

## **Diversifying Syllabi 2017 Text Summary and Teaching Tips**

**Article/Essay Title:** “Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview”

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**Readability:** Easy/**Moderate**/Difficult

### **Thesis:**

“In both Canada and the United States, Native identity has for generations been legally defined by legislation based on colonialist assumptions about race, Nativeness, and civilization, which are deeply rooted in European modernity. Because of this, it is important for Native people to critically question common-sense notions about "authentic" Nativeness, as well as ways of thinking about nationhood and tradition that suggest that they can emerge unscathed from centuries of colonization and be immediately and easily accessible to us” (24).

### **Key Definitions:**

Indian Act – Canadian legislation that classifies which individuals count as being Indian. It is a “discourse of classification, regulation, and control that has indelibly ordered how Native people think of things “Indian” (3-4).

Blood Quantum Requirement – Determines the people eligible to be considered Indian. For example, a person must be one-quarter Indian blood.

Identity – Understood as being neither neutral nor passive or fixed. Identity is both individual and relational, and has important “ramifications for how contemporary and historical collective experience is understood” (4).

Status Indian – A legal category of recognition; the person is recognized as being Indian.

Metis – Mixed-race offspring of native and non-native descent. Not legally granted recognition as Indian.

### **Brief Summary:**

#### **Problem:**

For indigenous populations, being defined as a race equates to a dismissal and lack of recognition of highly diverse nations. The label “Indian” is an external descriptor imposed on Indigenous peoples by settler governments.

#### **Indian Act:**

In Canada, the Indian Act controlled Canadian Native identity by creating the legal category of Indian, which is the only category given recognition by the government. This categorization resulted in Natives having to prove themselves to be granted status.

“The truly significant feature of this legislation was that a European settler government, an agency with no legislative authority over Indigenous nations, at this point claimed the authority to define who was or was not a member of an Indigenous nation-designated in generic terms as “Indian.”

### **Gender Discrimination:**

The needs of the settler society dictated whose status could be granted or withheld. Male natives who married white women maintained their Indian status (along with status being granted to their spouses), while female natives who married white men had their status revoked. Loss of status resulted in loss of power for native women.

### **Racial Discrimination:**

Distinction between status Indians and non-status Indians imposes a racial category on indigenous peoples that fails to acknowledge a common history between the two. The cultural distinctiveness of the two partly emerges as a result of the ways in which the legal boundary impacts daily aspects of life. It artificially forced the communities onto different paths of development. The different considerations surrounding the problem of “mixed-blood” also has problematic gender implications given the status loss of native women who married white men.

### **American Discourse:**

In contrast to the Canadian Indian Act, the U.S. imposed legislation based on blood quantum. One problem with the American legislation was that it failed to recognize native peoples with whom they did not wage war or create treaties. Those peoples are considered extinct and not granted status or federal recognition.

### **Overall:**

“In Canada, for the most part, the imposition of Indian status as a method of controlling Indianness has to a certain extent obscured the fact that the status system, while promoting gender domination, also controls, in a rough way, blood quantum. On the other hand, in the United States, Native identity has been regulated openly through a system of blood quantum. Comparing the “choices” offered by colonial regulation of Indianness—the highly patriarchal system of the Indian Act with its covert regulation of blood quantum, versus the apparently gender-neutral system of blood quantum that is overtly race-based—we see that one system generates high levels of sexism (along with racism), while the other generates high levels of racism (along with the increased fragmentation of Native

identity which results when one's heritage is divided into 128 or even 256 "parts" to differentiate between the "parts" that are Native and the "parts" that are not). It is a moot point as to which is more destructive for Native communities. The American system has had the advantage that descent is not legally defined as patrilineal, as in Canada-which at least has enabled traditional matrilineal descent systems to be maintained in some American Indian communities" (20).

"And yet, ironically, it is precisely because of the embattled aspect of Native identity – how it is constantly being negotiated in a context of domination – that we need to dare to look in different ways at Native identity" (23).

**Possible Applications:**

Philosophy of Race; Philosophy of Gender; Agency; Personal Identity; Oppression; Intersectionality; Philosophy of Law; Interpellation; Philosophy of Language

**Complementary Texts/Resources:**

Jonathan Lear, "Radical Hope"

Louis Althusser, "Ideology and Ideological State Apparatuses"

Simone de Beauvoir *The Second Sex* (on becoming a woman)

Judith Butler, *Bodies That Matter*, "Gendering the Body: Beauvoir's Philosophical Contribution"

Charles Mills, *The Racial Contract*, "'But What Are You Really?' The Metaphysics of Race"

Ian Hacking, "Making up People"

Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*

Seline Szkupinski Quiroga, "Blood Is Thicker than Water: Policing Donor Insemination and the Reproduction of Whiteness"

Edward Said *Orientalism*

John Dupré, "What Genes Are, and Why There Are No Genes For Race"

**Podcast:** *More Perfect* "Adoptive Couple v. Baby Girl"

**Website:** Deaf Bioethics <http://deafbioethics.weebly.com/>

**Documentary:** *13th*

**Possible Class Activities:**

- Use 18<sup>th</sup> century *casta* paintings (paintings depicting a hierarchical system of race in Hispanic America) to think about the historical contingency of racial categories
- Explore the "Cherokee Princess" myth, its origin, and role in manipulating native identity (see [http://www.slate.com/articles/news\\_and\\_politics/history/2015/10/cherokee\\_blood\\_why\\_do\\_so\\_many\\_americans\\_believe\\_they\\_have\\_cherokee\\_ancestry.html](http://www.slate.com/articles/news_and_politics/history/2015/10/cherokee_blood_why_do_so_many_americans_believe_they_have_cherokee_ancestry.html))

