian issues and publications are limited. The work concentrates on Indian women in the United States.

Battiste, Marie Ann (1989). "Mi'kmaq Women: Their Special Dialogue". *Canadian Women Studies*. Vol. 10, No. 2/3, pp. 61-63.

This article discusses the Mi'kmaq concept of gender differences and the roles of men and women in society. The author states that the idea of gender and gender difference is a foreign concept brought into the traditional Mi'kmaq world-view from Europe. Despite these foreign pressures, Battiste says that it has been Mi'kmaq women who have maintained the Mi'kmaq cultural identity and have done so in a changing world. One factor that aids this effort is the importance of the family and tribe over that of the individual in traditional Mi'kmaq life. Gender differences, she says, are artificial and can be removed by returning to a more traditional way of being.

Bayefsky, Anne F. (1982). "The Human Rights Committee and the Case of Sandra Lovelace". *The Canadian Yearbook of International Law*. Vol. 20, pp. 244-266.

This article outlines Sandra Lovelace's complaint to the United Nations Human Rights Committee regarding her loss of Indian status under section 12(1)(b) of the Indian Act. The author provides a review of the committee's decision, as well as a general account of the process followed by the committee, offering a discussion on the admissibility of submissions. The author concludes that the Canadian government's response to Lovelace was insufficient, and recommends that the decision of the committee be used to urge legislative change to end the discrimination contained in the Indian Act.

Bayefsky, Anne F. (1992). "The Effect of Aboriginal Self-Government on the Rights and Freedoms of Women, Comments on Analysis No. 4". *Network Analyses: Reactions*. Ottawa: Network on the Constitution.

The author argues that the lack of recognition given the Native Women's Association of Canada during the Charlottetown constitutional discussions surrounding the development of Aboriginal self-government by the Government of Canada and other Native organizations, provides evidence that the rights of women were not fully considered. The author provides a brief discussion on how the Charter and the Constitution will not protect the equality rights of Aboriginal women should First Nations achieve self-government.

Bear, Shirley and the Tobique Women's Group (1991). "You Can't Change the Indian Act?". *Women and Social Change: Feminist Activism in Canada*, edited by Jerri Dawn Wine and Janice L. Ristick. Toronto: James Lorimer and Company.

This article discusses discrimination in the Indian Act and the struggle of the Tobique Women's Group to eliminate it. The article begins with a general description of the women who were involved with the Tobique Women's Group when it initially formed to combat sex discrimination on the Tobique Reserve. To make their concerns known, the Tobique Women's Group occupied the band office, participated in a protest walk to Ottawa and lobbied the federal government to have the Indian Act changed. The article also discusses perceived problems with Bill C-31, and the fear that sex discrimination will continue if Aboriginal collective rights are allowed to take precedence over individual women's rights in any self-government or Indian Act amendment discussions.

Beaty Chiste, Katherine (1994). "Aboriginal Women and Self-Government: Challenging Leviathan". *American Indian Culture and Research Journal*. Vol. 18, No. 3, pp. 19-43.

The author discusses the fissures in the Aboriginal community apparent in self-government talks, especially between the Native Women's Association of Canada (NWAC) and the Assembly of First Nations (AFN). She provides a descriptive account of the events surrounding the Charlottetown Accord, the participants involved and the positions of each. The article contends that the rejection of the Accord by First Nations people was due more to the mistrust of various AFN leaders by women's groups, especially NWAC, than any real disagreement over the need for Aboriginal self-government. The author also discusses the polarization of views held by NWAC and the AFN during the Bill-31 hearings.

Behiels, M., ed. (1999). *Futures and Identities: Aboriginal Peoples in Canada*. Montreal: Association for Canadian Studies.

This collection of essays looks at patterns of identity in the Aboriginal community in an effort to understand what it means to be "Aboriginal." Taken together, these essays reveal how Aboriginal groups and Aboriginal women are reclaiming and asserting their identity. Various articles bring in discussions on Aboriginal rights, Bill C-31, membership and status issues. See individual articles in this bibliography by: Kenneth Coates, "Being Aboriginal: The Cultural Politics of Identity, Membership, and Belonging Among First Nations in Canada"; E.J. Dickson-Gilmore, "More Mohawk than my Blood: Citizenship, Membership and the Struggle over Identity in Kahnawake"; and Adriano Santiemma, "Towards a Monocultural Future Through a Multicultural Perspective? The Iroquois Case."

Behiels, Michael D. (2000). "Native Feminism versus Aboriginal Nationalism: The Native Women's Association of Canada's Quest for Gender Equality, 1983-1994". *Nation, Ideas, Identities: Essays in Honour of Ramsay Cook*, edited by Michael D. Behiels and Marcel Martel, pp. 212-231. Don Mills: Oxford University Press.

Behiels discusses the Native Women's Association of Canada's (NWAC) involvement in Canadian constitutional talks. He addresses NWAC's struggle for a seat at the constitutional table and the conflict between NWAC and the Assembly of First Nations (AFN) over gender equality rights versus Aboriginal collective rights in the Canadian Constitution. By 1992, after limited success, a more radical NWAC emerged that aimed to "ensure that gender equality and the inherent right to Aboriginal self-government would be achieved simultaneously or not at all." The article recounts NWAC's struggle "to prevent the 'male-stream' AFN and governments from constitutionalizing the entrenched 'patriarchy' of Canadian society and the Aboriginal communities." It also describes NWAC's efforts to reconcile Native feminism with traditional Aboriginal nationalism in order to better achieve its goals.

Bell, Catherine (1991). "Who are the Métis People in Section 35(2)?" *Alberta Law Review*. Vol. 21, No. 2, pp. 351-381.

Bell attempts to explain the meaning of section 35 of the Constitution Act, 1982 as it applies to the Métis. She states that, although section 35 may appear straightforward, in reality it is ambiguous. This ambiguity, Bell argues, "stems from the fact that the section does not define the term 'Métis' nor does it say whether the 'Métis' have existing aboriginal rights recognized in section 35(1)." These questions arise, argues Bell, because the Métis are not a homogeneous group that are easily defined. In addition, they are traditionally excluded from federal programs benefitting Indian peoples. The author examines some of the difficulties involved in defining the term Métis, and reviews some definitions suggested by various Métis and other groups. She concludes that the Métis must be defined "according to logical and political considerations in addition to self-identification based on racial, cultural and historical criteria."

Bell, Catherine (1997). "Métis Constitutional Rights in Section 35(1)". *Alberta Law Review*. Vol. 36, No. 1 (December), pp. 180-217.

The abstract states, "In this article, the author explores the need for a theory of Aboriginal rights broad enough to include all of the Aboriginal peoples of Canada. She examines recent developments in judicial recognition of the constitutional rights of the Métis people since their inclusion in section 35(1) of the Constitution Act, 1982 and applies the fiduciary principle to dealings between the federal government and the Métis. The author also argues that the Métis inclusion in section 35(1) suggests that their rights are inherent, 'sui generis' rights. However, the author is concerned about decisions such as *R. v. Van der Peet*, which may limit Aboriginal s. 35 rights to the protection of pre-contact activities that were, and continue to be, central to Aboriginal culture. The author argues that using European contact as a blanket cut-off point for defining rights of all Aboriginal peoples could threaten the rights of the Métis, whose culture is a blend of European and Aboriginal elements. A more appropriate date is suggested for measuring the existence of historical Métis rights, namely the date of actual imposition or negotiation of colonial law or government."

Bendell, Jennifer (1990). "Change and Continuity: Native Women's Organizations". MA thesis, University of Toronto.

The author describes the emergence and development of Native women's organizations at the local and national levels. The author argues that these organizations are an example of how Native women have adapted traditional roles to reflect changes within their communities. As councillors, administrators, social-service workers and within voluntary associations, Native women view their community and political activities as extensions of their traditional domestic responsibilities. Bendell discusses the role of the Native Women's Association of Canada in the removal of discriminatory sections of the Indian Act and the reinstatement of status to women. The author places the Native women's movement within the larger context of the women's rights movement. She also discusses a variety of other Native women's programs and services developed over the past twenty years.

Benwell, Ann Fenger (1994). "Generating Canadian Indian Identity, Bill C-31 and the Constitution". MA thesis, University of Copenhagen.

This thesis examines how the legal definition of Indian is received and used by Indians themselves. It looks at who is an Indian and how this identification has changed. The effects of the separation of status and band membership are outlined as well as the reasons why status is sought by Bill C-31 applicants. Chapter four looks at how "Indianness" is determined and discusses the use of a blood quantum in doing so.

Berger, Bethany Ruth (1997). "After Pocahontas: Indian Women and the Law, 1830 to 1934". *American Indian Law Review*. Vol. 21.

The author examines American federal and state case law "of the century preceding the Indian New Deal of 1934." Berger also examines how judges and legislators thought "about Indian women and their children, to analyze their (mis)conceptions of how Indian law treated them, and to hypothesize the effects on the women and their communities of the legal rules thus created." The cases are divided into three parts: "those that decided the status of Indian women directly, diminishing the power and autonomy of women in tribal communities; those that decided the status of Indian women as wives, giving access to tribal property to white husbands while allowing Indian and white husbands to end their legal obligations to Indian women at will; and those that decided that status of Indian women as mothers, either facilitating the separation of children from their mothers and their assimilation into non-Indian culture, or using the identity of the mother to label and stigmatize the child." In addition, Berger looks "at several instances in which tribes themselves force Indian women from tribal land or otherwise diminish their power, and discuss the ways in which nontribal policies may have influenced these actions." The author studies these cases in light of "two historical trends of the nineteenth and early twentieth centuries" that she argues had "the greatest impact on Native American women: the devastating path of federal Indian policy and the development of the 'cult of true womanhood' in American culture."

Berry, John W. (1993). *Aboriginal Cultural Identity*. Cross-Cultural/Multi-Cultural Association. Canada: Royal Commission on Aboriginal People.

The Aboriginal Cultural Identity project seeks to understand various aspects of ones' cultural identity. The author examines how individuals see themselves, the importance of that identity to the individual concerned, the self esteem attached to that identity, the wish to maintain or change one's identity, the behavioural expression of that identity, and whether it is confused, conflicted or consolidated. The study also examines various events and experiences in the lives of individuals that give rise to their cultural identity.

Berthrong, Donald J. (1992). "Struggle for Power: The Impact of Southern Cheyenne and Arapaho 'Schoolboys' on Tribal Politics". *American Indian Quarterly*. Vol. 16, No. 1, pp. 1-24.

This paper examines the impact of educated tribal members on Cheyenne-Arapaho government during the period 1891-1937. Until 1917, only traditional headmen and chiefs made tribal decisions and interacted with the federal government. Gradually, Cheyenne and Arapaho who had attended Carlisle, Haskell and agency schools exerted more influence; this led to a 1929 constitution allowing elections and minimizing the direct control of chiefs and headmen. Throughout negotiations surrounding the Oklahoma Indian Welfare Act (OIWA), tension between the "schoolboys" and traditional leaders was integral to tribal maneuvering. By the creation of an OIWA constitution in 1937, the "schoolboys" became the dominant group within the tribal council. Blood quantum became secondary to education, as evidenced by elections during 1928-37.

Binnema, Theodore (2002). Women and the Canadian Government's Definition of Indian. Canada: Canadian Women's Studies Association Conference.

The author argues that the Canadian government's decision to exclude from legal status the descendants of a marriage between a white man and an Aboriginal woman came about only after consultation with Aboriginal groups. The author's examination of the circumstances surrounding the original drafting of the Indian Act reveals that the government of the day made a sincere effort to define Indians according to their ancient customs and traditions. The author notes that in the 19th century, a person's ethnicity was more the product of his or her relationship to a given community than biologically determined.

Bish, R.L. (1986). A Practical Guide to Issues in Gitksan-Wet'suwet'en Self-Government. Victoria: School of Public Administration, University of Victoria.

The author discusses issues that need to be addressed prior to Natives achieving self-government. He suggests that specific proposals from First Nations are needed to further the progress toward Aboriginal self-government. This report outlines five components of self-government and proposes a method for addressing each. One aspect, defining citizenship, is crucial to self-government, he argues, since citizenship gives individuals a voice in the government, which grants government legitimacy. The author provides the background theory behind citizenship designations but does not discuss the merits of one rule of citizenship over another. He mentions that the historic definition of an Indian affects future citizenship determinations, but does not discuss the effects such a definition may have.

Blacklock, C. and L. MacDonald (1998). "Human Rights and Citizenship in Guatemala and Mexico: From 'Strategic' to 'New Universalism'". *Social Politics: International Studies in Gender, State and Society*. Vol. 5, No. 2, pp. 132-157.

The authors present an overview of cases from Guatemala and Mexico that illustrate the "'strategic' use of the discourse of human rights in struggles for citizenship in the 1980s and 1990s." In doing so, the authors provide an overview of the various political and economic elements "that have interacted to create a situation in both Guatemala and Mexico where human rights and citizenship are integrally connected." The authors also show how the roles played by women's organizations in Guatemala and by indigenous movements in Mexico have exposed "the exclusionary nature of the discourse of universal human rights." They conclude "by considering the possibility that the political work of women and indigenous peoples may point the way to a 'new universalism' of rights which can incorporate specificity and difference."

Blaney, Fay (2000). "AWAN's Bill C-31 Project: Participatory Action Research in Action". Kinesis. (December/January), pp. 7.

The author highlights the position of the Aboriginal Women's Action Network on a wide range of topics that are discussed in greater detail in their "Bill C-31 Final Report." She reviews the position of reinstated women from their applying for reinstatement to their acceptance by bands. Blaney argues that reinstated women are marginalized members of their community because of provisions in the Indian Act and through unaccepting band councils. She notes that matrimonial property issues threaten the equal treatment of Aboriginal women, that the 6(2) cut-off is discriminatory and that the Registrar's requirement that mothers name the fathers of their children in order to prove paternity is unfair.

Blu, Karen I. (1980). *The Lumbee Problem*. Cambridge: Cambridge University Press.

This book provides an anthological look at the identity of the Lumbee Indians of Robeson County, North Carolina. The author traces their political and legal history, "arguing that Lumbee political activities have been powerfully affected by the interplay between their own and others' conceptions of who they are." In doing so, she "offers insights into the workings of racial ideology and practice in both the past and present South. These insights," she says, "in turn shed light on the nature of Indianness as it is widely experienced by non reservation Southern Indians, of whom it is too often mistakenly asserted, 'They would rather be White, but they can't, so they will settle for Indian.'" Through her study of the Lumbee - who are Indians who lack what are thought to be traditional Indian customs and traits - the author concludes, "Indianness is based in an orientation toward life, a sense of the past, '[and] a state of mind'...It is the way of doing and being that is 'Indian', not what is done or the blood quantum of the doer."

Blumer, Irena (1993). *Native Women and Equality Before the Courts*. Ottawa: National Association of Women and the Law.

This author discusses discrimination against Aboriginal women in the Canadian court system and in their own communities, placing it in the context of Aboriginal self-government. She provides a detailed analysis of discrimination contained in the Indian Act and what the author terms the "band-aid attempts" to correct this through the use of the Charter of Rights and Freedoms and Bill C-31. Blumer further states that negative images of Aboriginal women, and discrimination against them, are common in both the Aboriginal community and the larger Canadian society. The author concludes that although Aboriginal self-government is considered the answer for Aboriginal problems, it would not, in her view, adequately address discrimination against Native women, especially where that discrimination is perpetuated by Native governments.

Boldt, Menno (1973). "Indian Leaders in Canada: Attitudes Toward Equality, Identity and Political Status". PhD thesis, Yale University.

This thesis argues that enlightened Indian leaders do not perceive political independence as being feasible, viable or advantageous, especially in the short term. The author argues that if equality within the system is denied, and if political independence is perceived as advantageous by a significant number of people, then people begin to believe that being politically independent would benefit them economically, socially and culturally even if the reality is otherwise. Boldt argues that people struggling for equality adopt and approve extra-legal actions in the pursuit of their goal. This dissertation was prepared in the years following the failure of the 1969 White Paper on Indian Affairs, and reflects that period.

Boldt, Menno (1980). "Canadian Native Leadership: Context and Composition". *Canadian Ethnic Studies*. Vol. 12, No. 1, pp. 15-42.

This paper presents a social profile of the current Aboriginal leadership. The author observes that Indian leaders are young, elite but not elitist, and share a similar socio-economic background. The role of gender in Indian leadership is discussed as it relates to both the absolute number of female Indian leaders and the ability of Indian leaders to reflect female views and concerns. The degree to which Native women can influence Aboriginal politics is also discussed. This work sheds light on the ability of Aboriginal leaders to respond to the concerns of women and other marginalized groups, especially with regard to self-government issues.

Boldt, Menno (1993). *Surviving as Indians: The Challenge of Self-Government*. Toronto: University of Toronto Press.

Boldt presents the thesis that the survival of Indian peoples, as distinct cultures, is threatened, and that only immediate action by Indian leaders can save them. He argues that history shows that Indian people have been subjected to deliberate attempts by government to destroy Indian culture through segregation and assimilation. The book is divided into chapters analyzing the historical and current issues of social justice, government policy, Indian leadership, culture and economy. The survival of Indian culture is based not on the expressive forms of culture, Boldt argues, but rooted in the unique principles and philosophies of a communal society. He attacks elitist leaders who pursue self-government for personal or individual gain. He argues that the path to self-government is found not through constitutional processes or community-based initiatives, but through existing treaties. Boldt says that the spirit and original intent of the treaties must be honoured to enable the process of self-government to unfold.

Boldt, Menno and Anthony Long (1984). "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians". *Canadian Journal of Political Science*. Vol. 17, No. 3, pp. 190-206.

This article analyzes the appropriateness and feasibility of sovereign statehood and self-government for Canada's Indians. The authors state that the European-Western concept of sovereignty is incompatible with the core values of traditional Indian culture and that the Canadian government is opposed to relinquishing its sovereignty over Indians. They further argue that Indian culture has traditionally focused on the communal rather than the individual and that the system of government ultimately implemented must reflect this tradition. Stateless nationhood, the authors argue, offer the best solution for self-government and would also meet the needs of off-reserve Indians and non-status Aboriginal peoples.

Boldt, Menno and Anthony Long (1985). "Tribal Philosophies and the Canadian Charter of Rights and Freedoms". *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, edited by M. Boldt, A. Long and L. Little Bear, pp. 165-179. Toronto: University of Toronto Press.

The authors juxtapose the Western tradition of individual rights with First Nations' tradition of collective rights. The authors point out that Aboriginal society does not view the individual as unimportant, but sees what benefits the group as extending to the individual. The authors discuss the Charter in light of these traditions and refute the contention that male-dominated Aboriginal organizations are opposed to female equality. The authors observe that Aboriginal people have been lobbying the government since 1946 to remove the discriminatory sections of the Indian Act. During the Charter discussions, Aboriginal groups were concerned about how the Charter would be interpreted to affect their rights to land and title, among other rights.

Bonvillain, Nancy (1989). "Gender Relations in Native North America". *American Indian Culture and Research Journal*. Vol. 13, No. 2, pp. 1-28.

The author looks at how gender roles have been shaped by ecological and social conditions as well as by the values of European colonizers. In her analysis, she studies five Native American societies: the Naskapi, Navajo, Eskimo, Iroquois and the Plains peoples. The author concludes that the subsistence economies of pre-contact Native societies promoted, for the most part, egalitarian societies. This work provides a general discussion on "gender" – what it is and how it is constructed.

Borrows, John (1997). "Contemporary Traditional Equality: The Effect of the Charter on First Nations Politics". *Charting the Consequences: The Impact of Charter Rights on Canadian Law and Politics*, edited by David Schneiderman and Kate Sutherland. Toronto: University of Toronto Press.

This updated article, first published in the *University of New Brunswick Law Journal*, describes the Charter's effect upon the Native movement towards self-government. The author argues that the language of rights has partially liberated some Native peoples from discrimination, but that this liberation has been limited and has, perhaps, prevented more meaningful reform. The article discusses the equality of First Nation's women under First Nations self-government. The author argues that there is room for both those who want the Charter to apply to First Nations' governments and for those who feel that traditional First Nations' governments will respect equality.

Borrows, John (2001). "Uncertain Citizens: Aboriginal Peoples and the Supreme Court". *Canadian Bar Review*. Vol. 80, No. 1, pp. 15-41.

The author explores the meaning of Aboriginal citizenship as it is being interpreted by the Supreme Court. This brings in discussions on Aboriginal rights, Aboriginal identity and the cohesion of Aboriginal society and communities. He also looks at the difficulties of defining citizenship. He concludes that the court is sensitive to ensuring the cohesion of Aboriginal society and, as a result, is sensitive to the emerging Aboriginal ideas on self-government and citizenship.

Bourgeault, Ron (1983). "The Development of Capitalism and the Subjugation of Native Women in Northern Canada". *Alternate Routes*. Vol. 6, pp. 109-140.

The subject of this paper is the subjugation of Native (Indian and Métis) women in northern and western Canada as a result of European capitalism. The author argues that the racial, colonial and class divisions common in Europe were imposed on Native women. Further, he argues the resulting inequalities felt by Native women differ from those experienced by women of European descent. Moreover, Bourgeault argues that the end of communal, egalitarian Aboriginal society brought with it the destruction of Indian women's egalitarian and mutual relationship with men. In the author's opinion, Aboriginal women need to unite with white working class women to fight their common oppression. He asserts that a mere re-examination of the Indian Act is just the beginning when considering the oppression and subjugation of Native women.

Bourgeault, Ron (1988). "Indigenous Women and Capitalist Exploitation: Ron Bourgeault Replies to Jesse Russell". *Alternate Routes*. Vol. 8, pp. 144-152.

In this article, the author refutes two points raised by Jesse Russell in his commentary on Bourgeault's article, "The Development of Capitalism and the Subjugation of Women in Northern Canada." Russell suggests that Bourgeault favours the assimilation of Native women into white feminism; Bourgeault replies that regardless of their culture, working class women are bound by the same sort of class oppression and they could more effectively address that oppression collectively. Second, Russell contends that Bourgeault portrays Native women as passive, which he firmly denies.

Bourgeault, Ron (1991). "Race, Class and Gender: Colonial Domination of Indian Women". *Racism in Canada*, edited by Ormand McKague. Saskatoon: Firth House Publishing.

This paper investigates the impact of early British colonial interests in the sub-arctic fur trade on Indian and Métis women. He argues that women were equal to men in pre-contact, pre-capitalist Aboriginal societies. With the rise of the fur trade, however, women took on new importance for their role in securing trade links, for their labour and for their sexuality. Ultimately, he states, these roles led to their domination, subjugation and exploitation.

Brock, Peggy ed. (2001). *Words and Silences: Aboriginal Women, Politics and Land*. Sydney: Allen and Unwin.

This collection of essays examines the ongoing difficulties facing Australian Aboriginal women trying to defend their land rights. Taken together, the various essays offer insight into the complexities of "Aboriginal social and cultural knowledge." At the same time, the essays show "how the gendered nature of Aboriginal land ownership adds complexity to the cross-cultural encounter."

Brodie, Alice (1976). "Native Women and the Law: An Examination of the Attempts to Have Section 12(1)(b) of the Indian Act Changed". BA thesis, Carleton University.

The author examines the reasons why the federal government refused to make changes to the Indian Act to amend the provisions affecting women who married non-Indians and thereby lost their Indian status. The Lavell and Bedard cases are reviewed and discussed. The political system which developed section 12(1)(b) is examined as well as the political influence of the National Indian Brotherhood in convincing the federal government not to change the Indian Act.

Brodribb, Somer (1984). "The Traditional Roles of Native Women in Canada and the Impact of Colonization". *The Canadian Journal of Native Studies*. Vol. 4, No. 1, pp. 85-103.

This work centers upon how recent studies have examined the status and changing roles of Native women in comparison to the role of Native men, especially from the viewpoints of contemporary Native women. The author suggests that early European contacts negatively affected the status of Indian women, but qualifies this by stating that the views of Native women were seldom recorded during these early contact periods.

Brown, Judith K. (1970). "Economic Organization and the Position of Women Among the Iroquois". *Ethnohistory*. Vol. 17, pp. 151-167.

The author examines the relationship between the position of women in their societies and their economic roles. In doing this, Brown compares ethnohistoric and ethnographic data relating to the Iroquois of North America and the Bemba of Northern Rhodesia (Zambia). She concludes that the high status accorded to Iroquois women in traditional Iroquois society is a reflection of their control over their tribe's economic organization. "Through their control of the economic organization of the tribe," Brown writes, "Iroquois matrons were able to make available or to withhold food for meetings of the Council and for war parties, for the observance of religious festivals and for the daily meals of the household." This economic power gave Iroquois women considerable political power, as they could nominate Council Elders and otherwise influence Council decisions. Women, Brown argues, had a voice in the conduct of war and the establishment of treaties. "They elected 'keepers of the faith' and served in that capacity. They controlled life in the long-house."

Brown, Judith K. (1975). "Iroquois Women: An Ethnohistoric Note". *Toward an Anthropology of Women*, edited by Rayna Reiter. New York: Monthly Review Press.

The author explores how Iroquois women maintained their identities and social positions in Iroquois society in the face of European influences and ideas about women. She describes the matriarchal society practiced by the Iroquois and the role of women in that society. She notes that women's control over the production of food and other household goods and their control of land granted women considerable power in band affairs.

Brown, Kathleen M. (1995). "The Anglo-Algonquian Gender Frontier". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 26-48. New York: Routledge.

The author explores two ways in which gender frontiers evolved between English settlers and indigenous people of the Virginia Tidewater. She assesses how differences in gender roles shaped the perceptions and interactions of both groups. She also analyzes the "gendering" of the emerging Anglo-Indian power struggle, and shows how the English feminized the Native population while Natives treated the English as a subject people, as cowards and servants.

Brown, Leslie A. (1994). "Community and the Administration of Aboriginal Governments". Royal Commission on Aboriginal Peoples Submission. Ottawa: Indian and Northern Affairs Canada.

This work discusses paths to self-government and issues of identity and membership. It points out that self-government is difficult to define even amongst First Nations. Some view self-government in the context of political independence, while others see self-government oriented more towards control over the delivery of social-services. The report also discusses the meaning of band membership versus cultural identity - the two do not necessarily mean the same. The author notes that the Indian Act causes tension within Indian communities because of its artificial definition of Indian. This work brings in discussions on Bill C-31, band membership codes and identity and cultural issues.

Brownlie, Ian (1992). "The Framework: Group Rights and Self-Determination". *Treaties and Indigenous Peoples: The Robb Lectures, 1991*, edited by F.M. Brookfield, pp. 29-54. Oxford: Clarendon Press.

Chapter two of this book describes the definition of Maori as it was included in the Treaty of Waitangi Act, 1975, and in the Treaty of Waitangi itself. The Treaty of Waitangi set out conditions of common citizenship for both the Maori and the European settlers. The Treaty of Waitangi Act, 1975, interprets Maori as a person of the Maori race, including any descendant of such a person. These definitions frame a discussion of group rights in relation to human rights developments around the world through organizations such as the United Nations.

Budy, Elizabeth E. (1983). "The Politics of American Indian Identity: A Comparison of Three Rural Mountain Communities in Northeastern California". PhD thesis, University of Oregon.

The author explores the politics of American Indian identity. She looks at three tribes who have recently begun to organize politically. In the process, cultural heritage concerns have been revived as central symbols of identity. At the same time, these symbols of identity are subject to continuous alteration and reinterpretation for purposes of contemporary validation and specific Indian identity issues.

Cairns, Alan (1987). *Aboriginal Self-Government and Citizenship*. Toronto: University of Toronto Press, Faculty of Law.

Cairns examines whether self-government is viable for Canadian Aboriginal people and what form self-government might take. He points out that the main arguments put forward for self-government by Aboriginal leaders during the Constitutional debates focused on Aboriginal goals and did not encompass Canadian requirements. He explains that the discussion centred around the capacity of non-Aboriginals to accommodate Aboriginal people rather than concerning the appropriate blend of Canadian and Aboriginal identities and affinities. Cairns discusses the role of provinces in pressuring the federal government to provide financial assistance to Indians off reserve. The author argues that the development of a self-government model appropriate for non-Status Indians and Métis, as well as Status Indians, is problematic. Cairns concludes that only limited self-government is available for Aboriginal communities. They must maintain their rights and duties as a part of Canada's society in order to allow for continued external funding and to encompass non-reserve based Aboriginal people.

Cairns, Alan (2000). *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: UBC Press.

The author urges the Aboriginal community and the Canadian state to adopt a middle path to resolving outstanding disputes over such issues as self-government and Indian identity. He supports constitutional and institutional arrangements that simultaneously recognize Aboriginal difference while reinforcing our common citizenship. His middle path would see Aboriginal people being 'Citizens Plus,' or Canadian citizens with special privileges. He argues such a view would avoid the difficulties inherent in the nation-to-nation dialogue sought by First Nations in its dealings with the federal government, and would also avoid the assimilationist tendencies associated with previous Canadian governments.

Calliou, Sharilyn (1998). "Us/Them, Me/You: Who? (Re)Thinking the Binary of First Nations and Non-First Nations". *Canadian Journal of Native Education*. Vol. 22, No. 1, pp. 28-52.

The author examines the politics of identity through the discussion of such issues as belonging, entitlement, representation and the importance of names for group identity. Calliou states that the legacy of colonialism is the dichotomy of "us/them" and is characterized by a variety of terms. Such dichotomies exclude individuals of mixed political and cultural heritages, as well as recent immigrants. Although the binary is necessary to explain long-standing geopolitical, spiritual, economic and other injustices, the dualism obscures understandings of interrelated issues of class, gender or other discrimination. The author concludes that a reliance on the dichotomy of exclusion may enable people to forget about or fail to consider other binaries. For example, the concentration on status and non-status may obscure questions important to Native women and men, while the emphasis on Indian and non-Indian may overshadow those who are neither full-blood Indians or non-Indian.

Cannon, Martin J. (1995). "(De)Marginalizing the Intersection of Race and Gender in First Nations Politics". MA thesis, Queen's University.

The author explores how the patriarchal system and racism are linked to the detriment of Native women. In doing so, he looks at First Nations' politics and the law. The author discusses the development of this issue from the colonial period through the 1980s, and addresses the Lavell and Bedard cases and the 1985 Indian Act amendments. He suggests that by recognizing the interaction between race and gender discrimination, a dismantling of both systems of discrimination can occur, which would liberate Native women from the effects of colonialism.

Cardinal, Harold (1969). *The Unjust Society: The Tragedy of Canada's Indians*. Edmonton: M.G. Hurtig Ltd.

In his report, Cardinal responds to the 1969 White Paper on Indian Policy. The author begins by examining various historical, cultural and legal influences that contributed to present-day Indian realities in Canada. He then criticizes the White Paper for its failure to recognize and respond to those realities. "Until such time as it [the government] is willing to change, government pronouncements will continue to be received by the Indians as myths that bear no relationship to the realities of life." In chapter two, the author examines the definitions of "Aboriginal" and how such definitions pit individuals against each other and divide Native communities. As a result, reforms to improve the lot of Canada's Indians are adopted slowly. The effects of voluntary enfranchisement, in-marriage by white women and out-marriage by Native women are discussed. The underlying argument is that the process towards "genuine Indian participation in the white world" requires a restructuring of Indian social and political norms, as well as a new Indian identity determined by Indians themselves.

Cardinal, Harold (1977). *The Rebirth of Canada's Indians*. Edmonton: Hurtig.

The author describes the empowerment of First Nations and the resurgence of traditional ways of life. He says that a new Indian Act is required, one that builds on these traditions, so as to bring dignity to the Indian people. This work brings in discussions on the Lavell and Bedard cases and band membership issues.

Cardinal, Harold (1979). "Native Women and the Indian Act". *Two Nations, Many Cultures: Ethnic Groups in Canada*, 1st edition, edited by Jean Elliott. Scarborough: Printice Hall.

The author examines the treatment of Indian women under the Indian Act. He describes the fear many Indians felt when they thought the Lavell and Bedard cases were about to overturn portions or all of the act. The author describes, from his personal perspective, the negotiations that took place in the 1970s for a new Indian Act. He says the National Indian Brotherhood was in favour of amending the act to remove section 12(1)(b) by replacing it with a provision that would see all Indians retain their status regardless of spousal choice. Other recommendations are also outlined.

Carens, Joseph H. (1995). "Citizenship and Aboriginal Self-Government". Royal Commission on Aboriginal Peoples Submission. Ottawa: Indian and Northern Affairs Canada.

"The primary goal of this paper is to explore how different ways of thinking about citizenship might influence our thinking about Aboriginal self-government and about the relationships between Aboriginal people and the people and governments in Canada with which they have some connection. At the same time, the paper explores how thinking about Aboriginal self-government might contribute to a reconceptualization of citizenship." In doing so, the author discusses whether people can be citizens of two political communities at the same time. Carens indicates that there are three dimensions of membership: the legal rights of members, the psychological aspects of attachment, identification and loyalty and the participatory element. The problem with models of citizenship, the author notes, is that they depend upon the equality of every citizen, which would subordinate any distinct, communal Aboriginal identity for the sake of the individual.

Carlson, Keith Thor, Melinda Marie Jette, and Kenichi Matsui (2001). "An Annotated Bibliography of Major Writings in Aboriginal History, 1990-99". Canadian Historical Review. Vol. 82, No. 1, pp. 122-171.

An annotated bibliography of recent works in the historiography of Aboriginal peoples in Canada. The authors note changes in the types of Aboriginal history being written and discuss the impact of recent Canadian court decisions on the kinds of inquiries being initiated.

Carter, Sarah (1996). "Categories and Terrains of Exclusion: Constructing the "Indian Woman" in the Early Settlement Era in Western Canada". Gender and History in Canada, pp. 31-43. Mississauga: Copp Clark Ltd.

Carter argues that "from the earliest years that people were settled on reserves in western Canada, Canadian government administrators and statesmen, as well as the national press, promoted a cluster of negative images of Aboriginal women." These negative images, Carter states, were used by those in power to explain Aboriginal poverty and ill-health on reserves. While the failure of Aboriginal agriculture was attributed to the incapacity of Aboriginal men to be anything but hunters, warriors, and nomads, the responsibility for other on-reserve problems, including sub-standard housing, inadequate clothing and footwear, and the high mortality rate, was blamed on the supposed cultural traits and temperament of Aboriginal women. Carter argues that the description of Aboriginal women as lewd and licentious was used by government officials and others to deflect criticism from their own behaviour and that of the North West Mounted Police when dealing with these women. Such descriptions, she says, were also used to justify restricting the activities and movements of Aboriginal women when off reserve. Carter adds that negative images of Aboriginal women "became deeply embedded in the consciousness of the most powerful socio-economic groups on the Prairies and have resisted revision."

Carter, Sarah (1996). "First Nations Women in Prairie Canada in the Early Reserve Years, the 1880s to the 1920s: A Preliminary Inquiry". *Women of the First Nations: Power, Wisdom, and Strength*, edited by Christine Miller and Patricia Chuchryk, pp. 51-76. Winnipeg: University of Manitoba Press.

This work debunks the idea that Indian women benefited from the move to reserves by examining the lives of women on reserve compared to their lives prior to moving. She says that while Indian women did not become powerless, they did lose opportunity, status and equality. As well, their role in band politics declined. They suffered an erosion of their traditional roles.

Cashman, Ben (1969). "The American Indian – Standing in a Peculiar Legal Relation". PhD thesis, University of Washington.

This thesis "focuses on the very special legal position created for the [American] Indian, especially after the independence of the United States." In doing this, the author makes some comparisons with the Australian and South African experience. How Indians were provided for in the American Constitution is reviewed, especially in light of the Fourteenth Amendment on Indian Citizenship and privileges. The author also studies the impact on the American Indian of the end of treaty-making in 1871 and the Indian Reorganization Act of 1934. This leads to a review of the 1953 and 1954 Congressional policy "pertaining to the termination of federal supervision over the Indian tribes and the consequent assumption by the states of this authority....The study concludes with an analysis of the post-termination actions, especially the 1968 Act of Congress dealing with the constitutional rights of the Indians, with suggestions as to how to better incorporate the Indians into the American legal and political system."

Cassidy, Frank (1988). *Bill C-31 and Indian Self-Government*. Victoria: Institute for Research on Public Policy.

This report argues that since 1985, the Indian Act amendments have had a "striking impact" on Aboriginal people and Indian governments. Cassidy states that Indian governments have seen increased demands for services and no corresponding increase in their revenue base. Questions about the rights of reinstated Indians are explored as well as the general controversy about the meaning of Indian status and band membership. Cassidy looks at how these matters have and will continue to impact Indian self-government. He states that self-government comes down to two issues: finances and jurisdiction. Bill C-31, according to Cassidy, has both limited federal responsibility to on-reserve Indians and developed two jurisdictions for Indians, those on-reserve and those off reserve.

Cassidy, Frank (1989). *Aboriginal Peoples and Citizenship in Canada: Indian Status, Band Membership and the Revised Indian Act*. Victoria: University of Victoria, School of Public Administration and Institute for Research on Public Policy.

This work consists of a review of the 1985 amendments to the Indian Act and a discussion of how these changes have affected the definition of Aboriginal citizenship. The author begins with a review of the 1876 Indian Act. He indicates that at that time Indians were members of a collective and that individuals had Indian status if they were members of a tribe or band. With Bill C-31, the author says, this situation was reversed, with Indians now being individuals with status but not necessarily holding membership in a band. He argues that only First Nations can decide who should hold citizenship and that this should be part of their right to self-government. The author ends with a discussion of the possible conflicts and tensions that could arise between Aboriginal and Canadian citizenship, and argues for a form of dual citizenship.

Cassidy, Frank (1989). *Aboriginal Self-Government: Defining a Research Agenda*. Ottawa: Institute for Research on Public Policy.

This report looks at the current state of research on Aboriginal self-government. Cassidy states that Aboriginal governments in Canada have not yet been the focus of comprehensive, sustained and interrelated research by the academic and Aboriginal communities. He points out fourteen areas that require further study and groups them under three major headings: Aboriginal communities and their governments, the components of governance and the wider policy environment. A selection of the literature on Aboriginal self-government is placed in context, and practical suggestions for fostering cooperative approaches to research are provided. Throughout the report, the author argues that the critical focus of political scientists, other scholars and analysts should be placed on the needs, experiences and goals of Aboriginal peoples and their governments. The author raises questions surrounding Bill C-31's affect on land control and membership. Collective rights and the roles of Aboriginal citizens within Aboriginal governments also require clarification, the author argues.

Cassidy, Michael (1996). "Working Paper I: Benefits and Disadvantages of Indian Status". Ottawa: Indian and Northern Affairs Canada.

The primary purpose of this compendium is to provide a summary list of the distinctive rights, privileges and handicaps of Status Indians, both as individuals and in their communities, and then to evaluate the benefits (or advantages) and disadvantages of status.

Castellano, Marlene Brant (1989). "Women in Huron and Ojibwa Societies". *Canadian Women Studies*. Vol. 10, No. 2/3, pp. 45-48.

This work describes the role and position of women in traditional Huron and Ojibwa society. The author discusses the place these women held within the political and leadership structures of their tribes. A women's influence was extended through her daughters when they married, the author states, and through their role in food production. Women in traditional societies, she says, also contributed to hunting and warrior activities. The author also discusses the negative impact that moving to reserves had on the relationship between women and men, and how women's traditional roles changed with the spread of Christianity and increased contact with Europeans.

Castile, George Pierre (1996). "The Commodification of Indian Identity". *American Anthropologist*. Vol. 98, No. 4, pp. 743-749.

The abstract states that pre-Cabotian Native North American peoples, like all peoples, had myriad ways of defining their group's membership, relying generally on kinship criteria. The systems of self-definition were group specific, and there is little evidence of a pan-Indian label of common identity. With the arrival of Europeans, the situation changed. The colonialists made a "market" for ethnic identities, in which they have been traded as a commodity ever since. The United States federal government itself has taken steps to regulate the purity of the product - to guarantee the customer is getting "the real McCoy" – through its attempts to define tribal status.

Champagne, Duane, ed. (1999). *Contemporary Native American Cultural Issues*. Walnut Creek: CA: AltaMira Press.

This collection of essays deals with cultural issues facing American Indians. For example, an article by Devon Mihesuah entitled "American Indian Identities: Issues of Individual Choice and Development," looks at how and why American Indians make their identity choices and the consequences of those choices on their individual lives. Ward Churchill, in "The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America," looks at how Indians have been historically identified and how these historical definitions impact Indian populations, individual Indian identity and Indian self-determination. This article also discusses blood quantum as a measure of "Indianness."

Chartier, C. (1978). "'Indian': An Analysis of the Term as Used in Section 91(24) of the British North America Act". *Saskatchewan Law Review*. Vol. 43, No. 1, pp. 37-80.

This article reviews the meaning of "Indian" as it is defined in the BNA Act. The author brings in discussions on the Inuit and Métis, and how they fit under section 91(24). He looks closely at the definition of Indian at the time of Confederation. He also argues that the precedents set in the 1939 *Re Eskimos* case provide a structure and process which could be utilized to determine whether the Métis are included in the generic meaning of "Indian."

Chartrand, Larry N. (1999-2000). "Are We Métis or Are We Indians? A Commentary on R v. Grumbo". *Ottawa Law Review*. Vol. 31, No. 2, pp. 267-281.

The author looks at the definition of Métis as interpreted in R. v. Grumbo. Both the majority and minority opinions are discussed in terms of how they affect the interpretations of "Métis" and Métis rights to hunting. The author urges caution when deciding how to argue for Métis rights in courts, since the results and costs to Métis may be great.

Chartrand, Larry N. (2001). "Re-Conceptualizing Equality: A Place for Indigenous Political Identity". *Windsor Yearbook of Access to Justice*. Vol. 19, pp. 243-258.

The author argues that the protection of individual rights afforded by section 15 of the Canadian Charter of Rights and Freedoms does not meet the aspirations of Indigenous peoples seeking recognition of their collective equality rights. At the same time, he points out that for many Aboriginal people it is the collective equality rights that are important, for collective rights are seen as supporting Indian self-government. In this context, the author "suggests that section 35 of the Constitution may be used to enhance equality rights so as to recognize collective rights of Indigenous peoples." However, for this to happen the author states that the Government of Canada needs to widen the Court Challenges Program to accommodate Aboriginal claims brought under section 35 of the Constitution.

Chartrand, Paul, ed. (2002). *Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction*. Saskatoon: Purich Publishing.

This is a collection of articles that discuss the criteria for defining who is Aboriginal in Canada; who the Métis are under Canada's Constitution; the interpretation of section 91(24) of the Constitution Act, 1867; section 35 of the Constitution Act, 1982; what it means to recognize Aboriginal nations; the use of courts to define and recognize who is Aboriginal; what factors give rise to membership in an Aboriginal group; and the American experience in defining and recognizing Indian nations. See individual articles in this bibliography by John Giokas and Robert Groves, "Collective and Individual Recognition in Canada: the Indian Act Regime"; John Giokas and Paul Chartrand, "Who are the Métis? A Review of the Law and Policy Relating to Métis and 'Mixed-Blood' People in Canada"; Bradford Morse and Robert Groves, "Métis and Non-Status Indians and section 91(24) of the Constitution Act, 1867"; and Dale Gibson, "When is a Métis an Indian? Some Consequences of Federal Constitutional Jurisdiction over Métis."

Cheda, Sherrill (1977). "Indian Women: An Historical Example and a Contemporary View". *Women in Canada*, Revised edition, edited by Marylee Stephenson, pp. 195-208. Toronto: General Publishing Co. Limited.

The author explores the traditional roles of Iroquois women, looking at their stature and power within their communities, and the reasons why women were held in such high regard. The author reviews how the Indian Act reversed Iroquois traditions, and traces the decline in status of women under the Indian Act regime. In doing so, Cheda discusses the Lavell case, the Canadian Bill of Rights, the 1969 White Paper, the Royal Commission on the Status of Women (1970) and discrimination in the Indian Act.

Christofferson, Carla (1991). "Tribal Courts' Failure to Protect Native American Women: A Reevaluation of the Indian Civil Rights Act". *The Yale Law Journal*. Vol. 101, pp. 169-185.

This article discusses how the 1977 ruling in the Martinez case affected the application of the Indian Civil Rights Act, specifically in relation to women. The author argues that an expansion of the Indian Civil Rights Act is necessary in order to protect Native American women from discriminatory actions by bands that adopt gender-based tribal membership codes. Such codes often cost women access to benefits, services and programs. It proposes an amendment that provides specific gender protection to Native American women and a forum for grievances.

Churchill, Ward (1999). "The Crucible of American Indian Identity: Native Tradition Versus Colonial Imposition in Postconquest North America". *Contemporary Native American Cultural Issues*, edited by Duane Champagne. New York: AltaMira Press.

The author examines the history of Native American Indian identity, how it has changed and the implications of that change on government policy. Since the early nineteenth-century, white missionaries and government policymakers have sought to impose on Indians a racially based notion of Indian identity that has threatened Indian sovereignty. Policies favoring mixed-blood over full-blood Indians were an important part of this process in the nineteenth-century. White colonialist notions of Indian identity were instilled among Indians in off-site schools and by the policy of allotment in severalty. Churchill contends that Indian peoples have lost control of how they define themselves, but hope remains that they can reassert control over their own identities by dispensing with blood-quantum definitions by tribes and by applying the more traditional genealogical mode of determining citizenship used by some, as the Cherokee people have done.

Clatworthy, Stewart (1994). Revised Projection Scenarios Concerning the Population Implications of Section 6 of the Indian Act. Ottawa: Indian and Northern Affairs Canada, Research and Analysis Directorate.

This study was done by Stewart Clatworthy for Indian and Northern Affairs Canada in 1994, and contains additional projections on the population implications of section 6 of the Indian Act, taking into account the likely effects of migration and out-marriage. This report explores the population implications of section 6 of the Indian Act under a broader range of scenarios than those explored in the 1992 Clatworthy/Smith study. It includes the affects of the revised rules governing entitlement to registration. Tables in section one clearly explain how different combinations of status/non-status parents affect the status designations of their children. Section two presents background information on the descent rules of the Indian Act. Section four provides a summary of projection results, and notes the potential for an eventual decline in Indian populations.

Clatworthy, Stewart (1997). Implications of First Nations Demography. Ottawa: Indian and Northern Affairs Canada, Research and Analysis Directorate.

The stated purpose of this report is to provide an overview of recent trends in First Nations demography and assess some of the implications of these trends for First Nations communities and the Department of Indian and Northern Affairs Canada. The study found that First Nations populations have grown due to Bill C-31 at a time of declining fertility. The impact of populations on health, social welfare programs, education, housing and the economy are all discussed. The author notes that the 1985 amendments to the Indian Act have created several classes of Indians, and speculates that the existence of these classes are likely to result in legal challenges, internal conflicts and inter-governmental disputes as different groups receive different services or entitlements.

Clatworthy, Stewart (1998). Population and Membership Projections - Mohawks of Kahnawake. Ottawa: Indian and Northern Affairs Canada, Research and Analysis Directorate.

This study was done by Stewart Clatworthy in support of the Kahnawake negotiation process for the Intergovernmental Relations Team in 1998. It provides an overview of membership and registration rules of the Mohawks of Kahnawake, including the effects of the 1981 moratorium on out-marriage, the 1984 Mohawk Membership Law and Bill C-31's registration and membership provisions. It also provides an analysis of population trends among the Mohawks of Kahnawake, and provides a model for such analysis.

Clatworthy, Stewart (2000). *Paternal Identity and Entitlement to Indian Registration: The Manitoba Context*. Ottawa: Indian and Northern Affairs Canada, Research and Analysis Directorate.

This study examines, at both the national and the Manitoba regional level, the number of children born to Indian women whose fathers are not listed in the Indian Register. The study found that a high rate of unnamed fathers results in a large number of children being registered under section 6(2) of the Indian Act. This affects, in turn, their ability to pass on Indian status to their children, and thereby impacting the projected Registered Indian population.

Clatworthy, Stewart (2001). *First Nations Membership and Registered Indian Status: Southern Chiefs Organization, Manitoba*. Ottawa: Indian and Northern Affairs Canada, Research and Analysis Directorate.

This study, prepared for the Manitoba Southern Chiefs Organization (SCO) to study the effects of Bill C-31, looks at how membership codes affect First Nations' citizenship, and projects future trends. Clatworthy argues that the combined effects of certain restrictive codes, along with the registration provisions contained in the Indian Act, will cause a decline in entitlements of future generations. Projections of future registration and membership entitlements suggest that all SCO First Nations will see fewer descendants entitled to Indian registration. The author estimates that within three to four generations, individuals who are eligible for neither membership nor registration will form the majority of the populations of many of the SCO First Nations.

Clatworthy, Stewart (2001). *Reassessing the Population Impacts of Bill C-31*. Ottawa: Indian and Northern Affairs Canada.

This study is a reassessment of the impacts of Bill C-31 on First Nations' population trends. The Bill C-31 population impacts are compared with projected impacts of the pre-1985 Indian Act regulations. Three theoretical models of modified descent rules are used to examine the demographic implications.

Clatworthy, Stewart (2002). *Manitoba Southern Chiefs Organization Economic Implications Study*. Ottawa: Indian and Northern Affairs Canada.

The study was commissioned to identify and clarify issues related to membership, treaty and Indian registration entitlements, and to support the development of a plan that responds to these issues. In doing so, it reviews funding levels, benefits and services available to First Nations associated with the Southern Chiefs Organization of Manitoba. It argues that population changes expected as a result of Bill C-31 will not likely affect short and medium term governance funding. However, social assistance and education funding are areas which will be effected by population changes as non-registered people form a growing segment of caseloads. The study also looks at the future service needs associated with non-registered descendants of First Nations populations.

Clatworthy, Stewart (2003). "Impacts of the 1985 Amendments to the Indian Act on First Nations Populations". *Aboriginal Conditions: Research as a Foundation for Public Policy*, edited by J.P. White, P.S. Maxim and D. Beavon, pp. 63-90. Vancouver: UBC Press.

In this article, Clatworthy "describes the nature of the new provisions contained in Bill C-31 and assesses the short-and long-term implications of these provisions for First Nations Populations." He addresses four questions: What changes were introduced by Bill C-31 and how do these changes differ from the prior Indian Act? What effects has Bill C-31 had on the size and composition of First Nations populations since its enactment? How is Bill C-31 likely to affect the future size and composition of First Nations populations? How might these changes impact on First Nations and other governments responsible for providing or administering services to First Nations populations and communities? He argues that in the short-term, Bill C-31 has substantially increased Indian populations, but that in the long-term the Registered Indian population will decline. "Bill C-31's rules," he argues, "have the potential to result in the extinction of the Registered Indian population." Similarly, Clatworthy opines, the Bill C-31 membership provisions will result in fewer Status Indians being eligible for band membership. Moreover, band memberships also have the potential to decline due to the restrictive band membership codes adopted by some bands.

Clatworthy, Stewart (2003). *Factors Contributing to Unstated Paternity*. Ottawa: Indian and Northern Affairs Canada.

This study by Stewart Clatworthy is a follow-up to a statistical analysis of the rates of unnamed fathers of Aboriginal children in Manitoba completed in 2000, which found a high national rate of unstated paternity (nearly 20%). This has a direct impact on the Indian status of current and future generations (under Bill C-31 registration is determined based on the status of both parents). This study attempts to identify some of the underlying reasons for unstated paternity by obtaining information from the key parties involved in the birth registration and Indian registration processes, as well as information concerning the related rules and administrative processes.

Clatworthy, Stewart (2004). "Unstated Paternity: Estimates and Contributing Factors". *Aboriginal Policy Research: Selected Proceedings of the 2002 Aboriginal Policy Research Conference*, edited by Dan Beavon and Jerry White. London: Thompson Educational Materials.

This report provides a summary of the main findings of two recent research studies sponsored by the Research and Analysis Directorate of Indian and Northern Affairs Canada, concerning unstated paternity among First Nations children. An initial study, completed in 2001, provides estimates of the incidence and prevalence of unstated paternity during the 1985-1999 time period, and examines the variations in levels of unstated paternity by region, location of residence, and the age of mothers at the time of childbirth. A second study was undertaken to gather and analyze information from several parties involved in the process of birth and Indian registration. It was hoped that the information gathered would provide a better understanding of why unstated paternity is occurring, and to learn what may be done to ensure that First Nations parents are better able to comply with the requirements of the birth and Indian registration processes.

Clatworthy, Stewart, and Anthony Smith (1992). *Population Implications of the 1985 Amendments to the Indian Act: Final Report*. Ottawa: Assembly of First Nations.

This study was done by Stewart Clatworthy and Anthony Smith for the Assembly of First Nations in 1992, and includes population projections of the Registered Indian population as well as member populations for First Nations that have adopted membership codes under Bill C-31. The study examines the creation of "classes" of individuals on-reserve (i.e. registration category 6(1) v. 6(2), registered v. non-registered, member v. non-member) as a consequence of Indian Act registration and membership rules. It shows two significant trends. The first indicates that the Registered Indian population is likely to decline due to the high number of children being born to parents where only one of whom is a Status Indian. The second trend shows a likely decline in the number of Indians eligible for band membership due to restrictive band membership codes.

Clifton, James (1989). "Alternate Identities and Cultural Frontiers". *Being and Becoming Indian: Biographical Studies of North American Frontiers*, edited by James A. Clifton. Chicago: The Dorsey Press.

This book provides biographical sketches of individuals and their efforts to identify as Indians. The author provides an overview of the shifting and changing ways in which American Indians have been identified by non-Indians and by Indians themselves. He notes how such definitions and ethnocentric assumptions limit analytical thinking and hinder a deeper understanding of peoples. He briefly compares the Canadian practice of granting status to Indians, to the U.S. practice that allows individuals with at least one-quarter Indian blood to identify as Indians provided they are accepted as such by the Indian community to which they are associated.

Clifton, James (1994). "Michigan's Indians: Tribe, Nation, Estate, Racial, Ethnic, or Special Interest Group?". *Michigan Historical Review*. Vol. 20, No. 2, pp. 93-152.

The author examines terminology and group identity among Michigan's Indians since the seventeenth-century. Over the last 350 years, cultural, social and biological change has influenced the transformation of group identity. Various factors have affected the division of Indians into various group identities: intermarriage with the French; the political rivalry between the French and English; incorporation into settler society; the making of treaties with the United States; and federal attempts to shape various groups. The author points out that group identity among Indians is no longer determined only by race or ethnicity, but also by politics, law and geography.

Coates, Kenneth (1999). "Being Aboriginal: The Cultural Politics of Identity, Membership, and Belonging among First Nations in Canada". *Future and Identities: Aboriginal Peoples in Canada*, edited by Michael Behiels, pp. 23-43. Montreal: Association for Canadian Studies.

The author explores Aboriginal identity, as well as the interaction of legal rights, identity and membership and the meaning of "Aboriginality." He discusses how formal membership differs from identity and social identification. The concept of a pan-Indigenous identity, a common ethnic identity that crosses band, culture and linguistic groupings, is explored. The author describes the situation in New Brunswick in 1998, where the provincial government negotiated deals with several First Nations after a court decision recognizing Aboriginal rights to cut trees on Crown land led to conflicts between on-reserve Indians and off-reserve and/or non-status Aboriginal people.

Cochrane, Dorothy (1972). *A Study of Indian Women's Organizations*. Student Paper, unpublished, University of Saskatchewan.

The author examines the role Native women's organizations play in the political and social lives of Indian women. She argues that the Native women's continual link to households and family means that their roles have not been greatly affected by societal changes. Cochrane argues that Native women are capable of providing both a link between the traditional and contemporary native life and between status, non-status, Métis, treaty and non-treaty natives.

Collin, Dominique (1994). "Modernité et tradition dans le discours Identitaire autochtone". *Recherches Sociographiques*. Vol. 35, No. 3, pp. 477-504.

"L'auteur explore la crise d'identité dont les jeunes Indiens et Inuit se disent victimes et qu'ils attribuent le plus souvent au choc culturel. L'analyse qualitative et quantitative de leur discours sur l'appartenance ethnique révèle que cette crise provient en grande partie du fait que la référence obligatoire à la tradition rend difficile la légitimation d'une identité autochtone contemporaine, moderne dans sa forme, qui est en train de se constituer."

Compiled by Marcel Fortier and Marianne Taylor (1993). *First Nations Public Administrations: An Annotated Bibliography*. Ottawa: DIAND.

This book is an annotated bibliography of selected theses, publications, studies and other works representative of material relevant to the Indian/Inuit Public Service sector. It was originally compiled as a resource list used in the study, *Preparing for Careers in Indian and Inuit Communities*. The sources are listed under six headings: aboriginal society, legislation pertinent to First Nations, aboriginal self-government, organizational development and planning, personnel development and other reference lists.

Condon, Richard G. and Pamela R. Stern (1993). "Gender-Role Preference, Gender Identity, and Gender Socialization Among Contemporary Inuit Youth". *Ethos*. Vol. 21, No. 4, pp. 384-416.

This article "examines contemporary patterns of gender-role preference, gender identity, and gender-role socialization among the youths of an isolated Inuit community located in the Central Canadian Arctic." The objectives of the authors are: 1. to discuss gender roles in traditional Inuit society and review how these roles have changed over time; 2. "to examine contemporary adolescent gender identity, gender-role perceptions, and gender relations;" and 3. to investigate various social pressures that account for differences in acceptable gender-specific behaviour and in male-female perceptions. The authors conclude that "despite rapid social change and modifications in some of the gender roles of the parental generation, contemporary adolescent males and females have a clearly defined sense of gender identity, as well as a distinct perception of what behaviours and attitudes distinguish males from females."

Conseil national des Autochtones du Canada, Secrétariat de la Loi sur les Indiens (1985). *Projet de loi C-31 et la nouvelle Loi sur les Indiens : Manuel n° 1 Processus de demande de statut*. Ottawa: Le Conseil.

This guidebook provides background information on the changes to the Indian Act brought about by the passage of Bill C-31. It explains the new sections of the Indian Act which deal with entitlement to status and band membership and provides a step-by-step guide to filling out and submitting an application for registration as a Status Indian. The guidebook does not attempt to cover all the changes made by Bill C-31 and does not explain the effects that Bill C-31 may have on the Native community.

Cook, Curtis and Juan D. Lindau (2000). *Aboriginal Rights and Self-Government*. Montreal: McGill-Queen's University Press.

As a collection of several articles, this book raises fundamental questions and various perspectives on Aboriginal rights and self-government in Canada, Mexico and the United States. The essays in part one offer a comparative analysis of political demands in Canada and Mexico and the relationship between Aboriginal Canadians and the federal government. According to James Tully, author of one of the essays, Canada is characterized by a clear distinction between Aboriginal and non-Aboriginal Canadians, unlike the case for Aboriginal people in Mexico. The second part of this book deals with the question of Aboriginal rights. Part three compares the Indian policy in Canada and the United States and focuses on the multiculturalism of the former and the melting-pot of the latter. The book raises questions as to whether it is possible to create an autonomous Aboriginal government and how such a government will be financed.

Cooper, Carol (1992-93). "Native Women of the Northern Pacific Coast: An Historical Perspective". *Journal of Canadian Studies*. Vol. 27, No. 4, pp. 44-75.

The author examines how contact with Europeans has affected the role and status of Native women on the northern Pacific coast. The author states that contact with whites often led to a decreased role for Native women in their communities and that this brought about a corresponding decline in their status. Cooper argues that the experiences of the Nishga and Tsimshian women of the northern Pacific coast during the fur trade and mission eras, however, defy such generalizations. She maintains that these women continued their traditional productive activities while assuming expanded roles as traders and workers at the Hudson's Bay Company forts. In later periods, these women were employed as inside workers in the newly established canneries. Due to their economic independence, the Nishga and Tsimshian women were not compelled to accept the narrow domestic roles and notions of female submissiveness promoted by missionaries and European culture.

Cooper, Carol (1996). "Native Women of the Northern Pacific Coast: An Historical Perspective, 1830-1900". *Canadian Women: A Reader*, edited by Wendy Mitchinson et al, pp. 89-119. Toronto: Harcourt Brace and Company Canada, Ltd.

Cooper examines the role of Native women in Aboriginal society between 1830 and 1900 on the Northern Pacific Coast. She argues that the traditional roles and status of Indian women in Canada must be analyzed on a region-by-region basis, for what holds true in one area does not necessarily hold true in others. "Among the ranked societies of the northern Pacific coast, for example, the status of women did not decline appreciably as a result of fur trade and missions. Instead there was considerable continuity in the roles and status of coastal women." She explores why this was the case.

Coopers and Lybrand Consulting Group (1988). *Survey of Bill C-31 Applicants*. Ottawa: Indian and Northern Affairs Canada.

This report, commissioned by Indian and Northern Affairs Canada, consists of a survey of Bill C-31 applicants with a view to assessing future funding requirements. It presents a statistical overview of the socio-economic characteristics of Bill C-31 applicants and reinstates. It also observes that 21 percent of reinstated Indians intend to move to a reserve in the next five years. Those intending to move to a reserve are more likely to have lived on reserve before, currently live in a rural setting and have a lower household income than those who do not intend to move.

Cornet, Wendy (2001). "First Nations Governance, the Indian Act and Women's Equality Rights". *First Nations Women, Governance and the Indian Act: A Collection of Policy Research Reports*, edited by Judith F. Sayers, pp. 117-166. Ottawa: Status of Women Canada.

The author examines the history and rationale for the section 67 exemption of the Indian Act from the Canadian Human Rights Act. The discussion centres upon how the section 67 exemption has affected, and will affect, First Nations women's equality interests in governance. Barriers to the full realization of First Nation women's equality rights are examined, particularly issues relating to the Indian status and the band membership entitlement system. The author argues that although the section 67 exemption served to protect the collective rights of First Nations, it also impaired the gender equality rights of First Nations women. The author concludes that changing the exemption status would be a piecemeal measure where a complete overhaul is needed.

Cornet, Wendy (2003). "Aboriginality: Legal Foundations, Past Trends, Future Prospects". *Aboriginal Rights Litigation*, edited by Joseph Magnet. Canada: LexisNexis-Butterworths.

Cornet's forthcoming article discusses "notions of 'Aboriginality' in contemporary Canadian law" and identifies "equality issues in respect to federal control of Indian status and band recognition under the Indian Act." Cornet argues that "the current Indian Act system of creating and defining various categories and sub-categories of Aboriginal people is arbitrary and discriminatory." In doing this, she provides an overview of historical definitions of "Indian" and looks at assorted court cases and Indian Act provisions that have affected the meaning of "Indian"; as well, she reviews the impact of the 1985, Bill C-31 amendments. In addition, Cornet discusses the policy implications of the definition of Indian under the Indian Act, the Constitution and the Legislative purpose of the Act and the legal concepts of Métis identity.

Cornet, Wendy (2003). *First Nation Identities and Individual Equality Rights: A Discussion of Citizenship, Band Membership and Indian Status*. Canada: National Aboriginal Women's Association.

Cornet writes that "this paper examines the relationship of Indian status and band membership to notions of race, culture and citizenship." She argues that "Indian status and band membership represent abstract notions of 'Aboriginality' or 'Indianness.' They primarily reflect the ideas and assumptions of non-Aboriginal Canadians about Aboriginal identity. Indian status and band membership status have been shaped largely by governments outside First Nation control. In some aspects, these concepts reflect prevailing societal myths about race and about 'Aboriginality' or 'Indianness' as categories of race." Furthermore, "this discussion paper examines Indian status and band membership as legal concepts that can impact the shaping of personal identities of people of aboriginal descent. It argues that this impact can be [injurious] where it negatively affects human dignity, personal autonomy and self-esteem. As a consequence, Indian status and band membership issues involve issues of fundamental human rights."

Cornet, Wendy and Allison Lendor (2002). Discussion Paper: Matrimonial Real Property on Reserve. Ottawa: Cornet Consulting and Mediation for INAC.

This paper focuses on the key legal issues associated with matrimonial real property on-reserve, and the policy context in which they are situated. The authors examine the rights of individuals to on-reserve benefits, specifically the use of reserve land by members. The rights of spouses who have band membership but not Indian status under the Indian Act are reviewed to determine how these are affected when marriages end in divorce. A review of the legal provisions affecting matrimonial on-reserve property is provided, including Aboriginal customary law, provincial and territorial legislation, and provisions created under the First Nations Land Management Act and self-government agreements. The authors find that the legal situation varies across the country depending upon the legal regime and who governs land issues. They provide the socio-historical context necessary for understanding future directions for legislation and social/economic policy.

Cornet, Wendy and Allison Lendor (2004). "Matrimonial Real Property Issues On-reserve". Aboriginal Policy Research: Selected Proceedings of the 2002 Aboriginal Policy Research Conference, edited by Dan Beavon and Jerry White. London: Thompson Educational Materials.

This article is similar to the discussion paper entitled "Matrimonial Real Property on Reserve" that was prepared in 2002. See the separate entry for that report in this bibliography for its content details.

Craig, Barbara (1988). The Charter of Rights and Freedoms and the Indian Act: Before and After Bill C-31. Ottawa: University of Ottawa.

The author examines the definition of Indian under the Constitution Act, 1867, and the Indian Act, noting the differences between them. The pre-Bill C-31 Indian Act is also compared to the act after the amendments in 1985. The author reviews the status and band membership provisions of the 1985 Indian Act and argues that these differences will create classes of Indians. The author suggests that the differences in the definition of the term "Indian" may lead to the whole Indian Act being declared invalid.

Crawford, James (1990). Aboriginal Self-Government in Canada. Ottawa: Canadian Bar Association.

The author states that this paper "considers four basic issues: the status of Aboriginal people before and after colonization; the present status of an 'aboriginal right' to self-government, having regard to the forms by which British and then Canadian sovereignty was established over their territories; the various modes by which such an 'inherent right' might be recognized; and, finally, the incidents of any such right, including issues of regulation and termination." In doing this, the author discusses the historical evolution of the Constitution, section 35, international law, the American position on tribal government, the Indian Act and the identification of Indian peoples.

Daniels, Harry D. (1998). *Unity for Our Grandchildren Conference*. Ottawa: Native Women's Association of Canada.

Daniels reviews the impact of Bill C-31 on Indian peoples and concludes that the bill is a tool of the government designed to assimilate the Indian people by gradually eliminating the Status Indian population. He reviews the stated goals of Bill C-31 as well as the continuing discrimination following in the wake of the bill's passage in 1985, such as the "cousins issue." He also notes the high rate at which Status Indians have children with non-Status Indians and the impact that this will have on the Status Indian population over time, as children and grandchildren lose status for having insufficient status-Indian lineage. He argues for an alternative way to determine status, such as ancestry, self-identification and community acceptance. Daniels argues that Bill C-31 unfairly allows bands to exclude people from band membership lists to the detriment of Bill C-31 Indians. He outlines five principles that should inform any solution to what he sees as the ultimate decline in the Status Indian population, including his view that the federal government has no business determining who is and who is not an Indian. He also feels that band membership should be automatic for any person that can prove ancestry to a given band.

Daniels, Harry W. (1999). "Bill C-31: A Blueprint for Ethnocide". *Equality for All in the 21st Century, 2nd National Conference on Bill C-31 Report*. Edmonton: Native Women's Association of Canada.

This presentation, by the president of the Congress of Aboriginal Peoples, argues that the Bill C-31 amendments to the Indian Act will result in a decline in the number of people of Aboriginal ancestry who are eligible for registration. The author argues that Bill C-31 preserves "the insidious integrationist bias of the Indian Act." The author alleges that the federal goal of assimilating Indian peoples remains intact. Daniels further argues that Bill C-31 fails to recognize all who claim Indian descent as Indians, and argues that it imposes new gender-neutral rules that are as detrimental to women as the old rules were. For example, it allows for reinstatement but places the rights of those reinstated in jeopardy because bands can control their membership.

Darwell, Marcus Thomas (1998). "Canada and the History Without a People: Identity, Tradition and Struggle in a Non-Status Aboriginal Community". MA thesis, Queen's University.

This thesis examines the interaction between identity and tradition. The author poses several questions: What does it mean to be Indian? Who defines this? Are there differing concepts of 'Indianness'? Why are Aboriginal identity and status important? These questions are discussed in relation to both Aboriginal people in general, and the Ardoch Algonquins in particular. He also reviews Bill C-31, and argues that it guarantees "the eventual demise of the Status Indians and a simultaneous increase in the non-status population," and that Bill C-31 is nothing more than a poorly disguised attempt by the state to press forward with a "Grand Plan" of assimilation. The author also includes a discussion of Indian Act registration provisions both before and after Bill C-31.

Daugherty, Wayne and Dennis Madill (1980). *Indian Government Under Indian Act Legislation, 1868-1951*. Ottawa: Research and Analysis Directorate, DIAND.

The purpose of this report is "to assist policy people to put in historical context band council powers and election systems for possible current revisions to the Indian Act." Specifically, part one looks at the replacement of the traditional tribal governments by the "Euro-Canadian" notion of elected local governments and the various problems encountered in that replacement process. Part two examines the powers which were granted to these elected bodies, their limitations and "why the concept of self-responsibility was often little more than theory."

Deloria, Vine and David E. Wilkins (1999). *Tribes, Treaties, and Constitutional Tribulations*. Austin: University of Texas Press.

In this book, two prominent scholars of American Indian law and politics undertake a full historical examination of the relationship between Indians and the United States Constitution that explains the present state of confusion and inconsistent application of U.S. Indian law. The authors examine all sections of the Constitution that explicitly and implicitly apply to Indians and discuss how they have been interpreted and applied from the early republic up to the present. They argue that the Constitution does not provide any legal rights for American Indians and that the treaty-making process should govern relations between Indian nations and the federal government. This has importance consequences on the status of tribes and their members and for Indian self-determination.

DeMallie, Raymond J. (1998). "Kinship: The Foundation for Native American Society". *Studying Native America: Problems and Prospects*, edited by Russell Thornton. Wisconsin: The University of Wisconsin Press.

This essay provides an historical overview of the study of Native American kinship systems, characterizes the diversity of kinship systems in Native North America, presents brief descriptions of particular kinship systems, and suggests practical uses for the study of kinship. Such uses include gaining a better understanding of Native American social structures and cultural systems, gaining insights into Native American history and societies today and for gaining a better understanding of Indian identity.

Desjarlais, Clayton (2000). "From the Past (1876) to the Present (2000): An Analysis of Band Membership Among the Plains Cree of Saskatchewan". MA thesis, University of Regina

This thesis examines traditional aspects of membership among Plains Indians in Saskatchewan. Topics include the organization of band societies, traditional criteria for band membership, the influence of political leadership and conflict in membership criteria. Band membership under the Indian Act and the influence of recent amendments to the Indian Act regarding re-instatement of Indian status and band membership are also discussed. Four band membership codes in Saskatchewan are reviewed and interviews with reinstated Status Indians conducted to determine their experiences with the application process and membership codes. The author concludes that economic factors have shaped how and whether bands develop their own membership codes. The results from the author's interviews suggest that Status Indians desire greater input into band codes currently under development.

Desjarlais, Penny (1990). "Native Women and the Law". *Legal Perspectives*. Vol. 14, No. 4, pp. 8-9.

This article analyzes the reasons why, in the author's opinion, the Canadian legal system has not met the needs of Native women. The author discusses three reasons: differences in cultural values, language differences and poverty. The article also discusses cases that have affected the lives of Indian women, specifically cases on the division of matrimonial property on reserves and the enforcement of maintenance orders.

Desmarais, Diedre A. (1998). "The Native Women's Association of Canada's Struggle to Secure Gender Equality Rights within the Canadian Constitution". MA thesis, University of Regina.

This thesis examines the evolution of the Native Women's Association of Canada as it worked to secure Aboriginal rights for First Nations women in Canada's Constitution. Chapter three explores the effects of the Indian Act on women and the attempts by Native women to become involved in constitutional negotiations. The author argues that some Aboriginal leaders use membership codes to restrict memberships to the detriment of Aboriginal women, and concludes that, while true self-government means determination of membership, autonomy can not be truly legitimate unless equality is assured.

Deveaux, Monique (2000). "Conflicting Equalities? Cultural Group Rights and Sex Equality". *Political Studies*. Vol. 48, No. 3, pp. 522-539.

The abstract to this article reads: "This article explores the tensions within multiculturalist theory between the aspiration to promote cultural recognition and the need to promote and protect women's concern with issues of sex and gender inequality. The article assesses the three main approaches to the reconciliation of sexual equality and group rights[:] according priority to the traditional values and practices of cultural groups; accepting collective and cultural rights but within a framework [of] international human rights; and finally, the acceptance of group rights subject to respect for individual rights and freedoms. By focusing on the experience of aboriginal women activists in Canadian politics and their struggle to preserve constitutional sex equality, this article argues that only the third approach provides adequate safeguards for women in their public and private roles." In other words, this article analyzes the "collective versus individual rights" debate affecting the Aboriginal self-government agenda and the development of Bill C-31, the 1985 legislation amending the Indian Act to remove discrimination. The author argues that Aboriginal women have cause for concern over those self-government proposals put forward that are based primarily on the need to protect collective rights, as evidenced in the Aboriginal women's struggle to regain lost membership rights during the development and implementation of Bill C-31. The author argues that individual rights need some form of constitutional protection, and looks at recent efforts by Aboriginal groups and Aboriginal women's groups to develop an integrated approach to self-government that respects both individual and collective rights.

Devens, Carol (1992). *Countering Colonization: Native American Women and Great Lake Missions, 1630-1900*. Los Angeles: University of California Press.

Devens, through her study of Native American women and Great Lakes Missions, considers "how native communities perceived [European] colonizers and how those perceptions influenced whether people presented a unified front or split into factions of accommodation and resistance." She observes three Native response patterns to missionaries: one was to view the missionaries as a threat and expel them from the community; the second was to grudgingly accept the missions; and the third was a split response. "When missions or economics affected women and men unevenly, communities divided along gender lines into factions that supported different approaches to dealing with changes disrupting their world." When the Jesuit, and later Protestant, missionaries introduced European views with regard to male-female relationships, inequalities emerged between male and female Indians. "As [Indian] men grew more receptive to introduced practices and values that they hoped would allow them to deal successfully with whites, [Indian] women stood only to lose status and autonomy. Thus, whereas many men favoured accommodation, women tended to stress 'traditional' ways." Devens argues, "as a consequence, asymmetrical, even antagonistic relations between the sexes eventually prevailed in many communities."

Devens, Carol (1997). "Separate Confrontations: Gender as a Factor in Indian Adaptation to European Colonization in New France". *Rethinking Canada: The Promise of Women's History*, 3rd edition, edited by Veronica Strong-Boag and A. Fellman. Toronto: Oxford University Press.

Devens analyzes the manner in which Natives adapted to and resisted French colonization in New France. In the process she reveals the different strategies adopted by Natives according to their gender. She also uncovers the sexual, but balanced, division of labour inherent in Aboriginal society, and shows it to be a factor in how men and women responded to French civilizing efforts. Women, for instance, resisted French efforts to convert them to Christianity and European sexual norms, viewing them as restrictions on their lives. "They [Aboriginal women] were responding to the gradual redefinition of social and religious identities and status, a result both of French assaults on native culture and of environmental changes."

Dickson-Gilmore, E.J. (1999). "More Mohawk Than My Blood: Citizenship, Membership and the Struggle Over Identity in Kahnawake". *Future and Identities: Aboriginal Peoples in Canada*, edited by Michael Behiels, pp. 44-62. Montreal: Association for Canadian Studies.

This paper addresses the tensions around citizenship/membership, blood quantum and traditional policies on adoption in Kahnawake. The article suggests that the Kahnawake community is like many other First Nations communities that seek to reassert their control over membership and definitions of self. Dickson-Gilmore argues that restrictive membership codes that have coalesced around "blood quantum" has led to the exclusion of people who consider themselves Mohawk but are unable to document that one-half of their blood is Mohawk. This discussion includes a commentary on the Jacobs adoption case, and a comparison of the Mohawk membership code and the Indian Act.

Dolan, Rob and Melissa Lazore (1980). *Perspective on Contemporary Native People*. Ottawa: Indian and Northern Affairs Canada.

The goal of this public relations/communications pamphlet is the general education of the public, specifically non-Natives. The seven issues this publication discusses include the following: misconceptions of Indians; transition from rural to city area; Native people and alcohol; status, non-status and Métis; the Indian Act; land claims; and the future. Native women are mentioned with regard to misconceptions and the Indian Act. A brief discussion of section 12(1)(b) of the Indian Act and the traditional position of Native women is included.

Doris Young (1992). "Aboriginal Women and Traditional Self-Government: Walking in Our Mother's Footsteps". *Herizons*. (Spring), pp. 24-26.

The author discusses the roles of Aboriginal women in traditional and contemporary Aboriginal society. She argues that "women were the keepers of the culture and influenced all that transpired in our nations." She explains the role of women in Indian communities today using examples from her own family and from her mother's and grandmother's lives. In the past, she states, the council of women was sought, and "the word of the women was considered integral in the maintenance of our community." She is highly critical of government interference in the lives of Aboriginals, blaming such interference for family and community breakdown, and for the loss of Indian heritage. In the end, "the role of women to raise and groom the future leaders was diminished, and the role of the women in passing on her instructions to the [tribal] council was gone." In her argument, the author discusses the Indian Act and the impact of the loss of status on individuals. Despite the obstacles, the author argues that Indian women have continued to affect Indian life in a positive way, stating that, "First Nations women have contributed to the protection of our cultural identity in the face of all odds. Their roles and responsibilities as keepers of the culture remains in place, although, somewhat altered."

Drees, Laura Meijer (2000). "Citizenship and Treaty Rights: The Indian Association of Alberta and the Canadian Indian Act, 1946-1948". *Great Plains Quarterly*. Vol. 2, pp. 141-158.

The article describes efforts by the Canadian Special Committee to gather Indian or First Nations' perspectives on the condition of Indians throughout Canada in the 1940s. This study specifically reviewed the Canadian Indian Act of 1876, but also addressed a wide range of First Nations concerns from treaty rights to band membership and Indian schools. Views on treaty rights submitted to the Special Committee by the Indian Association of Alberta are examined. The association argued for changes in Indian administration, for new federal Indian policies and for more government action to combat the poor living conditions in reserve communities. It also requested that treaties be regarded as a source of citizenship rights for Native peoples who had previously been viewed as "wards" rather than "citizens of the Crown." On citizenship rights, the government committee disagreed. The committee's final report, issued in 1948, called for further study of treaty rights and an on-going national dialogue on Indian affairs. Legislation in the ensuing years brought significant changes to Indian administration.

Driben, Paul (1985). "As Equal as Others: Non-Status Indians Need Both Recognition and an Economic Basis for Status [Bill C-31; Bill C-47]". *Policy Options*. Vol. 6, No. 5, pp. 7-8.

This article discusses the 1985, Bill C-31 amendments to the Indian Act, specifically the repeal of section 12(1)(b), and reinstatement. The author compares Bill C-31 to Bill C-47, and contends that Bill C-31 represents a step towards Aboriginal self-government, but that Bill C-47 was more generous in its status provisions. The author argues that both bills are flawed and are the wrong approach to ending discrimination.

Driedger, E.A. (1974). "The Canadian Bill of Rights and the Lavell Case; a Possible Solution". *Ottawa Law Review*. Vol. 6, No. 2, pp. 620-621.

The author expresses his views on the meaning of the Canadian Bill of Rights following the judgment in the Lavell case. He looks at the nature and meaning of discrimination contained in the Indian Act in light of this case.

Drummond, Susan G. (1994). "Aboriginal Women and Self-government". *Aboriginal Women's Law Journal*. Vol. 1, No. 1, pp. 53-69.

The author states that she is "going to attempt to explore the issues of Native women, Native communities and Native self-government from the angle of the collective memory of abuse and how collective memory shapes individual identity." It is her "contention that this angle refracts through the discourse about law and about self-government. Collective memories of abuse infuse meaning into the law. The law has a compelling integrity insofar as it absorbs and addresses those memories, even if only obliquely." It is her belief "that this preoccupation with a sense of injustice, imbedded in the collective memories underlying the law, corresponds more closely to the way that Native women are talking about self-government and politics." In doing this, the author brings in discussions on adoption, blood quantum, individual versus collective rights and Bill C-31.

Dunaway, Wilma (1997). "Rethinking Cherokee Acculturation: Agrarian Capitalism and Women's Resistance to the Cult of Domesticity". *American Indian Culture and Research Journal*. Vol. 21, No. 1, pp. 155-184.

The author analyzes how the rise of agrarian capitalism in the American Southeast, following the American Revolution, impacted the gender roles and identity of Cherokee women. In the larger society, this period witnessed several gender shifts: household power moved more to men through their control over production; women were dis-empowered through various public policies aimed at fostering agrarian capitalism; and the rise of the 'cult of domesticity' tended to rationalize the unequal treatment of women. In light of these larger developments, Dunaway examines "the strategies through which Cherokee women resisted" these "cultural, economic and political changes that threatened their matrilineal powers and rights." She identifies five strategies: First, Cherokee women only adopted those new ways that were compatible with the preservation of a matrilineal tradition. Second, most women continued their traditional roles in hunting, farming and fishing. Third, many women lived in small camps of extended families where traditions were preserved. Fourth, women remained involved in local decision-making. Fifth, women organized resistance against the missionaries and their schools in order to maintain control over the cultural socialization of their children in order to protect traditional matrilineal customs. Dunaway argues that Cherokee women were successful in their resistance.

Dunkley, Kate (1982). *Indian Women and the Indian Act*. Ottawa: Library of Parliament.

This work discusses sex discrimination in the Indian Act, and reviews the legal challenges brought against the government due to provisions in the act. It looks at the use of section 4(2) to suspend the discriminatory aspects of the act as a temporary measure, and discusses the recommendations of the Parliamentary Sub-Committee on Indian Women and the Indian Act. The implications of the Constitution Act, 1982 for the Indian Act are also reviewed.

Dunn, Martin (1986). *Access to Survival: A Perspective on Aboriginal Self-Government for the Constituency of the Native Council of Canada*. Kingston: Institute of Intergovernmental Relations.

This paper describes the perspective of the Native Council of Canada (NCC) on the subject of Aboriginal self-government for NCC constituents. The constituency is defined as the descendants of the original peoples of North America, many of whom are not registered as Indians under the Indian Act. A description of the different types of non-Status Indians is provided. The inequities this constituency faces are outlined as well as its claim to the right to self-government. The mechanisms, institutions and functions of self-government are discussed.

Durst, Douglas (1996). *First Nations Self-Government of Social Services: An Annotated Bibliography*. Regina: University of Regina.

This work consists of a select bibliography on the development of systems of self-government for the delivery of social services within Aboriginal communities. The bibliography covers issues of family violence, child welfare, the justice system, aged and disabled individuals and issues of special concern to women. Most annotations provide a commentary on how the source relates to self-government.

Dyck, Noel (1980). "Indian, Métis, Native: Some Implications of Special Status". *Canadian Ethnic Studies*. Vol. 12, No. 1, pp. 34-46.

This paper disputes the assumption that there are no substantial social, political or cultural differences between Registered Indians and other peoples of Native ancestry. "Evidence of historical inter-actional and political difference between Indian and Métis people in Saskatchewan is presented to demonstrate the social significance of the Indians' special legal status." The author examines various points that support the premise of "Nativeness" and discusses their contemporary political implications. Dyck then offers an analytical framework designed to rectify the shortcomings posed by the uncritical adoption of the term 'Native' by social scientists.

Dyck, Noel (1983). "Representation and Leadership of a Provincial Indian Association". *The Politics of Indianness: Case Studies of Native Ethnopolitics in Canada*, edited by Adrian Tanner, pp. 197-305. St John's: Memorial University.

The article is a study of the development of a provincial Indian association in an unnamed western province. In developing the organization, the organizers were required to assert a provincial Indian identity that extended beyond pre-conquest and post-conquest constraints and allowed for ethnic and linguistic differences. The article provides specific examples of how the organization won the support of Indian bands throughout the province. He argues that the development of a provincial Aboriginal identity, rather than an identity based upon the entire Aboriginal community in North America or the First Nations tribe/band, holds interesting implications for the development of political governance systems that do not rely upon the national or small community band or tribe-based models of governance currently being explored.

Eberts, Mary (2002). *Aboriginal Women's Rights are Human Rights*. Ottawa: Native Women's Association of Canada.

The author argues that Indian women are still being discriminated against despite the passage of Bill C-31 in 1985. She notes that the children of reinstated women cannot normally pass on status to the same degree as their cousins whose Indian fathers never lost status prior to 1985. Eberts discusses areas where discrimination still occurs and states that Bill C-31 has divided families and communities. "By severing status and Band membership," she says, "Bill C-31 has created a class of [reinstates] who may be restored to the General List under the Indian Act, but have no band membership. Bands are permitted to shape their own membership codes, and there is no requirement for these codes not to discriminate against Bill C-31 reinstates." Eberts claims that the Canadian Human Rights Act, in particular section 67, and section 15(2) of the Charter, do not adequately protect the rights of Indian women. Eberts provides a list of the Native Women's Association of Canada's recommendations to the Canadian Human Rights Act Review Committee outlining amendments to the Indian Act and Canadian human rights legislation. Other recommendations deal with ways to protect the rights of Aboriginal women.

Eckermann, A. K. (1973). "Group Identity and Urban Aborigines". *Aboriginal Identity in Contemporary Australian Society*, edited by Donald Tugby. Milton, Q.: The Jacaranda Press.

Eckermann demonstrates the ways in which an image of Aborigine has arisen among white Australians, and examines how urban Aborigines view themselves.

Eliasson, Apostle, Patterson and Associates (1987). *Comprehensive Management Review of the Lands, Revenue and Trusts Sector: Indian Government Project: Membership Area: Phase I Report*. Ottawa: Eliasson, Apostle, Patterson and Associates.

This report seeks to identify key areas, issues and tasks to be completed during Phase II. It provides background on the impact of Bill C-31 and what changes it made to entitlement and membership provisions within the Indian Act. The report states that major areas which need to be addressed in Phase II include determining who holds the responsibility for the maintenance of the Indian Register, the devolution of responsibility, the efficiency of the entitlement system and the adequacy of funding. The report concludes with a Phase II work plan.

Eliasson, Apostle, Patterson and Associates (1988). *Appendix A-I to the Phase II Reports: Lands, Revenues and Trusts Review - Indian Government Issues, Elections, Bylaws, Membership*. Ottawa: Indian and Northern Affairs Canada.

This appendix provides a table of the key comments on elections, by-laws and membership received during all meetings with bands/tribal councils. Some of the problems identified during this review included verifying the validity of membership once band lists are band controlled, tracking individuals, the use of on-reserve services by non-status populations, and a lack of information on Bill C-31 people. Participants indicated that the lack of information on new registrants means that bands cannot contact Bill C-31 registrants to inform them of possible benefits.

Eliasson, Apostle, Patterson and Associates (1988). Appendix A-II to the Phase II Reports: Lands, Revenues and Trusts Review - Indian Government Issues, Elections, Bylaws, Membership. Ottawa: Indian and Northern Affairs Canada.

This appendix provides the summary notes on individual meetings with bands and tribal councils compiled during a review of the role of Lands, Revenues and Trusts Division. This review collected the opinions of bands surveyed on the topics of membership, elections and by-laws. The commentary deals specifically with the problems bands see when implementing the Bill C-31 changes to the Indian Act and their own band membership codes. The problems discussed are based upon anecdotal evidence.

Elkins, David J. (1994). *Aboriginal Citizenship and Federalism: Exploring Non-Territorial Models*. Vancouver: University of British Columbia.

This work discusses various models of Aboriginal self-government that are not based upon a sovereign territory. Elkins argues that if a political entity is not tied to a physical territory, it allows for greater variation regarding citizenship. Under the author's model, Aboriginal citizenship could be opened to include groups beyond Status Indians as determined by the Indian Act. The author recommends a system of self-selection for determining citizenship in a "Third Order" of Aboriginal, non-territory provinces. In other words, this report argues that Aboriginal citizenship will not be identical to Canadian citizenship even if a Third Order of government for Aboriginals comes to exist within the Canadian purview. Instead, Natives will be "citizens-plus." The report examines what Aboriginal citizenship might look like in the future.

Elliott, David W. (1994). *Law and Aboriginal Peoples of Canada*. Toronto: Cactus Press.

This is a survey book that provides both commentary and selected readings on the law as applied in Canadian courts, as it relates to Aboriginal peoples. Chapter two, entitled "Who is an Aboriginal Person?" deals with five legal definitions of Canadian Aboriginal peoples. Namely, Aboriginal peoples under section 35 of the Constitution Act, 1982; Indians under section 91(24); Indians under the Indian Act; treaty and non-treaty Indians; and claims agreement beneficiaries. Each aspect is explored with reference to relevant cases, readings and legislation. Chapter 11 discusses the types of self-government promoted by various Aboriginal groups as well as the legal arguments used by Aboriginal groups for the right to self-government.

Elliott, Jean Leonard (1985). *Native Women and the Revised Indian Act*. Saskatchewan: Canadian Research Institute for the Advancement of Women.

In this short paper, the author contends that Bill C-31 represents a hollow victory for Indian women since it offers limited status and membership rights to the children of reinstated women compared to the children of Indian men who never lost status. The author argues that this was done to save money. Elliott states that questions remain as to whether the courts will allow such differential treatment of children within the same family.

Emmerich, Lisa E. (1997). "'Save the Babies!': American Indian Women, Assimilation Policy, and Scientific Motherhood, 1912-1918". *Writing the Range: Race, Class, and Culture in the Women's West*, edited by E. Jameson and S. Armitage, pp. 393-409. Norman and London: University of Oklahoma Press.

Emmerich explores the efforts of the Bureau of Indian Affairs (BIA) to improve the health of Indian babies. However, the BIA's efforts, the author argues, were complicated by the cultural assumptions of white reformers, which made it difficult for them to analyze the causes of the ill-health they sought to solve. Despite their good intentions, Emmerich notes, BIA personnel simply could not "get beneath" their underlying assumptions about assimilation and women's roles - assumptions that ultimately guided their efforts and limited their effectiveness when trying to "save" Indian children. In doing this, Emmerich shows how policymakers, committed to the values of middle-class motherhood, shaped government programs, but not always to the benefit of those they sought to help.

Erickson, Mavis (2001). *Where are the Women? Report of the Special Representative on the Protection of First Nations Women's Rights*. Ottawa: Department of Indian and Northern Affairs Canada.

This report focuses on three main areas of concern to First Nations women. First, it reviews "the administration of the Indian Act and certain of its provisions, such as the membership, registration, wills and estates, elections, Indian monies and land." Second, it studies "potential gaps" in the Indian Act, such as the division of matrimonial property on-reserve upon marital breakdown and "the potential inability of provincial courts to grant orders respecting the temporary possession of the matrimonial home in case of family violence where the home is situated on reserve land." Third, it reviews those areas of concern that lie "outside the Indian Act that would challenge the new relationships that we are building." This includes the Indian Act being exempt from the Human Rights Act, for example. Findings are based, in part, on discussions held across the country with interested women groups representing national, provincial and regional organizations, and others. Topics discussed at these meetings include, but are not limited to: membership and registration under Bill C-31; the second generation cut-off; residual discrimination in the Indian Act; the need to identify the father of a child in order for that child to gain 6(1) status; funding issues; rights of non-Native spouses; matrimonial property issues; housing; band elections; and treaty rights.

Fisher, A.D. (1996). "Plains Cree Custom and Behaviour Relating to Marital Status and Band Membership". Expert Evidence Report in the Federal Court of Canada, Trial Division. Ottawa: Federal Court of Canada (Court No. T-1874-92).

This paper represents the views of Dr. A.D. Fisher, expert witness before the Federal Court of Canada Trial Division. His "opinion attempts to explain the customs of the Plains Cree concerning the relationship between Band membership and marital or family status," and "was written at the request of counsel for a Cree woman seeking judicial recognition of her right to re-instatement as a member of the Saddle Lake Cree Band." Fisher concludes, "Band membership among the Cree, including the Saddle Lake Cree, was a very flexible matter before the Indian Act was passed. Membership depended upon the mutual acceptance by the Band and the individual and often included the acceptance of persons from other Bands and other tribes or Nations. Introduction of an outsider [to the band] was often accompanied by intermarriage." The author adds, "when a marriage took place between members of different Bands or Tribes, the couple might live with the husband's band or the wife's band, depending on many different factors. No compulsory pattern existed." However, kinship ties took priority over band, tribal or national affiliation, and the "notion of 'connectedness,' by which one retained a link with every group with which one was ever connected" was strong. When marriages dissolved, the spouse leaving, either the man or the woman, returned to their birth band. Any children remained with the spouse not leaving. Fisher alleges that, "The Indian Act laid down Band membership regulations that did not correspond" to Indian marriage patterns of the Cree in question, "and were imposed without the authorization of the Cree people."

Fiske, Jo-Anne (1988). "Fishing is Women's Business: Changing Economic Roles of Carrier Women and Men". *Native People, Native Lands: Canadian Indians, Inuit and Métis*, edited by Bruce Cox, pp. 186-198. Ottawa: Carleton University Press.

Fiske explores the traditional role of women amidst the Carrier peoples. The author demonstrates how Carrier women managed to maintain control over resource production, and as a result did not suffer the degradation in status many other Native women experienced. She argues that since fishing became the most valuable source of production amongst the Carrier people, and since fishing was a female task, the role of women as community and political players solidified. The article discusses how this situation developed, the impact of subsistence versus commodity production, the role of state intervention and women's influence on contemporary politics as a result of their community importance.

Fiske, Jo-Anne (1990-1991). "Native Women in Reserve Politics: Strategies and Struggles". *Journal of Legal Pluralism and Unofficial Law*. No. 30 and 31.

This article looks at the willingness of bands in Canada to accept women who lost status and their children back onto the reserve. The author reviews the political power exerted by band councils and the way in which reserve politics is organized. The main focus is upon the role that women play within the political framework and the historical events which led to women's involvement. Fiske looks closely at the Carrier Native Band.

Fiske, Jo-Anne (1995). "Political Status of Native Indian Women: Contradictory Implications of Canadian State Policy". *American Indian Culture and Research Journal*. Vol. 19, No. 2, pp. 1-30.

This article examines the link between economy, domestic organization and political processes on the one hand, and the relationship between Indian women and the state on the other. Fiske describes the status provisions of the Indian Act both prior to and after the 1985 amendments, and discusses the impact the amended act had on social and government relationships. The ramifications of Bill C-31 on social programs and reserve resources are also explored. The author concludes that the contradictory policies of the state are responsible for the ambivalent position of Aboriginal women in society.

Fiske, Jo-Anne (1995). "The Supreme Law and the Grand Law: Changing Significance of Customary Law for Aboriginal Women in British Columbia". *British Columbia Studies*. Vol. 105, pp. 183-199.

This article discusses the implications of the recognition of customary law for Aboriginal women in British Columbia. The first section discusses the recognition of customary law in the case of *Casimel v. Insurance Corporation of British Columbia*, where customary law was recognized as relevant to the case involving adoption issues. The second section of the article contains an analysis of the implications for the acceptance of law in Aboriginal women's lives. Customary law, Fiske states, "is both fluid and contextual, and may lose the properties which make it most effective if ensconced into the dominant legal order. There is also the fear amongst some Aboriginal women that traditions which have offered choice may be reconstituted as legal imperatives that will constrain women." Fiske states that "customary law and its interpretation affect the images of social identity, tradition and economic responsibility." In this way, the article deals with identity issues, especially for adopted children.

Fiske, Jo-Anne (1996). "The Womb is to the Nation as the Heart is to the Body: Ethno political Discourses of the Canadian Indigenous Women's Movement". *Studies in Political Economy*. Vol. 51, pp. 65-96.

Fiske argues that political organizations that present Aboriginal women as the "heart" of the nation - groups such as the Assembly of First Nations (AFN) - produce an image of women as a resource which must be protected at all costs. Such views have implications for Indian self-government, Fiske argues. Groups that hold these views tend to silence the voice of women and see the Native women's movement as "anti-nationhood" and as pushing individual rights over national collective rights. This, in turn, creates or constructs a "patriarchal second order" within the self-government movement. The author argues that this patriarchal second order, based upon the idea of the supremacy of men, offers women a secondary place within that government rather than an equal one. Thus, Fiske argues, women are considered part of the nation, but not partners in the nation. Fiske asserts that questions of identity are bound to ethno-political discourse and are crucial in determining the future of indigenous women.

Fiske, Jo-Anne and Claudine Herlihey (1994). "Courting Customs: Taking Customary Law to the B.C. Supreme Court". *International Journal of Comparative Race and Ethnic Studies*. Vol. 1, No. 2, pp. 49-65.

This article examines four cases in which legitimation of customary law in Gitksan-Wet'suwet'en and Yinka Dene communities was sought under Canadian law. Although the outcomes of the cases presented a variety of views on customary law from the Canadian legal system, certain aspects of customary law were accepted as common-law. This acceptance resulted in a partial legitimation of the telling of oral history and practice in the B.C. court system. The authors assert that if indeed customary law can be accepted as legal practice instead of moral obligation in the Canadian legal system, it could potentially create a new discourse in law. This new discourse would aid the move toward self-government and self-determination of First Nations, and assist in the construction of identity and ethnicity for First Nations people.

Fiske, Jo-Anne, Melonie Newell and Evelyn George (2001). "First Nations Women and Governance: A Study of Custom and Innovation Among Lake Babine Nations Women". *First Nations Women, Governance and the Indian Act: A Collection of Policy Research Reports*, pp. 55-116. Ottawa: Status of Women Canada.

This study examines the recommendations made by the women of the Lake Babine First Nation on the role of Native women in governance. These women seek a self-government model that reflects their traditions. The article reviews the Lake Babine women's efforts to have the Indian Act amended to allow for this. A comprehensive list of their recommendations for change, offered by the women who participated in the project, is provided.

Fiske, Jo-Anne, Patty Finn and Marie Paturel (1996). *Aboriginal Women and the Law: An Annotated Bibliography*. Prince George, B.C.: Child Welfare Research Centre, Social Work Programme, Faculty of Health and Human Sciences, University of British Columbia.

This is an annotated bibliography covering a wide variety of topics related to the interaction between Aboriginal women and the law. This includes entries on self-government, membership, justice, child welfare and Aboriginal rights. The annotations are academic and objective. In addition, the editors have included an overview of the placement of Aboriginal women within the social and legal fabric of First Nations society.

Flanagan, Thomas (1983). "The Case Against Métis Aboriginal Rights". *Canadian Public Policy*. Vol. 9, No. 3, pp. 314-325.

This paper argues that "Métis aboriginal rights" are an historical mistake, conceived out of political expediency in 1870 to pacify the insurgents in Red River. Flanagan argues that the Métis do not meet the tests for Aboriginal status which have subsequently been elaborated within Canadian jurisprudence. The author states that the best strategy to minimize the damage caused by the "thoughtless elevation" of the Métis to the status of a distinct "Aboriginal" people is to emphasize the word "existing" in section 35 of the Constitution.

Fleming, Margot (1995). "A Critical View of Cultural Essentialism: The Native Women's Association of Canada, Problems of Inequality and Aboriginal Self-Government". MA thesis, McGill University.

The author examines and expands on the Native Women's Association of Canada's (NWAC) call for a woman's voice at the discussions surrounding the Charlottetown Accord and over their position that Aboriginal women need constitutional protection from the activities of future Aboriginal governments. She argues that Aboriginal groups that use the need to protect Aboriginal cultural "as a justification for unfettered self-government, appears to facilitate a turning away from pressing concerns raised by Aboriginal women." Aboriginal governments, she adds, will "only be meaningfully accountable to their constituents" when individual human rights are protected.

Fleras, Augie and Jean Leonard Elliott (1992). *The 'Nations Within': Aboriginal-State Relations in Canada, the United States, and New Zealand*. Toronto: Oxford University Press.

The authors examine Aboriginal-state relations in Canada, the USA and New Zealand, with a focus on Canada. They look at the genesis, evolution and contemporary status of Aboriginal-state relations and analyze those forces in favour of maintaining the status-quo, and those in favour of reform and redefinition of the relationship between states and Aborigines. They discuss and identify common patterns among the countries in question. In the process, they discuss the meaning and definition of "Aboriginal."

Flies-Away, Joseph Thomas (2003). "My Grandma, Her People, Our Constitution". Reversing History: Current Issues in American Indian Constitutional Government Reform. Harvard: Harvard Initiative on American Indian Constitutional Reform.

The author analyzes what it means to be a Hualapai Indian in the United States by looking at the Hualapai government, their constitution and life. He looks at the use of blood quantum to define membership/citizenship and identity and the effects it has had on the Hualapai people and their culture. The author calls on tribal leaders to think critically about tribal aspirations and identity. He favours abolishing blood quantum as a means of identity.

Flies-Away, Joseph, Carrie Garrow and Miriam Jorgensen (2003). The Division of Matrimonial Real Property on American Indian Reservations. The Harvard Project on American Indian Economic Development. Ottawa: Strategic Research and Analysis Directorate, INAC.

This report examines the rules or legislation governing matrimonial real property on Indian reservations in the United States. The authors compare four case studies where formal tribal law (Navajo), tribal customary law (Hopi), state law (California Tribes) and no clear law (Native Village of Barrow, Alaska) apply. This comparison provides evidence for the relative success of tribal sovereignty over matrimonial real property issues, the usefulness of tribal courts, whether or not state dominance is better than the absence of any other legal regime (from the standpoint of the protection of women and children), and the types of solutions that might be available should customary law apply. Comparison is also made to the Canadian experience, and lessons learned are offered for the development of potential policy options to address the matrimonial real property legislative gap on Canadian First Nations' reserves.

Fogelson, Raymond D. (1998). "Perspectives on Native American Identity". Studying Native America: Problems and Prospects, edited by Russell Thornton. Madison: The University of Wisconsin Press.

In this essay, the author considers Native American identity from three perspectives: blood, land and community. He emphasizes the historical continuity of identity for Native Americans. He also discusses historic "tribal" forms of Native American organization as they relate to identity.

Fontaine, Nahanni (2002). "Aboriginal Women's Perspective on Self-Government". Canadian Dimension. Vol. 36, No. 6, pp. 10-11.

Fontaine argues, "the pursuit of self-government among Indigenous communities leaves some of us, particularly elders, women and youth, in a state of fear, confusion and apprehension." She argues that there needs to be a woman's voice present during self-government negotiations to ensure that the concerns of women are taken into account. Despite the years of protest, and Aboriginal leadership claims to the contrary, the concerns of Aboriginal women, Fontaine argues, are still not being taken fully into account. Self-government promises First Nations a great deal, and Aboriginal women need to be part of the process and have their concerns addressed, she says.

Fontaine-Brightstar, Marilyn (1992). "Breaking the Silence". *Canadian Dimension*. Vol. 26, No. 2, pp. 5-8.

This opinion piece, authored by a member of the Aboriginal Women's Unity Coalition, argues the necessity of elected Aboriginal leadership to treat violence against Aboriginal women and children as equal in importance to recognition of inherent rights and self-government. The author explains that Aboriginal women have been reluctant in the past to challenge the positions taken by their leaders, out of the perceived need to present a united front when dealing with the Canadian government and the broader Canadian society. The author argues that male-dominated Aboriginal leadership exhibits a bias against Aboriginal women.

Forbes, Jack D. (1990). "Undercounting Native Americans: The 1980 Census and the Manipulation of Racial Identity in the United States". *Wicazo Sa Review*. Vol. 6, No. 1, pp. 2-26.

This is a reprint of an article first published in *Storia Nordamericana* [Italy] 1988 5(1): 5-47. It uses American census bureau data to show that the number of Native Americans was severely undercounted in 1980. This error was caused by ambiguities in the method of racial categorization used. The most glaring flaw was the designation of persons of Latin American ancestry as Hispanics or of Spanish descent when, in fact, many were of Native American descent. The author determines that correcting this error would increase the official Native American count in the United States by a factor of three. A more accurate categorization format was suggested by a consulting group after the 1988 census, but it was not adopted.

Forbes, Jack D. (2000). "Blood Quantum: A Relic of Racism and Termination". *Native Intelligence*.

Forbes provides a brief overview of the use of a blood quantum to define racial groups in the United States. He notes that the presence of "white" blood has been more important than the degree of non-white blood when determining identity. He argues that the more "white" blood a person enjoyed the more benefits accrued to that person. As a result, people sometimes exaggerated their level of "white" blood in order to gain advantages. He further argues that the use of a blood quantum is a product of white racism and social science theories of race and warns Native Americans to resist recent government initiatives to define people by blood quantum. The use of blood quantum, he argues, will eliminate the American Indians as a people.

Forsyth, Shirley (1994). "The Pas: A Community of Three Solitudes". Royal Commission of Aboriginal Peoples Submission. Ottawa.

This study focuses on the incidents and feelings of racism within The Pas community in Manitoba. Forsyth surveyed three groups and their interactions with each other: non-Aboriginals who live in towns, Status Indians on-reserve and residents of the two Métis communities in the vicinity of the reserve. She looked at each group's economic status and historical background to explain the development of their respective communities. The author analyzed each group's perception of who is and who is not an Indian.

Foster, Martha Harroun (1993). "Of Baggage and Bondage: Gender and Status among Hidatsa and Crow Women". *American Indian Culture and Research Journal*. Vol. 17, No. 2, pp. 121-152.

The purpose of this paper is to explore problems inherent in the evaluation of Hidatsa and Crow women's roles and status. The evidence suggests that women's status endured in the face of economic change following the arrival of Europeans. Foster shows that women maintained their traditional roles in religion, trade and distribution, and that their personal autonomy did not decrease.

Francis, Daniel (1992). *The Imaginary Indian: The Image of the Indian in Canadian Culture*. Vancouver: Arsenal Pulp Press.

This book looks at how non-Aboriginals have historically viewed First Nations people. It shows how that image has evolved over time from the colonial era to about 1969. Francis links these changing images to Canadian Indian policy to show how 'white' perspectives on who Indians are has shaped government thinking. The author argues that government policy is informed by this imaginary concept of Indians.

Fraser-McKay, Winnie (1991). "Northern Women and a Western NWT Constitution: Hear Our Voices". *Aboriginal Women: [Collected Articles and Papers]*. Vol. 3. Ottawa: DIAND.

The author reviews the Aboriginal women's contribution to the NWT constitutional development process and presents six recommendations for ensuring women's equality and participation. First, "Women must be represented in all government institutions and processes, including western NWT constitutional development. Women should make up 50% of all government-appointed boards, agencies and commissions." Second, "Women's equality rights must be protected in a new western NWT constitution, and women must be informed of their rights. The constitution should state that women are equal participants in the social and economic mainstream of society." Third, "The social and economic rights of all citizens must be guaranteed in a western NWT constitution, by means of a Social Charter." Fourth, "The rights of our Aboriginal sisters and their families, including the inherent right of self-government, must be entrenched in a western NWT constitution." Fifth, "The right of all people, but especially of women and children, to be free from violence of all kinds, should be recognized in a western NWT constitution." Sixth, "A western NWT constitution must be drafted in gender-neutral language."

Freeman, Barbara M. (1998). "Same/Difference: The Media, Equal Rights, and Aboriginal Women in Canada, 1968". *Canadian Journal of Native Studies*. Vol. 18, No. 1, pp.87-115.

This article explores the views of Aboriginal women as portrayed in the media during the 1968 Royal Commission on the Status of Women. The author notes that Aboriginal women, while facing discriminatory circumstances similar to white women, also encountered inequalities unique to their situation as Aboriginal women.

Frideres, James S. and Rene R. Gadacz (2001). *Native Peoples in Canada: Contemporary Conflicts*, 6th ed. Toronto: Prentice-Hall Canada.

The authors' goal is to provide the reader with an understanding of the place of Aboriginal people within Canadian society. Part one reviews the legacy of Canadian colonialism on Aboriginal peoples while providing a discussion on Aboriginal identity and consciousness, including a discussion on definitions. Part two provides a statistical profile of Aboriginal people, including an analysis of where they live and the state of their health, etc.. It also looks at Aboriginal people in the Canadian justice system and in urban settings. Part three reviews Indian treaties and Métis scrip, land title and self-government issues. Part four covers the Inuit, Aboriginal organizations, economic development, Aboriginal resistance movements, including the Lavell and Bedard cases and the Oka crisis.

Gaffney, R.E., Gary P. Gould and Alan J. Semple (1984). *Broken Promises: The Aboriginal Constitutional Conferences*. Fredericton: New Brunswick Association of Métis and Non-Status Indians.

The preface states that "this book provides a critique of the constitutional process and the positions of participants both government and aboriginal to date. It presents behind the camera strategies, politics and positions which often are masked by public statements which appear, at first glance, to be just and fair. It analyses these strategies and positions and exposes the real intentions of most governments and some groups who wish to maintain the status quo, and to present the identification, definition and inclusion in the constitution of the rights of the aboriginal peoples of Canada." In doing this, the authors discuss the Constitution, the Charter, reinstatement, discrimination in the Indian Act, membership, individual versus collective rights and the definition of Indian.

Gagne, Jocelyn (1992). "Entitlement to the Rights of Aboriginal People". MA thesis, University of Ottawa.

The author examines the origins of Aboriginal rights. She argues that the only groups entitled to Aboriginal rights are those who are actually capable of exercising collective rights and who are connected by degrees of descent to those Aboriginal groups that existed before European contact. The author argues that pre-contact rights were collective in nature, and that the idea of individual rights is of European origin. She also says that collective rights likely extend to individuals beyond those who are legislatively recognized as entitled to such rights.

Gana, Ruth L. (1995). "Which "Self"? Race and Gender in the Right to Self-Determination as a Prerequisite to the Right to Development". *Wisconsin International Law Journal*. Vol. 14, No. 1.

The author examines race and gender in the context of self-determination. She argues that the impact of race and gender on the lives of individuals "must be examined within this larger framework in order to advance the conditions of both the individual and the collective." She discusses how efforts to achieve self-determination shapes the identity of the larger ethnic or cultural group and "gives meaning to its existence as a political unit" and as an "expression of that collective's power over its own destiny." However, Gana adds, groups seeking self-determination "regardless of how the group treats or defines those within it, "impairs individual growth and the efforts of the larger collective. Therefore, she suggests, to balance this tension, those concerned must recognize "the complete individual," which includes race and gender, along with the needs of the community to which they belong, and must account for both in human rights discourse.

Garneau, Edith (2002). "First Nation Women in Quebec, Self-Determination and the Argument of Dilution." Paper presented at the Political Theory Workshop at the University of Chicago.

The author argues that Aboriginal women in Quebec need protection against band discrimination in any self-government arrangements made between the Canadian government and Indian peoples. She argues that women's rights should not be placed second to Aboriginal collective rights. She describes some of the difficulties women face on reserve, especially if they are ostracized as "Bill C-31 Indians" or as "6(2) Indians," and discusses the importance of culture in the identity make-up of Aboriginal women. The author opines that reinstated Aboriginal women do not dilute Indian culture; it is a spurious argument to suggest it.

Garrouette, Eva Marie (2001). "The Racial Formation of American Indians: Negotiating Legitimate Identities Within Tribal and Federal Law". *American Indian Quarterly*. Vol. 25, No. 2, pp. 224-239.

The author details the inconsistent process and consequences of negotiating legitimate American Indian identities within tribal and federal law during the 19th-20th centuries. Although the American government allowed each tribe to determine its legal criteria for citizenship, it also imposed its own, varied legal definitions of "Indian." Most tribes used a blood quantum to determine ancestry with the required degree of blood lineage ranging between one-quarter and one-half. Some tribes, however, also stipulated that blood must be pure or originate from a particular side of the family. The author says that the federal government initiated blood quantum standards to determine where its responsibility to Native Americans ended, to facilitate the liquidation of tribal lands and to eliminate government trust responsibility. She also contends that varied federal legal definitions of Indian identity have compounded tribal discrepancies and resulted in inconsistent treatment both within tribes and in terms of the federal funding levels.

Gartrell, John (1993). *The Social Impact of Band Membership: Bill C-31 in Alberta*. Alberta: Native Council of Canada (Alberta).

This study looks at the social impact of Bill C-31 on band membership in Alberta. In doing so, the author records the attitudes of reinstated members on the importance of membership, and what membership means to them. The author found that band membership was viewed as important for its cultural connection, but that 66 percent of the sample were without membership. In the study, band membership did not correlate to contact or closeness of connection with the band but prior residence on reserve did.

Gehl, Lynn (1998). "The Queen and I: Discrimination Against Women in the Indian Act Continues". *Canadian Women Studies*. Vol. 20, No. 2, pp. 64-79.

This article discusses the construction of identity and how the Aboriginal concept of identity is influenced and determined by the Indian Act, specifically as it applied to the author's own Aboriginal identity development. The author states that the 1985 amendments to the Indian Act did not end discrimination against women. She describes the workings of section 6, and how, in her view, it perpetuates discrimination. She uses her own family as a case study. The author states that the Indian Act has created a "fictitious body" of Indians, and feels that Aboriginal people themselves need to "unmake these fictive communities."

Gerber, Linda M. (1990). "Multiple Jeopardy: A Socio-Economic Comparison of Men and Women Among the Indian, Métis and Inuit Peoples of Canada". *Canadian Ethnic Studies*. Vol. 22, No. 3, pp. 69-84.

The author uses the Canadian census data from 1996 to make a demographic and socio-economic comparison of Indian, Métis and Inuit men and women. The author undertook this comparison to determine if Native women are doubly disadvantaged as females of ethnic minorities. The author argues that the most disadvantaged Canadians in terms of educational attainment, labour-force participation and income are members of visible minorities, are female and are specifically Indian. The author also points out that Indian women have lower incomes, higher unemployment and lower labour-force participation than the Métis and Inuit.

Gibson, Dale (2002). "When is a Métis an Indian? Some Consequences of Federal Constitutional Jurisdiction Over Métis". *Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction*, edited by Paul L.A.H. Chartrand, pp. 258-267. Saskatoon: Purich Publishing.

The author reviews the Federal Métis policy and argues that the Métis are Indians under the meaning of section 91(24) of the British North America Act, 1867. He argues that the Métis are a Federal Government responsibility, and that the Government of Canada would lose a Charter challenge brought forward under section 15 if it argued otherwise. He also looks at the importance of Bill C-31 for the meaning of Métis.

Gilbert, Larry (1996). *Entitlement to Indian Status and Membership Codes in Canada*. Scarborough: Carswell.

This book is based upon notes from a manual written for entitlement officers by the author while he served as Assistant and Acting Registrar of the Department of Indian Affairs in 1987. It is divided into two parts: the first concerns the laws affecting entitlement and the second deals with band membership codes. The first part is further divided into a history of entitlement under Indian Acts prior to 1985; under the 1985 Indian Act; and under customary law. It also describes the application process for reinstatement and the appeals process. In addition, it looks at the alleged continual discrimination contained in the act. The author is critical of the Office of the Registrar, and discusses his personal experiences as Acting Registrar.

Gill, Lise (1995). *From the Reserve to the City: Amerindian Women in Quebec Urban Centres*. Ottawa: Status of Women Canada.

This study looks at the situation of Aboriginal women who leave their home communities to live in urban centres. The author used data collected by the Aboriginal Peoples Survey. The information is used to describe Aboriginal women migrants and to identify their reasons for moving off reserve. The author states that although Indian women in urban centres retain the rights and advantages of their Indian status, they also experience difficulties in accessing services and programs designed for Indian people. The study notes that two major differences exist between women's experiences in cities and on reserves: the lack of personal support networks in cities and the lack of confidential services on reserves. The ability of urban Indians to participate in self-government, the author argues, varies depending upon whether political links to the home community have been maintained and the existence of organized groups within urban centres. The author concludes that Aboriginal women wish to protect and pass on their cultural identity, regain control of their choices and exercise their rights so they are not limited to one place of residence.

Ginger Group Consultants (1995). *New Approaches to Aboriginal Programs: Shifting Focus from Individual Status Indians to First Nations as Collectivities*. Ottawa: Indian and Northern Affairs Canada: Research and Analysis Directorate.

This study examines the shift in federal government program policies from an individual to a collective basis. Chapter one highlights how the changes made to eligibility requirements affected greater band control over resource allocation and definitions of membership. Chapter two is a detailed examination of the benefits and disadvantages of Registered Indian status, with a focus on rights of band members, off-reserve residents and cultural identity. Chapter three deals specifically with the changes to membership after the 1985 Indian Act amendments and how those changes affect funding and program resources. The report notes that in First Nation communities where the membership rules differ from the Indian Act a hierarchy is developing regarding access to benefits and political rights. The study also makes note of the problems associated with Registered Indians who are not affiliated with a band.

Giokas, John (1995). *The Indian Act: Evolution, Overview and Options for Amendment and Transition*. Ottawa: Research Paper for the Royal Commission on Aboriginal People.

This report examines the historical evolution of the Indian Act from its inception through the 1985 amendments from a legal standpoint. It presents options for amending the Indian Act and lays out a plan for Indian policy. Part one explains how and why the Indian Act developed provisions on enfranchisement and the policy of gradual assimilation. Part two examines select portions of the act including the provisions affecting band membership. The author concludes that a new definition of the status/non-status designation may be required. The author provides detailed recommendations for amending the membership and status provisions of the act. He also touches upon the definition of Indian.

Giokas, John and Paul L.A.H. Chartrand (2002). "Who are the Métis? A Review of the Law and Policy Relating to Métis and 'Mixed-Blood' People in Canada". *Who are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction*, edited by Paul L.A.H. Chartrand, pp. 83-125. Saskatoon: Purich Publishing.

The authors review the law and policy of Canada affecting the Métis and shows that the idea of a Métis people is an evolving one. This, they argue, is because "in Canada, an arbitrary recognition system for Indians has not provided a rational basis for defining "Indians." That system cannot therefore be expected to yield a rational Métis definition at its boundary." In their search for a Métis identity, the authors touch on definitions including blood-quantum, jurisdictional issues, scrip, and the affects of Bill C-31 on identity.

Giokas, John and Robert K. Groves (2002). "Collective and Individual Recognition in Canada: The Indian Act Legal Regime". *Who are Canada's Aboriginal Peoples? Definition, Recognition and Jurisdiction*, edited by Paul L.A.H. Chartrand, pp. 41-82. Saskatoon: Purich Publishing.

This article examines the origins, nature, and effect of Canada's domestic recognition practice under the Indian Act as it relates to Aboriginal people in Canada other than those who are recognized as "Indians." The focus is on the recognition of "Indians" as set out in the Bill C-31 amendments of 1985. The authors note that while the obvious sex discrimination has been removed from the Indian Act, residual discrimination remains. This is seen in the restricted ability of individuals registered under various sections of section 6 to pass on their status. The authors conclude that there is still a need to design a principled and defensible recognition policy or statutory regime that extends to all Aboriginal peoples in Canada.

Goldberg-Ambrose, Carole (1994). "Of Native Americans and Tribal Members: The Impact of Law on Indian Group Life". *Law and Society Review*. Vol. 28, No. 5, pp. 1128-1148.

The author examines how American law impacts on Indian group-life and on Indian identity politics. The author discusses how the law has influenced and shaped the collective life of Indian nations by providing economic and political incentives for Indians to organize along particular lines, by forcing Indian groups into closer proximity or by separating them, and by creating "an official vocabulary for the discussion of group life." The most significant effect of the law on the Indian people, the author argues, has been to focus Indian political identity at the tribal level. This has made the tribe the centre of Indian autonomy, even though the tribe, in many cases, is the artificial construct of non-Indian legal forces. In other words, modern Indian identity is, in many cases, the product of non-Indian agendas. The author adds that, in addition, the law is now being used by various tribes to create a "supratribal Native American political community," which, significantly, most tribal members view as a means of strengthening the artificial tribal units.

Goodwill, Jean (1971). "A New Horizon for Native Women in Canada". *Citizenship Participation: Canada. A Book of Readings*, edited by James A. Draper, pp. 362-370. Toronto: New Press.

This paper describes the emerging group consciousness of Aboriginal women during the 1960s, and their initial efforts to organize. The author, of Native origin herself, tells the story from her perspective as one involved with this rising movement. Topics broached include discrimination in the Indian Act, the Royal Commission on the Status of Women (1970), and the loss of identity felt by many Native women.

Goodwill, Jean (1993). *Historical Overview of Social, Political, Cultural and Economic Aboriginal Women's Organizations in Canada*. Ottawa: Royal Commission on Aboriginal Peoples.

"The Royal Commission on Aboriginal Peoples commissioned this research project to gain a better understanding of the role Aboriginal women's organizations have played in the lives of Canadian Aboriginal peoples. The research focused on historical perspectives of the social, cultural, political and economic aspects of Aboriginal women's organizations in Canada." Eleven Aboriginal women's organizations were analyzed for their roles and activities, the most important of which dealt with the betterment of Aboriginal social and health conditions. However, political issues, the preservation of Indian culture and tradition and Indian education remained important areas of concern. Goodwill includes a description of the methodology used when researching this report as well as an historical overview of Aboriginal women's organizations in Canada. She claims, "the important work that these Aboriginal women's organizations are doing is being threatened by inadequate and inconsistent funding."

Goodwin, Christine M. (2002). "Human Rights, Women's Rights, Aboriginal Rights: Indivisible and Guaranteed?" *Centrepiece*. Vol. 8, No. 2.

The author discusses the property consequences on Aboriginal women in cases of domestic violence and marital breakdown. She argues that Aboriginal women are discriminated against in such cases. Should they leave their reserve for a period of time to find help, they often discover when they return that their homes have been taken over by the band as abandoned or are owned by their previous male partner. In the case of marital breakdown, for example, "there is no joint division of property in question; it belongs to the husband." This is at odds with the larger and dominant community, where non-Aboriginal women enjoy the protection of provincial laws, which protect them in the case of marital breakdown. Goodwin discusses this and other discrimination in relation to the Charter of Rights and Freedoms.

Gorham, Harriet (1988). "Families of Mixed Descent in the Western Great Lakes Region". *Native People, Native Lands: Canadian Indians, Inuit and Métis*, edited by Bruce Cox, pp. 37-55. Ottawa: Carleton University Press.

This article discusses the identity and development of a group of people of mixed Aboriginal and European descent in the Great Lakes region. The author seeks to explain why shared ethnicity did not develop within this group. In comparison to the Métis of the Red River region, the "mixed-blood people of the Great Lakes" did not develop the same shared sense of ethnic identity which developed among the Métis. Gorham states that people of mixed-blood in the Great Lakes region were not distinguished as a separate group by missionaries, the Hudson's Bay Company or government officers. With the War of 1812, feelings towards people of mixed blood background began to change as the concept of "half-breed" developed.

Grant, Agnes (1994). "Feminism and Aboriginal Culture: One Woman's View". *Canadian Woman Studies*. Vol. 14, No. 2, pp. 56-57.

In this article, Grant attempts to explain the fractured relations between the feminist movement and First Nations women. Grant contends that issues of racism hinder First Nations and other Canadian women from effectively uniting. She outlines the differences of focus for Aboriginal women, who because of different cultural values and less privileged positions in society, have extremely different agendas than other Canadian women. In doing this, she relates several examples of personal experience, and cites the National Action Committee on the Status of Women's inappropriate rejection of the Charlottetown Accord.

Gray, Marcie J. (1994). "Native Women and the Charlottetown Accord: Proposal to Protect Individual Gender Rights in Aboriginal Self-Government". *Aboriginal Women's Law Journal*. Vol. 1, No. 1, pp. 25-29.

This article examines provisions within the Charlottetown Accord with respect to Aboriginal self-government and the protection of Aboriginal women from sexual discrimination. The author argues that although the Accord did not go far enough, it did include some aspects that could have provided a beginning for subsequent negotiations. In the end though, the author says, Aboriginal self-government must, of necessity, be subjected to the gender-equality provisions of the Charter. Topics discussed include Bill C-31; individual versus collective rights; sections 28 and 35 of the Constitution; and women's concerns with Aboriginal self-government and their fear that women's rights will not be adequately protected.

Green, Joyce A. (1985). "Sex Equality and Indian Government: An Analysis of Bill C-31 Amendments to the Indian Act". *Native Studies Review*. Vol. 1, No. 2.

The author examines the 1985, Bill C-31 amendments to the Indian Act. She looks at the history of section 12(1) (b), previous efforts to amend the act, and the principles around which Bill C-31 was designed. She also reviews the "reinstatement debate" that occurred prior to the bill's passage, and notes that objections to reinstatement are based on political, economic and emotional grounds. The author concludes that these grounds must be dealt with, but that if the emotional arguments are not put to rest, reinstated Native women and children will face increasing threats of violence from other Indians. The author also argues that the federal government must recognize First Nations' right to self-government, and respect their constitutions and membership codes. Green concludes that if First Nations plan to use international law to support their arguments, they must follow international law when drafting their own constitutions.

Green, Joyce A. (1993). "Constitutionalizing the Patriarchy: Aboriginal Women and Aboriginal Government". *Constitutional Forum*. Vol. 4, No. 4, pp. 110-120.

This article discusses the struggle of Native women to be heard at constitutional talks, and to overcome the notion that their struggle for individual rights is injurious to the Aboriginal rights movement as a whole. The author wants Indian governments to be subject to the Charter. Topics discussed include the Charlottetown Accord, Bill C-31, and relevant court cases.

Green, Joyce A. (1997). "Exploring Identity and Citizenship: Aboriginal Women, Bill C-31 and the Sawridge Case". PhD thesis, University of Alberta.

This detailed and lengthy thesis examines the problem of contemporary citizenship. A review of the development of the Indian Act, including the Bill C-31 amendments and their impact on women, is provided. The author explores the arguments about the constitutionality of the Indian Act as presented in the Sawridge case. She also presents a history of discrimination against Aboriginal women and looks at the racism and sexism perpetrated by both colonial and Aboriginal governments. A detailed examination is provided of the problems faced by Indian women who have unfairly lost status and membership. The author draws attention to how Indian women have resisted such discrimination.

Green, Joyce A. (2001). "Canaries in the Mines of Citizenship: Indian Women in Canada". *Canadian Journal of Political Science*. Vol. 34, Issue 4 (December), pp. 715-739.

The author explores membership and citizenship issues affecting Aboriginal women, especially those Aboriginal women "whose membership in First Nations is subject to Canadian federal legislation and First Nations constitutions and membership codes." The author alleges that the pre-1985 Indian Act was a racist and sexist tool used by the government to determine band memberships. With the 1985 amendments, however, bands were given the power to control their own membership lists. The situation for Aboriginal women, though, did not improve, as now, the author states, many bands employ their own sexist membership codes to control band membership, and to the detriment of Aboriginal women. However, Indian bands, Green observes, are able to avoid criticism by invoking Aboriginal rights claims and appeals to tradition to explain and defend their membership code practices. Meanwhile, the federal government, Green asserts, washes its hands in deference to Indian bands and their claims to self-government. The individual rights of affected women, she says, "are scarcely acknowledged, much less addressed." It is Green's view that the entire experience "demonstrates the limitations of citizenship theory and of Canadian citizenship guarantees."

Green, Karen (1999). *Membership Research Paper; Working Paper on Status and Membership: Current Situation*. Ottawa: Assembly of First Nations.

This working paper identifies key concerns and issues related to status and membership. The goal is to identify avenues for policy development as to status, membership and citizenship. Green provides an explanation of the status and band membership provisions of the Indian Act. In doing so, she offers an historical overview of the act, discusses types of membership codes, provides an overview of select court cases, and gives statistics on memberships and membership codes. There is an Appendix entitled: "Benefits Arising From Indian Status and Membership."

Green, L.C. (1974). "The Canadian Bill of Rights, Indian Rights and the United Nations". *Chittys Law Journal*. Vol. 22, No. 1, pp. 22-28.

This article discusses the deficiency of the Canadian Bill of Rights in protecting individual rights, comparing it to the United Nations Charter on Human Rights. With respect to the Lavell court challenge, the author notes that the UN Charter offers more protection against discrimination than the Canadian Bill of Rights. Green concludes that although Indian treaties are not considered laws in Canada, giving treaties the same legal weight would preserve the special rights conferred by the treaties but within the scope of the Canadian Bill of Rights.

Greschner, Donna (1992). "Aboriginal Peoples and Anti-discrimination Legislation". *Royal Commission on Aboriginal Peoples Submission, Short Papers*. Vol. 2, No. 25. Ottawa: Indian and Northern Affairs Canada.

This paper discusses the anti-discrimination statutes passed by Parliament and provincial legislatures. The author argues that human rights codes have not served Aboriginal people well, and suggests that further research is necessary to understand the reasons that underlie continued discrimination. The author suggests full self-government would significantly reduce or eliminate discrimination. The author indicates that there is a lack of sensitivity by government and society to the plight of people who are members of two disadvantaged groups (i.e. Aboriginal women often suffer sexual and racial discrimination at the same time). The author does not suggest or explore how self-government would eliminate discrimination.

Greschner, Donna (1992). "Aboriginal Women, the Constitution and Criminal Justice". *University of British Columbia Law Review*. (Special Edition), pp. 338-366.

The author examines the role of Aboriginal women in Aboriginal communities, their experiences in the criminal justice system and the importance of their involvement in efforts to reform that system. Greschner argues that the use of gender-based distinctions in the status provisions of the pre-1985 Indian Act sought to assimilate women through penalizing them with loss of status and band membership upon marriage to a non-Indian. The author posits that it is Indian women who preserve Indian culture and who often form the backbone of their communities, and that they have done so in the face of poverty and without the assistance of national Aboriginal organizations.

Groves, Robert (1986). *Bill C-31 and the New Indian Act: Guidebook No.2: Protecting Your Rights*. Ottawa: Native Council of Canada.

This guidebook explains some of the technical issues in applying for status and band membership and provides guidance on how to ensure an applicant's rights are respected. The booklet includes some graphs and charts showing the number of applicants and registrants processed by Indian and Northern Affairs Canada to September 1986.

Groves, Robert (1999). *Urban Aboriginal Governance in Canada: Refashioning the Dialogue*. Ottawa: National Association of Friendship Centres.

This paper is focused on the potential development of Aboriginal governance in urban settings. It consists of a comparison of two directions based upon contemporary Aboriginal and treaty rights jurisprudence and democratic liberalism. The author states that urban Aboriginal peoples are at times viewed as voluntary immigrants; thus, they have "voluntarily" given up self-government. Importantly, the first portion of the paper provides a demographic context, including the number of Aboriginal people in large cities and their status as Registered Indians, Métis and band members.

Guimond, Eric (2003). "Changing Ethnicity: The Concept of Ethnic Drifters". *Aboriginal Conditions: Research as a Foundation for Public Policy*, edited by J.P. White, P.S. Maxim and D. Beavon, pp. 91-107. Vancouver: UBC Press.

In this article, Guimond documents the "phenomenal" annual population growth rates experienced by Aboriginal peoples between the years 1971 and 1996. He analyzes the reasons for these growth rates, including fertility and mobility patterns as well as "the unexpected component of ethnic mobility." Ethnic mobility refers to the manner in which individuals identify themselves ethnically in the Canadian census. Between 1986 and 1991, for example, Guimond observes that a substantial ethnic-shift occurred, whereby individuals transferred their ethnic identity from a non-Aboriginal group to an Aboriginal group. He looks at the reasons for this ethnic transfer as well as its implications for Aboriginal demography.

Guimond, Eric (2003). "Fuzzy Definitions and Population Explosion: Changing Identities of Aboriginal Groups in Canada". *Not Strangers in These Parts: Urban Aboriginal Peoples*, edited by David Newhouse and Evelyn Peters, pp. 35-49. Canada: Government of Canada: Policy Research Initiative.

Guimond addresses, from a demographic perspective, what he describes as two fundamental questions: Why is it so difficult to define Aboriginal populations in Canada? What is the explanation behind the recent Aboriginal population explosion? "The first section presents existing concepts and definitions of Aboriginal populations in the Canadian statistics to illustrate the fuzziness of 'Aboriginal Boundaries.' The second section of this article focuses on the recent demographic explosion of Aboriginal populations, and shows that the classic factors influencing growth (i.e., fertility, mortality, and migration) cannot account for all the observed growth. Finally, he introduces the phenomenon of ethnic mobility to explain the existence of fuzzy boundaries and the recent demographic explosion of Aboriginal populations. Ethnic mobility is the phenomenon by which individuals and families experience changes in their ethnic affiliation.

Guimond, Eric, Don Kerr and Roderic Beaujot (2003). "Charting the Growth of Canada's Aboriginal Populations: Problems, Options and Implications". Paper Prepared for the 2003 Population Association of American Meetings. London: University of Western Ontario.

This paper reviews sources and definitions used in documenting the characteristics of Canada's Aboriginal population and outlines some of the obstacles researchers face when trying to prepare meaningful, quantitative analyses using census data. The differences between Aboriginal ancestry, identity and legal recognition are outlined to show how the overlap of these categories affect demographic studies. The authors also examine the effects of Bill C-31 on the Aboriginal population as recorded by the census. Some comparisons are made to Aboriginals in the United States, New Zealand and Australia. It brings in discussions on definitions and identity.

Hagan, William T. (1985). "Full Blood, Mixed Blood, Generic, and Ersatz: The Problem of Indian Identity". *Arizona and the West*. Vol. 27, No. 4, pp. 309-326.

The author discusses the 1885 US Supreme Court ruling that an Indian tribe possesses the right to determine its own citizenship. It notes that much hinges on precisely who is an Indian, raising complicated problems for individuals, tribes and bureaucrats. The author contends that Indian identity is a complex and persistent problem that shows every indication of continuing into the future.

Hammersmith, Bernice (1999). "Aboriginal Women and Self-government". *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, edited by Diane Engelstad and John Bird, pp. 53-59. Concord: Anansi Press.

This work discusses the role women play in current Aboriginal governing bodies, both on and off reserve. Hammersmith observes that Native women spend a great deal of time and energy fighting poverty, inadequate housing and food shortages. She argues that because the majority of Aboriginal women are not paid by the system for their efforts, they have to struggle for recognition. The most effective way to have their voices heard, she adds, is to organize. However, by including women of varying status qualifications, Native women's groups, because of their constituency, have provided male-dominated groups with reasons to exclude them from discussions affecting specific Aboriginal issues.

Hanks, Peter (1993). "A National Aboriginal Policy?" *University of New South Wales Law Journal*. Vol. 16, No. 1, pp. 45-56.

The author discusses the Australian definition of "Aboriginal." Using court decisions, the author shows how biological descent is not the sole factor in defining who is an Australian Aboriginal. He argues that self-identification as an Aboriginal is just as important as descent in determining race.

Harmon, Alexandra (1990). "When is an Indian Not an Indian? The 'Friends of the Indian' and the Problems of Indian Identity". *Journal of Ethnic Studies*. Vol. 18, No. 2, pp. 95-123.

The "Friends of the Indian" was an influential nineteenth-century reform group that played an essential part in the development of the federal policy of assimilation. The group's leadership saw Indians as members of a primitive race that had to be uplifted by assimilation into white society. However, the group's efforts were stymied by the vague and shifting definition and concept of race, which made it difficult to identify essential Indian characteristics and to measure exactly when assimilation had occurred.

Harmon, Alexandra (1995). "Lines in Sand: Shifting Boundaries Between Indians and Non-Indians in the Puget Sound Region". *Western Historical Quarterly*. Vol. 26, No. 4, 428-453.

The author describes the extent of cultural diversity in precontact society and shows how it defies attempts to distinguish between groups. Efforts to define peoples are blurred and riddled with exceptions, increasingly so in postcontact years. The author discusses how the influx of non-Natives along with intermarriage and the mixing of cultures has led to the survival of cultural distinctiveness in altered and blurred forms. The "lines of distinction are difficult to recognize in the shifting sands."

Harmon, Alexandra (2001). "Tribal Enrollment Councils: Lessons on Law and Indian Identity". *Western Historical Quarterly*. Vol. 31, No. 2, pp. 175-200.

The author examines the activities of special councils that were called during 1907-17 on the Colville Indian Reservation in northeastern Washington to determine the status of people who had petitioned to be included on tribal rolls during the allotment era. Determination of tribal membership was partially based on blood quantum, as federal law instructed, but also based on local factors such as tribally determined kinship ties, social relations, and personal histories. A complicating factor was that residents of the Colville Indian Reservation were from a number of tribes that had been intermarrying for many years. This combination of factors resulted in a situation where Indians and agents educated each other on the working assumptions of tribal identity.

Harring, Sidney L. (1994). *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth-Century*. Cambridge: Cambridge University Press.

The author describes the issues of tribal sovereignty that were brought to American courts in the nineteenth-century. In one case, Crow Dog, for unknown reasons connected to a tribal dispute, shot Spotted Tail, his chief, in 1881. The families of both men settled the matter in accordance with tribal law. Nevertheless, one year later, Crow Dog was tried in the Dakota territorial court in Deadwood, was convicted of murder, and sentenced to hang. He was released upon appeal with a landmark United States Supreme Court ruling holding that American Indians, as one aspect of their sovereignty, were subject to their own laws, not United States law.

Hawkins, Jennifer (1994). *Native Women and Self-Government: Planning the Future*. Ottawa: National Association of Women and the Law.

This paper discusses the role of Aboriginal women in shaping and negotiating Aboriginal self-government. It focuses on the Native Women's Association of Canada (NWAC) and its emphatic argument that any form of Aboriginal self-government must be subject to the Charter of Rights and Freedoms. Hawkins says that NWAC's distrust of male Aboriginal leaders leads it to believe that discrimination will continue under any self-government proposal designed by them, and points to the small percentage of women involved in the leadership of the Assembly of First Nations (AFN) as well as to the AFN's lack of support for women's concerns when advancing amendments to the Indian Act. Included in this discussion are references to colonial and constitutional developments said to show the Aboriginal inherent right to self-government.

Hawley, Donna Lea (2000). *The Annotated Indian Act*. Calgary: Carswell.

The author explains, section by section, the provisions of the Indian Act. After explaining each section, she reviews a variety of cases which pertain to it, showing the application and interpretation of the courts, sometimes with a regional variation.

Heard, Daniel K. (2002). "What Must Change? Analyzing Theoretical Alternatives for Implementing an Appropriate Citizenship Regime for First Nations". MA thesis, Carleton University.

This thesis argues that the amendments to the Indian Act via the First Nations Governance Act (Bill C-7) will not drastically change the legitimacy of Aboriginal citizenship in Canada. Various theories of citizenship, including theories developed by Aboriginal people, are explored and examined as to how they reflect and interact with Aboriginal citizenship, especially as the theories reflect Aboriginal identity, individual versus group rights and how politicians have formulated legislation. The author calls into question the Canadian government's authority to legislate First Nation membership and citizenship. The author ends with a comparison of the history of Aboriginal identity and citizenship in Canada and the United States.

Hecht, Robert A. (1980). *Continents in Collision: The Impact of Europe on the North American Indian Societies*. New York: University Press of America.

The author studies the history of European-Indian contact, tracing the decline of North American Indian society in the face of European expansion and its subsequent re-emergence in the twentieth-century. He discusses how the reservation system provided American Indians with a self-governing land-base, and set them apart with a unique relationship to the US federal government. He discusses various acts of Congress that helped define this uniqueness. He also looks at the treaty system and its meaning for Indian autonomy and sovereignty. He also discusses those legal cases, including the Martinez case (1977), that determined that aspects of the American Constitution did not apply on Indian lands, which, in effect, strengthened Indian self-government in the United States. By 1980, he writes, "Reservation home rule is more solidly established than ever."

Hedican, Edward J. (1991). "On the Ethno-Politics of Canadian Native Leadership and Identity". *Ethnic Groups*. Vol. 9, No. 1, pp. 1-15.

The paper aims to draw together some of the main themes and directions of research on the ability of Native people to maintain their identity by political means, and to provide a comparative overview of the political implications of Native ethnicity. The author stresses that of particular importance is an ability among Natives to formulate a positive ethnic identity, to counteract the disruptive effects of external pressures for change, and to promote a general sense of worthiness as Aboriginal people.

Hedican, Edward J. (1995). *Applied Anthropology in Canada: Understanding Aboriginal Issues*. Toronto: University of Toronto Press.

This book examines how anthropological studies aid our understanding of Aboriginal issues, especially with regard to Aboriginal identity and self-government. Chapter seven looks at the problem of locating off-reserve Indians within the larger Native framework, of identifying who they are and their relationship to tribes and bands. The author also describes the "ethno-status" distinctions, that is, how the legal definitions of Indian have created different types of Indians. He explores models of self-government for Natives living off reserve. Chapter eight discusses Indian identity, and asks the following questions: Who is an Indian? What is ethnic identity? What is the connection between racism and ethnicity?

Henderson, Sakej (2001). "Taking Equality into the 21st Century: An Aboriginal Commentary". *National Journal of Constitutional Law*. Vol. 12, No. 1, pp. 13-31.

The author argues that Aboriginal people are still trapped by Euro-centric social organizations to their detriment. He contends that, to this day, the European/Canadian colonizers have refused to extend equality to the colonized. Henderson explains that any real achievement of equality for Aboriginal peoples is hindered by the Canadian government's refusal to deal fairly with Aboriginal peoples. The government's response to the Royal Commission on Aboriginal Peoples is used as an example. The author concludes that the Canadian government is erasing Aboriginal collective rights through its support of individual rights.

Hernandez Castillo, R. Aida (2002). "National Law and Indigenous Customary Law: The Struggle for Justice of Indigenous Women in Chiapas, Mexico". *Gender Justice, Development and Rights*, edited by Maxine Molyneux and Shahra Razavi, pp. 385-412. Oxford: Oxford University Press.

The author analyzes some of the challenges facing indigenous women in Chiapas in their struggle for gender rights. One difficulty is in overcoming cultural assumptions which sees women in certain roles. These "normative systems" often impede the implementation of reform measures aimed at ensuring greater access to justice for indigenous women. The author points out, though, that indigenous women are challenging these assumptions and the laws that support them. She argues that state law and the official justice system are of little help to these women in their struggles, as many of the laws support the subordination of women and penalizes them for non-compliance. In many cases, the person then "charged with representing these women - the public prosecutor's office - does not even speak their language or endeavour to understand or defend them."

Hertzberg, Hazel W. (1971). *The Search for an American Indian Identity: Modern Pan-Indian Movements*. Syracuse University Press.

This study attempts to identify, analyze and compare the basic varieties of Pan-Indianism in America and to trace their historical development. It focuses on the first 30 years of the twentieth-century, the period that saw the emergence of various types of Pan-Indian identities. The paper covers the roots of Pan-Indian identities, as well as the major ideas, definitions, leadership, constituency, and organizational forms that Pan-Indianism took. It also looks at their inter-connectedness and their relationship to basic trends in American life.

Hightower-Langston, Donna (2003). "American Indian Women's Activism in the 1960s and 1970s". *Hypatia* [Special Issue: Indigenous Women in the Americas]. Vol. 18, No. 2.

This article focuses "on the role of women in three red power events: the occupation of Alcatraz Island, the Fish-in movement, and the occupation at Wounded Knee. Men held most public roles at Alcatraz and Wounded Knee, even though women were the numerical majority at Wounded Knee. Female elders played a significant role at Wounded Knee, where the occupation was originally their idea. In contrast to these two occupations, the public leaders of the Fish-in movement were women - not an untraditional role for women of Northwest Coastal tribes."

Hill Witt, Shirley (1974). "Native Women Today: Sexism and the Indian Women". *Civil Rights Digest*. Vol. 6, No. 3, pp. 29-35.

In this short article the author describes the matrilineal nature of many pre-contact North American Aboriginal peoples, in particular the Navajos, and the equality and opportunities enjoyed by women in these societies. She contrasts the importance of women in the pre-contact era with the relative invisibility of Native women in the historical record. She notes that the European "paternalistic, male-dominated society" did not recognize the matrilineal nature of many North American Aboriginal peoples. "Instead, they dealt only with Navajo males on all matters where the two cultures touched. As a result, more and more of the women's roles were supplanted by male actors and then male takeover." "Anglo culture as practiced by white males brought about the loss of nearly all Navajo women's roles save that of childbearer." The author ties these discussions into a scrutiny of the plight of Native women in the United States in such areas as educational opportunities, employment and health.

Hogh, Helle (1998). "Finding the Balance Between Ethnicity and Gender among Inuit in Arctic Canada". *Indigenous Women: The Right to a Voice*, pp. 75-82. Copenhagen:International Work Group for Indigenous Affairs.

The author states that while the Inuit of Nunavut have successfully gained self-government, work remains to be done on establishing a system of Native justice so that conflicts can be resolved locally, without having to take disputes to the Canadian judicial system. This, however, does not always bode well for Inuit women who fear discrimination will continue should tribal justice be left to leaders not conversant with modern attitudes towards spousal abuse and sexual assault.

Hoikkala, Paivi (1995). "Mothers and Community Builders, Salt River Pima and Maricopa Women in Community Action". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 213-234. New York: Routledge.

This article explains why tribal governments experienced a renaissance in the late 1960s and 1970s in the United States. New sources of federal grant funding were available under the "War on Poverty" initiative which were not funneled through the Bureau of Indian Affairs. The author argues that this federal money went directly to tribes and tribal programs which in turn helped women become more involved in tribal government as elected officials and as employees.

Hoikkala, Paivi (1998). "Feminists or Reformers? American Indian Women and Political Activism in Phoenix, 1965-1980". *American Indian Culture and Research Journal*. Vol. 22, No. 4, pp. 163-185.

The author examines how Indian women in Phoenix, Arizona, between 1965 and 1980, helped build a native community in that urban setting. "Interviews with activists in the community reveal women's significant contributions to this process." In addition, the author shows that Native women did not see themselves as feminists fighting the inequalities of society, but as reformers who "took part in the community in ways conforming to their traditional roles as wives and mothers." While Native women shared many of the same concerns of the larger feminist movement, "American Indian women in Phoenix seemed to act out of a communal consciousness that was based on solidarity between women and men of the same [cultural] group." The author concludes, "Native American women felt ambivalent about feminism as a concept and ideology" and "felt uncomfortable about identifying with feminism as it seemed to constrain them as members of Indian communities."

Holmes, Joan (1986). "Indian Women Unprotected by Family Law". *Breaking the Silence: A Feminist Quarterly*. Vol. 5, No. 1, pp. 16-17.

The article discusses the impact of a Supreme Court of Canada ruling in two British Columbia cases dealing with the BC Family Relations Act which specified that provincial family laws, specifically as they apply to the division of matrimonial property upon divorce, do not apply on Indian reserves. Holmes observes that it is mainly men who hold certificates of possession. She describes the potential consequences of this ruling for the wives and common-law spouses of Indian men when property is divided following relationship break-downs. She argues for changes to marriage, divorce and property laws for Aboriginal people.

Holmes, Joan (1987). *Bill C-31: Equality or Disparity?* Ottawa: Canadian Advisory Council on the Status of Women.

This report reviews the effects of Bill C-31 on Native women. The report provides historical background to the Indian Act. Holmes describes the residual discrimination contained in the act despite the passage of Bill C-31, especially with regard to the membership and status provisions. Holmes also describes some of the impacts Bill C-31 has had on Native women and their families. Discrimination under the Indian Act regarding illegitimate children, residency, band membership, reinstatement of mixed-blood children and the lack of family law protection on reserves is also considered. Holmes includes discussions of the registration application process and band hostilities towards reinstated women.

Holmes, Joan (2002). "Whose Rights? Current and Future Developments in Membership". Canadian Aboriginal Law 2002 National Forum. Ottawa: Joan Holmes and Associates Inc.

This paper examines the way definitions of Aboriginal status have evolved over time. It discusses who comprises the Aboriginal peoples of Canada, who defines Aboriginal identity and how it has been defined in the past. Differences in definition between Métis, Status Indians, treaty Indians, and non-Status Indians are examined. According to Holmes, the initial impact of Bill C-31 was a "dramatic increase" in the Registered Indian population, but projections suggest that membership codes and rates of out-marriage will result in a decline in population and a shift in population structure. The author concludes that legislation, treaties and administrative practices have created differing legal classes of Aboriginal people with very different legal rights despite their having similar ancestry, tribal origins and history.

Hoxie, Frederick E. and Harvey Markowitz (1991). *Native Americans: An Annotated Bibliography*. Pasadena: Salem Press.

This is a select bibliography of about 1,200 entries divided into four sections: general studies and references; history; cultural areas; and contemporary life.

Hoxie, Frederick, Ronald Hoffman, and Peter Albert, eds. (1999). *Native Americans and the Early Republic*. Charlottesville: University Press of Virginia.

The essays in this volume re-examine the Native American experience in the United State in the post-Revolutionary period. The "volume's contributors show that American Indians were not defeated refugees who dutifully stood aside in the wake of the British defeat, nor were they passive victims of American expansion. The book's three parts reflect the dynamic nature of the Native Americans' struggle: the first provides broad discussions of the interaction between Native Americans and the United States in the postwar era; the second traces histories of specific tribal communities; and the third explores the powerful repertoire of stories and pictures that Americans used to describe Native Americans to themselves during an era of national expansion." Essays discuss Cherokee resistance to Euro-American civilizing efforts, including a discussion of the Métis and how they acted as a buffer that "shielded their less acculturated neighbors from an imposed order of threatening values." Theda Perdue, in her article 'Native Women in the Early Republic,' analyzes how Euro-American views of Native American women, particularly their seemingly 'uncivilized' or unfeminine gender roles and behavior, affected early U.S. Indian policy.

Huggins, Jackie (1990). "Aboriginal Women and the Women's Liberation Movement of Australia". *Indigenous Women on the Move*, pp. 37-48. Copenhagen: International Work Group for Indigenous Affairs.

This essay explores the women's liberation movement in Australia and argues that it was irrelevant to Aboriginal women. The author says that the movement has had very little success among Aboriginal women, mainly due to the divide in perspective between Aboriginal women and other Australian women. The author contends that Aboriginal women are more concerned with ending the circle of poverty, poor education and low incomes - conditions that average Australian women are not confronted with.

Hull, Jeremy (2004). "Aboriginal Single Mothers in Canada, 1996: A Statistical Profile". *Aboriginal Policy Research: Selected Proceedings of the 2002 Aboriginal Policy Research Conference*, edited by Dan Beavon and Jerry White. London: Thompson Educational Materials.

This article is similar to a report by the same title that was prepared in 1997. See the separate entry for that report in this bibliography for its content details.

Hull, Jeremy (c. 1997). *Aboriginal Single Mothers in Canada, 1996: A Statistical Profile*. Winnipeg, Manitoba: Prologica Research Inc.

This paper provides a socio-economic profile of Aboriginal single mothers in Canada. It studies the prevalence of single mothers and single mother families within the Aboriginal population, it looks at the educational characteristics of Aboriginal single mothers, and it reviews Aboriginal single mothers' residence patterns and economic circumstances. In addition, the paper studies Aboriginal single mother's population trends to determine if the prevalence of Aboriginal single mothers has been increasing.

Huntley, Audrey and Fay Blaney (1999). *Bill C-31: Its Impact, Implications and Recommendations for Change in British Columbia*. Vancouver: Aboriginal Women's Action Network.

This work analyzes the application and impact of Bill C-31 on the Aboriginal population in British Columbia. It brings in discussion of the individual versus collective rights debate, as well as Native women's concerns with band control over membership and reserve residency. It also brings in references to section 35 of the Constitution and the registration provisions of the amended act. The authors see the registration provisions as a government tool to reduce the Status Indian population. The authors object to the fact that Indian women must name the father when registering their children in order to ensure Indian status. They also feel that self-government will reduce the number of Indians, and they call for revisions to Bill C-31 in order to make membership codes fair to Indian women. There is also some discussion on matrimonial property rights.

Hynds, Susan Jane (1996). "In a Circle Everybody is Equal: Aboriginal Women and Self-Government in Canada, 1869-1995". MA thesis, Trent University.

This thesis explores the role of Aboriginal women within the self-government movement in Canada. The author argues that there is a well-defined Aboriginal women's movement that focuses on the question of equal rights within self-government. According to Hynds, the question is how to include the individual within the collective so that the importance of cultural identity and the traditional role of women is maintained. Hynds concludes that Aboriginal women have moved the debate beyond defining the right to self-government to the implementation of self-government in a culturally appropriate manner. Topics discussed include: Bill C-31, discrimination in the Indian Act, identity politics, the women's movement, and the search for an Aboriginal women's voice at the constitutional table.

Imai, Shin (1999). *Aboriginal Law Handbook*, 2nd ed. Scarborough: Carswell Thomson Professional Publishing.

This book provides a summary of the laws affecting First Nations. A large number of topics are discussed, including in chapter 1, the constitutional framework; chapter 5, the Métis; chapter 7, self-government; chapter 8, bands, band councils and reserves; chapter 9, registration and band membership; chapter 14, marriage, separation, divorce and the division of property; and chapter 15, the welfare of children, including adoption issues.

Imai, Shin and Katherine Laird (1982). "The Indian Status Question: A Problem of Definitions". *Canadian Legal Aid Bulletin*. Vol. 5, No. 1, pp. 113-123.

This paper focuses on provisions in the pre-1985 Indian Act that deal with status and membership. Section 12(1)(b), illegitimacy, divorce, annulment, adoption and enfranchisement are all explored. It looks at the use of section 4(2) to suspend discriminatory sections of the act and also discusses the provisions in the James Bay and northern Quebec Agreement that allows for band control over membership.

Indian and Northern Affairs Canada (1978). *The Historical Development of the Indian Act*. Ottawa: P.R.E. Group, Treaties and Historical Research Centre, DIAND.

This paper presents the historical development of the Indian Act from the perspective of the government. The report is in two sections: the first covers developments from 1755 to 1867; the second covers the period 1867 to 1951. There is some discussion on the 1969 White Paper. It touches upon membership issues, land, enfranchisement, reservation and band councils.

Indian and Northern Affairs Canada (1981). *Adoption and the Indian Child*. Ottawa: Minister of Supply and Services.

This is an information document for those people who have adopted an Indian child. The document begins by discussing the heritage of First Nations people, various treaties, culture and the major tribes in Canada. There is a general review of status and entitlement and rights and benefits that accrue to Status Indians. The rights and benefits of the adopted Status Indian child are protected until he reaches the age of eighteen when he can request status for himself.

Indian and Northern Affairs Canada (1982). *Indian Act: Study Dealing With Band Membership and Indian Status*. Ottawa: Indian and Northern Affairs Canada.

This report by the Standing Committee on Indian Affairs and Northern Development examines provisions of the Indian Act dealing with band membership and Indian status. It provides recommendations on amending provisions that discriminate against women. The report reviews testimony submitted to the committee. Specific sections of the Indian Act are reviewed for how they affect band membership and status. The committee makes various recommendations for amending the Indian Act including the repeal of section 12(1)(b) and the reinstatement of 12(1)(b) women.

Indian and Northern Affairs Canada (1982). *The Alternative of Optional Indian Band Government Legislation*. Ottawa: Indian Affairs and Northern Development.

The main focus of this paper is the development of the Alternative of Optional Indian Band Government Legislation that would place more power of decision-making into the hands of Indian bands. Recognizing that this is a complex process, the paper reviews several important questions and key issues. In total, 15 issues are discussed, including the following: flexibility, in order to accommodate diversity while keeping some kind of linkage to the Indian Act; development of constitutions; land issues; membership issues; status and law enforcement.

Indian and Northern Affairs Canada (1982). *The Elimination of Sex Discrimination from the Indian Act*. Ottawa: Indian Affairs and Northern Development.

This is a discussion paper looking at ways to eliminate sex discrimination from the Indian Act. It argues that the act is based on a patrilineal and patrilocal system. There is a review of the positions taken by different Native groups and the federal government on how to best amend the act. The main portion of the paper looks at the various options available to amend the act and the difficulties of each, including how to handle marriages to non-Indians; marriages between Indians of different bands; enfranchisement; and reinstatement. The paper is written under the assumption that a "cut-off" is required when determining status.

Indian and Northern Affairs Canada (1985). *Changes to the Indian Act: Important Changes to Canada's Indian Act Resulting From the Passage of Bill C-31*. Ottawa: Indian Affairs and Northern Development.

This is an information pamphlet written for Indian community members. It outlines the Bill C-31 changes to the Indian Act and explains how individuals can apply for reinstatement to status. It notes that the changes were meant to eliminate discrimination from the act, to restore status and membership to those who unfairly lost them, and to give bands greater control over their memberships.

Indian and Northern Affairs Canada (1985). *Indian Band Membership: An Information Booklet Concerning New Indian Band Membership Laws and the Preparation of Indian Band Membership Codes*. Ottawa: Minister of Supply and Services Canada.

This booklet was designed to assist Indian bands in the development of their own membership codes. It provides information on the recent changes to the Indian Act affecting band membership and offers suggestions on the topics bands might consider when developing their own membership criteria. The booklet also describes the requirements of Registered Indian status and entitlement to band membership.

Indian and Northern Affairs Canada (1987). *Report to Parliament: Implementation of the 1985 Changes to the Indian Act*. Ottawa: Indian and Northern Affairs Canada.

This is the Minister's 1987 Report to Parliament on the impacts of Bill C-31. It provides a statistical overview of the implementation process. It records the number of applications received, the number of bands submitting band codes, and funding levels allocated to date. The report concludes that restoration of status and band membership will take time to accomplish but significant steps have been made.

Indian and Northern Affairs Canada (1989). *Lands Revenues and Trusts Review, Phase I Report*. Ottawa: Indian and Northern Affairs Canada.

The objective of the first phase of this three part review is to systematically identify and define the wide range of concerns of Native people that have come to the forefront in recent years. Some 250 issues were identified in seven project areas: land management, land registry, moneys, estates, by-laws, band membership and elections. This publication provides background to each area, as well as a description of the problem and issues identified in this initial phase of the work.

Indian and Northern Affairs Canada (1989). *Lands, Revenues and Trusts Review: Phase II Final Report, Membership*. Ottawa: Indian and Northern Affairs Canada.

This report indicates that bands feel that additional resources are needed to deal with increased demand for services by new members as a result of Bill C-31. The report states that bands consider the provision requiring that they obtain a vote of 50 percent plus one in order to approve or change membership codes to be unrealistic, especially where traditional or customary practices do not take the form of a formal vote. The report also notes that bands lack funding to maintain band lists. This, the authors say, has implications for statistical record keeping as well as for the delivery of programs and services.

Indian and Northern Affairs Canada (1990). *Impacts of the 1985 Amendments to the Indian Act, Bill C-31, Module 1*. Ottawa: Indian and Northern Affairs Canada.

This report forms one part of the Minister's 1990 Report to Parliament on the impacts of Bill C-31. It was prepared by three Aboriginal groups (Native Women's Association of Canada, Native Council of Canada and the Assembly of First Nations) independent of the government, and documents personal accounts of Native people and grassroots information that was collected at 19 centres across the country. The report found that the number of people applying for status was underestimated by INAC and that this, along with a lack of information on the registration process, has created confusion. According to this report, many Aboriginal people view Bill C-31 as an assimilation tool, and feel that the second generation cut-off is discriminatory. They also believe that Bill C-31 creates new categories of "Indian." The report notes that Indians living off reserve believe they are denied access to government programs enjoyed by on-reserve Indians.

Indian and Northern Affairs Canada (1990). *Impacts of the 1985 Amendments to the Indian Act, Bill C-31, Module 2: Survey of Adult Bill C-31 Registrants*. Ottawa: Indian and Northern Affairs Canada.

This report forms one part of the Minister's 1990 Report to Parliament on the impacts of Bill C-31. It records the views of some 2,000 Bill C-31 registrants on their reinstatement experiences. It also discusses the reasons why reinstatees sought reinstatement. The report provides some statistics on those reinstated, including the number of registrants wanting to return to reserve to live and the reasons why such individuals had not yet done so: poor employment opportunities, band attitudes towards Bill C-31 Indians, and a lack of reserve housing are cited as reasons for not returning to reserve. The study also looks at their access and awareness to programs such as non-insured health benefits and post-secondary education benefits.

Indian and Northern Affairs Canada (1990). Impacts of the 1985 Amendments to the Indian Act, Bill C-31, Module 3: Impacts on Indian Bands, Tribal Councils and Off-Reserve Communities. Ottawa: Indian and Northern Affairs Canada.

This report forms one part of the Minister's 1990 Report to Parliament on the impacts of Bill C-31. It records band and community studies as well as the results of a telephone survey of band and tribal council officials. This survey identifies the impacts attributable to Bill C-31 at the band and community level. Respondents were concerned that reinstatees would drain band resources and dilute Indian culture. It provides statistics on the number of people actually returning to reserves, the number given band membership and the impact they have had on band resources. According to the authors, the shortage of housing on reserves may have mitigated the impact of Bill C-31 on other on-reserve programs.

Indian and Northern Affairs Canada (1990). Impacts of the 1985 Amendments to the Indian Act, Bill C-31, Module 4: Information About Government Programs and Statistics. Ottawa: Indian and Northern Affairs Canada.

This report forms one part of the Minister's 1990 Report to Parliament on the impacts of Bill C-31. It records the impacts of Bill C-31 on government programs and services that affect Status Indians and bands. It provides statistics on the number of applicants and the number of applicants newly registered or restored to Indian status. Demographic trends are outlined, and funding levels for bands and government programs are also explored.

Indian and Northern Affairs Canada (1990). Impacts of the 1985 Amendments to the Indian Act, Bill C-31, Summary Report. Ottawa: Indian and Northern Affairs Canada.

This report summarizes the findings of the four study modules undertaken to review the impacts of Bill C-31 on bands and individuals as part of the Minister's 1990 Report to Parliament. It explores how the amendments have impacted registrants, bands, reserve communities and government programs. The report discusses residual discrimination, band codes and memberships, and the concerns and fears of both on-and off-reserve Indians. The authors indicate that many of these fears are over assimilation and the erosion of traditional Indian culture.

Indian and Northern Affairs Canada (1990). *Lands, Revenues and Trusts Review: Phase II Report*. Ottawa: Indian and Northern Affairs Canada.

This review has three basic goals: to propose possible changes to the Indian Act and related regulations that will recognize the authority of First Nations to exercise greater control of their own affairs at their own pace; to develop new policies that reflect legislative changes and ensure that local community objectives can be achieved; and to adequately train and resource both First Nations and the department to properly administer existing and revised legislation. There is a brief explanation of Bill C-31 membership provisions. INAC's role and responsibility as it concerns the Indian Register and band lists is detailed. Options for change include addressing continued discrimination against the children of reinstated women and addressing discrimination against illegitimate children. The goals for Phase II are outlined.

Indian and Northern Affairs Canada. (1996). *Aboriginal Women: A Demographic, Social and Economic Profile*. Ottawa: Indian and Northern Affairs Canada.

This study examines Aboriginal women in Canada, and focuses on their demographic, social and economic situation. The report observes that while the conditions of Aboriginal and Registered Indian women in Canada are improving, many Aboriginal women still experience major disadvantages compared to other non-Aboriginal women and Aboriginal males. The study, when examining the issues, reviews the family life of Aboriginal women, their education, and their income levels. The report also acts as an update to the previously published report entitled "Health of Indian Women."

Indian and Northern Affairs International Directorate (1995). *Aboriginal Affairs in Australia: An Overview*. Ottawa: Indian and Northern Affairs Canada.

This report on Aboriginal Affairs in Australia states that there is no constitutional recognition of special rights or status for Aboriginal or Torres Strait Islander peoples in Australia. Aboriginals are subject to the same laws and have the same rights as other Australians. There is no definition of an Aboriginal person in the laws regarding additional services specifically for Aboriginal peoples. An Aboriginal person in Australia is a person of Aboriginal or Torres Strait Islander descent who identifies with and is accepted by the local Aboriginal or Islander community.

Indian Chiefs of Alberta (1973). *Indian Status in Canada*.

In this brief, the Indian Chiefs of Alberta defend section 12(1)(b). They argue that in traditional Indian culture, women and children follow the men and adopt their status. Nevertheless, the Indian Chiefs of Alberta state that they wish they could allow their kin to continue to live with them despite this tradition, but cannot due to the lack of lands and resources.

Indian Consulting Group (1983). *The Elimination of Sex-Discrimination from the Indian Act and Related Issues*. Ottawa: Indian and Northern Affairs Canada.

This report, commissioned by Indian and Northern Affairs Canada, argues that it is not possible to remove all discrimination from the Indian Act caused by section 12. The authors describe the discrimination in the act, and note that correcting past discrimination will impact other provisions in the act. The report discusses 12(1)(b) and its impact on Indian women. The authors recommend the separation of Indian status and band membership. In addition, they suggest a blood quantum system for determining entitlement.

Indian Rights for Indian Women (1979). *A Study of the Emotional Impact of Arbitrary Enfranchisement on Native Women and Their Families in Canada*. Canada: Indian Rights for Indian Women.

This report discusses the emotional impact on Aboriginal women and their families of their enfranchisement under section 12(1)(b) and the "double mother clause" of the Indian Act. The report describes the impact of such enfranchisements as devastating on the lives of those involved through the loss of their Indian identity and cultural heritage. The report is based on questionnaires sent to enfranchised individuals and their families, and presents the views of these individuals in summary fashion. Indian Rights for Indian Women recommends amending the Indian Act to eliminate enfranchisement, "preferably retroactively."

Indian Rights for Indian Women (1980). *Indian Rights for Indian Women: Position Review*. Canada: Indian Rights for Indian Women.

This short pamphlet provides, in question and answer format, an introduction to the objectives of the Aboriginal organization Indian Rights for Indian Women. The key objectives are the removal of sexual discrimination from the Indian Act and the achievement of a one quarter-blood quantum for status determination. They support the majority of the objectives of other established Indian organizations.

Indian Rights for Indian Women, Native Women's Association (1980). *Constitutional Committee, December 2, 1980*. Ottawa: Native Women's Association.

This paper explains the position of Indian Rights for Indian Women on the patriation of the Canadian Constitution. Although in support of patriation, some problems are identified by the organization, such as further development of section 15 to ensure the equality of Aboriginal women. In their paper, the authors discuss the Lavell case, the constitutional definition of "Indian" and Indian self-government.

Indian Status and Membership Rights (1980). Legal Information Service. Vol. 1. Regina: University of Saskatchewan Native Law Centre.

This bulletin describes how the United States recognizes the right of Indian tribes to develop their own citizenship constitutions and laws. The U.S. courts have ruled that when a tribal ordinance discriminates against female tribal members and their dependants, it is valid, and the equal protection clause in the Indian Civil Rights Act does not invalidate that tribal ordinance. The paper also discusses the Canadian situation, outlining how Canada defines Indian status. It delineates the differences between people who are Indians under section 91(24) of the British North America Act and those who are "Indians" under the Indian Act.

Inuit Women's Association of Canada (1991). *Arnait: The Views of Inuit Women on Contemporary Issues*. Ottawa: Pauktuutit.

This paper analyzes the traditional role of Inuit women as described by Inuit women. The study is based on responses to a questionnaire sent to 65 Inuit women that asked them about various aspects of their lives, their families and their communities. "Overall, there is agreement that women were traditionally responsible for decisions regarding the children, food preparation, and the running of the camp." Decision-making shifted more to males as the Inuit settled in more permanent communities. However, recently this has begun to change. "Inuit women have important contributions to make in Inuit society and to Canada. They want an active role in decision-making on all issues which impact on their lives." More than this, "equality, in the eyes of Inuit women, is not only having choices and the power to make decisions, it is also recognizing that the responsibility for the well-being of Inuit society must be shared equally by men and women."

Isaac, Thomas (1995). "Self-Government, Indian Women and their Rights of Reinstatement under the Indian Act: A Comment on *Sawridge Band v. Canada*". *Canadian Native Law Reporter*. Vol. 4, pp. 1-13.

The author discusses the *Sawridge Band v. Canada* court challenge. The case looks at whether the *Sawridge Band* surrendered its right to control its own membership with the signing of treaty. In the discussion of the case and its impact, the author explores how the decision may affect the role and power reinstated women hold within the movement for self-government and on reserves. The article notes that Bill C-31 and this case have increased the tension between Indian women and their communities.

Isaac, Thomas (1999). *Aboriginal Law: Cases, Materials, and Commentary*. Saskatoon: Purich Publications.

Chapters eight and nine discuss, respectively, Indian self-government and Aboriginal women. In the introduction to chapter eight, the author discusses whether self-government is a historically existing right, or a right that was extinguished. He also looks at the form self-government might eventually take. Chapter nine focuses on how the pre-amended Indian Act, specifically sections 12(1) and 12(2), have impacted Aboriginal women as well as the manner in which Bill C-31, the Charter and the Constitution have changed the status of Aboriginal women. Court cases and case decisions are cited to highlight important changes and areas where decisions remain outstanding.

Isaac, Thomas and Mary Sue Maloughney (1992). "Dually Disadvantaged and Historically Forgotten? Aboriginal Women and the Inherent Right of Aboriginal Self-Government". *Manitoba Law Journal*. Vol. 21, No. 3, pp. 453-475.

"This paper explores the constitutional concerns of Aboriginal women about their individual rights as women under Aboriginal self-government and concludes that such concerns are well-founded" given the "historical discrimination to which Aboriginal women have been subjected." However, the authors argue, "the more troubling issue facing Aboriginal women is not the existing constitutional provisions, but rather the replacement of the Canadian Charter of Rights and Freedoms with an Aboriginal charter of rights, and whether Aboriginal governments in the future will be subject to the Charter or an Aboriginal charter. It is unclear the extent to which the rights of Aboriginal women would be protected under an Aboriginal charter." As such, the authors explore "the concerns of Aboriginal women as they relate to an inherent right of Aboriginal self-government subject to the Charter and an Aboriginal charter." In doing this, the authors not only discuss the meaning of relevant sections of the Constitution and the Charter on Aboriginal and individual rights, including sections 15, 25, 26, 28 and 35, but sketch the historical development of the Indian Act, including the Bill C-31 amendments. They also discuss assorted, relevant legal cases, such as the Lavell and Drybones cases.

Isfeld, Harpa K. (1997). "Who and What is a Canadian Indian? the Impact of Bill C-31 Upon Demographic and Epidemiologic Measures of the Registered Indian Population of Manitoba". MA thesis, University of Manitoba.

This study compares Registered Indian data for a sample of six Manitoba bands between 1980 and 1991 to determine the affects of Bill C-31 on demographic and epidemiological rates. According to the author, the data demonstrates that off reserve and total band data is significantly flawed for the 1985 and 1991 period. Isfeld argues that Bill C-31 changed the definition of an Indian and thus affects the raw data academics use to study this "ethnic identity."

Jackson, Margaret (1994). "Aboriginal Women and Self-Government". *Aboriginal Self-Government in Canada*, edited by John H. Hylton, pp. 180-198. Saskatoon: Purich Publishing.

The author examines whether gender equality is achievable under an Aboriginal self-government regime that emphasizes traditional "customary Aboriginal ways of being." The author discusses how the challenges to section 12(1)(b), and the increased emphasis placed on gender equality in Canadian courts, have shaped and altered attitudes towards Aboriginal women. Aboriginal women will not support forms of self-government that do not take into account these changed perceptions. The author provides a summary and analysis of the concerns of Aboriginal women with regard to self-government. Topics covered include the Constitution and the Charter, as well as the views of various women's groups.

Jaimes, M. Annette (1989). "Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America". *Critical Issues in Native North America*, edited by Ward Churchill, pp. 15-34. Copenhagen: International Work Group for Indigenous Affairs.

This paper analyzes what the author describes as the "federal usurpation of the American Indian expression of sovereignty," namely, the right of Indian tribes to determine their own citizenship/membership. She argues that federal Indian policy-makers "have increasingly imposed Indian identification standards on the Indian peoples." These typically centre on the notion of blood quantum, a policy she compares to the eugenics practices of Nazi Germany. She argues that this policy has wrought havoc with the American Indian sense of nationhood.

Jaimes, M. Annette (2003). "'Patriarchal Colonialism' and Indigenism: Implications for Native Feminist Spirituality and Native Womanism". *Hypatia* [Special Issue: Indigenous Women in the Americas]. Vol. 18, No. 2.

This essay takes a feminist view of traditional Aboriginal society and looks at women's roles in that society to determine how the dominant "white" culture, language and legal system has shaped Aboriginal women's cultural traditions and spirituality. The author compares modern notions of Aboriginality to Native American women's experiences with pre-patriarchal and pre-colonialist times. She observes that Aboriginal women have had to contend with sexualized and racialized mindsets resulting from the dominant culture. She relates how the lives and history of Aboriginal women have been affected by "trickle down patriarchy," and describes the alteration of traditional kinship patterns and changes in Native women's spirituality. The author calls for a renewal of "Native Womanism" that restores "sacred" matrilineal and matrilineal kinship traditions, where women are equals, and where women command respect and decision-making authority.

Jaimes, M.A. (1994/95). "American Indians, American Racism: On Race, Eugenics, and 'Mixed-Bloods' ". Essays from Indian Leadership and Indian Identity: A Tension Through Time. Occasional Papers in Curriculum Series. No. 17, pp. 61-106. Chicago: Newbery Library, D'Arcy McNickle Center for the History of the American Indian.

The author discusses the affects of racism on American Indian policy and American Indian identity. He examines American Indian kinship patterns from the pre-contact period through colonization to the present, pointing out that matrilineal kinship was the norm for many traditional Indian societies. The author analyzes American Indian policy and its affect on such kinship patterns and on current Indian identity and tribal membership regimes. In doing this, the author examines the impact of racism on American Indian policy, such as the Dawes Act of 1887, and reviews the fact that "Indian lands [are] targeted first for military sites, uranium mining, and toxic waste dumps." He also shows that racial pressures have affected the Indians' sense of self through Indian tribal membership criteria such as through the use of blood quantum as a measure of Indianness.

Jamieson, Kathleen (1978). *Indian Women and the Law in Canada: Citizens Minus*. Ottawa: Advisory Council on the Status of Women.

The author examines discrimination in the Indian Act and in Indian legislation from 1830 to 1951, especially section 12(1)(b). She also looks at the consequences that the loss of status has on Indian women because of this provision. Enfranchisement, the 1969 White Paper and the Lavell court challenge are also reviewed.

Jamieson, Kathleen (1979). "Multiple Jeopardy: The Evolution of a Native Women's Movement". *Atlantis*. Vol. 4, No. 2, pp. 157-178.

The author traces the characteristics and history of the Aboriginal women's movement and shows how it has changed the role women play politically and socially. Jamieson contends that initially, Indian organizations did not view sexual discrimination as being different from racial discrimination. However, as a "minority within a minority," Aboriginal women began to see otherwise and called for their own organizations to be separate from the male-dominated Native organizations, which did not view matters in the same way. Despite their efforts, though, the fate of Native women, the author states, is linked to Native men and to all other women in Canada; as such, Native women require the help of those groups to instigate change.

Jamieson, Kathleen (1981). "Sisters Under the Skin: An Exploration of the Implications of Feminist Maternalist Perspective Research". *Canadian Ethnic Studies*. Vol. 13, No. 1.

This article examines and critiques feminist theory, and accuses Western women of bias for their Eurocentric and egocentric attitudes toward women from other racial groups. The author demonstrates how some feminists afix their own values on women of other cultures, thereby repeating the pattern of viewing women from a European point of view. Jamieson criticizes feminists for claiming a universal sisterhood while ignoring the racism and sexism faced by Native women. Jamieson argues against a universal sisterhood, since the term "sisterhood" implies sharing the same oppression, which western and Aboriginal women do not share.

Jamieson, Kathleen (1983). *Native Women in Canada: A Selected Bibliography*. Ottawa: Social Sciences and Humanities Research Council of Canada.

This work contains a listing of sources sorted geographically on topics of Aboriginal women's history. It includes works which provide substantive or rare information that shed light on the past and present lives of Aboriginal women. The author explains the reason underlying the selection of works included in the bibliography.

Jamieson, Kathleen (1986). "Sex Discrimination and the Indian Act". *Arduous Journey: Canadian Indians and Decolonization*, edited by J. Rick Ponting. Toronto: McClelland and Stewart.

This article is an abridgement of an earlier publication entitled "Indian Women and the Law in Canada." This version has a new section that refutes arguments levelled against women's efforts to regain their Indian status by amending the Indian Act. Jamieson asserts that the binary opposition of individual versus collective rights is a Western philosophical tradition, and argues that some pre-contact societies did in fact recognize individual entitlements while others ascribed to women a higher status than that enjoyed by men.

Janovicek, Nancy (2002). "Assisting Our Own: Urban Migration, Self-Governance and Native Women's Organizing: Founding Beendigen". Paper presented at the Canadian Historical Association Annual Meeting.

This paper explores the social and economic relations that affected the development of the Native women's political organization in Thunder Bay, including an account of the debates concerning urban self-governance and the development of the Beendigen and Friendship Centres. The author focuses on how the movement of Aboriginal women to urban centres has affected the deliverance of social programs, the understanding and development of self-government, and cultural identity. The author brings in a discussion of the broader women's movement and discrimination in the Indian Act.

Jeffries, T.M. (1992). "Sechelt Women and Self-Government". *British Columbia Reconsidered: Essays on Women*, edited by Gillian Creese and Veronica Strong-Boag, pp. 90-95. Vancouver: Press Gang Publishers.

The author offers her personal reflections on the meaning of self-government for the Sechelt Indian Band of British Columbia. She briefly discusses an idyllic Indian past that was turned up-side-down by the Indian Act and its assault on women - the traditional keepers of Indian culture. The result is that, even with the attainment of self-government, the Sechelt have been colonized to such a degree that they carry out their business practices more along the lines of the dominant English culture and through political structures (band councils) that were originally alien to the Sechelt people; as well, they speak English not Sechelt. While this transformation saddens her, she is optimistic for the future.

Johnson, Rhonda (1995). "Lessons of Aboriginal Women: Exclusion from Self-Determination". Presented at Feminism and Law Workshop Series. Toronto: University of Toronto Press.

This paper examines the effects of colonialism and the European world-view on the early history of Aboriginal peoples. Johnson argues that one of the effects of European contact has been the destruction of matrilineal systems of Aboriginal social organizations and the encouragement of patriarchal behavior by band governments who perpetuate the subservience of Aboriginal women. The author uses the emergence of the Métis nations to show how the present systems of government proposed by male-dominated Aboriginal groups mirror the Canadian system, suppress overt displays of "Indian" traditions and force Métis women to support the male leadership. Johnson concludes that greater focus must be placed upon the voice and wisdom of Aboriginal women.

Johnston, Darlene M. (1989). "Native Rights as Collective Rights: A Question of Group Self-Preservation". *Canadian Journal of Law and Jurisprudence*. Vol. 2, No. 1, pp. 19-34.

The author explores the fragmentation of the Aboriginal community due to the individual versus collective rights debate. This debate has had repercussions on how Aboriginals have accepted Bill C-31 and participated in self-government negotiations.

Jones, Camille (1985). "Towards Equal Rights and Amendment of Section 12(1)(b) of the Indian Act: A Postscript to *Lovelace v. Canada*, (case note)". *Harvard Women's Law Journal*. Vol. 8, pp. 195-213.

This article discusses and analyzes section 12(1)(b) of the Indian Act and the decision of the United Nations Human Rights Committee in the *Lovelace v. Canada* (1981) case. In doing so, Jones describes the discrimination contained in the Indian Act and offers a short discussion of the *Lavell* decision, including the federal government's argument that the Indian Act reflects the "customary social and economic patterns" of Indian communities. However, the focus of the article is the *Lovelace* case and the decision of the UN Human Rights Committee.

Jones, M.J.B. (1984). "Sexual Equality, the Constitution and Indian Status: A Comment on S.12(1)(b) of the Indian Act". *Windsor Yearbook of Access to Justice*. Vol. 4, pp.48-72.

This article presents an analysis of section 12(1)(b) of the Indian Act. Jones reviews the historical development of this section as well as the various legal challenges to it under the Canadian Bill of Rights and international law. In particular, the author examines and critiques the *Lavell* and *Lovelace* cases. With regard to the *Lovelace* case, the author also reviews the various arguments made by the federal government, including the argument that Aboriginal peoples have traditionally been patrilineal. The article also examines the possible effects the Canadian Charter of Rights and Freedoms might have on section 12(1)(b). Jones examines the differences between the Canadian approach and the American approach.

Jordan, Deirdre E. (1986). "Aboriginal Identity: The Management of a Minority Group by the Mainstream Society". *Canadian Journal of Native Studies*. Vol. 1, No. 2, pp. 271-311.

The article explores the efforts of Australia's indigenous peoples to define and reclaim their group and individual identity in a modern, multi-cultural nation. The author offers an overview of Aboriginal-Australian relations and so places the discussion into historical and legal context. "Until very recently," the abstract states, "the Aboriginal people of Australia were defined largely in negative terms by legislation and White perceptions. In recent decades, Australians have sought to recognize themselves as a multicultural society. This appears to have stimulated and allowed new efforts at self-management of Aboriginal Affairs, and the self-identification of Aboriginal people within Australian society as a whole."

Jordan, Elizabeth (1995). "Residual Sex Discrimination in the Indian Act: Constitutional Remedies". *Journal of Law and Social Policy*. Vol. 11, pp. 213-240.

This article examines the provisions in the 1985 Indian Act that continue to discriminate against women. Specifically, it discusses section 6 and the membership provisions. The author provides options for eliminating the residual discrimination.

Joseph, Shirley (1991). "Assimilation Tools: Then and Now". *Celebration of Our Survival: The First Nations of British Columbia*, edited by Doreen Jensen and Cheryl Brooks, pp. 65-79. Vancouver: UBC Press.

This paper contends that Bill C-31 is a federal government tool designed to assimilate Aboriginal people, and that it perpetuates discrimination. Joseph argues that this is partially a result of band control over membership which has led to the establishment of groups of people with band membership but not Indian status and, conversely, groups with Indian status and not band membership. The author discusses the problems associated with the documentation requirements for registration, the second generation cut-off under section 6(2) and band membership codes. The author concludes that Bill C-31 has disrupted social and economic life through increased competition for resources, through the creation of new classes of Indians and through residual discrimination.

Judd, Carol M. (1982). "Mixed Bloods of Moose Factory, 1730-1981: A Socio-Economic Study". *American Indian Culture and Research Journal*. Vol. 6, No. 2, pp. 65-88.

The author explores the working relationship between the Hudson's Bay Company and the Indian and mixed-blooded people of Moose Factory. The author also looks at the role of mixed-bloods in the fur trade. The paper brings in discussions on Aboriginal identity and racial stereotyping and looks at who was considered an Indian under Treaty 9. Judd notes that the government admitted into treaty all who wanted to be included regardless of how much European blood they had, so long as those admitted lived traditional Indian lives.

Julnes, Theresa (1993). "Self-Government of Native Nations in the United States". A Report to the Canadian Royal Commission on Aboriginal People.

In this report, the author poses two questions: What is tribal government? What is self-government? In answering these questions, she outlines some of the powers and responsibilities of tribal government in the United States. She provides a brief history of tribal police and courts. She looks at taxation and other powers of tribal governments as well as the role of the federal government in tribal affairs. She provides a social history and social profile of Native Americans.

Kane, Douglas (2000). "Aboriginal Citizenship in Transition." Master of Public Administration, Queen's University.

This thesis describes how the Aboriginal citizenship issue has evolved over time, how it relates to the current debate on Canadian citizenship, and why this issue deserves more consideration and debate in the larger society. In doing so, this paper provides a brief historical overview of the measures undertaken in the nineteenth and early twentieth centuries to narrow the definition of who is considered an officially recognized Aboriginal person in order to promote assimilation. It also examines Bill C-31, and unresolved issues such as residual discrimination and membership. The paper contends that the courts are unable to adequately deal with these issues, and that resolution requires a political commitment to some form of special status recognition. The author notes that Canada's challenge is to institutionally accommodate Aboriginal peoples and clarify their special rights and responsibilities, without fragmenting the federation and the capacity of Canadians to think and act collectively. He also identifies a number of substantive and procedural issues that require serious examination if the concept of Aboriginal citizenship is to be accommodated in a renewed Canadian federalism.

Karamisos, Keith and Melvin H. Smith. (1997). "Opening the Floodgates: Bill C-31 and Native Membership". Policy Options. Vol. 18, No. 10, pp. 40-43.

The focus of this article is on the membership provisions of Bill C-31. The author states that the new membership provisions will be difficult to implement and points to some of the concerns that bands have raised. Native bands are worried that there will be too many people who want to return to reserve, and this influx may strain the already slim resource and land base of most reserves.

Katz, Leslie (1973). "The Indian Act and Equality Before the Law". Ottawa Law Review. Vol. 6, No. 1, pp. 277-284.

This article looks at Aboriginal experiences with Canadian courts through the analysis of the Indian Act, the Canadian Bill of Rights and the treatment of Indians in both provincial and federal legislation. The author includes a discussion of the decisions in the Drybones and Whiteman cases.

Katzer, Bruce (1972). "The Caughnawaga Mohawks: Occupations, Residence and the Maintenance of Community Membership". PhD thesis, Columbia University.

This study looks at the rate and causes of Mohawk assimilation. The findings indicate that 35 percent of the adult population live off reserve and that half of these have likely been assimilated. Four variables are identified for their role in preventing assimilation: place of residence, marriage to a community member, owning property on the reserve and having a parent on the reserve. The study looks at the definition of "Indian" as practiced by the Caughnawaga Mohawks.

Keeshig-Tobias, Lenore (1991). "Chapter 149: An Act Respecting Indians". *Canadian Woman Studies*. Vol. 11, No. 3, pp. 68.

Document is a poem on portions of the pre-1985 Indian Act. It presents the entitlement provisions outlined in sections 11 and 12(1)(b), and then juxtaposes those provisions with the author's prose, expressing their meaning to her in verse and the sense of loss she feels. The poem asks: "Where are the women?"

Kelly, I. F. (1974). "The Bill of Rights, the Indian Act, and Equality Before the Law: The Need for, and the Development of a 'Reasonableness' Test". *Queen's Law Journal*. Vol. 2, No. 2.

One of the central issues for courts and lawmakers is the interpretation of the Canadian Bill of Rights provision of "equality before the law." The author discusses various ways this phrase could be interpreted and provides examples from court decisions. He looks at whether or not the creation of special rights for certain groups infringes upon individual equality rights before the law. The author discusses the Lavell and Bedard cases and concludes that a "reasonableness" test is necessary since the definition provided in the Lavell case is much too narrow to be useful.

Kenny, Carolyn (2002). *North American Indian, Métis and Inuit Women Speak about Culture, Education and Work*. Ottawa: Status of Women Canada.

This study provides results from focus groups and interviews with 140 Aboriginal women in eight sites across Canada. The focus groups studied the barriers created by federal policies that limit the ability of Aboriginal women "to maintain full cultural lives while pursuing contemporary education and work." The focus groups met in rural and urban Manitoba; Toronto, Parry Sound and Ottawa, Ontario; Vancouver and Merritt, British Columbia; Iqaluit, Nunavut; and rural and urban Nova Scotia. Stories as told by the participants were taped and/or transcribed and analyzed for values, themes and policy recommendations. The report offers a critique of the Indian Act and other policies affecting Aboriginal women as provided by the participants and through an analysis of policy documents.

Kerr, Don, Eric Guimond, and Mary Jane Norris (2003). "Perils and Pitfalls of Aboriginal Demography: Lessons Learned from the RCAP Projections". *Aboriginal Conditions: Research as a Foundation for Public Policy*, edited by J.P. White, P.S. Maxim and D. Beavon, pp. 39-62. Vancouver: UBC Press.

This paper focuses on the Royal Commission on Aboriginal Peoples' population projections and how they match up against the observed population counts for 1996. The authors discuss definitions for Aboriginal populations and the methodologies used by the Royal Commission to determine population trends. They also look at marriage patterns and the impact of Bill C-31 and its registration provisions for determining status to see how they have affected Aboriginal populations. The authors provide statistical data to support their conclusions. Further, the authors discuss the relevance and implications of these findings with respect to policy development.

Kersey, Harry and Helen Bannan (1995). "Patchwork and Politics: The Evolving Roles of Florida Seminole Women in the 20th Century". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 193-212. New York: Routledge.

The authors describe how Seminole women's entry into politics is a recent, twentieth-century development related to the Seminole's changing economic circumstances.

Kidwell, Clara Sue (1992). "Indian Women as Cultural Mediators". *Ethnohistory*. Vol. 39, No. 2, pp. 97-107.

In this article, the author explores the historic role that Aboriginal women played in bridging the cultural gap between Aboriginal groups and Europeans. Using specific examples, including Pocahontas and Sacagawea, the author shows how Indian women, through their marriages and relationships with European men, formed a cultural link between the two peoples. In this way, these women helped build alliances. At the same time, Indian women preserved their traditions and helped develop a mixed culture. As a result, Kidwell says, they played an important role as mediators between Aboriginal people and Europeans in fur trade society.

Kidwell, Clara Sue (1995). "Choctaw Women and Cultural Persistence in Mississippi". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 115-134. New York: Routledge.

The author discusses the changing roles of women as a result of American laws and treaties. She argues that such laws and treaties reflected white-European/American values to the detriment of Indian women. Women lost control over land as a new economic system was imposed on the Choctaw people from the outside. However, she argues that Choctaw women were able to maintain and pass on their traditions and culture as well as hold on to their status in the community through the persistence of matrilineal kinship systems, matrilineal residence patterns and through female-oriented farming. Moreover, their control over farming and possession of other skills made them a valuable labour pool for the new economy.

Kienetz, Alvin (1983). "The Rise and Decline of Hybrid (Métis) Societies on the Frontier of Western Canada and Southern Africa". *Canadian Journal of Native Studies*. Vol. 3, No. 1, pp. 3-21.

This is a comparison study of the Métis in Canada with mixed-blood peoples in Southern Africa. The author argues that similarities between the two groups suggest the need for a more extensive comparative study of peoples of mixed races throughout the world. He points to the existence of four periods of development similar to both areas: formation; a "golden age"; defeat, dispersal and relative impoverishment; and a recent resurgence.

Kienetz, Alvin (1986). "Ethnic Identity in Northern Canada". *Journal of Ethnic Studies*. Vol. 14, No. 1, pp. 129-134.

The author discusses the resurgence, heightened awareness and expression of culture among the Native peoples in Canada's north. The revitalization of ethnic identification among Manitoba's Métis is attributed to the work of the Manitoba Métis Federation. The author looks at the identity of Manitoba Métis and the problems associated with reporting Aboriginal identity in the Canadian census.

Kirby, P. (1985). "Marrying Out and Loss of Status: The Charter and New Indian Act Legislation". *Journal of Law and Social Policy*. Vol. 1, pp. 77-95.

This article examines the meaning of "equality" through an examination of the Lavell and Bliss cases. It also discusses the possible implications that the Charter and the Constitution might have for the Indian Act. In doing so, Kirby compares the differences between Bill C-47 and Bill C-31. He also reviews the Lovelace case, and compares the way Canada and the United States define Indians.

Kirkness, Verna (1987-88). "Emerging Native Women". *Canadian Journal of Women and the Law*. Vol. 2, No. 2, pp. 408-415.

This article examines the re-emergence of Native women as leaders in the Aboriginal community. The author provides a general description of Native women's traditional roles, describes how these roles were rooted in Native religion, and demonstrates the equality women enjoyed in traditional Aboriginal society. The author discusses how changes came about with the arrival of Europeans and Christianity, and how this contact undermined the traditional roles of Native women. She also looks at the ways in which the new roles of Native women are reflected in the Indian Act and through Bill C-31, arguing that Bill C-31 did not eliminate all discrimination.

Knack, Martha (1989). "Contemporary Southern Paiute Women and the Measurement of Women's Economic and Political Status". *Ethnology: An International Journal of Cultural and Social Anthropology*. Vol. 28, No. 3, pp. 233-248.

The author, employing an anthropological model on human society, examines the community status of contemporary Southern Paiute women. Simply stated, the model "asserts that those who control access to and distribution of...strategic economic resources will have power" and that "in cases of a roughly egalitarian division of labour [between men and women], women may develop significantly high status. Should women become the exclusive labouring group, [the model] predicts that their status will deteriorate, women then being seen as a mere laboring source to be exploited by a male decision-making class." Through her analysis, Knack concludes that this model generally holds true. The author also discusses the model's strengths and weaknesses and its general applicability to other settings.

Knopp, Karen C. (1998). "The Making of Difference in International Law: Interpretation, Identity and Participation in the Discourse of Self-Determination". S.J.D. thesis, University of Toronto.

This thesis asks whether the right of self-determination in international law includes the right of secession. Chapter eight discusses indigenous women and self-determination with reference to the Lovelace case.

Koshan, Jennifer (1998). "Aboriginal Women, Justice and the Charter: Bridging the Divide". *University of British Columbia Law Review*. Vol. 32, No. 1, pp. 23-54.

The author examines violence against Aboriginal women. In doing so, she reviews the historical treatment of Aboriginal women by colonial and Canadian justice systems. She also discusses Indian self-government in the context of violence against women, and identifies the concerns of the Native Women's Association of Canada with regard to the applicability of the Charter to Aboriginal self-government.

Krosenbrink-Gelissen, Lilianne (1983). "Native Women of Manitoba, Canada: Feminism or Ethnicity?" Unpublished paper, Department of Native Studies, Brandon University.

This report sets out to explore the role of Native women (status, non-status and Métis) in the re-formulation of Indian identity. The first part of the report outlines the historical role of Canadian Indian policy which led to the "superficial" division between status, non-status and Métis. In the second portion, Krosenbrink-Gelissen presents her research results and examines some theories of ethnicity. The author questions whether the Aboriginal women's movement is part of the ethnic movement or the feminist movement. She concludes that the Native women's movement is preoccupied with Native rights but suggests that this position is not inferior to individual rights.

Krosenbrink-Gelissen, Lillianne (1984). "No Indian Women, No Indian Nation: Canadian Native Women in Search of Their Identity". M.A thesis, Catholic University of Nijmegen.

This author presents a comprehensive analysis of the "consequences of the Canadian process of colonization and the impact of the Western history of ideas inherent in them for aboriginal women." Chapter one focuses on the cultural contact between Aboriginal and European peoples and the position of, and role played by, Native women during the fur-trade period. Chapter two reviews the historical development of the Indian Act. Both the development of federal government policy towards Native women and its consequences are explored. The final chapter focuses on recent developments in two areas: the position and role of Native women in what is called the "ethnic movement" and in feminist anthropology, and how feminist anthropology has affected the re-study of hunter-gatherer societies.

Krosenbrink-Gelissen, Lillianne (1991). *Sexual Equality as an Aboriginal Right: The Native Women's Association of Canada and the Constitutional Process on Aboriginal Matters, 1982-1987*. Saarbrücken: Verlag Breitenbach.

This article presents an analysis of the sexual equality and Aboriginal rights debates surrounding the development of the Constitution and around First Ministers' Conferences. The author examines the different positions of the assorted national Aboriginal associations, such as the Assembly of First Nations (AFN) and the Native Women's Association of Canada (NWAC), including their positions on amending the Indian Act, self-government and Aboriginal rights in the Constitution. The paper discusses how NWAC has tried to overcome the accusation that it only fights for individual women's rights at the expense of Aboriginal collective rights.

Krosenbrink-Gelissen, Lillianne (1993). "The Canadian Constitution, the Charter and Aboriginal Women's Rights: Conflicts and Dilemmas". *International Journal of Canadian Studies*. Vol. 7-8, pp. 207-224.

The author explores the conflicts and challenges Aboriginal women face when dealing with the Canadian Constitution and the Charter, due to their culture and gender. The author argues that their dual identity, being both Aboriginal and women, has made it difficult for them to balance their desire for collective aboriginal rights with their desire for sexual equality rights. The author examines the views of the Native Women's Association of Canada in order to describe the nature of Indian women's aspirations and their strategies for reformulating an Indian female identity within the Aboriginal constitutional reform process.

Krouse, Susan Applegate (1999). "Kinship and Identity: Mixed Bloods in Urban Indian Communities". *American Indian Culture and Research Journal*. Vol. 23, No. 2, pp. 73-89.

Krouse examines identity issues facing people of mixed Aboriginal-European blood. She also explains how American Indian societies determine the status and membership of their tribes. Mixed-bloods, the author observes, face difficult challenges to their identity as they often identify with two social groups, but belong to neither. As well, their "not belonging" is compounded by the fact that many mixed-bloods live in cities and are married to non-Indians, isolating them further from half of their cultural origins. Since the 1960's, many mixed-blooded people have adopted a number of strategies to reaffirm their Indian identities. Re-establishing kinship ties with their full-blooded relatives is one of the most common techniques, especially when those relatives reside on a reservation. Some mixed-blooded people reinforce their Indian identity through marriage to someone they consider to be "more Indian." Occasionally mixed-bloods seek adoption into a matrilineal cultural network. The author notes that while these strategies may help mixed-blooded peoples who are struggling with their identity, they sometimes find that their efforts are frowned upon by full-blooded Indians who believe that mixed-bloods are not true Indians no matter how hard they try.

Lachapelle, Caroline (1981). "Beyond Barriers: Native Women and the Women's Movement". *Still Ain't Satisfied: Canadian Feminism Today*, edited by M. Fitzgerald, C. Guaberman et al, pp. 257-264. Toronto: Women's Press.

The author examines why the women's movement does not attract more Native women to its ranks. One reason cited is that Aboriginal women view themselves as being Aboriginals first, and so ally themselves to Aboriginal men in the struggle for their cultural survival. Moreover, the larger women's movement, the author contends, seeks broad social justice for women while Aboriginal women are concerned with more day-to-day realities such as poverty and lack of housing. In other words, they have different agendas. The author calls for a unifying strategy.

Ladner, Kiera L. (2000). "Women and Blackfoot Nationalism". *Journal of Canadian Studies*. Vol. 35, No. 2, pp. 35-60.

The article explores the role of women in the development of Blackfoot nationalism, from both a historical and contemporary perspective. It argues that traditional Blackfoot nationalism was an inclusive phenomenon where gender did not matter, and theorizes why gender matters today.

LaGrand, James B. (2003). "Urban American Indian Identity in a US City: The Case of Chicago from the 1950s Through the 1970s". *Not Strangers in These Parts: Urban Aboriginal Peoples*, edited by David Newhouse and Evelyn Peters, pp. 267-279. Ottawa: Government of Canada: Policy Research Initiative.

The author examines whether urban Indians are distinguishable from other urban residents and from other Indians based on notions of self-identity. LaGrand concludes that a separate urban Indian identity does exist, but shows that its development was sometimes turbulent. He notes that the "majority of Indians who lived in US cities by the middle of the 1970s on the whole thought of themselves and their place in American society very differently than did their reservation-dwelling ancestors two generations previous."

Larsen, Tod (1983). "Negotiating Identity: The Micmac of Nova Scotia". *The Politics of Indianness: Case Studies of Native Ethnopolitics in Canada*, edited by Adrian Tanner, pp. 37-136. St John's: Memorial University.

The focus of this study is on the efforts of the Micmac Indians of Nova Scotia to establish new Indian/white relations, to identify the events where these new concepts are used and to assess the constraints on cultural creativity. This detailed study is based upon information gathered directly from the people involved. The author states that Micmac history shows how the identification of Indians as Indians became impossible. Larsen states that ethnic identity has become the basis of negotiations between Indians and government agencies. The author argues that the interaction between ethnic incorporation and economic competition for resources are two incompatible goals.

Lavell, Jeanette Corbiere (1991). *A Native Woman's Perspective on Equity in Canada's Legal System*. London: The University of Western Ontario.

Lavell discusses her loss of Indian status due to section 12(1)(b) of the Indian Act and her subsequent court challenge to be reinstated. She recalls, with some bitterness, how the National Indian Brotherhood worked against her, how DIAND did not protect her, and how the Supreme Court of Canada failed her in her efforts to be reinstated. The legacy of that time makes it difficult for her to support Aboriginal self-government as it is being proposed. She writes, "Although I am a firm believer in Aboriginal Rights and the concept of self-government, I find it extremely difficult to take any suggestions made by the people who dragged me through the Supreme Court of Canada to prove that I was not an Indian, seriously."

LaVelle, John P. (1999). "The General Allotment Act "Eligibility" Hoax: Distortions of Law, Policy, and History in Derogation of Indian Tribes". *Wicazo Sa Review*. Vol. 14, No. 1, pp. 251-302.

The author refutes the writings of historians Marianette James-Guerrero and Ward Churchill, charging them with an antitribal ideology. The author critiques the two scholars' contention that the customary Indian practice of making direct biological descent a requirement for tribal membership ultimately stems from the tribes' misappropriation of a provision of the 1887 General Allotment Act (Dawes Act).

Lawrence, Bonita (1999). "'Real' Indians and Others: Mixed-Race Urban Native People, the Indian Act, and the Rebuilding of Indigenous Nations". PhD thesis, University of Toronto.

The author examines identity formation of mixed-race Natives in Toronto. Her research is based on interviews with thirty individuals to discover how the Indian Act and living in a dominant white culture has affected their understanding of who they are as Native people. She also explores what these individuals have done to foster their own sense of being Indian. Lawrence states that "The common thread running through the narratives is the devastating affect which loss of community as a result of genocidal government policies has had on the participants' families." Her research, she writes, "clearly demonstrates the extent to which government regulation of Native identity, through racist and sexist restrictions within the Indian Act, has contributed to the alienation of individuals from their communities and has fragmented Native peoples' identities, dividing them into categories such as 'Status Indians,' 'Métis,' 'Bill C-31 Indians,' 'reserve Indians' and 'urban Indians.'" Finally, Lawrence offers a preliminary form "of nation-building which might enable Native people to overcome the divisive effects of a history of government regulation of identity."

Lawrence, Bonita (2000). "Regulating Native Identity". *Kinesis*. (December/January), pp. 15, 18.

Lawrence discusses European and Aboriginal identity formation from colonial times to the present. She argues that when Europeans identified Native peoples as "others" this was as much an identity formation process for themselves as it was for Aboriginal peoples. For Europeans with diverse backgrounds the identification of Natives as "other" helped Europeans form a social bond that united them in their difference from the "others." Early on, however, with the rise of mixed-race communities, the line between Indian and white was difficult to discern; this became an important issue when property ownership, property division and inheritance was concerned. A racial definition was required to protect European interests, and hence the "1869 Gradual Enfranchisement Act" and the "1876 Indian Act" were born. What resulted was a discriminatory regime aimed at protecting the European patriarchal class. Over time, Lawrence argues, Native communities came to identify with this discrimination and incorporated it into their own identity formation as the norm. Native gender, then, became a major determinant for deciding who was and who was not Indian; the other major identifier was blood quantum. Both elements are found in the Indian Act, and both, she says, have created categories of people where none had previously existed.

Lawrence, Bonita (2003). "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview". *Hypatia* [Special Issue: Indigenous Women in the Americas]. Vol. 18, No. 2.

The author argues that the regulation of Native identity has been a central feature of the colonization process in both Canada and the United States. Classification systems, Lawrence states, enabled settler governments to define who was and who was not an Indian, which helped them control access to Aboriginal lands. She describes how these classifications systems were forced on the Aboriginal people and supplanted their traditional identities in relation to the land and each other. In the end, colonial definitions have come to be seen as normative. These normative ideas, she states, need to be deconstructed and reshaped in order for us to better understand Native identity.

Layton, Robert (2000). "From Clan Symbol to Ethnic Emblem: Indigenous Creativity in a Connected World". *Indigenous Cultures in an Interconnected World*, edited by Claire Smith and Graeme K. Ward. St. Leonards, NSW: Allen and Unwin.

The author reviews Australian Aboriginal hunter-gatherer culture, and in doing so touches upon identity issues. He provides a discussion on how individuals in hunter-gatherer societies recognize and identify themselves as members of a particular group. Shared dialect, artistic heritage, kinship ties and mythic experience are all important to such recognition.

Leacock, Eleanor (1978). "Women's Status in Egalitarian Society". *Current Anthropology*. Vol. 19, No. 2, pp. 247-276.

This article deals specifically with the historical and contemporary status of women and their role within Aboriginal groups in Canada. The author links the loss of status previously enjoyed by Indian women in their traditional societies to the rise of capitalism where the production of commodities increasingly shifted into the hands of Aboriginal men. This article includes commentaries by a large number of scholars who either oppose or affirm these viewpoints, as well as the author's reply to these comments.

Leacock, Eleanor and Richard Lee, eds. (1982). *Politics and History in Band Societies*. London: Cambridge University Press.

This collection of essays inquires into hunter-gatherer societies. The articles explore the internal dynamics of social relations in foraging societies and their underlying common structural features. "The papers in Part I show how the central elements of sharing, communal ownership of land and resources, and egalitarian political relations serve to structure the cultural consciousness of foragers in settings as diverse as Australia, Africa, and North America." Part II explores ways in which hunter-gatherers have maintained their way of life in a world of non-foragers. Part III looks at the foragers' political struggles against encroaching state systems.

Leslie, John (1999). "Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963". PhD thesis, Carleton University.

This thesis analyzes the evolution and development of Canadian Indian policy at the national level during the years 1943 to 1963. At the beginning of the period, Leslie argues that government thinking and practices were dominated by the official policy of Indian assimilation that aimed at destroying all vestiges of "Indianness." The author concludes that in the altered post-war context, Indian Affairs officials "recast Indian assimilation in terms of Indian integration, abandoned paternalistic practices and broached the notion of Indians as citizens plus."

Leslie, John and Ron Macguire (1978). *The Historical Development of the Indian Act*. Ottawa: Treaties and Historical Research Centre, P.R.E. Group, Indian and Northern Canada.

"The purpose of this paper is to acquaint Departmental officials and researchers with the main themes of Indian policy and legislation from colonial times. It is not intended to be a definitive account, but rather a guide to further research, and a stimulus for policy discussion." The paper is in two major parts: Pre-Confederation 1755-1867 and Post-Confederation 1867-1955. Part one examines, in detail, the evolving Indian-government relationship from military alliances to legislated and policy relationships. The second part traces the development of the first consolidated Indian Act from 1876 to 1951. The authors observe, "the present Indian Act [1978] supposedly exists to regulate and systematize the relationship between Indian people and the majority of society. Paradoxically, while it is intended to be a mechanism for assimilation, the Indian Act isolates Indian people from other Canadians. The policy goal and legislation are contradictory."

Letskemann, Paul (1997, 1992). "Local Status Indian Identities and Anthropological Categorization of Natives as a Collectivity or Group: Some Observations". MA thesis, University of Alberta.

This thesis examines Native identity as a localized identity, differing from reserve to reserve. Letskemann argues that while Natives are discussed in anthropology and sociology as a collectivity or group, Native identities are generally local in reference and construction. The author looks at the common themes of identity among reserve Indians, and discusses how individuals come to identify with larger groups. The author discusses kinship ties on reserves today in comparison to hunter-gather societies.

Levin, M.D. ed. (1993). *Ethnicity and Aboriginality: Case Studies in Ethnonationalism*. Toronto: University of Toronto Press.

This book is a collection of essays presented at a symposium entitled "Ethnonationalism: Canadian and International Perspectives." The focus of the symposium was on the inherent right of all people to self-government. See individual papers listed in this bibliography by Patrick Macklem, "Ethnonationalism, Aboriginal Identities, and the Law;" Michael Asch, "Aboriginal Self-Government and Canadian Constitutional Identity: Budding Reconciliation"; Sally Weaver, "Self-Determination, National Pressure Groups, and Australian Aborigines: The National Aboriginal Conference 1983-1985"; Adrian Tanner, "History and Culture in the Generation of Ethnic Nationalism"; and Judith Nagala, "From Indians to International: The Many Faces of Malay Identity."

Lisson, James H. (1975). "Indian Act, S.12(1)(b): The Determination of Those Eligible for Special Status". Student paper, University of Ottawa.

This paper examines section 12(1)(b), the "Marrying-out" provision of the Indian Act. Lisson discusses the historical development of the Indian Act, the legal arguments both for and against section 12(1)(b), the Bill of Rights and the Lavell and Drybones cases. Potential amendments to section 12(1)(b) are explored. The author concludes that lifestyle and community acceptances are examples of cultural criteria that may be adopted to identify people. He concludes that neither a strictly legal definition of "Indian," nor a cultural definition are sufficient and that there is a need to establish a compromise between the two.

Little Bear, Leroy, Menno Boldt, and Anthony Long, eds. (1984). *Pathways to Self-Determination*. Toronto: University of Toronto Press.

The purpose of this anthology is to present the Status Indian perspective on self-government. The editors state: "Recognizing that the Indians do not speak with one voice [we] have sought a cross-section of viewpoints [and have taken] into consideration tribal, geographical and organizational diversities." Included are articles on the cultural and ideological foundations of self-government; ethnonationalist ideas of government; bureaucracy, public policy and Indian government; the legal, political and economic constraints on self-government; the social economic and organizational requisites for Indian government; and Indian government and the Constitution.

Littlefield, Loraine (1996). "Women Traders in the Maritime Fur Trade". *Canadian Women: A Reader*, edited by Wendy Mitchinson et al, pp. 6-18. Toronto: Harcourt Brace and Company Canada, Ltd.

Littlefield examines "the role of Northwest coast women in the fur trade," and proposes "that this role was not a new behaviour arising from the fur trade, but a continuation of a traditional role that included women in trade transactions." Littlefield also proposes "that some of the key factors that enabled women access to trade goods in traditional trade were the specific relations of production of the Northwest coast, women's role in the management and production of household goods, and a cultural role definition that excluded some men from maximizing in trade transactions." She "also examines how these factors may have increased women's participation in trade during the maritime fur trade." The increased demand for household goods may also have enhanced the role of women in the trade. "Finally, the transformation of communal property to private property may have increased the emphasis upon gender-related ownership of goods giving women increased participation in trade transactions."

Living Dimensions Limited (1991). *Bill C-31 Impact Study Meadow Lake First Nations Volume 1: Synopsis, Comments, Recommendations*. Meadow Lake, Saskatchewan: Meadow Lake Tribal Council.

This report studies the impacts of the reinstatement and membership provisions of the Indian Act on the Meadow Lake Band. It describes the relevant provisions of Bill C-31, and observes that on-reserve Indians view status differently from off reserve and non-Status Indians. The study notes that the Meadow Lake Band is aging as a result of the denial of status to out-marriage children, and that band membership is declining due to restrictive membership codes.

Living Dimensions Limited (1991). *Bill C-31 Impact Study Meadow Lake First Nations Volume 2: Summary of On-Reserve Interview Results*. Meadow Lake, Saskatchewan: Meadow Lake Tribal Council.

This report summarizes the results of on-reserve interviews of band members to determine the impact of Bill C-31. Each of the nine First Nations which constitute the Meadow Lake Tribal Council are dealt with separately. The report highlights factors such as the size of the band and its economic situation, as these factors affected how respondents viewed Bill C-31 Indians.

Living Dimensions Limited (1991). Bill C-31 Impact Study Meadow Lake First Nations Volume 3: Report. Meadow Lake, Saskatchewan: Meadow Lake Tribal Council.

This is the third volume of an impact study carried out at the Meadow Lake Band on the effects of Bill C-31. It provides some background information on the amendments to the Indian Act and membership codes. It also provides statistical information on the number of people registered and separates them into the registration categories for the purpose of comparing who were taken off the lists and who are now being registered under Bill C-31. The report discusses housing and service delivery on reserve. It also discusses possible future trends on how Bill C-31 will affect membership and registration.

Lofgen, Neil (1995). "Defining Aboriginal Identity". *Aboriginal Law Bulletin*. Vol. 3, No. 73, pp. 18-19.

This article describes the judgment in the Australian *Gibbs v. Capewell and Ors* case which sought to declare an election under the Aboriginal and Torres Strait Islander Commission Act invalid because the electee was not an Aboriginal person or Torres Strait Islander as defined within the act. The decision dealt with whether a person without Aboriginal descent, but adopted by Aboriginals, was considered an Aboriginal under the law. In effect, it looked at the definition of "Aboriginal." The judge found that to be an Aboriginal one had to possess a degree of Aboriginal blood, self-identify as Aboriginal or be accepted by an Aboriginal community.

Loh, S. (1995). *Projections of Population with Aboriginal Ancestry, Canada Provinces/ Regions and Territories, 1991-2016*. Ottawa: Minister of Industry.

This report presents revised projections of Canada's population with Aboriginal ancestry for the period 1991-2016 based upon data from the 1991 census. Components of growth include fertility, mortality and Bill C-31 reinstatements. The report covers four categories of Aboriginal peoples: Registered Indians, Inuit, Métis and others including non-Status Indians. The study projects an increase in the proportion of Registered Indians and Inuit while the number of Métis are expected to remain stable. The non-status and other groups are expected to decline. The impact of Bill C-31, the study says, will be to increase the Registered Indian population. This is a revised version of a report prepared by F. Nault and E. Jenkins.

Lomayesva, Fred (1999). "Indian Identity-Post Indian Reflections". *Tulsa Law Journal*. Vol. 35, No. 63, pp. 63-72.

The author reviews the meaning of "Indian" in the United States and the ramifications and intentions of such definitions on Natives and 'whites.' He observes the difficulty of defining race through legislation created by non-Indians and the equal difficulty Indians have in defining "Indian" within their own communities. He argues that there is no Indian archetype. "What is unique [about Indians] is impossible to say given the diverse nature of tribes and the varying states of cultural changes tribes have undergone since contact with the West. To suggest a consistent set of belief, thoughts or behaviors held by all Indians is problematic, at best." To define Indian by blood quantum, the author asserts, is an arbitrary act, as the base roll for who is considered an Indian is often considered to be the 1934 Federal Indian Reorganization Act. Those identified by this Act are deemed to possess 100% Indian blood regardless of the reality. Those who can trace their ancestry to this base roll is used as a measure of "Indianness" by some tribes and are counted as Indians. The author reviews American legislation, from the eighteenth-century onwards, that defines "Indian". The intent of early legislation, he suggests, aimed, at least in part, to "regulate white men's trade and intercourse with Indians," while later legislation and court decisions dealt with the adoption of white men by Indian tribes and the limits of tribal powers. He concludes that Indian identity is a legal construction for controlling a power relationship and white political identity. "The origins of blood quantum in essence had little to do with describing tribal peoples."

Lukens, Margaret A. (1997). "Mourning Dove and Mixed Blood: Cultural and Historical Pressures on Aesthetic Choice and Authorial Identity". *American Indian Quarterly*. Vol. 21, No. 3, pp. 409-422.

The author discusses how the 1927 novel "Mourning Dove's Cogewea, the Half-Blood: A Depiction of the Great Montana Cattle Range (1927), relates to the Canadian Métis' current struggle for autonomy. In the novel, Mourning Dove is presented as a defender of mixed-blood people at the turn of the century - a time and place when white encroachment left little room for full-blooded Indians, let-alone mixed bloods, and at a time and place when the images of mixed-blooded people were almost always negative and derogatory. The novel defines half-bloods in their own terms, noting the value of kinship ties over blood quantum. The article discusses these views and places them in a modern Métis context.

Lynne, Jackie (1998). "Colonialism and the Sexual Exploitation of Canada's First Nations Women". Paper presented at the American Psychological Association 106th Annual Convention, San Francisco, California. San Francisco: American Psychological Association.

The author explores the historical roots of the alleged sexual exploitation of First Nations women and links this sexual oppression to their high incidence of prostitution on Canada's streets. Lynne writes that "street prostitution in the lives of Canadian First Nations women is a fundamental form of sexual oppression whose exploitative roots are located within earlier colonial relations" and that the dominant "white" society, with its patriarchal and capitalistic outlook, "subjugated First Nations women collectively." Such collective sexual oppression reduced Native women, in the eyes of Aboriginal and non-Aboriginal men, to inferior beings. The author alleges that the sexual domination of First Nations women remains the norm to the present-day due to the strength of the dominant patriarchal system. The sexual domination of Aboriginal women, she adds, has had and continues to have profound and injurious consequences on the lives of First Nations women.

Lyon, Noel (1984). *Aboriginal Self-Government: Rights of Citizenship and Access to Governmental Services*, Background Paper No. 1. Kingston, Ontario: Institute of Intergovernmental Relations, Queen's University.

This work argues that Aboriginal peoples' right to self-determination is an inherent right and includes the right to define membership in Aboriginal communities. Lyon states that section 35 of the Constitution Act, 1982 recognizes and affirms these rights; it does not create them. According to the author, entitlement to essential public services of reasonable quality, which inheres in Canadian citizenship, comes to Aboriginal people by virtue of their contribution of the entire land base of Canada. Lyon notes that Aboriginal governments will be shaped by the distinct cultural values and traditions of Native peoples and will do for them what provincial and municipal governments do for other Canadians. Lyon argues that no standard model of self-government can be applied because of the variety of cultures, sizes, degrees of economic development, locations and other circumstances among Native communities.

M'Gonigle, R.M. (1977). "The Bill of Rights and the Indian Act: Either? Or?". *Alberta Law Review*. Vol. 15, No. 2, pp. 292-312.

The author analyzes major Supreme Court of Canada decisions that affect Aboriginal peoples, including the Drybones case and the Lavell case. The judgments in these cases show how "equality before the law" has been defined in Canadian courts. The author uses the American 'reasonable classification' test to determine if the Indian Act and the Bill of Rights applies to all persons who are similarly situated. The author states that the test is applicable for distinguishing between the discriminatory exercise of statutory power and one which reflects concerns for Indians.

MacEachern, Zandra (1986). *Application of Matrimonial Property Legislation on Reserves, Update 1986*. Saskatoon: University of Saskatchewan, Native Law Centre.

This article reviews the legislation affecting matrimonial property on reserves. Noting that matrimonial property issues fall under provincial jurisdiction while 'Indians' are a federal responsibility, the article asks two questions: "Can provincial matrimonial property legislation be applied without encroaching on the exclusive jurisdiction of Parliament with respect to 'Indians, and Lands reserved for the Indians;'" and, assuming the answer to this question is yes, "do the provisions of the Indian Act respecting property rights preclude the application of the provincial legislation to matrimonial property situated on reserve?" The author concludes, "provincial matrimonial property legislation does not apply to real property situated on reserves. As indicated in some of the cases, it may nonetheless be possible under provincial legislation for a spouse to receive monetary compensation in place of an interest in the real property itself."

Macklem, Patrick (2001). *Indigenous Difference and the Constitution of Canada*. Toronto: University of Toronto Press.

The author argues that equality is promoted by the unique constitutional relationship between Aboriginal people and the Canadian state. Macklem argues that while Aboriginal people are entitled to the same level of protection non-Aboriginal people enjoy under the constitution, the Charter also protects their indigenous difference. On the other hand, Bill C-31, in the author's opinion, threatens that indigenous difference by legislating membership criteria.

Majury, Diana (2002). "Women's (In)Equality Before and After the Charter". *Women's Legal Strategies in Canada*, edited by Radah Jhappan, pp. 101-134. Toronto: University of Toronto Press.

This article describes women's equality in both a pre- and post-Charter Canada. Her study is not limited to Aboriginal women. She discusses the Bill of Rights, the Lavell and Bedard cases and the Indian Act. The author argues that the decisions of Justice Ritchie in both the Lavell and Bedard cases display "judicial sexism."

Mallea, Paula (1994). *Aboriginal Law: Apartheid in Canada?* Brandon: Bearpaw Publishing.

This book provides a general, short outline of the current developments in Aboriginal law in Canada. It focuses mainly on Aboriginal rights and treaty rights. Chapter two, entitled "The Legal System and 'Indians,'" explores the way Canadian laws have constructed Indian identities. In the discussion of the legal definition of 'Indian,' the author points out that the 1982 Constitution Act defines 'aboriginal peoples of Canada' differently than the Indian Act. According to Mallea, this contradiction has led to problems of determining who falls under which legislation. Especially cloudy, the author states, is the definition of Métis peoples and whether they fall under federal jurisdiction. Various court cases and their impact upon the definition of "Indian" and "Aboriginal" are discussed. The author also reviews the Bill C-31 amendments to the Indian Act, and the continuing debate surrounding these amendments.

Manyfingers, Morris (1986). "Determination of Indian Band Membership: An Examination of Political Will". *The Canadian Journal of Native Studies*. Vol. 6, No. 1, pp. 65-75.

The author presents options for determining band membership. The concept of Aboriginal citizenship is examined on the basis of three general principles: self-determination, culture and racial preservation. The author argues that in order for Indian Nations to decide membership in a particular society, bands must prioritize these principles and incorporate them into their own codes of membership. The author suggests that First Nation control of band membership should be based upon implied self-determination, on a blood quantum and on a desire by individuals to practice membership values.

Maracle, Lee (1993). "Racism, Sexism and Patriarchy". *Returning the Gaze: Essays on Racism, Feminism and Politics*, edited by Hamani Bannerji, pp. 122-130. n.p.: Sister Vision Press.

The author explores how western values resulted in racial and sexual discrimination against Aboriginals, and how these values led to a patriarchal social system. She places Aboriginal women in the context of the larger women's movement from the early twentieth-century. She notes that the women's movement did not always incorporate Aboriginal women's views.

Maracle, Lee (1996). *I am Woman: A Native Perspective on Sociology and Feminism*, 2nd edition. Vancouver: Press Gang Publishers.

This book describes the author's "personal struggle with womanhood, culture, traditional spiritual beliefs and political sovereignty." Through her story, it is Maracle's intention "to empower Native women to take to heart their own personal struggle for Native feminist being." With this second edition, it remains the author's intention "to present a Native woman's sociological perspective on the impacts of colonialism on us, as women, and on myself personally."

Marquardt, Stephen (1987). "The Right to Self-Government of the Aboriginal Peoples of Canada under Domestic and International Law". MA thesis, McGill University.

This thesis examines the legal foundation of the right to self-government of the Aboriginal peoples of Canada. Chapter 13 discusses the conflict between individual and collective rights in the establishment of Aboriginal self-government. The author argues that since section 35(4) of the Constitution Act, 1982 provides equal Aboriginal rights to both men and women, then individual Aboriginal rights should be dealt with separately and not subject to the Charter. He also contends that the Charter is not applicable to Aboriginal governments.

Marquis, P. (c. 1973). "Lavell et Bedard: Pas de discrimination". *Justice, justice s'il vous plait Commission des services juridiques (Discontinued)*. Vol. 6, No. 1, pp. 26-27.

This article examines the Lavell and Bedard cases and their legal merits. The author argues that the judgments were not discriminatory and were correct.

Marshall, Murdena (1993). *The Role of Mi'kmaq Women in a Contemporary Society*. Ottawa: Royal Commission on Aboriginal Peoples.

This paper focuses on Mi'kmaq women and their roles within Mi'kmaq society. In her study Marshall shows how contemporary Mi'kmaq women are "a powerful force" in their communities, as it is the women who transmit values, culture and language. They are the agents of culture. The author also examines family structures, Mi'kmaq government organization, and social institutions in her effort to discover the roles and importance of Mi'kmaq women to their families and communities.

Matas, D. (1974). "Indian Women's Rights". *Manitoba Law Journal*. Vol. 6, No. 1, pp. 195-209.

The author discusses the decisions and conclusions drawn in the judgments on the Lavell and Bedard court cases. Whether the majority position can be taken as proof of an argument is discussed, particularly as it pertains to Justice Ritchie's remarks concerning equality before the law. The author states that had the court made the opposite decision in the Lavell case, it may have caused the destruction of Indian reserves and treaties.

Mawani, R. (2000). "In Between and Out of Place: Racial Hybridity, Liquor and the Law in Late 19th and Early 20th Century British Columbia". *Canadian Journal of Law and Society*. Vol. 15, No. 2, pp. 9-38.

This article explores and questions the colonial anxieties that mixed-race progeny of European and Aboriginal ancestry posed to government and religious officials in late nineteenth and early twentieth-century British Columbia. The social, legal and political debates about racially mixed peoples and their "proper" place in the province are discussed. Pervasive fears about mixed-race peoples, the author contends, "were not merely symbolic or metaphorical but lay in material concerns about land." Although various legal and spatial techniques were used to govern mixed race people, liquor prohibitions were particularly important.

McCalla, Andrea and Vic Satzewich (2002). "Settler Capitalism and the Construction of Immigrants and 'Indians' as Racialized Others in Crimes of Colour". *Racialization and the Criminal Justice System in Canada*, edited by Wendy Chan and Kiran Mirchandani, pp. 25-44. Peterborough: Broadview Press.

The article deals with the historical concept of Indians as a race separate from the "whites." The authors state that Indians were viewed both as a separate race and as having the capacity to improve, and therefore change their racial orientation. The article discusses how the connections between race and "blood" developed and why, in the case of Indians, they did not have the same meaning. Much of the article deals with immigrants of other races and the enforcement of status offences by Indians. However, in doing so, it presents nineteenth and early twentieth-century ideas of race and how those ideas shaped government policy and Indian identity.

McCorquodale, John (1986). "The Legal Classification of Race in Australia". *Aboriginal History*. Vol. 10, No. 1, pp. 7-24.

This paper examines and compares the legal and administrative definitions of Aborigines and 'half-castes' used in and by the various Australian states from "the earliest times to the present." The author also provides the historical context as to why such definitions were required in the first place. These include the idea held by European colonizers that they were a superior race, to the need by Europeans to control the land, and to the more prosaic administrative need to deliver programs and services. The author reviews the wide array of legal definitions of Aborigine as used by Australian courts and in Australian legislation. These include definitions based on blood quantum to lifestyle definitions. For example, "the Aborigines Protection Act 1869 deemed as an 'aboriginal within the meaning of this Act' every 'aboriginal native of Australia' and any 'half-caste' or child of such habitually associating and living with 'Aboriginals.'" He concludes that "this analysis of legislation and administrative practice reveals that a clear definition of race on 'blood' was elusive and illusory...The legislation was variable, inconsistent or arbitrary in its formulation and implementation. But it was consistent in its identification and choice of subject...[The historical] edifice of restriction and prohibition was an expression of popular will denying those ideals in an Australia which placed a higher faith in being white than in being democratic."

McCourt, B.J. (1974). "Civil Rights: Loss of Indian Status by Indian Woman Marrying Non-Indian Under Indian Act (Can.) Section 12(1)(b): Whether Provision Inoperative Under Canadian Bill of Rights as Discrimination by Reason of Sex and Denial of Equality Before the Law...". *Ottawa Law Review*. Vol. 6, No. 2, pp. 635-640.

This commentary explores the effects of the Bill of Rights on the Lavall case. The details of the case are outlined and the decision of the courts examined.

McCulloch, Anne Merline and David E. Wilkins (1995). "'Constructing' Nations Within States: The Quest for Federal Recognition by the Catawba and Lumbee Tribes". *American Indian Quarterly*. Vol. 19, No. 3, pp. 361-388.

The authors discuss how many communities seek federal recognition as Indian tribes because this status buffers them from dissolution and provides substantive support. Two southeastern tribes, the Catawba of South Carolina and the Lumbee of North Carolina, had opposite results in seeking recognition. A policy formulation model derived from Schneider and Ingram identifies four variables affecting federal recognition: group conformity to the popular image of an Indian, cohesiveness of tribal self-identity, acceptance by the general public of the legitimacy of a tribal claim, and resources available to support a tribal claim. The authors' analysis indicates the Catawba were recognized because they rated highly in each category while the Lumbee were not because they had negative ratings.

McDonald, Michael (1985). "Indian Status: Colonialism or Sexism?". *Canadian Community Law Journal*. Vol. 9, pp. 23-48.

McDonald analyzes the "individual versus collective rights" debate surrounding the passage of Bill C-31. He highlights the principal players and their positions. His discussions are informed by a review of sections 15, 25 and 35 of the Constitution, as well as Bill C-47, the predecessor to Bill C-31. The implications of the Lavell and Lovelace cases on the debate are announced. Throughout, he analyzes the debate "from a socio-philosophical, rather than a socio-economic, perspective," concluding "in favour of greater equality for Indian women."

McDonald, P.N. (1977). "Equality Before the Law and the Indian Act: In Defense of the Supreme Court". *Dalhousie Law Journal*. Vol. 4, No. 3, pp. 726-750.

The author compares the Supreme Court decisions on three cases involving the Indian Act and the Bill of Rights. He provides a discussion of the judgments in the Canard, Drybones and Lavell cases and defends the decisions of the Supreme Court. At issue is whether the government has the authority to treat with persons based upon their "distinctive characteristics and functions in society."

McGillivray, Ann (1985). "Transracial Adoption and the Status Indian Child". *Canadian Journal of Family Law*. Vol. 4, pp. 437-467.

This article examines a wide range of issues with regard to trans-racial adoption of Status Indian children in light of the pre-1985 Indian Act. The author looks at the Constitutional/Charter rights of such children as well as their entitlement to status and treaty benefits. She also reviews how trans-racial adoptions are handled in Canadian courts. She finds that cultural identity issues are the biggest dilemma for courts at all levels to deal with.

McIvor, Sharon Donna (1989). "Aboriginal Women's Rights as 'Existing Rights'". *Canadian Woman Studies*. Vol. 15, No. 2/3, pp. 34-38.

The author argues that Aboriginal women's rights have existed from time immemorial and are existing rights under the Canadian constitution. She likens the rights of women under the Charter to the regulated but unextinguished rights upheld in the Sparrow decision. She contends that discrimination remains in the Indian Act despite the Bill C-31 amendments, and believes the Indian Act should be challenged by the Charter.

Mclvor, Sharon Donna (1989). *Native Woman's Perspective*. Ottawa: National Association of Women and the Law.

The author provides her brief, outline-view on the historical development of Native-government relations from the early contact period through to the present. She reviews the Indian Act and the Canadian Judicial system as it affects Aboriginal people. This brings in discussions on Native rights, Indian self-government and the government's efforts to assimilate Indians through its definition of Indian as defined by the status criteria of the Indian Act. She also discusses Indian culture compared to white culture and remarks on the disproportionate number of Native peoples passing through the Canadian judicial system.

Mclvor, Sharon Donna (1994). "The Indian Act as Patriarchal Control of Women". *Aboriginal Women's Law Journal*. Vol. 41, No. 1, pp. 41-52.

The author argues that Indian women have been dealt with more harshly by the judiciary and the law than Indian men when they seek to have their rights interpreted and enforced. She reviews a number of legal cases throughout the twentieth-century regarding male membership rights, then juxtaposes them with the treatment of Indian women's rights. She also examines the matrimonial property rights of Indian women today. The article discusses the differences between male and female membership rights with respect to illegitimate children, the "double-mother" clause, adoption, and membership based upon kinship links. The author uses marital law to show how the law is biased against Indian women married to Indian men living on-reserves. Mclvor says that the Indian Act "intended and did alter the lives of Indian women by destroying their roles within Indian society," and that the "onslaught" continues today.

Mclvor, Sharon Donna (1995). "Aboriginal Self-Government: The Civil and Political Rights of Women". MA thesis, Queen's University.

This thesis argues that the civil and political rights of Aboriginal women are Aboriginal and treaty rights and form a part of the inherent right to self-government. Chapter one explores the traditional role of Aboriginal women including their role as political decision-makers, military leaders, property holders, transmitters of language and culture, economic leaders and domestic partners. The second chapter examines the regulation of Aboriginal women's civil and political rights as organized discrimination. This discrimination took legislative form in section 12(1)(b) of the Indian Act and its predecessors according to Mclvor. Chapter four considers Aboriginal women's rights in the context of collective rights and whether Aboriginal gender rights are equal to collective rights in the constitutional context. The author concludes that the inherent right to self-government must be informed by the fundamental civil and political rights of Aboriginal women.

McIvor, Sharon Donna (1995). "The Personhood of First Nations' Women: Address to West Coast L.E.A.F. on the Occasion of the Person's Case Breakfast".

This statement addresses the treatment of Aboriginal women by government and First Nations organizations. The author describes how the government decides who is an Indian. She compares the way in which the federal government has dealt with Quebec aspirations to self-government as opposed to the way it has responded to First Nations' aspirations. She argues that there is a double standard at play. Much discussion centres on the regulation of women's rights by the federal government.

McIvor, Sharon Donna (1996). "Self-Government and Aboriginal Women Ten Years Later". The Charter and Equality for Women: A Publication from a Symposium Assessing the Impact of the Equality Provisions on Women in Canada, edited by M. Jackson and N.K. Banks. Vancouver: Simon Fraser University.

The author examines the role of Aboriginal women in defining the nature of Indian self-government. She refers to the collective rights versus individual rights debate within Aboriginal communities. She argues that women must be heard in self-government discussions. As well, the author says that the Charter protects the equality rights that Aboriginal women have always possessed.

McIvor, Sharon Donna (1999). "Self-Government and Aboriginal Women". *Scratching the Surface: Canadian Anti-Racist Feminist Thought*, edited by Enakshi Dua and Angela Robertson, pp. 167-186. Toronto: Women's Press.

McIvor begins by disputing the idea that Native women, during the Constitutional process, advocated individual rights over collective rights. She asserts that both can exist at the same time. The author argues for the inclusion of gender equality within the self-government process, as failing to do so would only recognize the patriarchal interpretation of the meaning of self-government, while denying the traditional roles of Native women. The author discusses the disagreement in 1982 between the National Indian Brotherhood, who were advocating self-government before the reinstatement of enfranchised women, and women's groups, who wanted reinstatement to occur before First Nations achieved self-government. There is considerable discussion of how the reinstatement of enfranchised Indians through Bill C-31 has affected the movement towards self-government.

McIvor, Sharon Donna (2002). "Identity and Equality: Language, Culture and Gender Rights". Symposium to Commemorate the 20th Anniversary of the Canadian Charter of Rights and Freedoms. Canada: Nicola Valley Institute of Technology.

The author argues that the Indian Act was a genocidal law because it was designed to separate Indian women from their communities upon marriage to non-Indian men, while admitting non-Indian women who married Indian men into the community. She argues that it is women who pass on culture and language, that Indian communities suffered cultural loss when women were removed, and cultural dilution when non-Indian women were admitted. The Bill C-31 amendments ended this practice. She "can only hope that with the return of women to the Aboriginal community under the revised Indian Act, the languages and cultures will experience a rebirth." She discusses briefly the Lovelace case and makes recommendations for policy changes to help protect Aboriginal languages.

McKinney, Roy, John Meechas, and Harry Desjarlais (1988). Statement on the Impact of Bill C-31 on the Portage First Nations of Manitoba. Canada: Portage Chiefs and Councils.

This statement inventories the impacts of Bill C-31 that were felt or anticipated by the Portage First Nations. The authors maintain that while Indian and Northern Affairs Canada has re-evaluated many of its policies to accommodate Bill C-31 registrants, these new arrangements violate treaties and Aboriginal rights. In addition, the authors state that federal funding has not increased sufficiently to provide for additional program costs. The authors discuss how subsequent policy decisions have negated promises made during the Bill C-31 discussions, for instance the decision not to allow negotiated additions to reserves. The authors conclude that while they could offer recommendations, there is little to be gained since they allege that government policy continuously changes, which would negate any benefits of such recommendations.

McNeil, Kent (1996). "Aboriginal Governments and the Canadian Charter of Rights and Freedoms". Osgoode Hall Law Journal. Vol. 34, No. 1, pp. 61-99.

The author analyzes whether or not Indian governments are subject to the Charter. He says that the creation of such governments are a Constitutionally protected inherent right of First Nations. This issue is examined from a legal perspective based on textual analysis and common-law principles. However, he argues that with the exception of the section 28 gender equality provision, the Charter does not apply to Aboriginal governments.

Medicine, Beatrice (1993). "North American Indigenous Women and Cultural Domination". *American Indian Culture and Research Journal*. Vol. 17, No. 3, pp. 121-130.

The author examines discrimination against Aboriginal women in the USA. She briefly mentions the membership and status provisions in the Canadian Indian Act. The author argues that, with a few exceptions, the status and role of Indian women declined after the imposition of the reservation system, but that the influence of women will increase as more women move into legal professions. This, she says, will be to the benefit of all Indians. One example of the problems facing Indian women is provided by the interaction of state, county and tribal law enforcement where one jurisdiction may ignore a women's case, or one party involved may take a case to a jurisdiction considered more advantageous to its cause.

Mercredi, Ovide and Mary Ellen Turpel (1993). *In the Rapids: Navigating the Future of First Nations*. Toronto: Viking Press.

The authors pinpoint five key areas of conflict between First Nations' communities and Canadian governments. These areas of conflict include the following: the Indian Act and its arbitrary and discriminatory systems of governing and status determination; the failure of Canadian governments to honour treaties and agreements with First Nations; recurring disputes over lands and resources; the social costs of the attack on First Nations cultures and languages by the larger Canadian society; and the poverty and economic destruction within First Nations communities. The authors offer options/solutions for change.

Metcalf, R. Warren (1996). "Lambs of Sacrifice: Termination, the Mixed-Blood Utes, and the Problem of Indian Identity". *Utah Historical Quarterly*. Vol. 64, No. 4, pp. 322-343.

In this article, the author demonstrates how the mixed-blood Utes of the Uintah and Ouray Reservation of Utah fell victim to termination during the 1950s. Termination meant the federal government relinquished supervision and trust responsibilities and gave certain Indian tribes the rights and privileges of American citizens. Senator Arthur v. Watkins, a leading proponent of termination, along with other groups usually sympathetic with Indian causes, worked for termination. The lack of legal and social standing as a distinct tribe, rivalries between tribal leaders, distrust between tribal bands, and a fight over tribal membership further complicated efforts of mixed-blood Utes to fight termination.

Mihesuah, Devon A. (1999). "American Indian Identities: Issues of Individual Choice and Development". *Contemporary Native American Cultural Issues*, edited by Duane Champagne, pp. 13-38. New York: Rowman and Littlefield Publishers, Inc.

The author discusses various forms of Indian identity. In the process, he discusses identity politics, definitions of "Indian," what it means to be an Indian, how Indians are identified and the impact identity has on individual lives and government policy.

Mihesuah, Devon A. (2003). *Indigenous American Women: Decolonization, Empowerment, Activism*. Lincoln: University of Nebraska Press.

This book is a collection of the author's essays on various issues surrounding Native American women. In Part one the author looks at how Native women have been written about and how the research has been carried out. The author contends, "It is important to discuss how Indigenous women have been portrayed in literature, how non-Natives perceive them, and how they place themselves in the scholarly setting." Essays in Part one include: "A Few Cautions on the Merging of Feminist Studies with Indigenous Women's Studies"; and "In the Trenches of Academia." Part two, "'Colonialism and Native Women,' focuses on how colonialism and patriarchal thought have affected - and still affect - Native women," and the "identity confusion" colonialism generates. Essays in Part two include "Colonialism and Disempowerment"; "Culturalism and Racism at the Cherokee Female Seminary"; and "Finding a Modern American Indigenous Female Identity." This last article brings in discussions on blood quantum and culture as identity markers. Part three: 'Activists and Feminists,' focuses on ways some Native women have dealt with their changing society and their desire for empowerment. Essays in Part three include: "1970s Activist Anna Mac Pictou-Aquash" which discusses identity and values, and "Feminists, Tribalists, or Activists?" This article discusses the meaning of these terms and why Native women call themselves one or the other.

Mikaere, Annie (1999). "Colonization and the Destruction of Gender Balance in Aotearoa". *Native Studies Review*. Vol. 12, No. 1, pp. 1-28.

Mikaere analyzes how European colonization on New Zealand has threatened the gender balance inherent in traditional Maori law. Prior to contact, the author argues, there was no gender hierarchy in Maori society and that women performed a wide-range of roles and functions. However, with the arrival of Europeans that began to change. Mikaere studies this change through an analysis of adoption laws. In her study, the author discovers that "Maori law has been severely distorted" by the influence of colonial laws and that "the consequences of that distortion have been particularly devastating for Maori women." The author argues that in order to reverse this trend, the Maori need to discard the patriarchal characteristics imbued in the laws of the colonizers and "reassert the philosophical basis of Maori law, thereby ensuring a return to the principle of balance that was so much a part of Maori existence prior to colonization."

Miller, Bruce G. (1994). "Women and Tribal Politics: Is there a Gender Gap in Indian Elections?". *American Indian Quarterly*. Vol. 18, No. 1, pp. 25-39.

The author focuses on voting behaviour and election strategies over the previous 20 years in the Upper Skagit Tribe of Indians, in order to suggest one possible way to re-orient the study of tribal political life and the study of the political participation of women in tribal politics. In doing so, the author provides a social profile of Skagit women participating in tribal politics and the problems they face as women in government.

Miller, Bruce G. (1999). "Contemporary Tribal Codes and Gender Issues". *Contemporary Native American Cultural Issues*, edited by Duane Champagne, pp. 103-126. New York: Rowman and Littlefield Publishers, Inc.

The author states that "this paper makes three related points: first, that many of the present-day legal codes of US Indian tribes are unexpectedly innovative and representative of contemporary indigenous view points, especially in the ways in which individual rights are concerned; second, that the variability in the way codes treat issues of special concern to women demonstrates the extent of the imprint of local tribal people on their own codes; and third, that analysis of the implications of tribal codes for Indian women is a valuable and hitherto undeveloped avenue in clarifying women's circumstances." In doing so, the author discusses membership issues, definitions of "Indian," property rights and reveals the "full expression of women's activity in contemporary life."

Miller, J. R. (1989). *Skyscrapers Hide the Heavens: A History of Indian - White Relations in Canada*. Toronto: University of Toronto Press.

This work provides a survey of Aboriginal-white relations from contact to the present. As such it deals sparingly with each historical period and issue. The changes to the Indian Act in 1985 are discussed generally. A brief reference is made to the split among treaty and non-treaty Indians over treaty and Aboriginal rights. It also deals with self-government, the Constitution and the Charter of Rights and Freedoms.

Milloy, John S. (1988). "The Early Indian Acts: Developmental Strategy and Constitutional Change". *As Long as the Sun Shines and the River Flows*, edited by Ian A.L. Getty and Antoine S. Lussier, pp. 56-64. Vancouver: UBC Press.

This article discusses how the nation-to-nation diplomacy practiced by Native nations and the British government between 1763 and 1860 did not survive the reorganization of Canada during Confederation. Milloy argues that in the process of nation-building, Indian tribes were simply brought under the control of the larger Canadian nation being formed. He argues that since tribal chiefs refused to subdivide their reserves and individual property, the government developed a system of enfranchisement to foster Indian industriousness. This system was incorporated into all subsequent Indian Act legislation up to and including the 1951 Act.

Miskimmin, Susanne E. (1997). "Nobody Took the Indian Blood Out of Me: An Analysis of Algonquian and Iroquoian Discourse Concerning Bill C-31". MA thesis, University of Western Ontario.

This thesis examines Bill C-31 and its attempt to end discrimination in the Indian Act. The author focuses on the Algonquian and Iroquoian people of southwestern Ontario. This is a case study using first-person accounts of the impact and experiences of Aboriginal people with respect to Bill C-31. She looks at the experiences of reinstated women seeking a return to reserve and the reactions to them by band members. The author also addresses issues of Indian identity, mainly Aboriginal women's identity, and how such identities are constructed. She also discusses the importance of community in the lives of Aboriginal women.

Miskimmin, Susanne E. (1997). "Talking about C-31s: Algonquian Discourse Concerning an Amendment to the Indian Act". Papers of the Twenty-Eighth Algonquian Conference, edited by David Pentland, pp. 250-257. Winnipeg: University of Manitoba.

The author argues that the concept of cultural roots can influence who is accepted into band membership. The discussion focuses upon the idea of cultural roots, and uses roots as a metaphor when discussing band membership. People who have maintained their roots to the band and reserve community after they left or married-out are more likely to be viewed as full members after their status is regained through Bill C-31, Miskimmin argues. Those people who did not maintain their ties to the community are viewed with suspicion and their motives for returning are suspect. The author states that non-Status Indians can have deeper roots to a band community than someone who is reinstated.

Mitchell, Marjorie Ruth (1979). "The Indian Act: Social and Cultural Consequences for Native Indian Women on a British Columbia Reserve". *Atlantis*. Vol. 4, No. 2 part 2, pp. 179-188.

This article reviews the status of Aboriginal women under the provisions of the Indian Act. The author notes that in Coast Salish society, Aboriginal women retained membership in their own villages when they married and moved to their husband's village. The author examines the affect on both band housing and economics of the return to reserve of non-status Aboriginal women after the breakdown of their marriages. Mitchell states that not only does this strain the housing situation, it also increases the number of people trying to survive on the same amount of resources and jobs. The article argues that the place of a non-status/non-member woman on a reserve is tenuous since they are reliant upon the hospitality of others since she cannot qualify for government aid herself.

Mol, Hans (1982). *The Firm and the Formless: Religion and Identity in Aboriginal Australia*. Waterloo, Ontario: Wilfrid Laurier University Press.

This study has two purposes: to identify the ways in which religion has reinforced the identity of Australian Aborigines, and to assist some of the Australian economists of the Development Studies Centre of the Australian National University in their research on economic motivation and Aboriginal identity.

Mongrain, Susan (1987). *Aboriginal Self-Government: A Selective Annotated Bibliography*. Ottawa: Indian and Northern Affairs Canada.

This bibliography provides a brief listing of some important works on Aboriginal self-government contained in the departmental library of Indian and Northern Affairs Canada. The works are divided into five subject areas: general works, comparative works, works by or related to federal or provincial governments, First Ministers' conferences and bibliographies.

Montour, Martha (1986). "Iroquois Women's Rights with Respect to Matrimonial Property on Indian Reserves". *Canadian Native Law Review*. Vol. 3, No. 4, pp. 1-10.

This article compares "the traditional superior rights of the Iroquois women and their present day inferior rights with respect to matrimonial property upon dissolution of marriage on Indian reserves under the Indian Act." The author traces the development of property ownership from pre-contact days to the present. In doing this, the author reviews the roles and status of women in traditional Iroquois society and how their roles and status changed after contact with Europeans to what they are today. Montour offers solutions to the regime.

Monture-Angus, Patricia (1994). "The Familiar Face of Colonial Oppression: An Examination of Canadian Law and Judicial Decision Making". *Royal Commission on Aboriginal Peoples Submission*. Ottawa: Indian and Northern Affairs Canada.

The author argues that while the judicial process has brought the plight of Aboriginal peoples to the forefront of Canadian social conscience, it remains the responsibility of elected officials to establish priorities to address their concerns. One obstacle to overcome is that the Canadian government only negotiates self-government arrangements with Status Indians. The author also examines the collective rights versus individual rights debate and its importance to self-government negotiations. In doing so, she draws on the Lavell, Bedard and other court cases. There is also a review of the role that the Native Women's Association of Canada played in forcing changes to the Indian Act.

Monture-Angus, Patricia (1995). *Thunder in My Soul: A Mohawk Woman Speaks*. Halifax: Fernwood Publishing.

The author writes of her experiences as a Mohawk woman, what that means to her and to her identity as a female Indian in modern Canada. Part one of the book addresses these experiences in a personal way. Part two is more academic and is entitled "Politics of Oppression." In it the author looks at issues surrounding women, politics and the law, including the constitutional debates of the previous 15 years and the justice system in Canada. Monture-Angus writes, "This book is my prayer for my people and for all First nations. It is shared with you in the spirit of gift giving. It is in part a reflection on my own struggle to shed the colonized shackles which bind my mind, my spirit and my heart."

Monture-Angus, Patricia (1999). "Considering Colonialism and Oppression: Aboriginal Women, Justice and the Theory of Decolonialization". *Native Studies Review*. Vol. 12, No. 1, pp. 63-94.

This paper examines the relationship between colonialism and the law through the experiences of one Aboriginal woman. The author states that the discussion is true to the knowledge systems of Indigenous nations in that story-telling is one of their foundations. The discussion also examines the strategies for ending colonial patterns in both academic and legal institutions in Canada.

Monture-Angus, Patricia (1999). "Standing Against Canadian Law: Naming Omissions of Race, Culture and Gender". *Locating Law: Race/Class/Gender Connections*, edited by Elizabeth Comak, pp. 76-97. Halifax: Fernwood Publishing.

The author comments on the law and Bill C-31 from a personal perspective as a Mohawk woman, and states that her views do not in any way represent the "collective" view of Native peoples. The author points out that from a legal perspective there are no "Bill C-31 Indians," since bills no longer exist once they are passed; therefore, each Status Indian person is as much an Indian as any other Status Indian, and that their "Indianness" is not dependant on the provision under which they gained or have that status. Moreover, she says, Bill C-31 did not end discrimination against Indian women, providing examples to prove her point. She also believes that the Métis have Aboriginal rights.

Monture-Okanee, Patricia (1992). "The Roles and Responsibilities of Aboriginal Women: Reclaiming Justice". *Saskatchewan Law Review*. Vol. 56, pp. 237-266.

The author discusses the Canadian judicial system from the perspective of an Aboriginal woman. "This paper proceeds on the assumption that the solution to the over-representation of Aboriginal Peoples in the criminal justice system and the systematic discrimination in that system requires the re-creation of Aboriginal justice systems." To do this, she argues, requires a greater sense of Aboriginal identity, greater self-determination, the regeneration of Aboriginal culture and the restoration and healing of relationships between Aboriginal men and women."

Monture-Okanee, Patricia (1993). "Reclaiming Justice: Aboriginal Women and Justice Initiatives in the 1990s". *Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues*. Ottawa: Ministry of Supply and Services.

The author examines the treatment of Aboriginal women in the Canadian, or "white," justice system. She argues that there will not be justice until the courts truly understand Aboriginal culture, traditions and spirituality. She also observes that Aboriginal women endure discrimination at the hands of Aboriginal men, and declares that Aboriginal women will only have real justice in any form of self-government if they are part of the re-structuring of the Aboriginal justice system.

Morse, Bradford and John Giokas (1993). *Do the Métis Fall Within Section 91(24) of the Constitution Act 1867?* Ottawa: Royal Commission on Aboriginal Peoples.

The authors discuss whether the Métis fall within section 91(24) of the Constitution Act of 1867. In doing this, they answer four broad questions: 1 "Who are the Métis?"; 2 "What do federal policy, legislation, academic commentary and judicial decisions indicate regarding the pre-1982 constitutional status of the Métis?"; 3 "What light is shed on Métis issues by more recent federal and provincial constitutional policy, the Constitution Act, 1982 and the subsequent first ministers' meetings regarding Aboriginal constitutional issues?"; and 4 "Are the Métis included within the label 'Indians' in the sense of section 91(24) of the Constitution Act, 1867, and if so, the more important question becomes, what are the ramifications in 1993?" In the opinion of the authors, "the Métis are already encompassed within section 91(24)" and the federal government "has the jurisdiction to intervene legislatively or under its administrative authority if it so desires." They add, "we have also concluded that the Métis are included within the fiduciary relationship owed by the Crown to Aboriginal peoples." Moreover, "we have further concluded that the provinces cannot enact restrictive or negative legislation concerning the Métis specifically." This means that the Métis settlements established by Alberta are "likely unconstitutional."

Morse, Bradford and Robert Groves (2002). "Métis and Non-Status Indians and Section 91(24) of the Constitution Act, 1867". *Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction*, edited by Paul L.A.H. Chartrand, pp. 191-229. Saskatoon: Purich Publishing.

This article "seeks to explore the key legal and policy issues surrounding the potential application of section 91(24) of the Constitution Act, 1867 to the Métis and non-Status Indian peoples in Canada. It also seeks to correlate the matter of federal constitutional jurisdiction with the recognition of Aboriginal and treaty rights in section 35 of the Constitution Act, 1982. The alternative possibilities to obtain clarification are discussed in the final segment" of the book. In doing this, the authors also discuss historical definitions of Indian and definitions of Indian and Métis under the Natural Resource Transfer Agreements.

Morse, Bradford W. (1983). "Australia and Canada Indigenous Peoples and the Law". *Legal Service Bulletin*.

This brief describes the similarities and differences between Canadian and Australian policy on Aboriginal peoples. In Australia most governments consider Aborigines to be people with Aboriginal descent, who self-identify as Aborigine and who are accepted as Aborigine by their community. In contrast, the federal government of Canada legislates "Indianness." The author points out that in Australia there is little discussion over Aboriginal self-government.

Morse, Bradford W. (1984). *Aboriginal Self-Government in Australia and Canada*. Kingston: Institute of Intergovernmental Relations, Queen's University.

This work examines the experience of Aboriginals and Torres Strait Islanders in Australia with regard to self-government. Morse states that Aboriginals under any form of self-government should control their own land base, should control their own membership, and should possess their own Aboriginal justice system. The paper explores the definition of indigenous peoples in law and describes the constitutional arrangements for Aboriginals in Australia.

Morse, Bradford W. (1985). *Aboriginal Peoples and the Law: Indian, Métis and Inuit Rights in Canada*. Ottawa: Carleton University Press.

This book deals with federal government - Aboriginal relations. It examines definitions of "Indian" and reviews the enfranchisement provisions of the Indian Act. Several approaches to citizenship are detailed, including those based on blood quantum, kinship ties, belief systems and/or lifestyles. Issues surrounding Aboriginal title, pre-confederation treaties, post-confederation treaties, reserve lands, taxation, land claims and human rights are also discussed.

Moss, Wendy (1990). "Indigenous Self-Government in Canada and Sexual Equality Under the Indian Act: Resolving Conflicts Between Collective and Individual Rights". *Queen's Law Journal*. Vol. 15, No. 2, pp. 279-305.

The author examines the collective rights versus individual rights debate engaging the Aboriginal community and the ramifications of this debate for Indian self-government. In doing so, the author discusses the registration provisions of Bill C-31, the 1985 legislation amending the Indian Act, human rights and the Charter. She provides options for resolving the impasse created by the debate.

Moss, Wendy (1991). *Indian Self-Government*. Ottawa: Minister of Supply and Services Canada.

This report analyzes the background and various issues surrounding Native self-government in Canada. There is a discussion of how the Indian Act imposed its own form of non-Aboriginal government. The report from the special commission on Indian Self-Government is also discussed. Various legislative initiatives which recognized Native self-government are reviewed. These include: the Indian Self-Government Bill, 1984; the Cree-Naskapi (of Quebec) Act, 1984; the Sechelt Indian Band Self-Government Act, 1986; amendments to the Indian Act, 1985 and 1986; and Bill S-18, An Act to Further the Aspirations of the Aboriginal People of Canada. The final part of this report looks at various policy issues and initiatives.

Moss, Wendy (1997). "The Canadian State and Indian Women: The Struggle for Sex Equality Under the Indian Act". *Women and the Canadian State*, edited by Andrews and Rodgers, pp. 79-88. Montreal: McGill-Queens University Press.

The author analyzes the sex discrimination that existed in the Indian Act both prior to and after the amendments in 1985. The author states that "blood quantum" requirements to determine status as opposed to some form of cultural or nationhood measurement, replaces the arbitrariness of sex discrimination with another arbitrary measure of "Indianness." Moss discusses the ways in which the federal government can address the discriminatory provisions of the Act and at the same time continue its control over registration. Making additional changes to the Indian Act to address the residual sex discrimination in section 6(2) would, in the author's opinion, open up debate on the federal policy and responsibility for service to Native peoples.

Moss, Wendy and Elaine Gardner-O'Toole (1987, 1991). "Aboriginal People: History of Discriminatory Laws." Background Paper BP-175E. Ottawa: Research Branch, Library of Parliament.

This paper surveys the history of federal and provincial laws that are said to discriminate against Aboriginal people. The primary focus is on the Indian Act, but federal and provincial homestead and franchise laws are also examined. The authors state that the Indian Act forced on bands a form of government that superceded hereditary chiefs, and that this has led to Indian resistance. The authors also review federal policy with regard to Indian status and cultural rights as stated in the International Covenant on Civil and Political Rights. They provide a brief discussion on the definition of status.

Murdock, Donald B. (1975). "The Case for Native American Tribal Citizenship". *Indian Historian*. Vol. 8, No. 2, pp. 2-5.

The author discusses Aboriginal citizenship issues. The *America History and Life* abstract reads: "The native American is a US citizen, a member of a particular tribe, and a state resident. Tribal membership implies special privileges not enjoyed by other state residents. Therefore it should be sufficient for American Indians to have tribal membership and US citizenship without having to be an official resident of a particular state."

Murphy, Lucy Eldersveld (1995). "Autonomy and the Economic Roles of Indian Women of the Fox-Wisconsin River Region, 1763-1832". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 72-89. New York: Routledge.

The author analyzes the role of Indian women in the Fox-Wisconsin River region and shows that they maintained their status amongst their people and avoided domination by Indian males at a time of general Indian decline. Their roles as producers of food and clothing made them valuable to both their families and their communities. Because they could market their goods and control resources, they were able to maintain a degree of independence and could play an active role in community politics.

Murphy, Michael A. (1996). "After All, Violence is Not a Traditional Value: First Nations, Self-Government, Gender Equality and the Charter". *Ten Years Later: The Charter and Equality for Women: A Publication from a Symposium Assessing the Impact of the Equality Provisions on Women in Canada*, edited by M. Jackson and N.K. Banks, pp. 39-76. Vancouver: Simon Fraser University.

This paper focuses on how the Charter can be used to restore gender equality in First Nations' societies while respecting First Nations' tradition of collective rights. The author reviews First Nation experiences with regard to constitutional and common-law, as well as with the Charter. Balancing collective and individual rights is possible, he says, provided both First Nations' men and women are involved in the process.

Nagata, Judith (1993). "From Indigene to International: The Many Faces of Malay Identity". *Ethnicity and Aboriginality: Case Studies in Ethnonationalism*, edited by M.D. Levin. Toronto: University of Toronto Press.

The author examines the Malay peoples relationship to government and their identity formation. In doing this, Nagata reviews the Malaysian peninsula's British colonial past and "who is a real Malay?" This is an important question for those wanting to benefit from the country's affirmative action programs. In her conclusion she states, "recent history of postcolonial, multiethnic Malaysia provides a clear illustration of the role and power of the state, together with its legal and constitutional apparatus, in creating, shaping, sustaining, and containing ethnic identities, sentiments, and expressions." She makes some comparisons to Canada especially in the way Canada tries to foster national unity while keeping its ethnic communities distinct.

Nagel, Joane (1996). *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*. New York: Oxford University Press.

This book is divided into three parts. Part one reviews and analyzes Indian ethnic identity and the ways in which it is constructed. Part two reviews the rise of Indian populations in the twentieth-century, especially since the 1960s, and the effects that this has had on Indian identity, politics and culture. Part three examines the legacies of "Red Power," and the rise of Aboriginal political movements. This includes a discussion of its importance to federal Indian policy, politics and the rise in tribal self-government initiatives.

Nahanee, Teresa (1992). "Taking the Measure of Self-Government: For Native Women, It's a Bad Deal". *Compass: A Jesuit Journal*. Vol. 10, No. 5, pp. 17-18.

In this short article, the author explains why Aboriginal women want the Charter to apply to Aboriginal self-government. Nahanee also argues that the fiduciary duty of the federal government applies to Aboriginal women as well as men and therefore women's groups and organizations should represent their rights in the constitutional process. The author states that the Indian Act has always discriminated against women and continues to do so by not allowing women property rights. Women also suffer due to sub-standard housing, and a lack of employment and educational opportunities.

Nahanee, Teresa (1993). "Dancing with a Gorilla: Aboriginal Women, Justice and the Charter". *Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues*. Ottawa: Ministry of Supply and Services.

Nahanee uses a "feminist Aboriginal" perspective to examine the establishment of a parallel justice system for Aboriginal peoples. She notes that it is essential to any justice initiative to ensure the full participation and voice of Aboriginal women. Nahanee contends that the law has excluded the Aboriginal women's voice while granting validity to the male perspective inaugurated under colonial rule. She protests the "total victimization" of Aboriginal women and children in contemporary Aboriginal societies, and maintains that there can be no justice for Aboriginal women until the balance of power between men and women in Aboriginal society has been restored. She also advocates for the applicability of the Charter of Rights and Freedoms to Aboriginal peoples in any self-government/judicial system.

Nahanee, Teresa (1993). "The Demographic Impact of Bill C-31 on the Registered Indian Population of Canada". *Aboriginal Women in Contemporary Society*. Whistler: Whistler Centre.

Nahanee provides some statistics on the percentages of Bill C-31 registrants who live on reserve and benefit from the additional money provided by Indian and Northern Affairs Canada. The author makes comparisons between the Bill C-31 population and the "regular" Indian population showing that Bill C-31 registrants are older, more likely to be women and more likely to live off reserve. Nahanee also presents an analysis of sections 6(1) and 6(2), and outlines the possible consequences to the Indian population as a result of their implementation.

Nahanee, Teresa (1993). "The Impact of Bill C-31: Changing the Law Did Not Lead to Reunification of the Indian Community." Conference on Aboriginal Women in Contemporary Society, Whistler Gathering, B.C.

In this paper, Nahanee discusses the fractures in the Indian community and the divisions caused by Bill C-31. She outlines the residual discrimination contained in the act following the passage of the bill, and discusses the objections of the male-dominated Indian leadership to the bill. Nahanee argues that reinstated women must have a voice in any negotiations over Indian self-government to ensure equality. She also outlines her involvement in the Native women's movement.

Nahanee, Teresa (1995). "Marriage as an Instrument of Oppression in Aboriginal Communities". Keynote Address to the National Association of Women and the Law's 11th Biennial Conference, St. Johns.

The author argues that marriage is an instrument of oppression in Aboriginal communities. The solution to ending the oppression, she argues, is to amend the Indian Act to allow women 50 percent of the elected government positions. Moreover, she says, property should not be held by men or women who have no tribal blood. The author states that, in her opinion, property should be held only by women, remain with the woman in case of divorce and pass only to female children.

Nahanee, Teresa (1996). "Aboriginal Women and Self-Government Ten Years Later: The Charter and Equality for Women". A Publication from a Symposium Assessing the Impact of the Equality Provisions on Women in Canada, edited by M. Jackson and N.K. Banks, pp. 27-38. Vancouver: Simon Fraser University.

Nahanee discusses the victories achieved by Aboriginal women as a result of the Canadian Charter of Rights and Freedoms. Much of her discussion centres on Bill C-31 and the impacts of reinstatement. In doing so, she uses personal stories and experiences to highlight her point. She views the Charter as a valuable tool for Aboriginal women to use in their fight for gender equality. Challenges to the Indian Act laid before the courts subsequent to the passage of Bill C-31 are discussed and the residual discrimination remaining in the act is outlined.

Nahanee, Teresa (1997). "Indian Women, Sex Equality, and the Charter". Women and the Canadian State, edited by Andrews and Rodgers, pp. 89-103. Canada: McGill-Queens University Press.

The author's stated purpose is to discuss the struggle of Indian women within the framework of feminist legal theory and to provide an alternative theory to those who argue that the Charter should not apply to sovereign First Nations' governments. The author discusses the ramifications of the patriarchal legal system on the Lavell decision, how Bill C-31 was a victory for individual rights, how Indian women benefited from the Charter and her views on what else needs to be accomplished to ensure sexual equality. The author concludes by suggesting that a judicial enquiry is necessary to investigate the financial losses women suffered when they lost access to oil royalties and trust monies through discrimination.

Napoleon, Val (1999). "Colonialism by Definition". Equality For All in the 21st Century, 2nd National Conference on Bill C-31: Report. Edmonton: Native Women's Association of Canada.

This paper has a fourfold purpose: a) to present a theoretical framework as a way to begin discussing questions about nationhood and citizenship; b) to provide the merest of glimpses into the international issues arising from forms of nationalism in order to set a wider context for the discussion on citizenship, nationhood and sovereignty; c) to apply the conceptual framework to the Gitksan experiences and issues; and d) to present ideas for future work and approaches to nation building. The situation of the Gitksan concerning their membership and citizenship laws is also discussed, as are the community tensions that surround them. According to Napoleon, the conflicts over membership, citizenship and representation increases discord at all levels, from the family through to the national level. There is discussion on how to incorporate urban Indians into concepts of nationhood.

National Action Committee on the Status of Women (1985). A Presentation to the Standing Committee on Bill C-31: An Act to Amend the Indian Act. Toronto: National Action Committee on the Status of Women.

This is a brief by the National Action Committee on the Status of Women (NAC) that sets out its position on Bill C-31. While the NAC applauds the government for removing section 12(1)(b), it claims that the bill falls short of ending all discrimination against Aboriginal women. The NAC is concerned that band membership without residency will bar reinstated women from voting and participating in band elections. It is also concerned with residual discrimination. In addition, Bill C-31 denies reinstated women's children automatic band membership and the benefits enjoyed by band members. The presentation makes several recommendations to deal with the problems noted above.

Native Council of Canada (1985). Bill C-31 and the New Indian Act, Guidebook No. 1: Applying for Status. Ottawa: Native Council of Canada.

This guidebook provides some background information on the changes Bill C-31 made to the Indian Act. It explains the new sections of the Indian Act which deal with entitlement to status and band membership and provides a step-by-step guide to filling out and submitting application forms for registration to status. It raises questions surrounding the reinstatement of illegitimate children and whether females as compared to males would be listed differently for band membership. The guidebook does not attempt to cover all the changes made by Bill C-31, nor does it explain the effects that Bill C-31 may have on the Native community.

Native Council of Canada (1986). *Bill C-31 and the New Indian Act, Guidebook No. 2: Protecting Your Rights*. Ottawa: Native Council of Canada.

This booklet is meant to update the situation with regard to registration and the establishment of band membership codes. There is some discussion of the rights that people have under Bill C-31 which are not being adequately protected, including protection from discrimination. Residual discrimination remains in the act in how the children of reinstated women are treated compared to the children of men who never lost status (the cousins issue, the 6(2) cut-off, and the lack of automatic band membership).

Native Council of Canada (1988). *Financing the Implementation of Bill C-31: Concerns and Positions of the Native Council of Canada*. Ottawa: Native Council of Canada.

The Native Council of Canada (NCC) discusses the need for more federal funding to support various Aboriginal programs, such as housing, health and education, both on- and off reserve as a result of the pressures created by Bill C-31. They also argue that discrimination remains in the Indian Act despite the changes made by Bill C-31, and that lack of funding forces Indian bands to restrict memberships. The paper provides some statistics on reinstatement.

Native Council of Canada (1993). "Book 1: The National Perspective". *The First Peoples Urban Circle: Choices for Self-Determination*. Ottawa: Native Council of Canada.

This paper addresses the issue of how to initiate and implement Aboriginal self-government to address the needs and concerns of Aboriginal people who live in Canada's cities. The report is concerned with both status and non-Status Indians. Various models of government are examined and statistical data from a survey of Aboriginal people across Canada is discussed. The Native Council of Canada supports an Aboriginal self-government solution. The report includes discussions of membership issues.

Native Council of Canada (1993). "Book II: Legal and Jurisdictional Solutions". *The First Peoples Urban Circle: Choices for Self-Determination*. Ottawa: Native Council of Canada.

This report examines the legal and jurisdictional arguments surrounding various models of Indian self-government. This report expands the discussion on membership found in Book 1. It looks at the difficulties encountered when discussing self-government that encompasses Natives living in urban settings.

Native Law Centre, University of Saskatchewan (1980-1993). "Application of Matrimonial Property Legislation on Reserves, 1986". *Aboriginal Women [Collected Articles and Papers]*. Vol. 3. Ottawa: DIAND.

The authors analyze the applicability of provincial and federal legislation on the matrimonial property rights of Status Indians. The authors review the various provincial common-law practices and select case law dealing with the division of property upon marital breakdown and discuss their applicability to Indians living on-reserve in light of section 91(24) of the Constitution Act, 1867 and the Indian Act provisions dealing with reserve lands.

Native Women's Association of Canada (1981). "Statement by Native Women's Association of Canada on Native Women's Rights". *Women and the Constitution in Canada*, edited by Audrey Doerr and Micheline Carrier, pp. 64-74. Hull: Canadian Advisory Council on the Status of Women.

In this statement, the Native Women's Association of Canada (NWAC) details the concerns of Native women for government action. They request that all people who are "descendants of the original people" be recognized as Indian; they state that Native people have the freedom and power to determine membership with no discrimination based upon sex; that the Indian Act be abolished; and that all services need to recognize the uniqueness of Native culture. This statement clearly lays out the policy changes that the NWAC thinks necessary within the Constitutional process.

Native Women's Association of Canada (1986). *Guide to Bill C-31: An Explanation of the 1985 Amendments to the Indian Act*. Ottawa: Native Women's Association of Canada.

The guide lays out in simple, non-technical language, the major changes brought about by the Bill C-31 amendments to the Indian Act. It explains the status and membership provisions, and outlines areas where NWAC feels the Indian Act continues to discriminate. The process for applying for registration is also explained as is the procedure for protesting and appealing decisions on entitlement.

Native Women's Association of Canada (1988). "Native Women's Association of Canada". *Canadian Women Studies*. Vol. 10, No. 2/3, pp. 133-135.

This policy piece provides a description of the objectives and goals of the Native Women's Association of Canada (NWAC) and states that it was founded on the goal of enhancing, promoting and fostering the social, economic, cultural and political well-being of First Nations and Métis women. An outline of the principles of the organization, the decision-making structure and the funding received by the organization is delineated. Specific issues and concerns are outlined, highlighting the 1985 Indian Act amendments, repercussions of the amendments and further steps the NWAC will undertake in the future.

Native Women's Association of Canada (1988). "The Implementation of Bill C-31 (Amendments to the Indian Act)". *Resources for Feminist Research*. Vol. 17, No. 3, pp. 125-128.

This paper consists of the Native Women's Association of Canada's (NWAC) presentation to the Standing Committee on Aboriginal Affairs and Northern Development, 1988. The work discusses the role of the NWAC in advocating Aboriginal women's rights and in representing these same women before the government. It discusses the implementation of Bill C-31 and the assistance provided by NWAC to individuals regarding their understanding of the changes to the Indian Act, and provides statistical information on the implementation process. NWAC questions the increase in application rejection rates, the decision to decrease staff at INAC's reinstatement unit and the inefficiency of the application process. NWAC also provides details on a few case studies showing problems faced by reinstated women and women applying for status.

Native Women's Association of Canada (1992). "Aboriginal Women and the Constitutional Debates: Continuing Discrimination". *Canadian Woman Studies*. Vol. 12, No. 3, pp. 14-17.

This piece outlines how Aboriginal women struggled to end sexual discrimination after the enactment of the Canadian Bill of Rights and later the Charter. The article states that Aboriginal women have still not achieved sexual equality despite the Bill C-31 amendments to the Indian Act. It draws attention to women's concerns over the form of Aboriginal self-government then being discussed.

Native Women's Association of Canada (1999). *Equality for All in the 21st Century, 2nd National Conference on Bill C-31*. Canada: Native Women's Association of Canada.

These are the conference notes from the second National Conference on Bill C-31 organized by the Native Women's Association of Canada. The first portion of the report consists of recommendations developed within various workshops. The workshops dealt with a variety of issues surrounding the implications of Bill C-31, the desired changes sought to the Indian Act and perceived barriers to finding solutions to continuing discrimination, etc. The second portion contains six articles/presentations given at the conference. See separate articles: Harry W. Daniels, "Bill C-31: A Blueprint for Ethnocide"; Val Napoleon, "Colonialism by Definition"; and Mark Dockstator, "Understanding Concepts and Implications of Aboriginal Nationhood: A Prerequisite for Discussing an Aboriginal Order of Government."

Native Women's Association of Canada (1980). *Indian Rights for Indian Women: Constitutional Committee*. Ottawa: Native Women's Association of Canada.

The Native Women's Association of Canada (NWAC) offers its views on the Constitutional process and various proposed provisions, including those dealing with treaty rights, mobility rights and equality rights. NWAC also comments on the amending formula. NWAC is favourable to patriating the constitution, but wants to ensure that the views of Aboriginal women are represented in the constitutional discussions and that discrimination against Indian women ends, in particular section 12(1)(b) of the Indian Act.

Native Women's Association of Canada (1985). *Membership - A Guide to Understanding the Major Amendments to the Indian Act as a Result of Bill C-31*. Ottawa: Native Women's Association of Canada.

This booklet discusses the membership provisions of the 1985 Indian Act, and reviews the registration provisions contained in section 6. There are also specific references made to second generation descendents and scrip-takers. The meaning and workings of the membership provisions and their ramifications for reinstated women and their children are also discussed.

Native Women's Association of Canada (1988). "The Impact of State Policy: Women's Response to State Action". *Resources for Feminist Research*. Vol. 17, No. 3.

This is a Native Women's Association of Canada's position paper on Bill C-31. The paper states that "Bill C-31 set out to remedy the discrimination against Aboriginal people which was built into the old Indian Act. The performance of Indian Affairs in processing our applications leads us to the conclusion that this discrimination is still in place. It is our view that the tardiness, the inefficiency and the inhumane procedures are occurring because the applicants are Aboriginal people. The fact that Aboriginal people must submit an application to a federal bureaucracy, and then must submit to the decision of the same bureaucracy, only clarifies for us that a policy of genocide still exists in this country."

Native Women's Association of Canada (1988). *Report of the Native Women's Association of Canada on Preliminary Impacts and Concerns Flowing from the Implementation of Bill C-31 (the amended Indian Act)*. Ottawa: Native Women's Association of Canada.

This report lays out the Native Women's Association of Canada's (NWAC) position on a variety of issues associated with Bill C-31. It discusses events leading up to Bill C-31, the reinstatement process and the impacts of Bill C-31 on Aboriginal women. NWAC is concerned with the backlog of applicants, the complexity of the application process and with the degree of documentation required to prove entitlement. NWAC also describes some of the residual discrimination they say remains in the act, and expresses concern for reinstated women over access to education funding, health care and housing benefits.

Native Women's Association of Canada (1991). *Aboriginal Women and the Constitution*. Edmonton: Native Women's Association of Canada.

This report provides a synopsis of the workshops at the Native Women's Association of Canada (NWAC) national conference and the recommendations concerning research, communication, advocacy and international alliances. Notes summarizing the comments by individuals during the workshops are provided. Overall, this report deals with the NWAC's struggle for inclusion in Constitutional talks, the NWAC's support of the Charter, and their desire for a voice in self-government negotiations. Also discussed are assorted court cases, including Lavell, and their impact on Native women and First Nations. There is some discussion of Bill C-31 and NWAC's concerns over the registration and membership provisions. In NWAC's view, Bill C-31 "did not give us substantive equality."

Native Women's Association of Canada (1992). *Matriarchy and the Canadian Charter: A Discussion Paper*. Ottawa: Native Women's Association of Canada.

This paper provides an historical overview and a commentary on the current Iroquoian Matriarchy. It discusses its structure, powers and function. The authors define matriarchy as a system that is based on the concepts of equality, caring human relations, and respect for the environment. According to the authors, the successful passing of Bill C-31 proves that women still hold great influence. The authors "discuss the operation of the Matriarchal/equalitarian system within the framework of the Canadian Constitution and the Charter," and make recommendations for discussion.

Native Women's Association of Canada (1992). *Native Women and Aboriginal Treaty Rights: A Discussion Paper*. Ottawa: Native Women's Association of Canada.

This booklet outlines the Native Women's Association of Canada's position on Native women treaty rights and the Constitution. It discusses whether self-government is an existing right and whether it is subject to the Charter. In this regard, the booklet discusses section 35(4) of the Constitution Act, 1982. It calls for careful consideration of the self-government issue as it relates to the interests of Aboriginal women.

Native Women's Association of Canada (1992). *Native Women and Self-Government: A Discussion Paper*. Ottawa: Native Women's Association of Canada.

This booklet briefly discusses the difference between delegated powers and self-government. It provides an outline of the federal government's proposal for self-government. The booklet describes how protection of individual rights should be built into any self-government agreement. Questions are asked regarding what protection Aboriginal women would have, should self-government be an existing right under the Constitution.

Native Women's Association of Canada (1992). *Native Women and the Charter: A Discussion Paper*. Ottawa: Native Women's Association of Canada.

This booklet provides a brief discussion of the Lavell and Bedard cases, the provisions in the Charter affecting Aboriginal women, and the 1985 changes to the Indian Act. Individual and collective rights are mentioned in terms of the need to find a balance between the two. It discusses whether or not Indian governments are subject to the Charter. Some Aboriginal groups argue that self-government is not subject to the Charter due to section 25 of the Constitution.

Native Women's Association of Canada (1992). *The Rights of Treaty First Nations Women Within First Nations Self-Government : A Discussion Paper*. Ottawa: Native Women's Association of Canada.

This brief booklet examines issues related to treaty First Nations women and their social and political status on reserves. The authors argue that women who regained status through Bill C-31 should be included as treaty First Nations women since their identity did not change because they married outside the band. The booklet concludes that Aboriginal women were victims of discrimination and that self-government needs to be developed "within a modern context."

Nettheim, Garth, ed. (1983). *Human Rights for Aboriginal People in the 80s*. Sydney: Legal Books Pty. Ltd.

This book records proceedings of a conference on Australian Aboriginals and the law. In chapter three, panelist Chris Kirkbright describes the state of urbanized Aboriginals and his disappointment that the Law Reform Commission dismissed this group as not being part of the larger Aboriginal group in Australia. Further panelists discuss how the commission had problems identifying who Aboriginals were, even though other areas of government have not had this problem.

Nicholas, Andrea Bear (1994). "Colonialism and the Struggle for Liberation: The Experience of Maliseet Women". *University of New Brunswick Law Journal*. Vol. 43, pp. 223-239.

The author examines how colonialism affected Maliseet women's roles in Aboriginal society and documents their struggle for a greater role today. The author argues that colonialism was the major force that caused a shift away from traditional egalitarian Aboriginal societies to hierarchical ones. The author is of the opinion that the Assembly of First Nations is an oppressive organization. She supports the development of local, community-based governing bodies and is opposed to centralized, hierarchical government models.

Norris, Mary Jane, Don Kerr, and Francois Nault (1996). "Projections of the Population with Aboriginal Identity, in Canada, 1991-2016, Summary Report". Report for the Royal Commission on Aboriginal People.

This report analyzes population trends using current census data. It concludes, "Canada's share of population with Aboriginal ancestry and Aboriginal identity is expected to increase over the next 25 years," to 3 percent of the Canadian population by 2016. In preparing this report the authors note the difficulty of determining who should or should not be counted as Aboriginal, and they discuss the impacts of Bill C-31 on Aboriginal populations. They compare their study to Stewart Clatworthy's studies on the same topic.

O'Brien, Jean M. (1997). "'Divorced' from the Land: Resistance and Survival of Indian Women in Eighteenth-Century New England". *After King Philip's War: Presence and Persistence in Indian New England*, edited by Colin G. Calloway, pp. 144-161. Hanover: University Press of New England.

The author looks at traditional Indian women's identity and the pressures to change that identity in the face of "white" settlement. The author reviews the resistance strategies practiced by New England Indian women and examines particular cases to see how they survived in the new, dominant culture. The paper looks at the Indian transition to landlessness within a society emphasizing the market, and the manner in which Indian women maintained or adapted their identity in a radically different world.

Ontario Métis and Aboriginal Association (1989). *An Evaluation of the Impacts of Bill C-31: A Submission for the 1990 Parliamentary Review of the Indian Act*. Willowdale: Ontario Métis and Aboriginal Association.

This report summarizes the impacts of Bill C-31, as seen through the eyes of the Ontario Métis and Aboriginal Association. In doing so, it discusses the bill's implementation and the difficulties in the application process. It also reviews the ability of reinstates to access government programs, and estimates that 68 percent of its members did not experience difficulty in this regard, although many complained of "red tape." There is some discussion on Aboriginal self-government.

Ontario Native Women's Association (1982). *What Does the Future Hold for Native Women - Aboriginal Entitlement?*. Thunder Bay: Guide Printing and Publishing.

This booklet summarizes some key issues of the Ontario Native Women's Association (ONWA). It discusses the definition of "Indian" under the Constitution and the discriminatory sections of the Indian Act. It also outlines the possible implications the Charter may have on the act. The ONWA recognizes as Native all those of Aboriginal descent, and does not adhere to the artificial definitions of the federal government.

Ontario Native Women's Association (1986). *The Struggle for Equality: A Fundamental Right of the Aboriginal Peoples*.

This point form document is a position paper of the Ontario Native Women's Association. The topics discussed include the fundamental rights of Aboriginal people, the development of the Constitution, discrimination in the Indian Act, Bill C-47 and Bill C-31, an overview of Canada's Indian policy, the need to protect equality rights and the need to have self-government arrangements subject to the Charter.

Opekokew, Delia (1986). "Self-identification and Cultural Preservation: A Commentary on Recent Indian Act Amendments". *Canadian Native Law Reporter*. Vol. 2, pp. 1-25.

This article discusses the 1985 amendments to the Indian Act and how these changes might foster Aboriginal identity and cultural preservation. It provides a brief history of the Indian Act and section 12(1)(b), notes that some Native groups believed that section 12(1)(b) protected Aboriginal culture and identity, and looks at some of the challenges to section 12(1)(b). Section 35 of the Constitution is regarded by the author as a door which can lead to recognition of First Nation sovereignty similar to that found in the United States. The author also provides a discussion of the American Martinez case (1977) that allowed tribal interest to override individual rights. She looks at the membership provisions of the Indian Act and membership codes and suggests that if assuming control over membership codes causes some apprehension, then a community could begin with less controversial aspects of self-government such as liquor control and residency by-laws. A suggested membership code is provided, one that aims to protect the integrity of the community without necessarily impinging on individual rights.

Opekokew, Delia (1987). *The Political and Legal Inequalities among Aboriginal Peoples in Canada*. Kingston: Institute of Intergovernmental Relations.

The author states that Aboriginal rights are derived from the original possession of the North American continent. She argues that the restrictions and limitations in applying such rights to a select group of Aboriginal people by Canadian law and policy is the basis of the present political and legal inequities among Aboriginal peoples. A history of the Indians, Inuit, Métis and non-Status Indians is provided as well as a discussion of the implications of some of the inequities experienced by these groups. An examination of American law explores the power to determine membership and the power to determine the form of tribal government. This work includes a discussion of the form self-government might take.

Osburn, Katherine M.B. (1995). "'Dear Friend and Ex-Husband': Marriage, Divorce, and Women's Property Rights on the Southern Ute Reservation, 1887-1930". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 157-175. New York: Routledge.

"As part of a larger package of assimilation policies, US Congress passed the Dawes Act in 1887. The act provided for the allotment of reserves into small, individually owned plots of land. The American government then sold the surplus land, usually to white settlers. Osburn assesses the impact of the Dawes Act on divorced Aboriginal women. She examines ten divorce cases involving allotted property, and concludes that the government assigned property according to Euro-American perceptions of the man as the head of the family, with women under the control of their husbands who owned the family property. Nevertheless, although the majority of wives had no land of their own, they were considered co-owners with their husbands. Indian agents were instructed to record the wife's name next to the husband's to indicate that the land allotted was also hers. In four cases the ex-wives received land."

Osburn, Katherine M.B. (1998). *Southern Ute Women: Autonomy and Assimilation on the Reservation, 1887-1934*. Albuquerque: University of New Mexico Press.

Osburn explores the manner in which Southern Ute Women resisted and selectively accommodated the assimilation efforts of the Office of Indian Affairs (OIA) and other benevolent organizations. She compares how Southern Ute women responded to assimilation policies with Southern Ute men, and shows how women selected which changes to accept and which to resist. Osburn also shows how these women managed to maintain their gender equality in the face of the OIA's efforts to impose a gendered society.

Ouellette, Grace (1999). "Indigenous Women and Colonization: Feminism and Aboriginal Women's Activism". *Native Studies Review*. Vol. 12, No. 1, pp. 127-142.

This document consists of transcripts of excerpts from taped interviews made by the author with eleven unidentified Aboriginal women (described as informants in this article). However, their Aboriginal status and affiliations with assorted Aboriginal women's groups are noted. The informants answer several broad questions, including: 1 "What is the role of Aboriginal women in your community?"; 2 "Are the Aboriginal organizations male-dominated?"; 3 "Should Aboriginal women be encouraged to become more involved in politics, economic development, in social planning-preservation of culture, religion, education, and so on?"; 4 "Do you believe that Aboriginal women should be involved in the feminist (women's) movement?"; 5 "Could you share your views about the relationship that exists between Aboriginal women and nature?"; 6 "Are amendments to the Indian Act, for example Bill C-31, harmful or beneficial to Indian people?"; 7 "What is the relationship between Aboriginal women and Aboriginal men? Does one tend to dominate the other or are they more or less on an equal footing?"; 8 "Are Aboriginal women oppressed? If so, what oppresses them the most? If not, why not?"; 9 "Which sex appears more oppressed, in the urban centres/or on the reserves? Why do you think this is so?"; 10 "What do you envision or hope to see happening in the future for Aboriginal people?"; 11 "What does the term 'feminism' mean to you?"; and 12 "In your experience do Aboriginal women suffer from sexual or physical abuse?"

Ouellette, Grace J.M.W. (2002). *The Fourth World: An Indigenous Perspective on Feminism and Aboriginal Women's Activism*. Halifax: Fernwood Publishing.

The author examines the lives of selected Aboriginal women in order to assess the degree and nature of the oppression that they feel in their daily lives. She asks four basic questions of/about Aboriginal women. Her first question asks: "To what extent do Aboriginal women understand, experience and articulate their oppression?" Secondly, the author asks: "To what extent do colonized women perceive racism as the source of their oppression?" Thirdly, Ouellette asks: "To what extent do Aboriginal women view male domination within their own Aboriginal societies as the source of their oppression?" Fourthly, she asks: "How do Aboriginal women articulate racism and gender oppression?"

Palmater, Pamela D. (2002). "An Empty Shell of a Treaty Promise: R v. Marshall and the Rights of Non-Status Indians". *Dalhousie Law Journal*, pp. 100-148.

The author examines the R. v. Marshall case, explaining that this case helps us to better understand what it means to be Mi'kmaq. More generally, the author wants to know "who is entitled to claim to be a beneficiary of the Treaties of 1760-61." In undertaking this review, Palmater examines several methods for determining who to include as a Mi'kmaq person, including identity systems based on residence (on or off reserve), descent criteria, and the terms outlined in the Indian Act. As part of her study, the author discusses the inadequacy of existing tests and Canadian case law that has addressed Aboriginal identity in other contexts. She states that the Marshall case presents Canada and First Nations with an opportunity to renew their efforts at establishing fair rules for ascertaining First Nations membership.

Parent, Madeleine (1987/8). "Continuing Injustices to Native Women". *Feminist Action: News from the National Action Committee on the Status of Women*. (March 1987/8), pp. 7.

Author briefly reviews a meeting between the National Action Committee on the Status of Women and Native women. The meeting discussed, among other topics, the Minister of DIAND's 1987 Report to Parliament on the implementation of Bill C-31, with the author recounting that "with some happy exceptions, many women who reclaimed their Indian status still face great obstacles in their efforts to go back home." The author writes, "the federal government has failed to supply the minimum sums of money required to house returning women, while it also denies required money to house families living on reserves, thus causing tensions between both groups. Unable to obtain a house on the reserve, many women cannot get their children into Indian schools. There is an urgent need for more and better educational, health, social and cultural services for people on reserves and for those seeking to return." She further charges that women, because they cannot return to reserve, cannot take a full part in negotiations on Indian self-government.

Parent, Madeleine (1991). "Aboriginal Women Government Report on the Impact of Bill C-31". *Feminist Action: News from the National Action Committee on the Status of Women*. Vol. 5, No. 3, (February).

This four paragraph announcement states that the Minister of Indian Affairs and Northern Development, Tom Siddon, has tabled his 1990 Report to Parliament on the implementation of Bill C-31. The announcement states that "Since 1985, the government has failed in large part to provide the funds and other means needed to help reinstated women and their children settle in their ancestral reserves." Moreover, "The [Assembly] of First Nations (AFN), the Native Council of Canada (NCC) and the Native Women's Association of Canada (NWAC) have requested that the government set up a joint committee of parliamentarians from the House and Senate and of aboriginal representatives, to study the government report on C-31 and make recommendations for action."

Parent, Madeliene (1989). *Feminist Action: News from the National Action Committee on the Status of Women*. (May-June 1988/9). Toronto: National Action Committee on the Status of Women.

Parent discusses the support offered by the National Action Committee on the Status of Women (NAC) for Native women before the Standing Committee on Indian and Northern Affairs. She notes that the NAC has supported Native women through their struggle to end discrimination in the Indian Act, including section 12(1)(b), and states that "the federal government and Indian Affairs Minister Bill McKnight have failed to implement Bill C-31 (1985) fairly." The NAC argues that there has been insufficient funding for implementation and inadequate government enforcement of its own law. Bands with limited funds and an insufficient land base have not accepted reinstated women back on reserves. The NAC calls for more government funding for bands to help with on-reserve housing shortages and for Indian education and on-reserve infrastructure development.

Paul, P. J. (1978). "Indian Women: Status/Non-Status." Unpublished paper, University of Ottawa.

This paper explores the process of assimilation occurring through the intermarriage of both male and female Aboriginal people. The author argues that this dilution of the Indian identity and culture will wipe out Indians by the year 2030. Paul argues that changes to the Indian Act could help alleviate these problems. The result of the Lavell ruling and its implications for Indian women is also discussed. The author argues that changes are needed to the Indian Act to give women equality.

Paul, Pamela (1990). "Bill C-31: The Trojan Horse: An Analysis of the Social, Economic and Political Reaction of First Nations People as a Result of Bill C-31". MA thesis, University of New Brunswick.

This thesis analyzes the 1985 amendments to the Indian Act and their impact on the social, economic and political process in the Aboriginal community. It presents Aboriginal views of the amendments and provides a history of the Indian Act. This thesis argues that the affect of Bill C-31 must be measured in non-quantitative terms, particularly as regards to its social, economic and cultural implications. Much of the author's comments on the impact are taken from previous studies on the subject. The author also reviews the membership and status provisions of the act. She criticizes the registration process and the membership provisions, and believes that there is a lack of funding to adequately accommodate reinstated Indians.

Penner, Holly (1988). "Background Paper - Bill C-31, an Act to Amend the Indian Act". Ottawa: National Association of Women and the Law.

This paper reviews the 1985 amendments to the Indian Act from the point of view of women who lost their status under section 12(1)(b). The author states that the membership provisions give bands the power to deny membership to reinstated women and their children. She argues that the lack of funding guarantees to bands encourages this practice, as bands can claim that a lack of funds prevents them from bringing on new members. The three goals of Bill C-31 are also reviewed, as are the registration provisions. The author contends that Bill C-31 created new classes of Indians.

Pentney, William (1982). "Lovelace v. Canada: A Case Comment". *Canadian Legal Aid Bulletin*. Vol. 5, No. 2 and 3, pp. 259-277.

This is a review and critique of the process by which the Lovelace case was brought before the United Nations (UN) and the actual decision of the case. The article examines the strengths and weaknesses of taking the case to an international tribunal and provides background on the UN resolutions and international laws on which Lovelace's case was based. Various factors in the process are critiqued, including admissibility of evidence, the merits of the case and the views of the UN committee. The article also critiques the Supreme Court of Canada's decision in the Lavell case, and notes that those opposed to Lavell feared that a ruling in her favour would jeopardize the entire Indian Act.

Pentney, William (1987). "The Aboriginal Rights Provisions in the Constitution Act, 1982". MA thesis, University of Ottawa.

The author examines the Aboriginal rights provision in the Constitution Act, 1982. He also explores the Constitutional definition of Aboriginal from 1867 through to the Constitution Act, 1982. The Supreme Court of Canada decision in *Re Eskimos* is used to highlight whether the Métis are included within section 91(24). An argument for the right of Aboriginal peoples to define their membership is derived from the use of "peoples" in the Constitution since it is used to indicate that the rights in section 35(1) of the Constitution Act, 1982 are group or collective rights. The author examines the meaning of collective rights and the implications for individuals.

Perdue, Theda (1995). "Women, Men and American Indian Policy: The Cherokee Response to Civilization". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 90-114. New York: Routledge.

The author describes the strategies employed by American Indian men and women in their struggle to maintain their identities in the face of American Indian policy. She describes how Indian women, through their agricultural efforts, were able to resist efforts at assimilation and were empowered through their control over food and clothing production. The author argues that Indian women strove for economic advantage through their farming pursuits, but were hindered by markets controlled largely by males. She also discusses the adaptive responses of Indian males.

Perdue, Theda (1998). *Cherokee Women: Gender and Culture Change, 1700-1835*. Lincoln: University of Nebraska Press.

Perdue explores the role of women in traditional Cherokee matrilineal society. In doing this, Perdue analyzes Cherokee society from the bottom up, and shows that men and women occupied rigid and differing gender and domestic roles, but that they came together in a complementary way to the benefit of Cherokee society. She argues that Cherokee women enjoyed tremendous power in this world due to the matrilineal nature of their society. She demonstrates how the Cherokee people largely resisted the pressures to adopt the Euro-American view of gender and individualism. "Perdue persuasively shows how Cherokee gender norms served as the central means of resisting acculturation," demonstrating that most Cherokees "never adopted American civilization; they adapted it to fit into their world view." Perdue writes: "The story of Cherokee women, therefore, is not one of declining status and lost culture, but one of persistence and change, conservatism and adaptation, tragedy and survival."

Peters, Evelyn J. (1997). "Challenging the Geographies of 'Indianness': The Batchewana Case". *Urban Geography*. Vol. 18, No. 1, pp. 56-61.

This brief legal article looks at the legacy of colonial definitions of "Indianness" that assigned First Nations peoples and cultures to reserves and rural locations. The author demonstrates how colonial definitions have affected contemporary First Nations peoples' struggles to redefine their geographies and identities. The geographies of rights and identities associated with Indian status are described. Peters also addresses the specifics of the Batchewana case in which non-resident band members challenged the provisions of the Indian Act that require members to be resident on reserve in order to vote in band elections. Many of the non-resident band members are Bill C-31 reinstated Indians. Peters argues that the challenge put forth by the Batchewana Indians is an attempt to renegotiate the Canadian geographies of "Indianness."

Peters, Evelyn J. (1998). "Subversive Spaces: First Nations Women and the City". *Environment and Planning D: Society and Space*. Vol. 16, No. 6, pp. 665-685.

The author discusses identity and resistance patterns of Native women in urban settings. In doing so, she examines the historic relationship between First Nations and urban areas from the colonial period. She shows that images of First Nations by the "white" community considered Aboriginal people ill-suited for urban life. Peters explores how women resisted this view. She describes how colonial/Canadian administrations established reserves as masculinized places. Also discussed is the place and role urban First Nations women hold in the government of their communities.

Plane, Ann Marie and Gregory Button (1997). "The Massachusetts Indian Enfranchisement Act: Ethnic Content in Historical Context, 1849-1869". *After King Philip's War: Presence and Persistence in Indian New England*, edited by Colin G. Calloway. Hanover: University Press of New England.

The authors review the reasons why Massachusetts enacted its Enfranchisement Act. In doing so, the authors discuss the definition of "Indian" and its place in policy formation. They note that "the documents collected during the debate over Indian enfranchisement shed light on the definition and meaning of Indian identity in the mid-nineteenth-century, revealing the beliefs of people from Euro-American, African American and Indian backgrounds." The authors also discuss Indian resistance to the loss of their identity, and observe that the legal status of Indians varied from town to town.

Pompana, Yvonne (c.1993). "Cultural Identity Case Study: A Métis Woman, Winnipeg, Manitoba". *A Report to the Canadian Royal Commission on Aboriginal People*.

This case study examines cultural identity, and how it is developed, strengthened or diminished. The purpose of the case study is to explore those elements that enabled the respondent "to articulate her identity with conviction." In doing so, the author says her study helps us to better understand relevant issues concerning contemporary Métis people, including how individuals identify themselves and the meaning and importance of that identity.

Prindeville, Diane-Michele and Teresa Braley Gomez (1999). "American Indian Women Leaders, Public Policy, and the Importance of Gender and Ethnic Identity". *Women and Politics*. Vol. 20, No. 2, pp. 17-32.

The authors analyze the role of Indian women in policy-making in the United States. They explore four questions: "What are the public policy agendas of American Indian women leaders? What do they wish to accomplish? What motivates them? Does their gender and/or ethnic identity have an influence on their political participation?" To answer these questions the authors "interviewed Indian women in elected or appointed positions in state, local, and tribal government in New Mexico." They found that "both gender and ethnic identity are significant influences for Indian women holding public office in New Mexico."

Quebec Native Women's Association (1985). "Statement of the Quebec Native Women's Association on Aboriginal Self-Government : June 5-6, 1985". *Federal-Provincial Conference of Ministers on Aboriginal Constitutional Matters*. Toronto: Quebec Native Women's Association.

This statement by the Quebec Native Women's Association, given at the Federal-Provincial Conference of Ministers on Aboriginal Constitutional Matters, discusses the need for reinstated Indians to be part of self-government negotiations. The authors want the Charter to apply to self-government bodies.

Restoule, Jean-Paul (2000). "Aboriginal Identity: The Need for Historical and Contextual Perspectives". *Canadian Journal of Native Education*. Vol. 24, No. 2, pp. 102-112.

Restoule discusses the limitations inherent in typical conceptions of cultural identity, and distinguishes between "identity" and "identifying." He notes that identifying is situational and historical, shaped by the time and place in which it occurs, whereas identity is thought to transcend history and social situations. Restoule considers the definition of Indian as described in the Indian Act, and explores the identity of the Métis. The author contends that the Indian Act is designed to assimilate Indians, that under this law "Indians" are considered identical to each other but different from other Canadians, and that the writers of the legislation did not consider the cultures and histories of Aboriginal peoples important.

Reynolds, Barbara Plant (1982). "Twelve Days with the Sub-Committee on Women and the Indian Act". *Canadian Parliamentary Review*. Vol. 5, No. 4, pp. 4-10.

The author records her personal experiences as part of the 1982 Sub-committee on Indian Women and the Indian Act. A summary of the main events, speakers and their views is provided, along with comments on the activities of the author. The author also discusses the limitations of the subsequent report and the hurried nature of the process.

Reynolds, Henry (1993). "Aboriginal Governance in Australia". A Report to the Canadian Royal Commission on Aboriginal People.

This report offers a history of Aboriginal-government relations in Australia as well as an overview of the development of government policy with regard to Aboriginal people. It notes the difficulties the Australian government and Aboriginal people face due to the occupation of Australia by Europeans without first obtaining treaties and land surrenders from the Aborigines. The author outlines the rise of Aboriginal organizations, their empowerment and their struggles for rights.

Richards, John (2000). "Reserves Are Only Good for Some People". *Journal of Canadian Studies*. Vol. 35, No. 1, pp. 190-202.

This article surveys a sample of recent writings about Aboriginal policy and characterizes them as utopian. This includes a discussion of the arguments for the application of the Charter to Aboriginal self-government. Richards states that reserves face severe problems of unemployment and welfare dependency and will not be able to generate sufficient employment for their members. For this reason, he notes, many Aboriginal people have chosen to live off reserve and in cities. Richards argues that off reserve Natives are treated as second class citizens by both the larger society and by on-reserve Indians. Self-government, the author argues, is not a solution to this problem.

Riddett, Lyn Anne (1999). "Finish, I Can't Talk Now: Aboriginal and Settler Women Construct Each Other". *Native Studies Review*. Vol. 12, No. 1, pp. 49-62.

"This paper," states the abstract, "addresses the often-bitter debate in Australian academic circles between settler women academics, particularly feminists, and Aboriginal scholars. The debate pertains to the ways in which gender relations in Aboriginal society - and between that society and that of the settlers - have been constructed." The debate centres on the claim by Aboriginal women scholars who say "that Western feminism is, in many ways, a racist ideology." "The author discusses the seminal literature and the protagonists in the debate, pleading for a non-ideological approach to cross-cultural understanding."

Rivard, Glenn (1975). *A Comparative Study of the Status of Indian Persons in Australia, Canada, and New Zealand*. Toronto: York University.

This paper explores and compares the concept of Indigenous peoples, their racial, individual and group consciousness and the manner in which they are defined by governments and by themselves. The concept of status is discussed in terms of who has status and what having status means to Aboriginal groups or persons. Statutory provisions and laws defining Aboriginal peoples in Canada, New Zealand and Australia are explored and compared.

Robin, Juliet (1988). *Indian Women and the New Indian Act: Still Bottom of the Totem Pole*. Ottawa: University of Ottawa.

This paper examines the 1985 amendments to the Indian Act and argues that the act still retains residual discrimination. A significant portion of the paper details the historical development of the act, including the challenges to the act after the Canadian Bill of Rights was passed. The author concludes that the government used Bill C-31 to divide the Aboriginal community in order to implement its own agenda.

Robson, Robert (1991). "The Indian Act: A Northern Manitoba Perspective". *Canadian Journal of Native Studies*. Vol. 6, No. 2, pp. 295-331.

Focusing on northern Manitoba, the author argues that Bill C-31 has neither met its intended objectives of removing discrimination and giving bands greater autonomy, nor adequately dealt with the needs of the Aboriginal population. Robson provides a statistical analysis of band membership and reinstated Indians and discusses the impact of the high percentage of the Aboriginal population in northern Manitoba who qualify for status under Bill C-31.

Rogers, Raymond S. and Phillip Lujan (1981). "Natural Law, Santa Clara, and the Supreme Court". *Journal of Ethnic Studies*. Vol. 9, No. 3, pp. 71-77.

The authors discuss the case of *Santa Clara Pueblo v. Martinez* (US, 1977), focusing on a 1939 Pueblo tribal ordinance barring tribal membership to children of female members who married non-members. This case brought into conflict two fundamental theories of self-evident natural law: a sovereign tribe's right to determine its own membership, and the 14th-amendment guarantee of equal protection of the law embodied in the Indian Civil Rights Act (US, 1968). The Supreme Court upheld the tribal law, ruling it takes precedence over the Civil Rights Act. The authors explain the reasons for the court's decision.

Rohrlick, Paula and Anna Pellatt (1978). *Canadian Native Women: An Annotated Bibliography*. Montreal: McGill University Press.

"This guide to literature on Indian and Inuit women of Canada is an annotated survey of some 600 items dating from 1846 to the present [1978]." It provides descriptions of assorted bibliographies and other works and includes sections on Inuit women, Indian women of the North West coast, women of the plains, Cree and other Indians of Eastern Canada, references to Indian women's organizations, Indian women and the law, as well as a listing of newspaper articles that discuss Indian women's issues. Sources also discuss the traditional and changing roles of women in Aboriginal society, urban Indians and Aboriginal identity.

Rosaldo, Michelle (1980). "The Use and Abuse of Anthropology: Reflections on Feminism and Cross-Cultural Understanding". *Signs*. Vol. 5, No. 3, pp. 389-417.

The author argues that anthropologists need to re-examine their approach to understanding women from other times and cultures, and that a new interpretive model is required. While this article does not discuss Native women specifically, it does provide insight into how data is collected and analyzed, which can affect the way the history of Aboriginal women is interpreted.

Rowley, C.D. (1970). *The Destruction of Aboriginal Society: Aboriginal Policy and Practice - Volume I*. Canberra: Australian National University Press.

This volume attempts to assemble, on a continental scale, the facts of frontier clash and its aftermath, from the first days of settlement in each Australian colony until World War II. Appendix A asks: "Who is an Aboriginal? The Answer in 1967." It offers a summary of the problems involved in defining Aborigines at the beginning of 1967, and offers insights as to why definitions matter. It notes that definitions are in flux as Australians and Aborigines seek clearer definitions. In this light, the author sets the changing definitions into historical context.

Royal Commission on Aboriginal Peoples (1996). Report of the Royal Commission on Aboriginal Peoples. Five Volumes. Ottawa: Minister of Supply and Services Canada.

The Report of the Royal Commission on Aboriginal Peoples offers wide-ranging information on a vast assortment of topics that deal with the Aboriginal peoples of Canada. Of special interest is volume one: "Looking Forward, Looking Back." It covers the historical development of the Indian Act, and looks at Indian identity, status and membership issues, discrimination in the act and Bill C-31. Volume two: "Restructuring the Relationship: Part One," discusses Aboriginal self-government and membership and identity issues associated with self-government. It also discusses Aboriginal women's concerns over Indian self-government. Volume four: "Perspectives and Realities," expands on the topics addressed in volume one and covers, in addition, matrimonial real property.

Rusco, Elmer R. (1987/88). "Civil Liberties Guarantees Under Tribal Law: Survey of Civil Rights Provisions in Tribal Constitutions". *American Indian Law Review*. Vol. 14, pp. 269-299.

"Native American societies have a unique legal position in the American polity because they still retain the right to govern themselves according to cultural standards which are not those of the general society. Consequently, the Constitution [of the United States] does not automatically restrain tribal governments. One important area in which this is the case concerns protections for individual liberties against tribal governments." Rusco's article "deals with one important aspect of the status of civil liberties in tribal forums. Many tribal governments, though by no means all, operate on the basis of written constitutions. This article examines all the provisions dealing with civil liberties in 220 tribal constitutions in force as of September, 1981, in all states except Alaska and Hawaii." He states, "the most obvious thing about these constitutions is that there is no single pattern for dealing with civil liberties; many do not mention the subject at all." There are several patterns to those that do.

Rutherford, Myra (2002). *Women and the White Man's God: Gender and Race in the Canadian Mission Field*. Vancouver: UBC Press.

This book is concerned with white women who served in Anglican missions in Northern British Columbia and Canada's North between 1860 and 1940. Its relevance to this bibliography lies in its discussion on Aboriginal identity as seen through the eyes of these missionary women.

Sandefur, Gary D. and Trudy McKinnell (1986). "American Indian Intermarriage". *Social Science Research Journal*. Vol. 15, pp. 347-371.

The author provides a statistical analysis of American Indian interracial marriage patterns based on American census figures. He discusses the strengths and weaknesses of the census data and his conclusions.

Sanders, Douglas (1972). "Implications of the Lavell Case".

This article offers a review of the membership sections of the Indian Act and the Lavell-Bedard case in terms of the Canadian Bill of Rights. The author speculates on possible implications of a Supreme Court decision in the Lavell-Bedard case. He also gives statistics on Indian status and intermarriage, stating that a total of 5,460 Indian women lost status by marriage to a non-Indian between 1960-1971.

Sanders, Douglas (1972). "The Bill of Rights and Indian Status". *University of British Columbia Law Review*. Vol. 7, No. 1, pp. 81-105.

In this article, the author discusses three ways Western countries define Indians: blood quantum, kinship ties and lifestyle. The advantages and disadvantages of each are described, and how they have been combined/used in Canada. He discusses the role and importance of status in the Canadian context and the meaning of "Indian" as it applies to section 91(24) of the British North American Act. Reviewing the Lavell and Bedard cases, he finds the Indian Act discriminates on the basis of sex and race. He concludes, however, that "sexual discrimination will probably be an inevitable part of a kinship status determination system," but that this is nevertheless a constitutionally valid and workable system. He feels that the current status definition system, while discriminatory, is better than alternative systems.

Sanders, Douglas (1973-74). "Indian Act: Status of Indian Woman on Marriage to Person Without Indian Status". *Saskatchewan Law Review*. Vol. 38, No. 1, pp. 243-249.

Sanders examines discrimination in the Indian Act and the concern expressed by Indian organizations that the Lavell case might bring about the down-fall of the Indian Act. He argues that the Indian Act needs reform. The author makes some comparisons of the treatment of Native women in Canada to their treatment in the United States and New Zealand.

Sanders, Douglas (1974). "The Indian Act and the Bill of Rights". *Ottawa Law Review*. Vol. 6, No. 2, pp. 397-415.

The author reviews the Indian Act and the Bill of Rights in light of recent court decisions in the Drybones, Lavell and Bedard cases. According to Sanders, the Lavell decision may raise questions regarding the scope of federal jurisdiction over Indians. He analyzes the court decisions and their possible repercussions for the Indian Act in light of the Bill of Rights. The author foresees the possibility that Indian communities, after surviving the judicial and political attacks upon them, may still be able to define a legislative scheme for their own self-governance. His discussion makes some comparisons to New Zealand and the United States. He also reviews the Indian status provisions of the Indian Act and looks at who is and who is not considered an Indian, the status of illegitimate children and women's equality rights.

Sanders, Douglas (1975). "Indian Women: A Brief History of Their Roles and Rights". *McGill Law Journal*. Vol. 21, pp. 656-672.

Sanders discusses the historical position of women in Native society as well as the controversy that surrounded section 12(1)(b) of the Indian Act. The author challenges the government notion that the Indian Act merely codifies the patrilineal nature of Native societies. He argues that pre-contact Native societies were egalitarian and not patrilineal. He says that Native women were not barred from positions of power within their societies. He also discusses the historical legality of customary marriages up until the 1950s, and how the government changed this when it started paying social welfare benefits. He also examines the Lavell case, and the lobby efforts of both the male-dominated Aboriginal groups and the various women's groups that intervened.

Sanders, Douglas (1983). "Prior Claims: An Aboriginal People in the Constitution of Canada". *Canada and the New Constitution: The Unfinished Agenda*, edited by S.M. Beck and I. Bernier, Vol. 1, pp. 225-281. Montreal: Institute for Research on Public Policy.

This article discusses the political, scholarly and legal events of the 1970s that shaped relations between Native organizations and governments. This context leads to an exploration of constitutional history, Aboriginal rights, treaties, reserves and the defining of population groups. The author describes current Aboriginal political thought and speculates on the future direction of Aboriginal policy. In the section on Aboriginal membership, the author states that the Indian Act excludes some people who consider themselves Indian, because the act does not provide a "generic, conceptual or racial definition" of Indian. The differences between the Métis and the non-status population are explored. The author concludes that, logically, courts should recognize the rights of all descendants of the Aboriginal population.

Sanders, Douglas (1984). "Indian Status: A Woman's Issue or an Indian Issue?". *Canadian Native Law Reporter*. Vol. 3, No. 3, pp. 30-41.

The author discusses the proposals made in 1978 to amend the Indian Act by eliminating section 12(1)(b), and by granting status to children of marriages between Indian women and non-Indian men. The 1982 Sub-Committee on Indian Women and the Indian Act is described with a view to understanding how the committee's recommendations were formulated. He also examines the treatment of women under Bill C-47. Sanders argues that there is confusion and division among both the national political parties and the representative national Indian organizations as to whether the focus of changes to the Indian Act should be on sexual equality or Indian self-government.

Sanders, Douglas (1985). *Aboriginal Self-Government in the United States*. Kingston: Queen's University, Institute of Intergovernmental Affairs.

The author examines the experience of Native Indians in the United States with respect to tribal sovereignty and compares it to the Canadian Native Indian experience. He notes that "the level of rhetoric in the United States is high and is not matched by funding, political recognition in national life or actual reform of federal agencies like the Bureau of Indian Affairs." Nevertheless, Sanders argues that because "jurisdictional rights of the tribes are recognized as inherent sovereign rights" in the USA, there has been a fundamental difference between the American Indian and Canadian Native Indian experience. Recognition of inherent sovereign rights in the US "makes tribal reality the first premise, not congressional power." He notes that bands in the US have the authority to determine membership. He also discusses relevant court cases on Indian self-government in the United States.

Sanders, Douglas (1992). "Aboriginal Self-Government: The Elements of the Accord". *Network Analyses: Analysis No. 4*.

In this article, the author discusses Aboriginal self-government in light of section 35(1) of the Canadian Constitution. He discusses Charter rights and how they will affect any form of self-government that is eventually adopted, and also provides models for self-government. Of particular importance to Sanders is the role that non-reserve Indians, Status Indians, non-Status Indians and the Métis will play in the formation and running of Aboriginal self-government.

Sanders, Douglas (1994). "Developing a Modern International Law on the Rights of Indigenous People". A Report to the Royal Commission on Aboriginal People.

This report is descriptive of the developments that have occurred in inter-governmental organizations over the last two decades. The author writes, "Today we can say with confidence that indigenous issues are on the human rights agenda of the United Nations." However, "these advances sometimes seem illusory," for inter-governmental bodies have limited authority and inadequate resources. He notes that Native leaders in Canada have much to do with the growing importance of human rights at international levels. Sanders discusses several issues in an international context, such as the United Nations Human Rights Commission, the Lovelace case and the meaning of self-determination.

Sangster, Joan (2001). *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960*. Don Mills: Ontario: Oxford University Press.

In her chapter entitled, "Native Women, Sexuality, and the Law," Sangster "explores attempts [by Canadian society] to discipline the sexuality of Native women." In doing so, she examines "the means and rationale for legal and moral governance, the interplay of customary Native law and Canadian law, and the resistance and responses of Native women, families, and communities to the imposition of new standards of conduct." Sangster argues, "the sexual regulation of Native and non-native women alike was part of a broader project of nation-building" that had "the creation of moral families, based on Western (largely Anglo) middle-class notions of sexual purity, marital monogamy, and distinct gender roles of the female homemaker and male breadwinner" as its goal in order to create "moral and responsible citizens" who were seen as "the 'bedrock of the nation.'" The author argues, "Native women were perceived through a Euro-Canadian lens as 'wild women' symbolizing sexual excess, temptation, and conquest, and thus they became the particular focus of white, masculine concerns about sexual control. Attempts to encourage conformity to a middle-class Euro-Canadian ideal, to restructure the moral conscience of Aboriginal women," she claims, were shaped by colonial notions of race and class relationships "and simultaneously by related patriarchal images of sexual purity."

Santiemma, Adriano (1999). "Towards a Monocultural Future Through a Multicultural Perspective? The Iroquois Case". *Future and Identities: Aboriginal Peoples in Canada*, edited by Michael Behiels, pp. 93-106. Montreal: Association for Canadian Studies.

This article highlights the differences between contemporary Iroquois identity and that which traditionalists rely upon for their models of government. The author argues that traditionalists are not always faithful to tradition, and that contrary to what Iroquois traditionalists say, the traditional form of Iroquois government irreversibly died in 1777. The author brings in discussions on the role of kinship, race, class and sex in that government.

Satzewich, Vic and Terry Wotherspoon (1994). "Who's In and Who's Out? Defining the Boundaries of the Imagined Community of 'Aboriginal People' in Canada". *International Journal of Comparative Race and Ethnic Studies (IJCRE)*. Vol. 1, No. 1, pp. 49-67.

This paper examines how Aboriginal groups define the "self" and "other" and places these definitions in the context of the rise of Aboriginal nationalism. It analyzes how Aboriginal nations have been constructed and defined by Canada as shown through the application of Benedict Anderson's notion of "the imagined community." The paper discusses the definition of Status Indian, First Nations, Métis and how and whether these groups intersect and interact with each other and as members of the larger trans-Aboriginal group. The authors argue that the Métis and non-Status Indians do not see themselves as part of the larger trans-Aboriginal group, but rather, define themselves separately using colonial terminology.

Satzewich, Vic and Terry Wotherspoon (2000). *First Nations: Race, Class and Gender Relations*. Saskatoon: Houghton Boston.

The authors reevaluate Aboriginal and non-Aboriginal relationships in terms of a political economy. They argue that current attitudes towards Aboriginal peoples over-simplify the economic, political and social realities faced by Aboriginal peoples. They comment on the development of the Indian Act, especially the changes in 1985, and discuss the population growth rates of First nations following the passage of Bill C-31.

Sawchuk, Joe (1992). "Non-Status Indians and the New Aboriginality: Government Influence on Native Political Alliances and Identity". *Readings in Aboriginal Studies, Identities and State Structures*, edited by Joe Sawchuk. Vol. 2, pp. 70-86. Brandon: Bearpaw Publishing.

This article demonstrates how one group can impose an identity upon another group, and how that second group can come to accept that identity. Sawchuk argues this to be the case for Canada's Aboriginal people, who have been defined under the Indian Act and in the Constitution. The article brings in discussions on the Métis and non-Status Indians as well as Bill C-31 and its imposition of identity. He notes that definitions of Aboriginality has caused divisions within the Aboriginal community, for example between the Métis and those identified as non-Status Indians. In this light, the author disputes the assumption that while some non-Status Indians will regain status through Bill C-31 the rest would be accepted into the definition of Métis.

Sayers, Judith F. and Kelly A. MacDonald (2001). "A Strong and Meaningful Role for First Nations Women in Governance". *First Nations Women, Governance and the Indian Act: A Collection of Policy Research Reports*, pp. 1-54. Ottawa: Status of Women Canada.

This paper looks at the role of Native women in Indian self-government. It discusses different forms that Indian self-government might take. The authors argue that the Indian Act, and First Nations' constitutions or charters must ensure a strong and meaningful role for women in their communities. The authors clearly state that their views stem from their roles as Aboriginal women, leaders and/or feminists and from their personal and professional experiences.

Schouls, Tim (2003). *Shifting Boundaries: Aboriginal Identity, Pluralist Theory and the Politics of Self-Government*. Vancouver: UBC Press.

The author argues that Canadian commentators, although often describing Canada as a pluralist state, rarely view Aboriginal self-government from the perspective of political pluralism. Instead, Aboriginal self-government, the author states, is seen as an Aboriginal desire to protect their cultural and national traits. Schouls argues that such a position offers a "woefully incomplete understanding of the politics of self-government." He holds the view that "a relational theory of pluralism offers a more accurate interpretation, [and] contends that self-government is better understood when an identification perspective on Aboriginal identity is adopted instead of a cultural or national one." In this way, he argues that self-determination is less about preserving culture and national differences as ends in themselves, "but rather is about equalizing current imbalances in power to allow Aboriginal Peoples to construct their own identities.

Schuurman, Nadine (1998). "Contesting Patriarchies: Nlha7pamux and Stl'atl'imx Women and Colonialism in Nineteenth-century British Columbia". *Gender, Place and Culture: A Journal of Feminist Geography*. Vol. 5, No. 2, pp. 141-158.

The author examines life-choices of Aboriginal women in British Columbia during the second half of the nineteenth century. In doing so, Schuurman demonstrates that Native women held and maintained, at least for a time, a degree of power, agency and control over their lives. She observes that with the shortage of white women in the province during the period under review, fur traders and gold miners chose First Nations women as wives. This, the author states, contributed to the mobility and influence of Native women. However, marriages between Native women and white men was "bitterly contested" by Native men and white politicians at the time, as Native men objected to the loss of their women, while white politicians sought to protect the 'racial purity' of the province. Despite this opposition, though, Native women continued to pursue "this historically constituted possibility of living within an alternative patriarchy." The late 1890s, however, witnessed the arrival of young, single, white women to the province, and "in a political climate increasingly hostile to miscegenation," white male settlers began choosing white women as wives over Native ones. Thus, Schuurman argues, "discursive and demographic pressures again closed the window through which Native women had travelled into a different culture."

Shoemaker, Nancy (1988). "Urban Indians and Ethnic Choices: American Indian Organizations in Minneapolis, 1920-1950". *Western Historical Quarterly*. Vol. 19, No. 4, pp. 431-447.

The author discusses the formation of pan-Indian social and cultural groups by urban Indians and how these groups are used by urban Indians to maintain and strengthen their tenuous tribal ties and for building urban communities. However, since memberships in the various groups overlapped, "the goal of a particular organization, not the individual's cultural background, determined that organization's ethnic position.

Shoemaker, Nancy (1991). "The Rise or Fall of Iroquois Women". *Journal of Women's History*. Vol. 2, No. 3, pp. 39-57.

This paper proposes an alternative strategy for exploring the experiences of Seneca Nation women after colonization. Rather than try to prove that women lost power or gained power, the author focuses on how women's political rights, economic roles and individual freedoms changed in the context of colonization. Although all Senecas lost power after colonization, the author argues that there is little evidence that Seneca women were increasingly subordinated to Seneca men.

Shoemaker, Nancy, ed. (1995). *Negotiators of Change: Historical Perspectives on Native American Women*. New York: Routledge.

This collection of essays deals with Native American women, their traditional roles, their empowerment, their adaptation to European contact and their struggles with identity and autonomy. See individual articles by Kathleen Brown, "The Anglo-Algonquian Gender Frontier"; Lucy Eldersveld Murphy, "Autonomy and the Economic Roles of Indian Women of the Fox-Wisconsin River Region, 1763-1832"; Theda Perdue, "Women, Men and American Indian Policy: The Cherokee Response to Civilization"; Clara Sue Kidwell, "Choctaw Women and Cultural Persistence in Mississippi"; Carol Douglas Sparks, "The Land Incarnate: Navajo Women and the Dialogue of Colonialism, 1821-1870"; Katherine M.B. Osburn, "Dear Friend and Ex-Husband': Marriage, Divorce, and Women's Property Rights on the Southern Ute Reservation, 1887-1930"; Clifford E. Trafzer, "Horses and Cattle, Buggies and Hacks: Purchases by Yakima Indian Women, 1909-1912"; and Harry A. Kersey and Helen Bannan, "Patchwork and Politics: The Evolving Roles of Florida Seminole Women in the 20th Century."

Silman, Janet (1987). *Enough is Enough: Aboriginal Women Speak Out*. Toronto: Women's Press.

This book is about the Tobique Women's Group's struggle for better housing on the Tobique Reserve, for changes to the Indian Act and for the reinstatement of women and their children who lost status under section 12(1)(b) of the Indian Act. Their story is told by the various women involved. It provides personal background information on some of the key players in the Tobique Women's Group.

Simpson, Audra (2000). "Paths Toward a Mohawk Nation: Narratives of Citizenship and Nationhood in Kahnawake". *Political Theory and the Rights of Indigenous Peoples*, edited by D. Ivison, P. Patton and W. Sanders, pp. 113-136. Cambridge: University Press.

The author takes up the question of indigenous nationhood by examining membership or citizenship-formation within Kahnawake. In recent years, Kahnawake has been involved in the development of a custom code based on lineage, rather than race, to determine band membership. This is an effort to move away from the divisive blood-quantum system for determining membership to a more cultural and kinship based model.

Sinclair, Jeannette (1994). *A Case Study of the Métis in Slave Lake: The Traditional Role of Women in Collective-Decision Making*. Ottawa: Royal Commission on Aboriginal Peoples.

"The purpose of this [study] is to gain an understanding of the traditional role of Métis women in collective decision-making in the northern Alberta community of Lesser Slave Lake. It is a case-study utilizing a community-based research approach. The research incorporates a qualitative rather than a quantitative research strategy. Twenty-two people were interviewed." Sinclair adds that her study "strives to reflect the circumstances of the times by exploring the social, cultural, economic, and political influences, as well as an historical component," of Métis life. The author provides a definition of traditional Métis and discusses the impact of Bill C-31 on the Métis population in the area.

Sleeper-Smith, Susan (2001). *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes*. Amherst: University of Massachusetts Press.

The author asserts that Indian women who married French men during the fur trade era experienced positive outcomes and gave women access to power. They integrated their new husbands into Indian society. She also argues that by marrying French men, by taking part in the fur trade and by converting to Catholicism, Indian women gained greater control over trade goods, increased their autonomy and gained a public voice. She argues that they also avoided potentially abusive polygamous husbands by adopting European-style monogamy.

Smallacombe, Sonia (2000). "On Display for its Aesthetic Beauty: How Western Institutions Fabricate Knowledge About Aboriginal Cultural Heritage". *Political Theory and the Rights of Indigenous Peoples*, edited by D. Ivison, P. Patton, and W. Sanders, pp. 152-162. Cambridge: Cambridge University Press.

This paper examines the manner in which Western culture and anthropologists construct Aboriginal identities that reflect "white" or European sentiments. In doing so, the author examines how Australians have come to view or imagine Aboriginal life and ways. The author also discusses the conflicts between Western and indigenous concepts of cultural heritage.

Smith, Derek G. (1993). "The Emergence of Eskimo Status: An Examination of the Eskimo Disk List System and Its Social Consequences, 1925-1970". *Anthropology, Public Policy, and Native Peoples in Canada*, edited by Noel Dyck and James B. Waldram, pp. 41-74. Montreal: McGill-Queen's University Press.

The Eskimo Disc List System was an administrative system designed to identify all Inuit for the purpose of tracking their hunting, education, hospitalization and relief records. This article details the development of the system and some of the problems encountered in creating it - for instance the Inuit's traditional lack of family names. Smith indicates that the government abandoned the program as confusion mounted over whether the possession of an Eskimo Disc determined who was Inuit and who was not. The problems of defining Inuit "status" were reminiscent of problems of definitions in the Indian Act. Smith argues that socioeconomic inequalities were the result of the Disc List System.

Smith, Derek, ed. (1975). *Canadian Indians and the Law: Selected Documents, 1663-1972*. Toronto: McClelland and Stewart.

This volume is a compilation of select legal documents relating to Indians in Canada. Included are letters, royal proclamations, treaties, statutes and acts. The editor asserts that modern legal questions concerning Indians in Canada must be viewed in a "deep historical perspective." He contends, "Whether a piece of legislation is currently in force or not, an examination of the selections... shows that over time there have been some remarkable continuities of Indian policy and legislation.

Snipp, C. Matthew (1997). "Some Observations About Racial Boundaries and the Experiences of American Indians". *Ethnic and Racial Studies (Great Britain)*. Vol. 20, No. 4, pp. 667-689.

The author studies American Indians from the seventeenth-century to the present and explores how their conceptions of multi-racial identities have been shaped by tribal membership, evolving senses of ethnicity and responses to federal policy.

Sodhi, Gurpreet Kaur (1996). "Ignored are the Wives and Children: Voices from Band Councils and Native Organizations During the Special Joint Committee of 1946-1948 and the Standing Committee on Bill C-31". MA thesis, Trent University.

This thesis explores the changes which occurred in the views of Native women and children by band councils and Native organizations from the testimonies given at the Special Joint Committee of 1946-1948 and the Standing Committee on Bill C-31. The author provides a legislative history of the Indian Act, and argues that the act and its previous incarnations slowly diluted the rights of Native peoples, particularly women.

Sparks, Carol Douglas (1995). "The Land Incarnate: Navajo Women and the Dialogue of Colonialism, 1821-1870". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 135-156. New York: Routledge.

The author describes how Navajo women were able to maintain their roles and status in a changing world and in the face of government policy that assigned them a submissive stature. The article discusses the empowerment and resistance of Navajo women, and shows that they were not victims of white society, but were people of action, and that they refused to succumb to "white" ideas of what Indian women should be.

Spaulding, Richard (1995). "Are Aboriginal Rights Discriminatory?". MA thesis, Queen's University.

This thesis argues that Aboriginal rights are not discriminatory, and that Charter equality allows for the differential treatment of people in order to maintain their identity. The author argues that Aboriginal citizenship based on descent is not discrimination. Standard proofs of descent are discussed. The effect of the one-quarter blood quantum provisions of some United States tribal codes are used to show that every generation must qualify for citizenship no matter where they were born and no matter the social, cultural or political nature of their connection to the tribe.

Sprague, D.N. (1995). "The New Math of the New Indian Act: 6(2) + 6(2) = 6(1)". *Native Studies Review*. Vol. 10, No. 1, pp. 47-60.

The author discusses the registration provisions of the amended Indian Act, and argues for broadening of the categories of eligibility. He calls for the expansion of social and economic development programs to encompass the Métis and non-status populations and argues that discrimination against groups of Aboriginal people still exists, especially against the Métis and those who cannot provide documentary proof of descent.

Stacey-Moore, Gail (1993). "In Our Own Voice". *Herizons*. (Winter), pp. 21-23.

This article, by Gail Stacey-Moore, Speaker for the Native Women's Association of Canada (NWAC), expands on the NWAC position that Aboriginal women must be involved in future Aboriginal self-government negotiations. The author recounts the history of discrimination against Aboriginal women and argues that Bill C-31 did not end such discrimination. She writes: "Bill C-31, although technically granting equality, did not give us substantive equality. It did not give us access to our communities. It did not give us access to land and housing. It did not give us access to programs and services to which we are entitled as Aboriginal peoples. It did not give us access to our culture and languages." The NWAC supports the Aboriginal right to self-government; however, self-government, the author argues, must not come at the expense of Aboriginal women. NWAC wants Aboriginal "women to have a voice in deciding upon the definition of Aboriginal government powers... We also have sexual equality rights and we want those rights respected by the patriarchal forms of government which now exist in our communities" - forms of government which are not traditional Aboriginal forms of government. "Aboriginal women simply don't have faith in their male leaders to represent their equality interests. That's why we demand representation at all future constitutional negotiations."

Stahl, Dorinda M. (1999). "Moving from Colonization to Decolonization: Reinterpreting Historical Images of Aboriginal Women". *Native Studies Review*. Vol. 12. No.1, pp.115-126.

The author, through an examination of photographs of Aboriginal women, reveals the "real" Indian woman as opposed to the false colonial-generated, Hollywood version of Indian women. Early photographs, Stahl states, "let us, for possibly the first time, begin to understand, at least historically, what it means to be an 'Indian woman.'" They also show Indian women resisting colonial pressures. "If deconstructed in the right frame of mind" these photographs, which seem to show the assimilation of Indian women, actually "depict resistance."

Standing Bear, Zug G. (1994). "To Guard Against Invading Indians: Struggling for Native Community in the Southeast". *American Indian Culture and Research Journal*. Vol. 18, No. 4, pp. 301-320.

This article discusses the resurgence of Indian pride following the occupation of Alcatraz Island, California, during 1969-71 and the effects activism has had on the Deer Clan of Georgia, a group of mixed-blood Indians. Over the years, the group has dealt with factionalism and Aboriginal identity issues, especially with the use of a blood quantum, Indian names versus American names, and the practising of traditional Native religion versus Christianity as a measure of "Indianness." The author notes that people consider membership for various reasons: for reasons of personal identity, for cultural renewal, or for the hope of rewards and power.

Standing Senate Committee on Human Rights (2003). "A Hard Bed to Lie In: Matrimonial Property on Reserve". Interim Report of the Standing Senate Committee on Human Rights. Ottawa: Library of Parliament.

This interim report by the Standing Senate Committee on Human Rights addresses the issue of division of matrimonial real property on-reserve. The Committee concludes, "Aboriginal women living on reserves do not have the same rights as other women in Canada, Aboriginal and non-Aboriginal, living off reserve. They face unfair and unconstitutional discrimination in the exercise of a right which has profound effects on every day life; the right to a fair share of the matrimonial property on the break-up of their marriage or common-law relationship." In its analysis the Committee discusses a broad array of issues, including the general plight of Aboriginal women on reserve, the law and Aboriginal lands, the law and Aboriginal women, the Indian Act and Bill C-31, assorted land management schemes, Aboriginal self-government, Constitutional provisions and international law. The report makes a number of suggestions to improve the situation, including amending the Indian Act "so that provincial/territorial laws with respect to the division of both personal and real matrimonial property could apply." "Another possibility would be the passage of an act governing division of on-reserve family assets," while a longer-term proposal would see the division of matrimonial real property dealt with through Indian self-government agreements.

Starblanket, Noel V. (1979). *On the Rights of Indian Women and Children under the Indian Act*. Ottawa: National Indian Brotherhood.

In this brief statement, the President of the National Indian Brotherhood, Noel Starblanket, expresses support for Indian Women in their fight for equality under the Indian Act. However, he says that changing one section of the Indian Act will impact other sections that will affect Indian communities, and that this must be guarded against. Starblanket states that bands must be compensated for the increased population should reinstatement occur.

Status of Women of Canada (2000). *Aboriginal Women's Roundtable on Gender Equality*. Ottawa: Status of Women of Canada.

This roundtable discussion explores gender equality issues affecting Aboriginal women in Canada. "For the First Nations, Métis and Inuit women who participated in the Roundtable, the issue of gender equality was extremely sensitive...participants agreed that the sexual discrimination that women face on a day-to-day basis cannot be separated from the twin legacies of colonialism and racism, which continue to marginalize Aboriginal peoples and devalue their cultures and traditions." Participants also noted that female Inuit experiences differ from Métis and First Nations women, who also face their own unique circumstances. The roundtable brought in discussions on family violence; the relevancy of the broader feminist movement; the alleged continuing discrimination in the Indian Act and Bill C-31; the alleged discrimination by Aboriginal communities; and the alleged marginalization of Aboriginal women's organizations by government and non-government agencies alike.

Stevenson, Winona (1992). "Aboriginal Women's Studies: The State of the Field and a Call for Research". Royal Commission on Aboriginal Peoples Submission, Short Papers. Vol. 3, No. 40. Ottawa: Indian and Northern Affairs Canada.

This paper assesses the level and quantity of research completed in the field of Aboriginal women's studies. "The objects of this paper are to define the present state of the field, present an analysis of some of the most significant issues in the field of Aboriginal women, and to describe how Aboriginal women's issues have been approached and framed by scholars to date." She also reviews the impact of colonialism on the status and conditions of Aboriginal women.

Stevenson, Winona (1995). "Post-colonial Reflections on the Past and Future Paths of Canadian Aboriginal Women (or, Out From Under the Skirts of Her Majesty)". *London Journal of Canadian Studies*. Vol. 11, pp. 1-27.

The author discusses the current situation and circumstances facing Aboriginal women in Canada. She discusses demographics, social and economic conditions, family life, domestic violence and Aboriginal women in the Canadian justice system. She provides an historical backdrop to these discussions which also help her to explain the widespread poverty among Canada's Aboriginal people and "the high degree of social breakdown in our families and communities." She notes that in traditional Aboriginal society women were highly regarded, and that it was Aboriginal women who often offered the most resistance to European colonialism. Because of this, "Between 1876 and 1951 the federal government imposed a series of regulations intended to, among other things, impose the patriarchy and coerce Aboriginal women to conform to the regiments and edicts demanded by local missionaries and Indian agents." Stevenson outlines the programs and methods used by the government to impose its will and to ensure the subordination of Aboriginal women. These include the government's use of the Indian Act to decide who is and who is not an Indian and the assault on Indian culture that ensued. Stevenson ends by describing the manner in which today's Aboriginal women are once again taking charge of their lives in order to combat their disadvantages and improve the future for themselves and their children.

Stevenson, Winona (1999). "Colonialism and First Nations Women in Canada". *Scratching the Surface: Canadian, Anti-Racist, Feminist Thought*, edited by Ann Decter, pp. 49-82. Toronto: Women's Press.

The intent of this article "is to provide a brief overview of the historic colonization of First Nations women from contact to the end of the early reserve era. More specifically, it [describes] the goals and rationalizations of colonial agencies; demonstrates how colonial agencies manipulated public perceptions of First Nations women to rationalize their subjugation; and describes the process by which the Victorian patriarchy was imposed on First Nations women and societies through federal legislation." It is "intended as an outline history: as such, it draws heavily from existing studies on various aspects of Aboriginal women's history."

Stone, Helen (1994). *Aboriginal Women and Self-Government: A Literature Review*. Ottawa: Strategic Research and Analysis Directorate, INAC.

This paper, marked Draft, outlines the policy issues relating to Aboriginal women and self-government from a reading of selected sources, and provides critical analysis of the often competing opinions therein. The paper includes, among other topics, sections on Constitutional and Charter issues, individual v. collective rights (including a discussion of matrimonial real property), citizenship and self-government issues arising from Bill C-31, justice, health, economic development and governance issues. The paper highlights the debate on the applicability of the Canadian Charter to Aboriginal cultures, and explores the option of First Nations developing unique, and more culturally appropriate, "Aboriginal Charter of Rights."

Stout, Madeleine Dion and Gregory D. Kipling (1998). *Aboriginal Women in Canada: Strategic Research Directions for Policy Development*. Ottawa: Status of Women Canada.

The authors state that this "report was undertaken on behalf of Status of Women, Canada in order to review the literature on current and emerging policy issues as they affect, and are of concern to, Canadian Aboriginal women." They further state that the "purpose of this document is two-fold. It includes: the identification of those areas in greatest need for further research and documentation;" and "the development of an integrated agenda in which Aboriginal women's role as key change agents is highlighted, documented and supported."

Strickland, Rennard (1998). "The Eagle's Empire: Sovereignty, Survival, and Self-Governance in Native American Law and Constitutionalism". *Studying Native America: Problems and Prospects*, edited by Russell Thornton. Madison: University of Wisconsin Press.

The author discusses the history of Native American tribal sovereignty and the related issues of self-governance and constitutionalism. He suggests that the survival of the concept of sovereignty is crucial for the survival of Native Americans, but is rarely addressed by Native American studies at the micro level of tribal operations. He urges more study on contemporary tribal operations and politics. In the meantime, this essay discusses court decisions affecting tribal sovereignty, such as the Crow Dog and Martinez cases and others, in an effort to better understand the meaning of Indian sovereignty.

Sturm, Circe (1998). "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of Cherokee Freedmen". *American Indian Quarterly*. Vol. 22, No. 1 and 2, pp. 230-258.

The author reviews the impact of the 1866 treaty between the United States and the Cherokee Nation that saw Cherokee citizenship extended to Cherokee freedmen (recently freed ex-slaves of Cherokee masters). The rights pertaining to freedmen citizenship has been in dispute ever since. Numerous tribal rolls, including one compiled by the Dawes Commission in 1902, have been used and accepted as proof of tribal membership. However, many of the freedmen who were on the rolls had no Cherokee blood, and so were denied both the economic and social rights of citizenship. Throughout the 20th century, the Cherokee Nation pursued numerous court cases seeking to extinguish freedmen's claims to Cherokee citizenship. In some cases, however, the freedmen possessed a greater Cherokee blood quantum than many white-Cherokee mixed-bloods, whose tribal membership was not in dispute. Charges of racism ensued, with the freedmen taking their case to the Indian Claims Commission and the federal courts. However, both ruled that citizenship was part of Cherokee's tribal sovereignty, and thus was outside of the court's jurisdiction, meaning that the freedmen could not appeal to federal, state, or tribal courts to adjudicate their claims.

Sunseri, Lina (2000). "Moving Beyond the Feminism Versus Nationalism Dichotomy: An Anticolonial Feminist Perspective on Aboriginal Liberation Struggles. (National Identity and Gender Politics)". *Canadian Woman Studies*. Vol. 20, No. 2, pp. 143-149.

The author, with her mixed Aboriginal-European cultural heritage, discusses her struggles as an Aboriginal nationalist and feminist and tries to blend the two. She discusses the empowerment of Aboriginal peoples through self-government or self-determination and the impact of colonialism on the status of Aboriginal women in their community and the larger Canadian society. She argues, "the Canadian law is at the centre of our [Aboriginal women's] problems" and that "decolonization, therefore, is a necessary step for the full liberation of Aboriginal women," provided that both Aboriginal men and women share equally in the decolonization process so that the views of Aboriginal women are not marginalized.

Sutherland, Linda (1995). "Citizen Minus: Aboriginal Women and Indian Self-Government : Race, Nation, Class and Gender". MA thesis, University of Regina.

This thesis examines the discrimination Aboriginal women face as both women and Aboriginals. Sutherland states that this discrimination is a result of capitalism, imperialism, class and labour forces. The author argues that it is time for Indian women, and Indian people generally, to develop a social class-consciousness. The study attempts to develop a new theoretical framework to critique the ideology of nationalism and neo-colonial hierarchies. The author argues that Indian self-government will result in a continuum of the status quo especially with regard to discrimination against women. She uses personal experience to develop some of her arguments and discusses the fear that Indian self-government will perpetuate the same problems that Aboriginal women currently face, pointing out that self-government is not a panacea to problems confronting Indian women.

Tagupa, William E. (1977). "Native Hawaiian Reparations: An Ethnic Appeal to Law, Conscience and the Social Sciences". *Journal of Ethnic Studies*. Vol. 5, No. 1, pp. 45-50.

This paper examines the status of the Hawaiian Native Claims Settlement Act. Through the Act, Native Hawaiians were seeking one billion dollars in compensation from the American government for its supported overthrow of the islands' monarchy in 1893. This American action, Natives argued, caused major socioeconomic and cultural upheaval in the lives of indigenous Hawaiians. Significant for this bibliography is the discussion on Native identity, as both the American government and the Islanders themselves had to find some way to properly identify beneficiaries, such as through specific blood quantum tests. Such tests, however, remained a major obstacle to the passage of the bill.

Tallbear, Kimberly (2000). *Genetics, Culture and Identity in Indian Country*. Denver: International Institute for Indigenous Resource Management.

The author proposes, "attempting to use DNA analysis to determine the presence of culture and cultural identity is to entertain (whether knowingly or not) racist ideology." She reviews two cases "that illuminate the political and cultural implications for tribes that accompany what may be a growing movement to use DNA analysis to determine who is and who is not genetically 'Indian' ". Tallbear also discusses "how the use of DNA analysis to determine who does and does not have legitimate political and cultural authority undermines the very concept of what it is to be a tribal nation." In her view, "because tribal governments today are overwhelmingly concerned with tribal nation-building, such a trend in the use of genetic research should be alarming." She states, "To cling to a genetically deterministic understanding of who is an Indian is to undermine the concepts and the development of tribal nationhood and tribal political, cultural and scientific self-determination." In her analysis, Tallbear reviews the use of a blood quantum, as practiced in the United States, and other cultural indicators to determine identity.

Tallbear, Kimberly (2001). *Racialising Tribal Identity and the Implications for Political Cultural Development*. Denver: International Institute for Indigenous Resource Management.

Tallbear argues against those who view First Nations and other indigenous peoples as an Indigenous race in opposition to the White race. The idea that there is an Indian race or an ideal and authentic Indian, she says, is a white-European construct that is now reinforced by some tribal governments, activists, writers, and scholars. What activists and others are really describing are superficial personality and physical descriptions, and simplistic political and spiritual beliefs, which do not truly convey the diversity and complexity of actual tribal beliefs. Tallbear charges that such activists and others question the political and cultural rights of those individuals and groups who do not meet this racialised and inaccurate standard. Native groups are also guilty of trying to create an Indian race where one does not exist, she argues, when they try to form global indigenous race network that monolithically hold to certain beliefs. Tallbear states that efforts to create an international Indian identity risks the loss and respect for Aboriginal political authority and distinct cultural practices. She adds that such "racialisation of tribal and indigenous peoples [also] inhibits decolonisation and political self-determination."

Tarnopolsky, Walter S. (1975). "The Canadian Bill of Rights and the Supreme Court Decisions in Lavell and Burnshine: A Retreat from Drybones to Dickey". *Ottawa Law Review*. Vol. 7, No. 1, pp. 1-33.

In this article, Tarnopolsky reviews the Lavell and Burnshine cases. The Lavell case was a challenge to section 12(1)(b) of the Indian Act, while the Burnshine case challenged section 150 of the Prison and Reformatories Act. The author is critical of the Lavell decision, and discusses the meaning of equality before the law. One of the problems of the Lavell decision highlighted by the author is that broad declarations were made, some beyond the requirements of the case, and then dismissed or reinterpreted without sufficient analysis.

Tarnopolsky, Walter S. (1985). "Equality and Discrimination". *Justice Beyond Orwell*, edited by Rosalie Abella and Melvin L. Rothman, pp. 267-284. Montreal: Les Editions Yvon Blais Inc.

The author discusses discrimination and the law before the Constitution Act, 1982. In doing so, he refers to the Drybones case and to section 93 of the British North America Act, and points out how some laws have allowed discrimination. He looks at the rise of human rights concerns following the Second World War as well as the development of the Constitution Act, 1982. He reviews sections 1 and 15(1). Following this general discussion on discrimination in the law, he studies the treatment of Aboriginal people. This brings in a discussion of section 35 of the Constitution, the Royal Proclamation, the pre-1985 Indian Act and section 12(1)(b). He concludes by arguing that the actual extent of Aboriginal rights all depends on how the courts interpret the law and Constitution.

Tatz, Colin (1979). *Race Politics in Australia: Aborigines, Politics and Law*. University of New England Publishing Unit.

In his work on race and politics in Australia, author Colin Tatz discusses Aboriginal identity and Aboriginality. He critiques the "white" definition of Aborigine and investigates what being an Aborigine means from an Aboriginal perspective. This brings in some discussions on blood-quantum, self-identification as an Aborigine, and identity politics.

Thornton, Russell (1998). "The Demography of Colonialism and "Old" and "New" Native Americans". *Studying Native America: Problems and Prospects*, edited by Russell Thornton. Madison: University of Wisconsin Press.

The author provides an overview of the demographic impact of colonialism on the Native American populations and considers how various forms of colonialism, combined with disease, reduced their numbers. He also examines colonialism's impact on how Native Americans are defined today and how they may be defined in the future, and suggests possible affects on Native American identity. Important in this examination is a discussion of contemporary tribal membership requirements, particularly variations in blood quantum.

Thornton, Russell, Gary D. Sandfur, and C. Matthew Snipp (1991). "American Indian Fertility Patterns: 1910 and 1940 to 1980". *American Indian Quarterly*. Vol. 15, No. 3, pp. 359-367.

The authors explore the fertility rates and marriage patterns of American Indian women. The findings are based on the censuses of 1910, 1940, 1950, 1960, 1970 and 1980. The data illuminates the demographic recovery of Indians from 1900 to 1980, when their numbers grew from about 250,000 to 1.37 million. Data indicate variations in fertility, high intermarriage rates among Indians of mixed parentage, lower fertility rates for ethnically mixed marriages, and a projected increase in the Indian population to 16 million by 2080, although the number of those with more than one-half Indian blood will decline.

Tobias, John L. (1976). "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy". *Western Canadian Journal of Anthropology*. Vol. 6, No. 2, pp.13-30.

The author reviews the history of Canada's Indian policy and shows how it progressed from trying to protect Indian lands from Europeans to assimilation of Native peoples. In doing so, the author compares various pieces of legislation, including the 1851 legislation on the protection of Indian lands and the 1876 Indian Act.

Tooker, Elisabeth (1996). "Women in Iroquois Society". *Canadian Women: A Reader*, edited by Wendy Mitchinson et al, pp. 19-32. Toronto: Harcourt Brace and Company Canada, Ltd.

Tooker examines the role of women in traditional Iroquois society. She juxtaposes arguments that show female dominance with those that argue males were the dominant voice in Iroquois society, and in so doing presents a more balanced society where men and women worked together, if in different roles.

Trafzer, Clifford E. (1995). "Horses and Cattle, Buggies and Hacks: Purchases by Yakima Indian Women, 1909-1912". *Negotiators of Change: Historical Perspectives on Native American Women*, edited by Nancy Shoemaker, pp. 176-192. New York: Routledge.

By analyzing the Bureau of Indian Affairs purchasing records, the author demonstrates the involvement of Yakima women in band life and economic matters. He shows that women made most of the agricultural purchases; their role in food production meant that Yakima women were able to maintain their status and roles within their communities in the face of white encroachment during the period under study.

Treaty Eight Group of Indian Bands (1985). *Bill C-31 (Amendments to the Indian Act): Presentation to the House of Commons Standing Committee on Indian Affairs and Northern Development and the Senate Standing Committee on Legal and Constitutional Affairs*. Ottawa: Treaty Eight Group of Indian Bands.

This Brief presents the views of the Treaty Eight Group of Indians on Bill C-31. The authors, while saying they agree with the government's efforts to end discrimination against women and increase band control over membership, object strongly to the government's efforts to force reinstated Indians on to band lists. The mandatory inclusion of reinstated people on to band lists, they say, is inconsistent with Indian laws. A study of the effects of the bill on the bands of Lesser Slave Lake indicates they will be greater than indicated by Indian and Northern Affairs Canada (INAC). The authors desire recognition that some bands will experience a larger impact than others, and for INAC to address these concerns prior to the passing of the legislation.

Trosper, Ronald L. (1976). "Native American Boundary Maintenance: The Flathead Indian Reservation, Montana, 1860-1970". *Ethnicity*. Vol. 3, No. 3, pp. 256-274.

The author enquires as to why Indians on the Flathead Reservation accepted the government definition of "Indian" as being at least one-quarter Indian blood as a requirement for tribal membership in 1970. Previously, tribal identification stemmed from one of three sources: blood quantum, community acceptance or external subjective identification. The desire to preserve cultural and tribal resources caused Indians to require strict blood quantum as evidence for tribal membership.

Tsairi, Boaz (1990). *The Impact of Bill C-31 on the Moricetown Indian Band: Research Report Submitted to the Israel Association for Canadian Studies*. Jerusalem: Israel Association for Canadian Studies.

This research report studies the impact of Bill C-31 on the Moricetown Indian band of British Columbia. It looks at the bill's status and membership provisions, as well as the affects of the bill on social programs. Also reviewed are the impacts of Bill C-31 on Aboriginal women.

Tugby, Donald, ed. (1973). *Aboriginal Identity in Contemporary Society*. Milton, Q.: The Jacaranda Press.

This is a collection of essays dealing with contemporary Aboriginal issues concerning Aboriginal identity. The essays respond to the question: Who is an Aboriginal? See individual articles by W.C. Wentworth, "Aboriginal Identity, Government and the Law"; J. von Sturmer, "Changing Aboriginal Identity in Cape York"; and A. K. Eckermann, "Group Identity and Urban Aborigines."

Turpel, Mary Ellen (1987). "Discrimination and the 1985 Amendments to the Indian Act: Full of Snares for Women". *Rights and Freedoms*. No. 61, pp. 6-8.

In this short article the author describes the failings of Bill C-31, especially as they apply to women. She is particularly offended that Natives must prove that they are Natives, and says that the children of reinstated women should have automatic band membership.

Turpel, Mary Ellen (1989). "Aboriginal Peoples and the Canadian Charter of Rights and Freedoms: Contradictions and Challenges". *Canadian Woman Studies*. Vol. 10, No. 2/3, pp. 149-157.

This article focuses on the individual rights versus collective rights debate within the Aboriginal community. The issue has a significant bearing on Indian self-government. Turpel argues that the Euro-Canadian legal thinking, which is reflected in the Constitution and the Charter of Rights and Freedoms, is based on the notion of individual rights, and that this fundamentally contradicts the Aboriginal idea of collective rights. She argues that laws based on individual rights may weaken Aboriginal cultures and society. She also discusses the attempts made by Native women to overturn the discriminatory sections of the Indian Act, and the efforts of the Native Women's Association of Canada in producing a model for membership and citizenship codes in order to further combat the erosion of traditional laws. The article ends with an exploration of the differences between self-determination and self-government.

Turpel, Mary Ellen (1990). "Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Differences". *Canadian Human Rights Yearbook, 1989-1990*, pp. 3-45. Ottawa: University of Ottawa Press.

The author critiques the Canadian Charter of Rights and Freedoms in the context of cultural differences. That is, Turpel's objective "is simply to call into question the cultural authority of the Canadian Charter of Rights and Freedoms, and constitutional legal analysis generally." How is it, she asks, that the larger Canadian cultural group has come to be seen as possessing the ability "to create law and legal language to resolve disputes involving other cultures and the manner in which it explains (or fails to explain) and sustains its authority over different peoples." "The author suggests that sensitivity to cultural difference is an imperative which should inform all levels of constitutional legal analysis with respect to Aboriginal peoples." Turpel "suggests that the Charter and conceptions of rights...can be situated culturally, arguing that they are by no means universal or progressive, especially insofar as they affect Aboriginal peoples."

Turpel, Mary Ellen (1991). "Home/Land: Aboriginal Women and Matrimonial Property: Feminist Responses". *Canadian Journal of Family Law*. Vol. 10, No. 1, pp. 17-40.

In this article, Turpel argues that Aboriginal peoples are subject to an alien, colonial legal structure that was imposed on them from the outside and does not reflect Aboriginal traditions. The colonial character of Canadian law and its capacity to silence Aboriginal peoples are explored through an analysis of two Supreme Court decisions, *Derrickson* and *Paul*. Both cases considered the legal interests of Aboriginal women in matrimonial property on an Indian reserve. According to Turpel, these two cases exemplify the law's incapacity to situate Aboriginal disputes in a social, political or cultural context, which is a consequence of their subjugation to a colonial regime.

Turpel, Mary Ellen (1993). "Patriarchy and Paternalism: The Legacy of the Canadian State for First Nations Women". *Canadian Journal of Women and the Law*. Vol. 6, No. 1, pp. 174-192.

In this essay, the author reviews the treatment of Aboriginal women by the Canadian state. In doing so, she assesses the Report of the Royal Commission on the Status of Women in Canada from the standpoint of First Nations women. She criticizes the mandate of the report, arguing that it did not fit the needs of, or give voice to, First Nations women. The author also describes the Indian Act as a "lethal document" that imposes "'racial' categories" and divides Aboriginal communities. She says "that the Canadian state cannot be trusted to provide positive change for First Nations women, and she challenges White feminists to question the universality of their aspirations and prescriptions, and to support the political agenda pursued by First Nations peoples."

Turpel-Lafond, Mary Ellen (1992). "Enhancing Integrity in Aboriginal Government: Ethics and Accountability for Good Governance". Prepared for the Royal Commission on Aboriginal People.

The author explores the integrity and ethical behaviour of governments in general, with a particular focus on Aboriginal governments, and suggests ways to improve such behaviour. Ethical behaviour and trust in government go hand-in-hand, she contends, pointing out that codes of conduct are necessary in any self-government agreement. Topics discussed include: the legacy of the Indian Act for First Nation government; the fiduciary and trust duties of government; some membership issues; specific court cases dealing with conflicts of interest; and the Navajo Nation as an example of the way codes of conduct might work in Canada.

Two Axe Early, Mary, et al (1981). "Ethnicity and Femininity as Determinants of Life Experience". Canadian Ethnic Studies. Vol. 13, No. 1, pp. 37-41.

This short article consists of a speech given by Mary Two Axe Early, Vice President of Indian Rights for Indian Women, and commentary on Ukrainian ethnicity and feminism by the two other authors. Early argues that Indian Women in Canada are the "least members of society." The author explains why Indian women occupy this position, including the fact that they are excluded from any kind of social, political and judicial equality. The author says that Canada is being hypocritical when it claims to be a democracy and a country that offers asylum to oppressed peoples while allowing the oppression of Native women. She expresses frustration over the fact that the Canadian Bill of Rights protects Canadian women but does not protect Indian women.

United Anishnaabeg Councils (1999). Research Report: Impacts of the Authority to Determine E-Dbendaagzijig (Membership), United Anishnaabeg Councils.

This report forecasts the impact of the Council's authority to determine membership for the First Nations of the United Anishnaabeg Councils (the Alderville, Beausoleil, Curve Lake, Georgina Island, Hiawatha, Mnjikaning, Moose Deer Point, and Scugog Island First Nations). Part one of the report reviews the historical and legal aspects of Indian status and membership. Part two assesses the demographic impacts on the member First Nations as a result of Bill C-31. The report states that Bill C-31 has greatly increased the number of Status Indians for the member Nations and decreased the proportion of members resident on the reserve. Part three forecasts that the last Status Indian birth for this group of First Nations will occur in 2083, assuming current parenting patterns and trends continue. Part four describes the overall context for law-making by the United Anishnaabeg Councils with regard to membership. It also discusses four main law-making options for each First Nation. Part five outlines the social, demographic, legal, political, economic and financial impacts of the Indian Act's status rules. The report indicates that different classes of Status Indians and band members will develop, and this will determine who has access to services and funding. Part six makes recommendations for action by each First Nation and for further research.

United States Department of the Interior and Bureau of Indian Affairs (n.d.). *You Asked About Indian Ancestry*. Washington: United States Department of the Interior and Bureau of Indian Affairs.

This brief pamphlet describes the requirements for membership in a federally recognized Indian tribe. It discusses some membership complications arising when bands no longer exist. The booklet also describes some repositories of early records and censuses concerning Indian bands, tribes and groups. Eligibility for federal government funding is also discussed.

Van Kirk, Sylvia (1987). "Toward a Feminist Perspective in Native History". *Papers of the Eighteenth Algonquian Conference*, edited by William Cowan, pp. 377-389. Ottawa: Carleton University Press.

This article discusses new developments and methods for studying the history of Native women. Van Kirk indicates why this development is important and how scholars should approach the study of Native women. She states that both Native history and women's history have developed out of increased political activism, and suggests that a feminist perspective can be used to qualify the "Marxist enthusiasm for the egalitarian nature of pre-contact native societies." She argues that there was discrimination against Native women by their male counterparts before European contact, and that it worsened following European contact. Colonization, she states, caused a decline in the positions held by Aboriginal women in their traditional societies.

Van Kirk, Sylvia (1999). *Many Tender Ties: Women in Fur-trade Society, 1670-1870*. Winnipeg: Watson and Dwyer Publishing.

"This book...examines the role played by Indian, mixed-blood and white women in the development of fur-trade society in what is today Western Canada. Such an approach provides valuable insights into the nature of the society which evolved and permits the reconstruction of the complex, human dimension of the fur trade which has been little appreciated." It shows that Aboriginal women were not passive players or victims in fur trade society, but were active agents, vital to the trade's success. Van Kirk writes: "In the Canadian West...alliances with Indian women were the central social aspect of the fur traders' progress across the country."

Venne, Sharon H. (1997). "Plains Cree Custom Related to Marriage". Expert Evidence Report in the Federal Court of Canada, Trial Division. Ottawa: Federal Court of Canada (Court No. T-1874-92).

This paper represents the views of Sharon H. Venne, expert witness before the Federal Court of Canada Trial Division. "This opinion was written at the request of the counsel for the Saddle Lake Cree who are seeking to defend their rights of refusal for the unilateral transfer or registration of a woman who was descendent of members of the Saddle Lake Cree. This opinion attempts to clarify the customs of the Plains Cree concerning the relationship between men and women," in marriage and divorce. The author concludes, "when a marriage took place, a woman went to live with her husband, that children were the responsibility of the mother, and remained with her in the event of a marriage break-down. If there were no children, the women returned to her birth band, but if there were children it was common for the mother to remain in her ex-spouses band and raise the children in his community. In this case, a Saddle Lake woman married a Blood Tribe man in 1965, had children with him and subsequently divorced. Later, the woman in question married a non-Indian and lost her status. She sought reinstatement following the 1985 amendments to the Indian Act, and the Registrar placed her on the Blood Tribe Band list. She wants to be on the Saddle Lake Band list, which is her birth band. Venne argues that the woman cannot use the Indian Act to gain benefits under the Act, then also apply customary law to have her name added to her birth band. Further, Venne opines, "it can be argued that Cree customary law on marriage and divorce have not been incorporated directly or indirectly into the Indian Act of Canada." Therefore, women "cannot rely on customary law to enforce a provision of the Indian Act. A provision which has not been accepted by the Saddle Lake Cree peoples and cannot be forced on the community by the courts of Canada without the Saddle Lake Peoples' expressed consent to be bound by the Indian Act." In effect, Venne argues that the woman in question should not be placed on the Saddle Lake Band list.

Vickers, Jill (1993). "The Canadian Women's Movement and a Changing Constitutional Order". *International Journal of Canadian Studies*. Vol. 7/8, pp. 261-284.

Vickers examines women's constitutional activism in Canada at the time of the Charter debates, the Boyer Committee on Equality Rights, and during the discussions surrounding the Meech Lake and Charlottetown Accords. She reviews two major strains of the Canadian women's movement, one composed of English-Canadian women and the other comprising Quebec francophone women. She also examines several sub-groups or minor groups, including francophone women outside of Quebec, Aboriginal Women, racial minority women and others, such as lesbians and women with disabilities, in order to understand their distinct constitutional views. She explores where the various groups held common cause and discusses those areas where they differed and why.

von Garnet, Alexander (1997). Plains Cree and Blackfoot Post Marital Locality and Band Membership Issues, Expert Opinion in the Federal Court of Canada (T-1874-92).

Von Garnet comments on the scholarly merits of the expert reports of Dr. Anthony Fisher and Hugh Dempsey, and the expert reports filed by the Defendant First Nation in support of the Statement of Defence, Sharon Venne, "Plains Cree Custom Related to Marriage," and Leroy Little Bear, "Blackfoot Indian Philosophy and its Implications for Marriage Customs, Divorce, and Band/Tribal Membership." He concludes that these reports all contain serious deficiencies related to nomenclature and temporal specificity. Nevertheless, he contends "that pre-1876 postmarital residence patterns and group membership were flexible and that the 1876 Indian Act membership regulations did not reflect these flexible practices." Moreover, prior to the 1870s, he says, Cree women who married non-Aboriginal men were members of both their own groups and their husbands' groups.

von Sturmer, J. (1973). "Changing Aboriginal Identity in Cape York". Aboriginal Identity in Contemporary Society, edited by Donald Tugby. Milton, Q.: The Jacaranda Press.

Sturmer examines the notion of "Aboriginality" and its relation to government policies of development. He takes the Aborigines of Cape York as a case study, and deals with kinship, marriage, territory, totemism, language and ritual issues to better understand Aboriginal identity. "From the point of view of action by Aborigines, the most significant factors are the differences between groups. Order is maintained on a settlement by an emergent Aboriginal infrastructure which utilizes traditional modes of decision-making."

Voyageur, Cora J. (2000). "Contemporary Aboriginal Women in Canada". Visions of the Heart: Canadian Aboriginal Issues, 2nd ed, edited by David Long and Olive Dickason, pp. 81-106. Toronto: Harcourt Canada.

In this short essay, the author outlines the role Aboriginal women play within the larger Aboriginal movement. In doing so, she discusses the historical development of the Indian Act and its discriminatory provisions, the effects of the Bill of Rights and the Charter on Indian women and the Bill C-31 amendments. She provides some statistics on the number of women affected by Bill C-31, and concludes with a discussion of the on-going concerns of Aboriginal women with respect to community changes and political inequality.

Voyageur, Cora J. (2003). "The Community Owns You: Experiences of Female Chiefs in Canada". *Out of the Ivory Tower: Feminist Research for Social Change*, edited by Andrea Martinez and Meryn Stuart, pp. 228-247. Toronto: Stumach Press.

The author "examines the experiences of First Nations female chiefs as they negotiate their multiple roles as women, mothers, administrators, mediators, liaisons, community representatives and decision-makers." The author "wanted to know who these women were and how they navigated the hierarchies of gender and race, and the sometimes-unkind world of reserve politics." The author reports "on their demographic information, how they obtained leadership amid the peculiarities of reserve politics, how they maintain it and the costs and rewards of holding their positions." In her interviews with female Indian chiefs, the author inquires as to whether "they believed being a woman made a difference in their experiences and in the expectations others had of them."

Wagner, Sally Roesch, ed. (2001). *Sisters in Spirit: Haudenosaunee (Iroquois) Influence on Early American Feminists*. Summertown: Native Voices.

This book argues that "the early American suffragettes and radical feminists of the late nineteenth-century drew inspiration for their movement from Iroquois women. These women had always possessed rights beyond the wildest imagination of their European sisters: control of their own bodies, custody of the children they bore, the power to initiate divorce, choice in the type of work they did, and the enjoyment of a home life free of violence." Wagner tells a story of how women struggled for freedom and equality in the United States "and documents the Iroquois influence on this broad social movement," while claiming that the "revolutionary changes unleashed by the Iroquois/feminist relationship continue to shape our lives" today.

Waldram, James B. (1992). "Ethnostatus Distinctions in the Western Subarctic: Implications for Inter-Ethnic and Interpersonal Relations". *Readings in Aboriginal Studies, Identities and State Structures*, edited by Joe Sawchuk. Vol. 2, pp. 9-23. Brandon: Bearpaw Publishing.

This paper explores the way in which legal status plays a role in the formation, maintenance and expression of individual identity as well as the way it governs and influences social, economic and political relationships and interactions within northern communities. Waldram describes ethno-status distinctions as those which individuals or populations make concerning themselves, especially as they relate to legal status and cultural affinity. He discusses the distinctions of status, for instance the differences between non-status and Status Indians, treaty and non-treaty, and Indian and Métis. He argues that there may eventually be fewer distinctions between groups, especially as non-Status Indians have increasingly adopted the term Métis. He observes that as communities accept increased responsibility for the dissemination of resources, for instance education, housing and access to wildlife, tension can develop between Status Indians and "white-status" residents over control of those resources. The author argues that this develops additional divisions between groups which are culturally similar but legally distinct.

Wall, Denis (1982). "Indian: Sociological Identification and Political Consequence". Master of Education thesis, University of Alberta.

The author's study focuses on the way academic researchers identify "Natives" and how their definitions slant their research and conclusions. The author offers his own system for avoiding this bias: "This thesis, using the theory of Autopoietic Systems, identifies criteria which if followed should provide the investigator with a means of affixing ethnicity appropriately, whether it be of Native people or some other ethnic group. If these steps are followed, his/her assumptions about what it means to be identified as belonging to a particular ethnic group will also become meaningful and clear. That is, they will become meaningful and clear to the reader and to the author of a social science investigation which purports to study a particular group of people."

Waterfall, Pauline (Hilistis) (1993). *Traditional Roles of Heiltsuk Women in Collective Decision-Making*. Ottawa: Royal Commission on Aboriginal Peoples.

"The main purpose of this [study] is to examine the traditional and present roles and jurisdictions of Heiltsuk women in the past as well as in the present cultural context as it pertains to the decision-making process. Some comparative references [are] made to the experiences and cultural roots of their southern neighbours, the Kwakwaka'wakw. Since it is difficult to present and understand one segment of society without referring to interconnected parts of the whole, the traditional and contemporary roles of old people, children and men are also examined. Generally, this report covers the period before contact with Europeans, the period after contact at the turn of the century and the contemporary period."

Weaver, Sally M. (1973). "Proposed Changes in the Legal Status of Canadian Indian Women: The Collision of Two Social Movements". Paper Read at the Annual Meeting of the American Anthropological Association, New Orleans, 30 November 1973.

The paper focuses on the confrontation between the Indian rights movement and the women's liberation movement in Canada. Weaver discusses the historical development of Indian status, specifically as it affects Indian women. The development of an ideology of "Citizens Plus" for Indians and the simultaneous development of the Aboriginal women's movement has, she says, resulted in a clash of social movements. The article does not offer any suggestions on how this clash may be resolved but does state that the courts are not well equipped to provide redress.

Weaver, Sally M. (1974). "Judicial Preservation of Ethnic Group Boundaries: The Iroquois Case". Proceedings of the First Congress, Canadian Ethnology Society National Museum of Man Paper No. 17, pp. 48-66. Ottawa: National Museum of Man.

This article is concerned with the maintenance of boundaries between Aboriginal groups. Weaver explains that membership identity is often defined by who is not a member. The example provided is the Grand River Reserve. Weaver indicates that the criteria for Grand River Reserve membership is social not cultural in nature. She explores the historical position of the band on the marriage of Native women to whites and their subsequent loss of status. The author suggests that different standards are applied to ethnic groups than would be used or tolerated in the larger society.

Weaver, Sally M. (1978). *Indian Women, Marriage and Legal Status*. Waterloo, Ontario: University of Waterloo.

The abstract to this article states that Weaver, "examines the nature of the linkage between marriage, family and legal status as it relates to Indian women," and that she "begins with a short historical explanation of how the contentious provisions connecting membership to marriage in the Indian Act came into being in 1869 and how these regulations have been maintained with the intention of protecting the corporate resources (especially land) of the individual Indian communities. After examining some of the consequences of these provisions for the Indian women who marry non-Indians, the recent efforts by Indian women to change the laws are described and the reasons for the failure of their attempt are given. The concluding portion of the paper questions some of the assumptions underlying the present legal status system." She argues it is outmoded, and offers an "alternative method for defining legal status which accommodates both the principle of sexual equality and the principle of protecting Indian corporate property."

Weaver, Sally M. (1983). "The Status of Indian Women". *Two Nations, Many Cultures*, 2nd edition, edited by Jean Elliott, pp. 56-79. Scarborough: Prentice Hall.

This article looks at various status concerns for Indian women and discusses the connection between the Indian rights movement and the women's rights movement in the 1960s. According to Weaver, the women's rights movement disregards the reserve-based preference for patrilineal membership and the concern of Indians for their finite resources. As for the treatment of Indian women under the Indian Act, after the Lavell and Bedard court challenges in the early 1970s, which brought an increased focus on Aboriginal and Aboriginal women's rights, the issue of gender discrimination became more political and eventually became international. The author concludes by questioning whether the Indian Act can adequately respond to ongoing and changing Aboriginal needs and whether it can endure the implications of the Charter.

Weaver, Sally M. (1985). "Political Representivity and Indigenous Minorities in Canada and Australia". *Indigenous Peoples and the Nation-State: Fourth World Politics in Canada, Australia and Norway*, edited by Noel Dyck, pp. 113-150. St John's: Memorial University.

This paper addresses the fundamental problem of identifying who is represented in different Aboriginal organizations and groups. This can also be a problem for Indian and Aboriginal groups themselves. The result is slow policy development and change, or the fact that policies might protect and promote the interests of Native leaders rather than the interests of Native peoples. Moreover, the author indicates that the composition of Aboriginal groups affects how governments evaluate the level of interest governments will take in their lobbying efforts.

Weaver, Sally M. (1993). "First Nations Women and Government Policy 1970-1992: Discrimination and Conflict". *Changing Patterns: Women in Canada*, edited by Sandra Burt, Lorraine Code, and Lindsay Dorney. Toronto: McClelland and Stewart.

This paper examines what is, in the author's opinion, the single most dominant issue affecting First Nations women in Canada in the past generation - section 12(1)(b), the sexist provision in the Indian Act which affects their legal status and band membership. In 1970, the removal of the discriminatory membership provisions in the Indian Act became the goal of the Indian women's movement. This paper outlines the policy issues of membership and equality over the past two decades as First Nations women struggled to achieve equal rights. When the federal government finally responded to their demands in 1985 with Bill C-31, its new policy eliminated section 12(1)(b) and other offensive provisions but, according to the author, it created new forms of discrimination against Indian women and their children, along with new forms of inequality that affect all First Nations people. The paper concludes with a summary of the major implications of the new policy for First Nations women.

Wentworth, W.C. (1973). "Aboriginal Identity, Government and the Law". *Aboriginal Identity in Contemporary Society*, edited by Donald Tugby. Milton, Q.: The Jacaranda Press.

In this article, Wentworth asks: "Why, in the past, were Australian Aborigines reluctant to acknowledge their origin? Why is this attitude less prevalent today? Under what circumstances will it disappear?" In his review, "the author reveals the legal and social discrimination which helped to create the Aboriginal image in the past, and demonstrates how recent changes in legislation have made Aborigines more willing to acknowledge their origin." In doing so, he discusses the growing Aboriginal self-consciousness and Aboriginal identity, and looks at the definition of Aboriginal.

Wentzell, Robin (1986). *The Discriminatory Effects of Enfranchisement: Has Bill C-31 Amended These Wrongs?* Ottawa: University of Ottawa.

The author reviews the historical background of the enfranchisement provisions of the Indian Act and their impact on the Indian community. The changes made under Bill C-31 are thoroughly described, with particular reference to section 6. The author argues that discrimination remains in the act in the way children of reinstated women are treated and with regards to band membership. He anticipates court challenges.

Wherrett, Jill (1996). *Indian Status and Band Membership Issues*. Ottawa: Library of Parliament Research Branch.

This briefing paper discusses the 1985 Indian Act amendments. The author addresses residual discrimination, band control over membership and the subsequent disputes. Wherrett provides background on the provisions delineating Indian status in earlier Indian Acts. The changes to the Status Indian population as a result of Bill C-31 are discussed. Finally, recent court rulings are examined for their effects on membership.

Wherrett, Jill (1998). *Bill C-49: An Act Providing for the Ratification and the Bringing into Effect to the Framework Agreement on First Nation Land Management*, pp. 1-16. Ottawa: Library of Parliament.

The author discusses Bill C-49: An Act Providing for the Ratification and the Bringing into Effect to the Framework Agreement on First Nation Land Management. The document analyzes the various clauses of the Act, including Clause 17: Rules on Breakdown of Marriage. In her commentary, the author records the importance of the matrimonial real property issue facing the courts and the views of the B.C. Native Women's Society, in particular, on what it sees as the inadequacy of Bill C-49 in this regard.

White, Pamela M. (1985). *Native Women: A Statistical Overview*. Ottawa: Department of the Secretary of State for Canada.

This is a statistical representation of the economic and social conditions of Native women in Canada. The data is derived from the 1981 census which was the first census to seek the identification of all Natives. A variety of factors are examined in this report including age, language, employment, unemployment, education, occupation, income, family composition and households in order to create a social profile of Native women in Canada. "The objective of the report is to give an overview of the differences that exist between Native women and Native men as well as differences with the non-Native population."

Whyte, John D. (1974). "The Lavell Case and Equality in Canada". *Queen's Quarterly*. Vol. 81, pp. 28-42.

The main focus of this article is on those arguments that support the exclusion of section 12(1)(b) of the Indian Act from the scope of the Canadian Bill of Rights. The author also examines the 1969 White Paper and the Drybones and Lavell cases, and explores their meaning for Aboriginal women's equality. Both the White Paper and Lavell's fight for equality were seen by male-led Aboriginal organizations as a threat to the special position of Indians in Canada. The author argues that one can understand the discrimination of section 12(1)(b) if one understands its historic purpose. He observes that since the Indian Act "bestows special rights and privileges and duties" to Status Indians, there needs to be a way of determining status. The author feels that the Supreme Court of Canada did not settle the issue over Aboriginal women's rights.

Wildsmith, Bruce (1988). *Aboriginal Peoples and Section 25 of the Canadian Charter of Rights and Freedoms*. Saskatchewan: University of Saskatchewan Native Law Centre.

The author provides a detailed examination of the meaning and implications of section 25 of the Canadian Charter of Rights and Freedoms as it concerns the protection of Aboriginal, treaty and other rights and freedoms. The author also provides a brief legislative history before focusing his examination on the complexities of section 25. Specifically, he discusses what happens when an irreconcilable conflict arises between a Charter right and a section 25 right. He also reviews what the rights and freedoms are of Aboriginal people as contained in section 25. Further, Wildsmith enquires as to whether section 25 has the effect of blocking the application of the Charter on Aboriginal governments.

Wilkins, David E. (1993). "Transformations in Supreme Court Thought: The Irresistible Force (Federal Indian Law and Policy) Meets the Movable Object (American Indian Tribal Status)". *Social Science Journal*. Vol. 30, No. 2, pp. 181-207.

Wilkins presents a "content analysis of 107 federal court cases involving Indian tribal sovereignty and federal plenary power rendered between 1870 and 1921, focusing on Supreme Court Indian law jurisprudence. The cases entail two separate lines of opinion: those affirming tribal sovereignty and those negatively affecting tribal sovereignty. The negative decisions generally relied on such doctrines as plenary power, the political question doctrine, or the so-called "guardian-ward" relationship. The Supreme Court, as a partner in the ruling national alliance, generally deferred to the legislative branches during this critical historical era, except in cases involving Indian treaties and extraconstitutional rights. The authors focus on the court's role in formulating public policy toward American Indian tribes in four major issue areas: congressional power, criminal law, allotment and membership, and natural resources. They explain how and why the court's perceptions of these issues were transformed over time and how these changes affected tribal sovereignty."

Wilkins, David E. (2000). "The Federal Courts and Indigenous Identity". *Western Legal History*. Vol. 13, No. 1, pp. 83-119.

The author discusses the diverse meaning of "Indian" as applied in American jurisprudence. Wilkins argues that since Congress has never fully defined the terms "Indian" and "tribe" American federal courts have utilized a wide variety of definitions when deciding who is an "Indian" under federal law. Wilkins observes that there are three basic court definitions for defining who is an "Indian:" Those who are recognized as Indians through their membership in distinct political groups; those who are recognized as Indians through ethnological or racial characteristics; and those who are born to mixed Indian-non-Indian parents but who are considered Indians by their culture or geographic location.

Williams, Robert A. (1990). "Gendered Checks and Balances: Understanding the Legacy of White Patriarchy in an American Indian Cultural Context". *Georgia Law Review*. Vol. 4, pp. 1019-1044.

Williams examines Indian humor and the traditional roles of Iroquois men and women and juxtaposes these with the dominant "white" sense of humor and the dominant "white" understanding of American Indians. He does this to help overcome the "legacy of white patriarchy [that] stands as a principle barrier encumbering our ability to meaningfully comprehend most, if not all, of the distinctive aspects of Indian cultures." His is an effort to understand Indian culture on its own terms in order to better practice "outsider jurisprudence," in a "system [where] white patriarchy [is] embedded in the deepest structures of our society's legal thought and doctrine." "Outsider jurisprudence questions the governing assumption of white patriarchal ways of thinking" in order to see the world through the experiences of others.

Wilson, Bill (1985). "Aboriginal Rights: The Non-Status Indian Perspective". *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, edited by M. Boldt, A. Long and L. Little Bear, pp. 62-68. Toronto: University of Toronto Press.

This paper examines Aboriginal rights from a non-Status Indian perspective. In doing so, the author reviews the enfranchisement provisions contained in the pre-1985 amended Indian Act, and looks at government assimilation policies. He also looks at the origins of the patrilineal aspects of the Indian Act and describes how the development of the act left non-Status Indians out of the band council system.

Women of the Tobique Reserve (1985). "Bill C-31: A Comment on the Elimination of Sex-based Discrimination in the Indian Act". Submission for the Standing Committee on Indian Affairs and Northern Development. Ottawa: Indian and Northern Affairs Canada.

This submission reviews the proposed changes to the Indian Act. It argues that "individual rights and the right to self-government can both be accommodated if the amendments are based upon sanguinity and cultural affinity and preference." The women argue that, ideally, both status and membership should be determined by Indians themselves. Recommendations on how to amend the bill are offered.

Woodsum, Jo Ann (1995). "Gender and Sexuality in Native American Societies: A Bibliography". *The American Indian Quarterly*. Vol. 19, No. 4, pp. 527-554.

"This bibliography provides an interdisciplinary overview of historical perspectives on gender and sexuality in Native American societies," in both Canada and the United States. The bibliography is broken down into the following sections: Education/family/marriage/work; Historiography; Law (U.S. and Canadian); Politics/Environmental and Political Activism; Representation and Self-representation (Visual/literary/stereotypes); Sexuality; California; Canada and Alaska; Hawaii; Northeast; Northwest; Plains; Plateau, Great Basin and Rocky Mountains; Southeast; Southwest; and Film/Video.

Wright, Debra (1988). *Indian Self-Government*. Ottawa: Library of Parliament.

This work provides background information on the discussions surrounding potential changes to the Indian Act to reflect the idea that bands should have increased self-governance. Wright notes that Bill C-31 gave bands the power to control their memberships. She observes, however, that the meaning of self-government is a stumbling block, as the various levels of government and First Nations interpret self-government differently.

Zimmerman, Larry J., Karen P. Zimmerman, and Leonard R. Bruguier (2000). "Cyberspace Smoke Signals: New Technologies and Native American Ethnicity". *Indigenous Cultures in an Interconnected World*, edited by Claire Smith and Graeme K. Ward. St. Leonards, NSW: Allen and Unwin.

The authors examine how technology can help foster and maintain Indian Identity. They look at the benefits such technologies as CD-ROMS have for storing data on Indian heritage and culture as well as the power of the Internet for presenting Indian positions on current issues and for asserting sovereignty. Such technologies also help establish and maintain Indian ethnic boundaries. They also look at how these technologies negatively affect, or dilute Indian identity, for example by creating a world-wide-web, pan-Indian/Aboriginal identity where one does not necessarily exist in reality.

Zissu, Erik M. (2001). *Blood Matters: The Five Civilized Tribes and the Search for Unity in the Twentieth-Century*. New York: Routledge.

Zissu looks at the importance and impact of blood-quantum thinking as it affected the Five Tribes of Oklahoma. In doing so, he proceeds in chronological order. Chapter two reviews the diversity of the Five Tribes in the late nineteenth-century and how they maintained a sense of unity despite their diversity. It also looks at the external pressures that eventually fractured this unity, such as the Dawes Commission. Chapter three looks at how different members, following the collapse of the Five Tribes unity, began to define themselves as "real" Indians compared to others with lessor tribal links. "Indianness" was up for debate, and blood quantum was an important distinction in these debates. Chapter four analyzes the response of some mixed-blood people and their efforts to distance themselves from "Indians," and their political efforts in doing so. Such people emphasized their "white" blood and de-emphasized their Indian blood. Chapter five looks at the decline of the Five Tribes following Oklahoma statehood. Chapter six looks at the clash of white-Indian cultures when oil was discovered in the state and how this gave rise to a new Indian self-awareness. This is carried over into Chapter seven where blood lines were now used to unite the Five Tribes rather than divide them as in the past.

Zlotkin, Norman K. (1984). "Judicial Recognition of Aboriginal Customary Law in Canada: Selected Marriage and Adoption Cases". *Canadian Native Law Reporter*. Vol.4, pp.1-17.

In this article, Zlotkin identifies critical court cases from the nineteenth-century forward as they have affected Aboriginal customary law with regard to marriage and adoption. "He studies variances in judicial decisions, which lays a foundation for contemporary judgments respecting recognition and the upholding of customary laws, in particular with respect to family law. Although the author does not argue issues of women's rights within the family specifically, the cases he has chosen and his own analysis offer insights in this regard."