

**Clothing the Collective:
Gender, Identity, and the Skirt Protocol**

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Table of Contents

Introduction	2
Chapter 1: The Significance of Dress in Various Cultural, Historical, and Political Contexts.....	5
<i>Clothing and Religion</i>	5
<i>Clothing, Culture, and Place</i>	9
<i>Clothing as a Tool of Nation-Building</i>	11
<i>Dressing to Assimilate, Dressing to Decolonize</i>	14
<i>“Enclothed Cognition”: Dress and Behaviour</i>	20
Chapter 2: Dress, Identity, and Gender.....	23
<i>Birthing the Collective: Women as Biological Reproducers</i>	25
<i>Raising the Collective: Women as Cultural Reproducers</i>	28
Chapter 3: The Skirt Debate.....	32
<i>Rules, Rationales, and Enforcement</i>	32
<i>The Skirt Protocol: Perspectives and Criticism</i>	36
<i>The Meaning of Tradition</i>	36
<i>Gender Complementarity: Separate but Equal?</i>	40
<i>Gender Essentialism and Exclusivity</i>	45
<i>Spirituality and Identity Politics</i>	50
<i>Authenticity and Syncretism</i>	64
Chapter 4: Diversity and the Politics of Becoming.....	70
Conclusion	74
Acknowledgments	77
Bibliography	78

Introduction

When I was four years old, my very favourite article of clothing was a frilly party dress made of bright red velvet. One of my earliest memories is of throwing a minor temper tantrum after my mother firmly told me that I could not wear that dress to a funeral: red was not an “appropriate” colour for funerals. This was one of my first encounters with the notion of appropriate clothing. Previously, I’d understood that one wore sweaters in the winter, hats and sunglasses in the summer, and rubber boots in the rain, but I hadn’t really caught on to the fact that choices about what we wear are governed not only by material realities, practical considerations, and personal tastes, but also by various sets of rules related to abstract concepts. Although my four-year-old self quickly recovered from the disappointment of having to relegate my party dress to the closet, looking back, this trivial event became an important moment. I learned that clothing can signify something different to observers than it does to the wearer; what we put on our bodies has the power to convey messages and construct meaning, even if we don’t intend this. I became aware of the existence of unwritten codes of conduct about clothing which I was unable to fully understand but was nevertheless required to accept. Eventually, I recognized that underlying words like “appropriateness”, there are deep and troubling questions about the relationship of clothing to identity, culture, gender, religion, and class.

This paper will examine the ongoing controversy in some indigenous communities in Canada over the requirement that women¹ wear ankle-length skirts while participating in certain cultural and spiritual ceremonies, in order to make visible and explore the complex and fraught relationships between tradition, identity, colonialism, and gender. The skirt protocol is often considered a cultural tradition, and therefore women who do not wear the skirt may be perceived as disrespecting their cultures and failing to live up to the ideal of the traditional indigenous woman. Women have been

1 Throughout this paper, the word “woman” refers to all self-identified women.

shamed and denied access to ceremonies such as smudging and sweat lodges for failing to dress in the required manner.² Some have taken issue with the skirt protocol for various reasons, but there is no general consensus on the value, legitimacy, usefulness, or “rightness” of the skirt protocol, and the debate reveals a myriad of perspectives. The purpose of this paper is not to make arguments about the acceptability of the protocol, but rather to explore and critically analyze the debate and the issues it raises about tradition, identity, colonialism, and gender in indigenous communities.

The first chapter of this paper considers the relationship of dress to identity in various social, cultural, political, and historical contexts, with particular attention to the role of clothing in colonial and post-colonial contexts. The second chapter examines how this relationship is gendered, and explores why women’s bodies and women’s clothing are so often the sites of intense debates about cultural, religious, and national identity. These sections will provide theoretical grounding and context for a more in-depth discussion of the skirt debate itself.

The third chapter focuses on the controversy over the skirt protocol. It seeks to identify both spoken and unspoken bases for the skirt protocol, as well as describe and critically analyze some of the perspectives about the protocol put forth by indigenous scholars, writers, and activists. This section also aims to identify and examine places of tension which are evident in discussions about the skirt. Such places of tension include the relationship of tradition to culture, culture to identity, and identity to politics; the blurring of the lines between tradition, culture, and spirituality and how this affects indigenous identity politics; the impacts of colonialism on gender relations in indigenous communities; and the relationship between decolonization, tradition, and cultural authenticity. The fourth and final chapter will attempt to read the controversy over the skirt protocol in the context of a “politics of

2 Alex Wilson, “Two-Spirit People, Body Sovereignty, and Gender Self-Determination”, *Red Rising Magazine* (21 Sept 2015) online: <http://redrisingmagazine.ca/two-spirit-people-body-sovereignty-and-gender-self-determination/>.

becoming”, as put forth by political theorist William Connolly in “Suffering, Justice, and the Politics of Becoming”.³

Before beginning, some discussion of the term “identity” may be useful, as it is an important concept throughout the paper. William Connolly writes:

An identity is established in relation to a series of differences that have become socially recognized. These differences are essential to its being. If they did not coexist as differences, it would not exist in its distinctness and solidity. Entrenched in this indispensable relation is a second set of tendencies... to congeal established identities into fixed forms, thought and lived as if their structure expressed the true order of things...Identity requires difference in order to be, and it converts difference into otherness in order to secure its own self-certainty.⁴

While there may be other valid definitions of “identity”, Connolly’s explanation is particularly apt in the context of this paper because of the way it emphasizes the fine line between acknowledging difference and constructing otherness, as well as the tendency for individuals and groups to see their identities (and the identities of others) as fixed, or to claim that certain aspects of themselves are fundamental to who and what they are. This paper attempts to confront the tension between strengthening community through constructing shared identities and marginalizing those who fail to conform to the vision of the collective. In indigenous communities, the movement to define, access, and revitalize cultures after centuries of colonialism must constantly struggle to separate itself from the drive to essentialization.

Chapter 1

The Significance of Dress in Various Cultural, Historical, and Political Contexts

3 William Connolly, “Suffering, Justice, and the Politics of Becoming”, *Why I Am Not A Secularist*. University of Minnesota Press (USA: 2000), 47. [“The Politics of Becoming”]

4 William Connolly, “Confessing Identity/Belonging to Difference”, *Democracy, Pluralism, and Political Theory*. Routledge (USA: 2008), 130. [“Confessing Identity/Belonging to Difference”]

Our body is... the very center of our symbolic universe... riddled with cultural and political implications.

-Guillermo Gomez-Peña, "In Defense of Performance"⁵

Clothing plays a special role as a signifier and constructor of individual and collective identities. In an essay about miniskirt bans in Africa, Karen Hansen writes that "the dressed body mediates between the self and society... people both create and are created by the clothes they wear and the bodies with which they are worn".⁶ In his 1980 essay, anthropologist Terence Turner makes the argument that dress and body modification are of social significance across diverse human societies, referring to the dressed body as a "social skin":⁷ the place where the personal and the public meet and interact. If, as Gomez-Peña writes, the body is the center of the symbolic universe, then clothing mediates how that center is perceived, accessed, and performed. The ability of clothing to subvert, unsettle, or inflame is visible in a wide variety of contexts, from the sumptuary laws of Elizabethan England to contemporary high-school dress codes banning leggings and skinny jeans. This section will provide a few illustrations of the many ways in which clothing impacts the construction of identities.

Clothing and religion

Clothing often carries religious or spiritual significance. Items such as the niqab, the cross, the turban, or the yarmulke directly invoke Islam, Christianity, Sikhism, and Judaism respectively, and act as signifiers of the bearer's religion. Other articles of clothing or styles of dress are connected to religious values, without being obviously linked to any specific faith. For example, a woman may wear non-revealing clothing such as a long skirt and loose-fitting shirt because she values sexual modesty as

5 Guillermo Gomez-Peña. "In Defense of Performance", *Ethno-Techno: Writings on Performance, Activism, and Pedagogy*, Routledge (New York, 2005), 19-39, also available online: http://www.pochanostra.com/antes/jazz_pocha2/mainpages/in_defense.htm

6 Karen Tranburg Hansen, "Dressing Dangerously: Miniskirts, Gender Relations, and Sexuality in Zambia", *Fashioning Africa: Power and the Politics of Dress*, ed Jean Allman, Indiana University Press (USA, 2004) at 167. [Hansen]

7 Terence Turner, "The Social Skin" (reprint) (2012) *HAU: Journal of Ethnographic Theory* 2:2, at 486.

an aspect of her Catholic faith, but it is not possible for an observer to tell simply by looking at her to which religion she ascribes. Clothing can also be an important signifier of a-religious or secular identity: in societies in which secularism is a foundational value, clothing comes to symbolize the false dichotomy between gender equality and religious freedom, and is the site of intense debate about the appropriate relationship between religion and the state.

The niqab⁸ has lately been the focus of debates about gender equality, religious freedom, citizenship, and xenophobia in both Canada and France. Interestingly, while religious articles of clothing clearly connote a certain identity - if they were meaningless, why would anyone care who wears them? French President Nicholas Sarkozy describes the niqab as an oppressive item which *prevents* the wearer from possessing her own identity: “We cannot accept in our country women who are imprisoned behind a grid, cut off from society and deprived of any identity.”⁹ This is a curious contradiction, indicating a belief that Muslim women are not “allowed” to express their identities, when in fact wearing the niqab might simply be the means through which they choose to do so.

Both the French and the Quebecois governments promote the idea that secularism protects women from oppressive religions seeking to limit their rights. In decrying the niqab and calling for state neutrality, however, these governments have simultaneously promoted a narrow image of the ideal secular female body, one which is “free” to express femininity and sexuality. This is illustrated by the obsession with a bare face,¹⁰ where “bare” denotes “unveiled” rather than free of makeup - although a

8 The niqab is a veil which covers the face worn by some Muslim women. It is distinct from a hijab, which covers the hair, or a burkah, which covers the entire body from the top of the head to the ground. There are various kinds of head, face, and body coverings worn by Muslim women in various countries, and their names vary depending on language and place. I have chosen to use the term niqab as it appears to be the most recognizable and commonly used term in the Canadian context.

9 Jennifer Selby and Mayanthi Fernando, “Short Skirts and Niqab Bans: On Sexuality and the Secular Body”, *The Immanent Frame: Secularism, Religion, and the Public Sphere*, blog post, Social Science Research Council (4 Sept 2014) online: <http://blogs.ssrc.org/tif/2014/09/04/short-skirts-and-niqab-bans-on-sexuality-and-the-secular-body/>. [Selby and Fernando].

10 *Ibid.*

case could be made that makeup is also detrimental to gender equality. Why is makeup seen as a tool through which women choose to express themselves, whereas the niqab is seen as a tool for preventing them from doing exactly that? What is the difference between Muslim women wearing niqabs and non-Muslim women wearing makeup? Just as Muslim men are not expected to cover their faces in public, secular men are not expected to wear makeup. When Muslim women speak up and claim that they choose to wear the niqab, they are often not taken seriously. Secular women also lack choice when it comes to wearing makeup. In many social and professional situations, there are tangible consequences for choosing to be bare-faced. Even when job performance has nothing to do with physical attractiveness, women who choose to go makeup-free are punished: in the U.S. decision *Jespersen v Harrah's Operating Company Inc.*,¹¹ the Ninth Circuit Court of Appeals upheld the firing of a female bartender who had refused to comply with a dress code that required women to wear makeup to work, despite the fact that her performance reviews had been consistently excellent. In Canada, the Ontario Human Rights Commission has acknowledged the prevalence of gender-specific dress codes in employment and its corresponding impacts on women – particularly in the restaurant industry – and has encouraged employers to review their dress policies.¹² In fact, a friend of mine recently told me about her experience as a 17-year-old hostess at a popular chain restaurant, where management described the dress code to her as “classy provocative”. This meant makeup, tight pencil skirts, and heels. Male employees, on the other hand, were burdened only with the vague requirement that they dress “professionally”. Clearly, sexism manages to pervade secular societies, as well as religious ones. Yet Quebec and France have shown little interest in protecting gender equality by policing the use of

11 *Jespersen v Harrah's Operating Company Inc.*, 392 F.3d 1076 (9th Cir. 2004).

12 The Ontario Human Rights Commission has stated that gendered dress codes may reinforce stereotypical and sexist notions about how women should look, and has recognized that women are more vulnerable to sexual harassment when required to dress in a sexualized manner for work. See “Sexualized and Gender-Specific Dress Codes: Frequently Asked Questions”, Ontario Human Rights Commission (8 Mar 2016), online: http://ohrc.on.ca/sites/default/files/Dress%20Codes%20FAQs_1.pdf.

gendered articles of dress besides the niqab, such as makeup or high heels. One can therefore be skeptical of the claim that banning the niqab is solely about protecting Muslim women from gender inequality. As Selby and Fernando argue in “Short Skirts and Niqab Bans: On Sexuality and the Secular Body”, secularism is also intimately connected to ideas about national identity, citizenship, and xenophobia.

In opposition to the niqab’s perceived oppressiveness, the mini-skirt has been taken up in France as a secular symbol of gender equality and “liberation”. Short skirts allow women to express their femininity, while niqabs prevent them from doing so; wearing a skirt is an act of resistance, and wearing a veil is an act of submission.¹³ What this presumes is that every woman wants to express her femininity, and would choose to do so in the same manner. Selby and Fernando write:

...certain aesthetic practices—wearing makeup and short skirts... have become essential to that femininity... this model of femininity is naturalized, such that wearing makeup and revealing clothes corresponds to taking up one’s natural qualities and desires as a woman and an individual.¹⁴

This discourse naturalizes femininity, thereby collapsing gender into sex and allowing opponents of the niqab to “champion simultaneously hyper-normative femininity and—indeed, *as*—sexual equality.”¹⁵ An act as seemingly personal as veiling one’s face can quickly become a flashpoint for heated discussions about nationhood and citizenship, while an act as seemingly mundane as putting on a skirt can make one into a national symbol of freedom and equality.

Clothing, culture, and place

13 Claire Hancock. “The Republic is lived with an uncovered face (and a skirt): (un)dressing French citizens”, *Gender, Place & Culture: A Journal of Feminist Geography* 22:7 (2015) at 1033. [Hancock]

14 Selby and Fernando, *supra* note 9.

15 *Ibid.*

Clothing helps to express cultural identity or signify the place from which one comes. In remote Andean regions of Peru, for example, indigenous¹⁶ women wear *polleras*, long, thickly layered skirts covered in bright embroidery. Not only does the use of these skirts reveal a woman's membership in an indigenous group, but subtle differences in embroidery patterns, techniques, and the way the skirts are worn also allows those inside the community to determine from which village or region the wearer hails¹⁷ – and even, sometimes, identify the individual artisan who made the garment.¹⁸ This provides an opportunity to recognize and strengthen community and kinship ties. Andean women are well aware of the power of their *polleras* and the relationship between clothing and identity. Some wear their *polleras* while travelling, as they know that other indigenous women will treat them with greater hospitality as a result.¹⁹ Other women, who proudly boast elaborate *polleras* in their own communities, trade them for western wear when visiting the nearest big city, Arequipa. The *polleras* signify to the Arequipeños that the wearers are *indios* (indigenous; but also more broadly, peasants) and they view them with disdain as

16 In the interests of clarity, I use the term “indigenous” to describe people in the Andean highlands in the Arequipa region of Peru as it is used by Blenda Femenías in *Gender and the Boundaries of Dress in Contemporary Peru*. However, it is worth noting that the terms “indigenous”, “Indian/*indio*”, and “native” are almost always labels imposed on the people of the Andean highlands, rather than terms used to self-identify. In Peru, the term “*indio*” is imbued with negative connotations that may explain people's unwillingness to utilize it. It is also frequently conflated with “peasant”, although not all peasants are actually descended from pre-hispanic populations. “Indigenous” is a more value-neutral term, but is still often unclaimed by the people it describes: they do not call themselves indigenous, but neither do they prefer to refer to themselves as members of a specific tribe or nation, as might be the preference in Canada or the United States. Even individuals from communities where pre-colonial languages such as Quechua are spoken would generally not call themselves indigenous people. They are simply “from” a certain place. This too can be confusing, as the term “*originario*” (meaning “originally from”) does not necessarily implicate race or ethnicity: both a Spanish-speaking *mestizo* and an indigenous Quechua-speaker could call themselves “*originarios*” of the same place. As a result, while academic literature and even Peruvian schoolbooks describe the country's population as some 50% indigenous, it's difficult to find a person who identifies as such. This could be partly because class, race, and ethnicity have become highly conflated in Peru. For example, “indigenous” people may describe some of their family members who have achieved wealth as “white” simply by virtue of their socioeconomic class, knowing that their ancestry is not what North Americans would consider “white”. For a more fullsome discussion on indigeneity and self-identification, see Chapter 2 of Femenías, *infra* note 17, especially 83-94.

17 Blenda Femenías. *Gender and the Boundaries of Dress in Contemporary Peru*, University of Texas Press (Austin, 2005) at 23. [Femenías]

18 *Ibid* at 17-8.

19 *Ibid* at 123-4.

a result.²⁰ Without their distinctive skirts, indigenous women can pass unnoticed in the city and do not have to experience the “shame” of being looked down upon as a rural indigenous person.²¹

The Argentinian government has begun to recognize its indigenous population in the last twenty-five years,²² after a long history of colonialism, assimilation, and nationalist rhetoric about the nation’s so-called homogenous racial and cultural character. But as the public and political will to acknowledge and enforce indigenous rights grows, historically undefined Mapuche communities seek ways to assert their identity and benefit from more favourable government policies on issues such as land claims. Many Mapuche people support employing “traditional” women’s clothing, typically described as long wool dresses, silver jewelry, and woven belts, as a visual signifier of cultural identity and, by extension, political legitimacy.²³ As one Mapuche woman asks, “If we don’t [wear our clothing], how will we recognize each other?”²⁴ This sentiment reflects a desire for intracommunity recognition. There are few other visible markers of identity available, few are still able to speak their indigenous language, and the majority of Mapuche people are scattered throughout urban centres, so they lack access to a shared geographical community.²⁵ As a result, clothing is one of the only ways they can express their membership in the group. Mapuche people also view clothing as a tool which helps them to fit into the perceptions of indigeneity held by the state and the wider Argentinian public.

They:

...actively create the cultural markers that draw performative boundaries between Mapuche and non-Mapuche people... women's use of Mapuche clothing reflects an explicit desire to politicize Mapuche ethnic identity.²⁶

20 *Ibid* at 78-9.

21 *Ibid*.

22 Sarah Warren, “How Will We Recognize Each Other as Mapuche?” *Gender and Society* 23:6 (Dec 2009) at 777-8. [Warren]

23 *Ibid* at 779.

24 *Ibid* at 781.

25 *Ibid* at 776-7.

26 *Ibid* at 781.

Anthropologist Sarah Warren notes that while men and women member of the *Coordinación de Organizaciones Mapuches* (Coordination of Mapuche Organizations, or COM) generally dress in jeans, women put on “traditional” clothing for interviews, political gatherings, rallies, and marches. And although many Mapuche women are critical of the discourse of traditionalism and what it might mean for gender equality, they also value the visibility that comes along with performing their indigeneity in the traditionalist way. Being physically visible is important, one Mapuche woman states, “to show we continue to exist”.²⁷ Her words indicate a desire for extra-community recognition and illustrate how clothing can be an effective marker of identity as well as a tool for constructing it.

Clothing as a tool of nation-building

In addition to acting as a kind of visual border of cultural, ethnic, and religious identity, clothing also plays an important role in the development of national identity. Newly independent nation-states are particularly pre-occupied with dress; Tanzania’s 1969 miniskirt ban offers an interesting example. Miniskirts were prohibited in Dar es Salaam on the basis that they were “indecent”, “decadent”, and antithetical to Tanzania’s “national culture”.²⁸ The country’s political elites possessed strong opinions about what national culture should look like, despite the fact that the nation as such had only existed for six years. The former Tanganyika achieved independence in 1961, and did not merge with the island of Zanzibar to form Tanzania until 1963.²⁹

While some of the rhetoric around the ban suggested a concern with sexual morality, miniskirts were decried publicly not only as too revealing but also as un-Tanzanian. Leaders of the Tanzania Youth League (quite literally the fashion police) grounded the prohibition in the contention that as

²⁷ *Ibid* at 783.

²⁸ Andrew Ivaska, “ ‘Anti-Mini Militants Meet Modern Misses’: Urban Style, Gender, and the Politics of ‘National Culture’ in 1960s Dar es Salaam, Tanzania”, *Fashioning Africa: Power and the Politics of Dress*, ed Jean Allman, Indiana University Press (USA, 2005) at 104. [Ivaska]

²⁹ *Ibid* at 104-5.

miniskirts were foreign in origin, they undermined Tanzania's own culture.³⁰ Furthermore, the miniskirt was associated with urban "decadence", the stark opposite of the hardworking, humble farmer invoked by President Julius Nyerere's vision of African socialism.³¹ Tanzania's government elites sought to construct a national identity which was *modern* without being foreign or decadent, and *traditional* without being primitive or backwards. For example, Maasai people in Tanzania who dressed in traditional bark, beads, and skins were often described in the same disparaging terms as miniskirt-clad women.³² The government envisioned an efficient, modernized Tanzania where traditions could be a source of cultural pride - as long as they did not impede economic development.

Post-Revolutionary Mexico also provides an example of how clothing can be used to unify a fragile, politically divided state. The Revolution began in 1910 and a significant period of upheaval and instability ensued, lasting until the early 1930s.³³ Political power changed hands many times, and strong regionally-based armies fought hard to prevent the centralization of power. National unity in the post-Revolutionary period was a precarious achievement in the face of deep cultural and class divisions, and Mexico struggled to develop a cohesive national identity through a process of hybridization and appropriation, rather than assimilation.³⁴ Nowhere is this more evident than in the image of artist Frida Kahlo.

I recently stumbled across a think piece about Frida Kahlo, published on the 62nd anniversary of the artist's death, which decried the use of Kahlo's image to sell everything from shoes to refrigerator magnets in the United States. The writer described Frida Kahlo thus: "[E]verything she represented was

30 *Ibid* at 107.

31 *Ibid* at 108.

32 *Ibid* at 109.

33 See generally Alan Knight. *The Mexican Revolution: A Very Short Introduction*, Oxford University Press (Jan 2016).

34 See generally Stephen E. Lewis. "The Nation, Education, and the Indian Problem in Mexico, 1920-1940", *The Eagle and the Virgin: National and Cultural Revolution in Mexico, 1920-1940*, Duke University Press (USA, 2006), ed Mary Kay Vaughan and Stephen Lewis, 176-195.

and is resolutely specific, and completely immersed in and of the culture of México at that time.”³⁵ She suggested that Kahlo would have hated this commodification, and hated her image and her art being stolen or appropriated by non-Mexican people in the United States. Perhaps this is true. But what the writer neglects to mention is that Kahlo herself was, in many ways, a master of what the American author would likely deem cultural appropriation. An upper-middle class, light-skinned woman of both Mexican and German heritage who belonged to a group of elite Mexico City intellectuals,³⁶ she nonetheless resides in the popular imagination - and in her own self-portraits - wearing the *Tehuana* suit, the traditional dress of indigenous women from the isthmus of Tehuantepec in southern Mexico.³⁷ Kahlo took up these symbols of indigeneity and peasantry, using her celebrity and cultural capital to transform them into broader symbols of contemporary *mexicanidad*, or “Mexican-ness”.³⁸

These categories of identity – religious, cultural, ethnic, and national – are not separate compartments. They overlap and interact with one another in complex and dynamic ways. Religion may be a marker of national identity, just as certain spiritual beliefs can signify a cultural identity, and of course many nation-states have been founded, fought for, or annexed on the basis of ethnic identity. As a result, clothing often if not always signifies more than one thing, both to the wearer and to the public. Claire Hancock explores how the niqab ban in France is connected not just to religious identity but to ideas about what French national identity means and what a French citizen should look like. She writes:

35 Julianne Escobedo Shepherd, “Never Forget Who Frida Kahlo Really Was”, *Pictorial*, jezebel.com (13 July 2016). online: <http://pictorial.jezebel.com/never-forget-who-frida-kahlo-really-was-1783606373>.

36 Rebecca Block and Lynda Hoffman-Jeep, “Fashioning National Identity: Frida Kahlo in “Gringolandia”” (1998-9) *Woman's Art Journal* 19:2 (1998-9) at 10. [Block and Hoffman-Jeep]

37 See Frida Kahlo, *Self-Portrait as a Tehuana (Diego on my Mind)*, Mexico, 1943.

38 Block and Hoffman-Jeep, *supra* note 36 at 11.

It is important to seize the extent to which, in France, denying difference is seen as progressive, and... belonging to a community is seen as slowing progress toward full citizenship, if not threatening the entire fabric of French egalitarianism.³⁹

Given this context, Muslim women who wear the niqab regularly do not simply represent a blurring of the boundaries between the private sphere, where religious belief is acceptable, and the public sphere, where secularity is expected. By refusing to relinquish the visible markers of membership in their religious and cultural communities, they challenge the Republican idea that lack of difference means or creates equality. In a country where national identity is inextricably bound up with the French Revolution and classical liberalism, this constitutes a “threat to the French nation”⁴⁰ itself.

Dressing to assimilate, dressing to decolonize

My mom had prepared me in Native clothing. She had made me a buckskin jacket, beaded with fringes.... And my mom did beautiful work, and I was really proud of my clothes. And when I got to residential school, that first day I remember, they stripped us of our clothes.

-Martin Nicholas, student at the Pine Creek, Manitoba residential school, 1950s.⁴¹

As this paper focuses on contemporary debates in indigenous communities in Canada about the use of the skirt in certain ceremonies, it is important to acknowledge not just the significance of clothing as a marker and constructor of identity generally, but also to examine the specific ways in which clothing functions in colonial contexts. Clothing has particularly potent and contested meanings in the context of colonialism. Many of the examples discussed above occur in nations which have recently achieved independence from a colonial power, or in settler societies where indigenous peoples struggle to resist colonialism and begin the process of decolonization.

39 Hancock, *supra* note 13 at 1034.

40 *Ibid* at 1024.

41 *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015), online: http://www.myrobust.com/websites/trcinstitution/File/Reports/Executive_Summary_English_Web.pdf at 39. [*Final Report*].

I have attempted to weave my own stories of interacting with the codes, rules, and protocols governing dress into the fabric of this paper. At this point, I wish to note that my experiences and perspectives are those of a middle-class white settler Canadian, and do not necessarily speak to, conform with, or represent how indigenous people navigate and understand similar issues. Although many diverse women could share stories about gendered employment uniforms, the relationship between clothing and victim-blaming, or a myriad of other moments when ideological battles were waged over their dressed bodies, the experiences of settler women are often markedly different from those of indigenous women. The impacts of colonialism and the ensuing drive to decolonize alter both the way debates about clothing, gender, and identity are understood and the way that they must be addressed. My anecdotes, therefore, while provided in the hopes of offering readers a variety of accessible pathways into these debates, are not intended to be illustrative of the experiences of all women, and they should be contrasted with the stories of indigenous women in order to promote a better understanding of how colonialism complicates the relationships between clothing, gender, culture, and identity.

Because dress is a highly visible marker of difference, colonizers have used it as a way to Other⁴² colonized peoples. In Africa, indigenous groups' perceived "nakedness" bolstered European arguments about their primitive nature and intellectual inferiority.⁴³ Failure to cover the body adequately contributed to the perception that African men possessed unrestrained and dangerous

42 Othering is a process whereby one group of people attribute negative characteristics to another group of people, defining them as that which is opposite to themselves. The group comes to fear or despise the Other as a result of this process. Paul Rohleder, "Othering", *Encyclopedia of Critical Psychology*, pp 1306-08, online: http://link.springer.com.ezproxy.library.uvic.ca/referenceworkentry/10.1007/978-1-4614-5583-7_414.

43 Philippa Levine. "States of Undress: Nakedness and the Colonial Imagination", *Victorian Studies* 50:2 (2008) at 189-90. [Levine]

sexuality, and that African women lacked virtue.⁴⁴ Philippa Levine, in an essay about colonial understandings of nakedness, writes:

The associations between a state of nature and a potent sexuality were both long-standing and deep. Women of color were frequently tied to a fecund sexuality illustrated quite literally by their bare-breastedness ... to be sexual, to be savage, to be primitive was more frequently than not illustrated, signified, and marked by a state of undress.⁴⁵

The belief that nakedness indicated primitivism and savagery helped to justify colonial actions such as the taking of land, slavery, and residential schooling. Colonial powers have also used clothing as a tool of assimilation. For example, indigenous children taken to some boarding schools in the United States were issued military uniforms to replace their previous clothing,⁴⁶ while missionaries in western Australia sought to cover up children's near-nakedness with government-issued garments.⁴⁷ It did not matter if this clothing was dignified or comfortable⁴⁸ – it only mattered that indigenous children appeared less different. In Canada, children's hand-made traditional clothing was often taken away from them upon their arrival at residential schools and burned or discarded.⁴⁹ The fact that articles of clothing were casually thrown away by school authorities demonstrates a devaluing of indigenous labour and a disregard for the sentimental value of such objects. Not only were indigenous children not permitted to wear traditional clothing, but they were not even allowed to possess a pair of hand-embroidered moccasins or a buckskin jacket as reminders of their families. The fact that many residential school survivors still recall the shame and sorrow of being stripped of these garments speaks to the power of clothing to embody love and care.

44 *Ibid* at 193.

45 *Ibid*.

46 Margaret Jacobs. "Indian Boarding Schools in Comparative Perspective: The Removal of Indigenous Children in the United States and Australia, 1880-1940", University of Nebraska: Department of History Faculty Publications (USA, 2006) at 218. [Jacobs]

47 *Ibid*.

48 Some clothing in Australian missionary schools was made from recycled bags of flour. One woman recalls how embarrassed the students were to have flour brands emblazoned on the seat of their dresses. Jacobs, *ibid* at 217.

49 *Final Report*, *supra* note 41 at 39.

Conversely, colonized peoples have used clothing to resist oppression. In Peru, some indigenous women wear *polleras* in order to speak out against racist attitudes that see them, by virtue of their dress and therefore their Indian-ness, as backwards and powerless. Clothing allows them to resist assimilation and “insist on their right to be” who they are.⁵⁰ The significance of clothing goes beyond the symbolic in this respect; it can also be a materially valuable part of resistance efforts. Painstaking labour, creative vision, and many hours of sewing are required to design and produce a single set of good *polleras*. The community-based production and exchange of such intricate garments provides women with opportunities to build relationships, strengthen local networks, and share skills and knowledge. Similarly, in Argentina, some Mapuche people have taken up a certain way of dressing in order to construct a collective identity and achieve political recognition. Clothing is seen as an essential resource because indigenous identities were for centuries not merely ignored in Argentina but actively denied, resulting in a lack of legal, political, or cultural definition, and because lifestyles and practices have been severely disrupted by colonialism.

Various African countries can also provide examples of the significance of dress in post-colonial contexts. Andrew Ivaska compares Operation Vijana, the Tanzanian initiative to ban the miniskirt, with Operation Dress-Up, the simultaneously-implemented initiative encouraging Maasai citizens to abandon traditional dress. Despite their disparate targets, Ivaska argues, both projects stemmed from “a single aesthetic idea of ‘modern decency’ that had its roots, in part, in the mission-school culture within which Tanzania’s political elite of the 1960s had largely come of age.”⁵¹ Although Tanzania is not a settler society in the same way as Peru, Argentina, or Canada, colonial values continue to impact Tanzanian discourses post-independence. Tanzania freed itself from its oppressors, but colonial ideals

50 Femenías, *supra* note 17 at 146.

51 Ivaska, *supra* note 28 at 110.

remained embedded in the national psyche, manifesting themselves in the way that the first independent government sought to construct a national style of dress.

Darrel Dennis is a Secwepmec actor, playwright, and comedian. His semi-autobiographical one-man play, *Tales of an Urban Indian*,⁵² provides a good example of the troubling relationship between clothing, colonialism, and identity for indigenous people in Canada. Seven-year-old protagonist Simon moves to Vancouver from the Coyote Lake reserve with his mother, Tina, and her white boyfriend, Alistair, who quickly becomes disillusioned with Tina's inability to live up to his stereotypical notions of what an indigenous woman should look like. Alistair complains that Tina's wardrobe has become "urban and cliché", and suggests that she is "trying to assimilate".⁵³ He also laments that drinking has affected her "beautiful red complexion".⁵⁴ Tina asks, "How am I supposed to look? You want me in a little buckskin miniskirt? ... You don't want a real Indian woman, you want some primitive sexual fantasy... I don't act Indian, because I *am* Indian!"⁵⁵

Alistair's disappointment with Tina's "urban" dress reveals that he has bought in to the colonial notion of cultural authenticity, where indigenous people exist in a romanticized past. Women who distance themselves from the past by wearing urban clothing are no longer truly indigenous; they have not simply adopted new practices and changed over time (as every other culture has been permitted to do) but have "assimilated", thereby ceasing to exist as indigenous. He is angry when Tina's performance of her identity doesn't match his expectations. The implication is that Tina must conform to Alistair's colonial ideas in order to be worthy of his respect – paralleling the notion that indigenous people must perform a certain kind of authenticity in order to be worthy of legal rights. Tina resents the

52 Darrel Dennis. *Two Plays: Tales of an Urban Indian and The Trickster of Third Avenue East*, Playwrights Canada Press (Toronto, 2005). [Dennis]

53 *Ibid* at 14.

54 *Ibid* at 15.

55 *Ibid*.

implication that she is “supposed” to look a certain way. She is also aware of how ridiculous Alistair’s expectations are: the image of a “little buckskin miniskirt” is both stereotypically traditional – made of animal skins – and sexualized in a very anachronistic way, given that miniskirts are a relatively modern article of clothing. This scene demonstrates how colonialism impacts the ways in which clothing serves not just as a marker of identity for people within a certain community but also as a signifier of cultural authenticity to those outside the community. Similarly, the ankle-length skirts implicated in the skirt protocol function both as internal and external identity markers.

Tina’s differentiation between *acting* and *being* is also illuminating as it relates to issues of indigenous identity. Tina implies that acting Indian is a kind of performance put on for white people like Alistair; a tactic and façade which has little to do with true identity. Her words push back against the notion that Indian-ness as it is expected to be performed is the same as Indian-ness as it is actually experienced. By stating that she doesn’t “need” to act Indian because she *is* Indian, Tina rejects the idea that particular outward signifiers are the ultimate indicators of identity; her failure to dress a certain way has no bearing on her Indian-ness. For Tina, clothing may *represent* identity, but does not *create* it. Her statement also suggests that only those who are not truly Indian feel the need to “act out” their identities. I am curious as to how those individuals who see deep value in the relationship between clothing and culture – such as enforcers of the skirt protocol – would react to this insinuation. Would Tina accuse them of placing too much importance on the outward representation of indigenous identity? Does their focus on physical appearance indicate a kind of existential insecurity about group identity? How might they respond? This paper has already discussed how cultural, national, and ethnic communities use clothing to recognize one another, signify belief and affiliation, construct a collective identity, and strengthen community bonds. It is interesting how such communities deliberately employ

clothing in these projects, while simultaneously denying that clothing contributes to creating identity itself.

These are somewhat tangential questions, as the audience understands that Tina's statements are directed at Alistair, and that they are meant to critique his stereotypical ideas about indigeneity and reject the notion that she should perform a certain version of herself to fulfill his expectations. But Tina's words are not themselves entirely unproblematic. Her adamantness that there is no overlap between "being" and "acting" suggests that she views her identity as something innate, which exists unaltered and unaffected by circumstances, behaviour, appearance, and performance. So what does Tina really mean by "I am Indian" (emphasis mine)? Does being Indian mean having a status card, or growing up on a reserve? Is it based purely on biological ancestry? Does Tina's insistence on the separation between being and acting risk an insidious descent into essentialism?

"Enclothed cognition": clothing and behaviour

Critically examining the concepts of being and acting raises another interesting issue about clothing and the performance of identity. There is compelling evidence suggesting that what we wear influences not only how others see us but also how we behave. A recent study on this phenomenon, christened "enclothed cognition", conducted an experiment in which a group of fifty-seven individuals were dressed in identical white coats. Some members of the group were told they were wearing lab coats, while the others were told they were wearing painter's smocks. Preliminary research had established that lab coats tend to be associated with medical professionals, and by extension with thoroughness and attention to detail. Both groups then participated in tasks designed to assess their sustained attention skills. Despite spending equal amounts of time on the tasks, those participants who

were told they were dressed in lab coats scored significantly higher, demonstrating better sustained attention abilities than those who believed they were dressed as painters.⁵⁶

Enclothed cognition may be a new term, but it is not a new phenomenon. Clothing has long been used as a tool for creating the kind of identity it is seen to represent. This is made evident when we examine the history of dress regulations in prisons. In the Victorian period, it was believed that by providing inmates with uniforms, the state could improve both the orderliness of the institution and the moral character of the offender. Following strict regulations would increase prisoners' self-discipline, and "external discipline would bring about internal discipline, which would surely reform the convict's depraved character."⁵⁷ Although such dress codes have not been found to further rehabilitation, the Victorians were right about one thing: clothing does influence behaviour. For example, women's prison uniforms were abolished in the United Kingdom in 1971, primarily as a cost-cutting measure. Allowing women to choose their own clothing actually reduced disciplinary incidents, and men's uniforms were subsequently abolished in the 1990s.⁵⁸ Inmates who were permitted to dress themselves felt humanized. One British inmate states, "...the thing about clothing is it makes you feel a certain way. If you're dressed scruffily you feel lazy and unmotivated."⁵⁹ As Gregg Marcantel, secretary of Corrections in New Mexico, notes, "I think you get from people what you expect of them."⁶⁰ Unfortunately, uniforms for male inmates were reintroduced in order to combat the perceived "soft touch" of British prisons in 2013.⁶¹ Evidently, the public's desire to reinforce social hierarchies through imposing visual boundaries

56 See generally Adam Galinsky and Hajo Adam. "Report: Enclothed Cognition", *Journal of Experimental Social Psychology* 48 (2012), 918-925.

57 Jessica Pishko. "What Inmates Really Wear in Prison", *Racked* (24 June 2015), online: <http://www.racked.com/2015/6/24/8834387/why-inmates-wear-prison-uniforms>. [Pishko]

58 Juliet Ash. *Dress Behind Bars: Prison Clothing as Criminality*, IB Taurus & Co Ltd (London, 2010) at Ch 5, 113-121 [Ash].

59 Ash at 113.

60 Maurice Chamme. "Prison Without Punishment", *The Marshall Project* (25 Sept 2015) online: <https://www.themarshallproject.org/2015/09/25/prison-without-punishment#.Cv0PXo0AX>.

61 Alan Travis. "Prison perks: inmates must wear uniforms as Grayling cracks down", *The Guardian* (30 Apr 2013), online: <https://www.theguardian.com/society/2013/apr/30/prison-uniforms-perks-chris-grayling>.

between “good” citizens and “bad” prisoners has been deemed more valuable than the social and fiscal benefits reaped by allowing inmates to dress themselves.

The lab coat experiment and the effects of prison uniforms hint at clothing’s ability to construct identity, but many questions remain unanswered, and the extent to clothing’s power to influence behaviour is unclear. Does dress operate the same way in all contexts? Are some people more susceptible to acting differently depending on what they are wearing than are others, and if so, why? If dressing like a prisoner makes one more likely to break the rules, does – to be somewhat flippant - dressing like a firefighter make one more courageous, or does wearing a habit make one feel more devout? Where is the line between clothing oneself and costuming oneself?

Chapter 2

Dress, Identity, and Gender

The red dress incident I describe at the beginning of this paper may have been my first encounter with the notion of appropriate clothing, but it certainly wouldn't be my last. I was in the ninth grade when I was sent home from school for wearing shorts that didn't reach the middle of my thighs. Detained in the hallway by the vice principal, I was required to place my arms against my sides and measure whether the hem of my shorts reached the tips of my fingers. When I was found to have violated the dress code, I was given a choice: go home and change or don a pair of slightly musty, ill-fitting sweatpants from the Lost and Found. Needless to say, I went home.

This was the point at which I realized that the word "appropriate", while it might be used to refer to both mens' and womens' clothing, actually meant different things when applied to different genders. "Inappropriate" for boys meant t-shirts displaying swear words or clothing that was insufficiently formal for a given occasion. It had little to do with how much skin you showed. "Inappropriate" for girls meant revealing and immodest. Girls who violated the dress code "distracted" their male peers, thereby negatively affecting the learning environment. Being sent home from school in the middle of the day, however, was not deemed a distraction for the individual to whom it occurred. Evidently, it was more important that boys not be distracted by my knobby kneecaps than it was for me to actually attend math class. Nor was it considered inappropriate to place the responsibility for maintaining a positive learning environment squarely on the spaghetti strap-clad shoulders of teenage girls.

The intimate relationship between clothing and gender can be clearly illustrated by returning to the history of prison dress regulations in the United States. Prison dress codes are to some extent gendered in most places, and violating the regulations is no small issue: inmates who fail to comply can

be held in solitary confinement, denied privileges, or required to perform extra labour, and any credit they have accumulated toward release can be revoked.⁶² The state is deeply invested in reinforcing gender binary “norms” through regulating prisoners’ bodies. While male inmates have worn some form of prison uniform for centuries, when female prisoners began to be housed separately from men, their “reformatories” took a different attitude toward clothing. Criminality among women was seen as a deviation from women’s inherently passive, non-violent nature; women who committed crimes were insufficiently feminine, and as a result, rehabilitative programming in reformatories was aimed at rectifying this problem.⁶³ The importance of femininity was espoused in dress, and women’s clothing on the inside often differed little from clothing on the outside. At the California Institution for Women, for example, inmates used to sew their own dresses from fashionable patterns, and were encouraged to choose their own fabrics and prints.⁶⁴ This is no longer the case in women’s institutions, but normative gender appearances continue to be reinforced in other ways. While men in various states are required to keep their hair short, women in some prisons are actually required to keep their hair long. In Idaho, men are explicitly prohibited from possessing “effeminate” hairstyles, while women can be punished for wearing their hair in a “masculine” fashion. Neither of these terms are defined in the regulations, demonstrating that legislators and prison administrators see masculinity and femininity as possessing meanings so obvious that they require no elaboration.⁶⁵ Furthermore, recent tough-on-crime policies have highlighted the symbolic power of clothing to create gendered meanings. In Georgia, male inmates are now required to wear hot pink jumpsuits. Prison staff freely admit that the purpose of this

62 Gabriel Arkles. “Correcting Race and Gender: Prison Regulation of Social Heirarchy Through Dress”, NYLR 87:4 (Oct 2012) at 902-3.. [Arkles]

63 *Ibid* at 892.

64 Pishko, *supra* note 57.

65 Arkles, *supra* note 62 at 898.

policy is to shame prisoners, the idea being that tough, macho criminals will hate having to wear such effeminate clothing and will ostensibly be deterred from reoffending.⁶⁶

My high school anecdote is not unique; many women have stories about their own school dress codes and other gendered rules imposed upon them by parents, teachers, and employers. Similarly, the examples explored in Chapter 1 demonstrate that more often than not, the clothing at the center of debates about religion, nationhood, culture, and identity is women's clothing, and women are disproportionately impacted by the associations between dress and identity. In Canada, indigenous women are required to dress "traditionally" to participate in indigenous ceremonies, while men are free to wear what they wish. In France, it is women's bodies which are subjected to scrutiny: the skirt-wearing young woman represents the ideal model of French citizenship while the niqab-wearing immigrant represents an oppressive belief system supposedly alien to the essence of Frenchness. Muslim men are implicated in the niqab controversy, of course, but their clothing and bodies are not directly policed the way that women's are. In post-independence Tanzania, male politicians freely donned Western safari suits, while women who wore "foreign" mini-skirts were harassed, arrested, and beaten. Why is women's clothing the frequent site of such contestations about identity?

Birthing the collective: women as biological reproducers

Women are the biological reproducers of communities, and have historically been responsible for raising and educating children in many societies in the world. By extension, women are constructed not just as reproducers of people but also as reproducers of culture, responsible for passing down traditions, language, values, and religious beliefs. A woman who disrupts or subverts those traditions is more dangerous than a man who does so, because she is the "symbolic bearer of the

66 Myriah Towner. "Pink is the New Black", *Daily Mail Online* (26 Jan 2015), online: <http://www.dailymail.co.uk/news/article-2926956/Prison-chic-Georgia-inmates-forced-dress-hot-pink-uniforms-collecting-litter-street.html>.

collectivity's identity and honour".⁶⁷ Women's bodies, then, become the place where battles over culture and identity are fought.

The concept of women as biological carriers of the collective is most easily illustrated in the context of the nation-state. Nations are frequently personified as female, and often as mothers as well; consider, for example, the symbolism of "Mother Russia" and "Mother India".⁶⁸ Womanhood is tied to reproduction, and through reproduction is tied to nationalist projects. These connections operate in a variety of ways. One is through a conception of "people-as-power":⁶⁹ nations need people for labour and war, so it is a woman's duty, not just in fulfillment of her gender role, but also as a patriotic citizen, to bear children. For example, the Soviet Union gave prizes to "heroine mothers" who bore more than ten children,⁷⁰ and politicians justified the criminalization of abortion in Poland by arguing that the nation required a large population to support a strong military and protect itself.⁷¹ A eugenicist discourse operates on the other side of this coin: some nation-states care less about the *quantity* of citizens they possess than about their perceived *quality*. Only certain women are encouraged to bear and raise children, and the state may attempt to disincentivize or prevent reproduction by poor, minority, or otherwise "undesirable" women. In Singapore, for example, President Li Kuan Yew offered \$10,000 in cash to low-income women who consented to have hysterectomies, while sterilization and long-term birth control programs in the United States have consistently targeted poor, black, single mothers.⁷² These examples demonstrate that women's bodies and reproductive capacities are perceived as essential to the very existence of the nation, and are also seen as capable of determining the quality of the nation.

67 Nira Yuval-Davis. *Gender and Nation*, SAGE Publications Ltd (UK, 1997) at 45. [Yuval-Davis]

68 *Ibid* at 30.

69 *Ibid* at 29.

70 *Ibid* at 30.

71 *Ibid*.

72 *Ibid* at 32.

While the nation-state examples illustrate the ways in which a hegemonic, dominant group reinforces and maintains its own power, identity narratives centered around women's roles as biological reproducers also occur in groups struggling to resist such dominance, and in minority groups experiencing conflict over contested land or resources. This is visible in some indigenous communities in Canada. The 2008 documentary *Club Native*⁷³ explores Mohawk identity and the impacts of both Canadian blood quantum laws and Mohawk ancestry criteria on group membership. Several Mohawk individuals interviewed in the film claim that they feel a cultural or political imperative to reproduce with other Mohawk members, expressing concerns about the disappearance of the Mohawk culture.⁷⁴ Child-bearing is seen as a path to recovery after centuries of colonial violence and disruption; one of the film's subjects states, "I wanted to be the most native that I could... and have the most native babies." Another succinctly summarizes the pressure placed on Mohawk women: "It's your job to perpetuate the nation."⁷⁵ Individuals can be removed from the Mohawk registry if they marry a non-member, demonstrating what one interviewee refers to as a community desire to "strengthen the bloodline".⁷⁶ Lisa Charleyboy, a prominent indigenous writer and actor, has also attracted attention (and vitriol) for professing her desire to only date and procreate with an indigenous man who possesses at least 25% blood quantum and a status card.⁷⁷ Yet not all members of these communities agree. In *Club Native*, some argue that the Mohawk membership laws simply reproduce *Indian Act* ideas in different form, dividing indigenous peoples based on arbitrary criteria that fail to capture what it truly "means" to be Mohawk. They note that traditionally, adoption was common in indigenous communities, and

73 *Club Native*, directed Tracey Deer, produced Rezolution Pictures and National Film Board of Canada (2008). [*Club Native*]

74 *Ibid.*

75 *Ibid.*

76 *Ibid.*

77 Lisa Charleyboy, "Looking for First Nations love: Indigenous dating life 'complex'". *CBC Aboriginal* (19 Apr 2014), online: <http://www.cbc.ca/news/aboriginal/looking-for-first-nations-love-indigenous-dating-life-complex-1.2615016>.

having a parent from outside the nation didn't preclude one from holding membership.⁷⁸ Another rejects the notion of bloodlines altogether, claiming that the Mohawk people have survived precisely because they have been able to adapt. Post-*Indian Act* membership laws perpetuate the legislation's essentialism and divisiveness, a phenomenon which director Tracey Deer refers to as "the secret ugliness of belonging".⁷⁹

Raising the collective: women as cultural reproducers

The status of the Maori girl becomes increasingly important. She is the wife and mother of the future generation; she is going to be responsible for the perpetuation of the Maori people as a race; on her influence will be molded the characters and habits of men and women who will be future citizens of our state.

-Miss Freda Lily Sharp, teacher at Rakaumanga Native School, New Zealand, 1938⁸⁰

As the above quote illustrates, girls and women are constructed as more than mere biological vessels. They also serve as cultural reproducers - passing down knowledge, skills, values, and family structures to the children they raise. In doing so, they come to stand in for the community itself, "embody[ing] the line which signifies the collectivity's boundaries".⁸¹ The concept of women as symbolic carriers of culture pervades the nation-state but has also been taken up by other types of collective entities such as ethnic and religious groups. Quechua-speaking women in the Andes, for example, use traditional clothing as a way of signalling that they are authentic members of their ethnic community, and thus possess the authority and legitimacy to speak on its behalf.⁸² In Argentina, Mapuche women represent the "health" of their communities, and they do so through their manner of

78 *Club Native*, *supra* note 73.

79 *Ibid.*

80 As cited in Michelle Erai, "A Queer Caste: Mixing Race and Sexuality in Colonial New Zealand", *Queer Indigenous Studies: Interventions in Theory, Politics, and Literature*, ed Qwo-Li Driskill, Chris Finley, Brian Joseph Gilley, and Scott Lauria Morgensen, University of Arizona Press (USA, 2011) at 75.

81 Yuval-Davis, *supra* note 67 at 46.

82 Femenías, *supra* note 17 at 220; 236.

dress. Traditional clothing is seen as better for women's health: dresses are less constrictive than jeans, and handwoven belts provide sturdy back support for women as they fulfil their gendered duties, such as carrying babies or cooking meals.⁸³ The roles of women and the perpetuation of culture are so closely bound together that it is often impossible to separate them. For example, are women often responsible for preparing food because of its centrality to cultural continuity and the narrative of cultural distinctiveness? Or is traditional or unique cuisine viewed as an important part of cultural identity because women are responsible for producing it?

The significance of the perception that women are the reproducers of collective cultural identity is evident when one considers the ways in which women are victimized, brutalized, or marginalized as a result of it. There is a Cheyenne proverb which states:

A nation is not conquered until
the hearts of its women
are on the ground
Then it is done, no matter
how brave its warriors
nor how strong their weapons.⁸⁴

This proverb makes clear that when women are the part that represents the whole, damaging women is key to destroying the unity or continuity of that whole. The use of systemic rape as a tool for dismantling communities and blurring ethnic and cultural boundaries illustrates this. Cherokee scholar Andrea Smith notes how massacres of indigenous people were often accompanied by rape, equating these acts of sexual brutality with the desire to obliterate not just individuals but entire cultures. She writes, "the goal of colonialism is not just to kill colonized peoples, but to destroy their sense of being people."⁸⁵ For example, Serb military documents uncovered after the Bosnian War explicitly endorsed

83 Warren, *supra* note 22 at 782; 784.

84 Recorded in Mary Crow Dog's *Lakota Woman*, as cited in Cynthia Kasee's "Identity, Recovery, and Religious Imperialism: Native American Women and the New Age", *Women & Therapy* 16:2-3 (1996) at 84. [Kasee].

85 Andrea Smith, "Queer Theory and Native Studies: the Heteronormativity of Settler Colonialism", *Queer Indigenous Studies: Interventions in Theory, Politics, and Literature*, ed Driskill, Chris Finley, Brian Joseph Gilley, and Scott

rape, noting that “[Muslim] morale, desire for battle, and will would be crushed more easily by raping women, especially minors”.⁸⁶ The statement reveals a chilling awareness of the social and cultural implications of inflicting harm on women’s bodies. The aim of rape in the context of armed conflict is to destroy the fabric of society; the harm inflicted on individual women is merely an ancillary effect.

Similarly, rules about clothing in prisons indicate the importance of women’s bodies as spaces in which power is enacted and social hierarchies are reinforced. The treatment of American suffragists provides an apt example: because the suffragists were already challenging social structures and gender roles through their political activity, restoring the usual hierarchy in prison became even more important. When in 1917, members of the radical wing of the women’s suffrage movement, the National Women’s Party, were arrested for protesting, they were required to don the shapeless, uncomfortable prison uniforms.⁸⁷ The women – all white, and overwhelmingly upper-middle class – criticized the state of the prisons generally, but still saw themselves as distinct from their fellow inmates. They struggled to be recognized as political prisoners and felt that being forced to wear prison dress was a tactic designed to humiliate them and identify them with common criminality. They physically resisted having their personal clothing taken away, and faced harassment about this resistance during their interrogations. This reveals that many wardens were “aware of the submission inherent to the garment.”⁸⁸ Indeed, there is evidence that the suffragists were given deliberately soiled uniforms, and some were made to wear uniforms which formerly belonged to black prisoners.⁸⁹ Given the popular discourses of race and class in place at the time, these acts suggest that prison wardens and

Lauria Morgensen, University of Arizona Press (USA: 2011) at 59.

86 This phrase is taken from what is known as the “RAM Plan”, a Serb military policy document written in late 1991. See Todd A. Salzman, “Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia”, *Human Rights Quarterly* 20:2 (1998) at 356.

87 Katherine Feo Kelly. “Performing Prison: Dress, Modernity, and the Radical Suffrage Body”, *Fashion Theory: The Journal of Dress, Body, and Culture* 15:3 (2011) at 299.

88 *Ibid* at 312.

89 *Ibid* at 308.

guards sought to reduce the status of the suffragists through clothing them in the garments of their perceived social inferiors. As one warden noted, “If you can just make what a woman does look ridiculous, you can sure kill it.”⁹⁰

By the time the suffragists were released, however, they had appropriated prison uniforms for their own purposes. At rallies around the country, members of the NWP would dress up in their old prison uniforms to present speeches. Katherine Kelly writes, “The suffragists’ use of prison dress emphasized privilege and existing discourses of race, class, and morality to shock their audiences into sympathy with their cause.”⁹¹ The juxtaposition of these high society women clothed in drab, scratchy, industrial prison garb was viscerally upsetting for audiences, who often left the rallies convinced of the justness of the suffragists’ cause and dismayed by their treatment at the hands of the state. The suffragists had succeeded in employing dress to represent, construct, and reinforce intersecting facets of identity including race, class, morality, gender, and political status. The case of the NWP demonstrates how women’s clothing in particular is powerful and affecting, and is often imbued with important cultural connotations.

90 *Ibid* at 304.

91 *Ibid* at 319.

Chapter 3

The Skirt Debate

*Did you not come onto this earth / Unclothed?
You came by choice from a place of / Creation – unbraided, unskirted.*

*Wonderful thoughts from strong, loving / Knowing grandmothers.
What are they projecting?
What are they teaching you in these / Double-edged teachings?
Does the Creator know the value / Of the spirit no matter what we wear?*

-Shirley Bear, *Women's Ceremony*, in "Culturing Politics and Politicizing Culture"⁹²

As we have seen, it is impossible to discuss the cultural, social, or political significance of dress without also considering gender and, in many cases, colonialism. The skirt debate among indigenous communities in Canada provides an apt example of a place in which these themes intersect. I wish to reiterate that the purpose of this paper is not to argue for the "rightness" or "wrongness" of the skirt protocol, nor conclusively determine how it came to be. Rather, I attempt to make visible the diversity of perspectives about the skirt, explore the rationales supporting them, and identify the systems, values, and historical forces which impact both the practice of skirt-wearing and the rich debate surrounding it.

Rules, rationales, and enforcement

In some indigenous communities in Canada, women are encouraged to dress "traditionally", which is usually interpreted as wearing an ankle-length skirt. They may be requested or required to wear such skirts when participating in certain ceremonies, such as smudging or attending a sweat lodge. In some cases, women who either do not have skirts or who decline to wear them have been turned away from ceremonies, forced to change into skirts or towels provided by the ceremonial leader

92 Shirley Bear, *Women's Ceremony* (poem), "Culturing Politics and Politicizing Culture", *Making Space for Indigenous Feminism*, ed Joyce Green, Fernwood Publishing (Nova Scotia, 2007) at 206.

or event organizers, and even publicly shamed. The requirement to wear a skirt is often called a cultural “protocol”, and I use that term to refer to it here.

The rationales given by those who advance the skirt protocol vary in content and depth. Explanations range from vague assertions of “tradition” or “respect” to more specific rationales about female power, spirituality, and cultural symbolism. Sometimes, the skirt protocol is mentioned without any context or explanation at all. Documents produced by universities are often guilty of this: when hosting or promoting an indigenous ceremony, they simply state that women are requested to wear a long skirt; see, for example, the syllabus for Social Work 555 at the University of Calgary⁹³ and the “Protocols for Traditional Gatherings and Ceremonies”⁹⁴ at the University College of the North. As a result, it can be difficult to determine upon what basis some proponents of the skirt protocol find it meaningful. I must here acknowledge that there may be other rationales for skirt-wearing beyond those discussed in this paper which I have failed to discover or recognize.

One of the rationales for requiring women to wear skirts argues that the garment, as a circle which touches the ground, symbolizes feminine power and women’s special connection to mother earth.⁹⁵ Pants impede women’s energy and power from connecting to the earth, while skirts allow this energy to flow.⁹⁶ Therefore, wearing the skirt is a way for women to connect to their spirituality, tap into their power, and honour and revitalize the spiritual beliefs of their communities. Whereas white settler culture might see the requirement to wear a long skirt in terms of sexual modesty, those indigenous proponents who support the skirt on this basis argue that it is unconnected to this Christian,

93 “Course Outline”, Social Work 555, University of Calgary (Spring 2016), online: <https://fsw.ucalgary.ca/files/fsw/sowk-555-16-s03-sowk-among-aboriginal-peoples-i-bodor-makokis-spring-2016.pdf>.

94 “Protocols for Traditional Gatherings and Ceremonies”, University College of the North, online: <https://www.ucn.ca/sites/elders/Pages/Protocols-for-Traditional-Gatherings-and-Ceremonies.aspx>.

95 Kim Anderson, *A Recognition of Being: Reconstructing Native Womanhood*. Sumach Press (Toronto, 2001) at 144. [Anderson]

96 *Ibid.*

patriarchal value and instead encodes a message of empowerment. Kim Anderson states that the skirt is “a symbol related to the woman’s ability to produce and nurture life”.⁹⁷ She describes interactions with several women for whom the skirt has been “transformational in terms of understanding their power”.⁹⁸ For some of the women interviewed, the skirt serves as a gentle reminder not only of their power but also of their femininity. It reminds them to “walk like a woman... sit like a woman... conduct yourself as a woman.”⁹⁹ It is not clear whether these women find the skirt representative of femininity and power, or if to them, femininity is power. Anderson herself subscribes to this positive reading of the skirt. She mentions a teaching session in which an elder flexed her knees so that her skirt touched the ground and described the skirt as a tipi surrounding the body. This was a moving image for Anderson, who writes:

What I do know... is that the teaching around the skirt/tipi speaks to the pure physical, creative, and spiritual energy of woman as life giver and it speaks to her responsibilities as one who must nurture life after it is produced.¹⁰⁰

Clearly, then, the wearing of the skirt is connected to ideas about womanhood, femininity, and childbearing. These ideas, in turn, relate to the way in which women are seen as biological (“life-giver”) and cultural (“one who must nurture life”) reproducers of the community. Anderson quotes Ivy Chaske, who states that women are “the life force of the nation”:¹⁰¹ it is within this role that women’s power lies, and within this role that they are worthy of great respect. The way in which the teaching conflates womanhood with motherhood will be discussed in more detail later in this paper.

It is not always clear from where the rules about the skirt protocol come, as it is not a tradition imposed evenly or directly by one person, body, or group – such as political leaders – on another, such

97 *Ibid* at 145.

98 *Ibid* at 144.

99 *Ibid*.

100 *Ibid* at 145.

101 *Ibid*.

as political subjects. Practically speaking, the elders or spiritual leaders running a given ceremony have the power to determine how that specific ceremony will function and to exclude participants based on their failure to conform with rules such as the skirt protocol. But other actors also contribute to enforcing the skirt protocol in less direct ways; for example, by disseminating information about the practice in texts for non-indigenous service providers, through community programming like youth groups, or through more generalized discourses about “traditional” dress. The Native Women’s Association of Canada (NWAC) produces a document entitled “Daughter Spirit in Action Handbook”.¹⁰² The DSIA program is a national suicide prevention program focused on promoting mental health for indigenous girls and young women through cultural education. The Handbook’s intended audience is service providers who want to run a DSIA program in their own community.¹⁰³ As a result, it includes sections on cultural and spiritual protocols such as skirt-wearing. According to NWAC, “most Aboriginal ceremonies require women to wear skirts to honour their womanhood”,¹⁰⁴ although the document unfortunately does not elaborate on what “womanhood” means, why it should be honoured, and why wearing a skirt honours it. The Handbook includes instructions for how to facilitate activities such as making tobacco ties, participating in a sharing circle, smudging, making a traditional rattle, and teaching girls about their menstruation or “moontime”. All of these activities require women to wear skirts. Similarly, the document claims that women must wear skirts when handling sacred medicines, as this demonstrates respect for the medicines.¹⁰⁵

NWAC places responsibility for ensuring these protocols are followed on the individual facilitating the DSIA program or event. Although the Handbook includes a disclaimer stating that many

102 Native Women’s Association of Canada. “Daughter Spirit in Action Handbook”, self-published (2014) online: <https://www.nwac.ca/wp-content/uploads/2015/05/2014-NWAC-DSIA-Handbook.pdf>. [Handbook]

103 It appears that the intended audience is indigenous service providers, but this is not explicitly stated.

104 Handbook, *supra* note 102 at 16.

105 *Ibid* at 18.

traditions are different and allowing for facilitators to use the instructions in the way their own teachings provide, the Handbook contains statements which appear to contradict this message of inclusiveness. For example, the first instruction for the group leader for making tobacco ties is “Ask that all women are wearing skirts”,¹⁰⁶ and step two for making a traditional rattle reads, “Be sure that all women are wearing skirts”.¹⁰⁷ The use of skirts is emphasized throughout the document, implying that this protocol is perhaps not truly open to debate, interpretation, or culturally-specific variance.

The authority to require that women dress a certain way, and to exclude those who refuse or are unable to comply, generally stems from appeals to tradition and spirituality. It is unclear who has access to these sources of authority. Who makes pronouncements on the legitimacy and value of spiritual beliefs and practices, and who is permitted to interpret and disseminate spiritual beliefs emanating from stories, histories, traditions, and laws? Similarly, it is unclear who has the power to declare which practices are “traditional” and which are not. Who is allowed to police the ways in which traditions are carried out, and how are these decisions made? Different indigenous communities will of course have different answers to these questions; for example, what is decided by a specific elder in one community may be determined by consensus in another. Whatever these processes are, however, it is important to consider how these decision-making processes may themselves be gendered. Are women and LGBTQ2 people prevented from accessing spiritual knowledge or obtaining positions of spiritual leadership? If so, why, and what impacts might this have on the development, practice, and meaning of traditions and spirituality?

The skirt protocol: perspectives and criticism

The meaning of “tradition”

¹⁰⁶ *Ibid* at 31.

¹⁰⁷ *Ibid* at 37.

A significant aspect of the debate about the skirt protocol centers around the meaning of tradition, a term which is not clearly defined either by those who argue that skirt-wearing is traditional or those who argue that it is not. It sometimes appears that writers on all sides of the debate use the word “tradition” to refer to a practice which is pure, or free from colonial influences, and which was practiced in a substantially similar way in pre-contact times. If this is what is meant, however, it is never explicitly acknowledged. Instead, “tradition” is only really defined in opposition to what is deemed untraditional. Throughout this section, I use “tradition” because it is the word used by the indigenous writers whose ideas I attempt to describe, and because despite the slipperiness of the term, there does not appear to be a better one available. The word offers only a vague description of a practice which was developed at some time in the past, and performed by a group of people who retrospectively recognize this practice as a shared one. This group of people may now be outwardly defined or self-identify differently than they have in the past. Similarly, the practice itself has been modified, and the meanings it imputes have shifted.

Attempts to determine the “authenticity” of a tradition – precisely when and how it came to be – are likely both irrelevant and futile. Traditions are not necessarily less meaningful because of their relatively recent advent. In Peru, for example, evidence suggests that wearing *polleras* is a product of Spanish influence, and what is more, the addition of the now-famous embroidery can be traced to the 1940s at the earliest.¹⁰⁸ Nevertheless, embroidery has come to be synonymous with the garments themselves: Femenías writes that when she dons a plain denim skirt to work in the fields, the Andean women ask her why her *polleras* are not “finished”.¹⁰⁹ Indigenous people in the region have become known for their skillful embroidery, and stylistic distinctions help to differentiate between regions, villages, and even individual tailors. Clearly, the embroidery tradition’s relatively recent development

¹⁰⁸ Femenías, *supra* note 17 at 163-4.

¹⁰⁹ *Ibid* at 143.

does not render it less important or powerful. Furthermore, attempting to identify authenticity can actually have negative impacts on a group struggling for political recognition or cultural resurgence. It fails to challenge ways of thinking that relegate indigenous cultures to the past, and promotes a kind of “authenticity one-upmanship” that can be divisive and hurtful. It also risks silencing criticism of unsafe or oppressive traditions.

Various indigenous writers and scholars argue that skirt-wearing is not a truly traditional practice. Instead, indigenous values have been distorted by colonialism, resulting in the skirt being taken up as traditional. This so-called “tradition” now functions as a tool of oppression, requiring the subjugation of women in the interests of the cultural revitalization movement. The drive for political unity and the desire to build a sense of cultural identity based on shared practices takes precedence over the need to more closely examine those practices, and any unequal impacts are glossed over or ignored. These critics are not content to allow this to happen, pointing out the gendered nature of the skirt protocol with insight and humour. Writer Lee Maracle quips that if elders want her to dress traditionally, she should really go topless, like her Coast Salish ancestors did in the summers. Similarly, men should revert to donning breech-cloths, which she snarkily terms “mini-skirts”.¹¹⁰ Maracle is not the only woman to advocate for a healthy skepticism about the purposes traditionalism serves. Métis academic Emma Larocque acknowledges the centrality of tradition to collective cultural identity, but cautions that “as women we must be circumspect in our recall of tradition. We must ask ourselves whether and to what extent tradition is liberating to us as women.”¹¹¹ Maracle’s brash, confrontational

110 Maracle, as cited in Drew Hayden Taylor. “The Shame of Skirt-Shaming”, *Windspeaker*, blog post (1 June 2016) online: <http://www.windspeaker.com/blogs/the-urbane-indian-drew-hayden-taylor-945801/entry/4/>. [“The Shame of Skirt-Shaming”].

111 Emma Larocque. “The Colonization of a Native Woman Scholar”, *Women of the First Nations: Power, Wisdom, and Strength*, ed Christine Miller and Patricia Chuchryk, University of Manitoba Press (Canada, 1996), at 14.

statements and Larocque’s scholarly warning differ in tone but not in content: both women understand that just as tradition is a tool which can unite, so too is it a tool which can subordinate.

Leanne Simpson, a writer and musician and member of Alderville First Nation, and Alex Wilson, a Opaswayak Cree professor at the University of Saskatchewan, go further in teasing out connections between the gendered double-standard and colonial Christian ideas about sexual purity. They argue that these ideas have infiltrated indigenous beliefs through mission work and residential schools. Indigenous communities have internalized structures of patriarchy and Christian values, and these now assert themselves in the guise of tradition, with particularly negative consequences for women. Wilson notes that the concept of gender-specific clothing itself is a European notion that her people did not possess prior to colonization:

If you talk to elders here, they can remember a time, or they tell stories of their grandparents' time, when people made their own clothes and it didn't have to do with cloth and it didn't have to do with long skirts.¹¹²

Wilson believes that the skirt protocol originated with “prudish Victorian-era Europeans” and was later enforced by missionaries and the Canadian government through policies in residential schools.¹¹³

Leanne Simpson agrees, stating:

We were forced to wear skirts in residential schools, at church and in missions in order to assimilate us from being Nishnaabeg women into the ideals of settler housewives. Under colonialism the skirt has been and still is in many cases a tool of oppression.¹¹⁴

Simpson and Wilson’s concerns shed light on how requiring colonized peoples to dress a certain way has historically been an act of racism and violence. And although some women may feel that by wearing the skirt in ceremonies they are reclaiming their indigenous identities and resisting

112 Alex Wilson, as cited in “Indigenous ceremony at University of Winnipeg sparks sexism debate”, *CBC News* (22 June 2015) online: <http://www.cbc.ca/news/canada/manitoba/indigenous-ceremony-at-university-of-winnipeg-sparks-sexism-debate-1.3123568>.

113 *Ibid.*

114 Leanne Simpson, as cited in “The Shame of Skirt-Shaming”, *supra* note 110.

assimilation by practicing their traditions, others may actually feel re-victimized by having their clothing policed. For women who attended residential schools, skirts might be associated with sexualized violence and other kinds of trauma. Being required to wear a skirt, in what is supposed to be a safe and healing space, is a symbolic reinscription of that trauma on those women's bodies.

Anishinaabe artist Rebecca Belmore provides an illustration of the possible connections between skirts and violence. In *Vigil*,¹¹⁵ a 2002 performance art piece commemorating missing and murdered indigenous women, Belmore dons a long red dress and furiously nails her skirt to a telephone pole at the corner of Hastings and Gore, in Vancouver's Downtown East Side. She proceeds to forcibly tear herself loose, her small body sometimes actually lifting off the ground with the effort of struggling to free herself. Once free, she repeats the process, looking more and more exhausted as her skirt is torn to shreds. Belmore's skirt is a marker of vulnerability. It draws attention to her. It traps her. It prevents her from running away. Far from facilitating women's access to power, as it does for some who choose to wear skirts in ceremonies, Belmore's skirt is distinctly disempowering, and even dangerous.

Gender complementarity: separate but equal?

Implicit in Maracle, Simpson, and Wilson's arguments that the skirt is a colonial corruption rather than a truly traditional practice is an assumption that indigenous societies did not historically possess gendered ideas about modesty or sexuality, were not patriarchal, and did not employ double-standards for men and women. Instead, they are often described as "complementarian" societies, where the genders (not only men and women but also two-spirit people) fulfilled different but equally valued roles in their communities and were treated with dignity and respect. There is evidence to support this claim; research suggests that there was widespread respect for and acceptance of two-spirit identities in

115 Rebecca Belmore. "Vigil", performance (Vancouver, 2002), excerpts available online: <http://www.rebeccabelmore.com/video/Vigil.html>

many indigenous societies in North America,¹¹⁶ demonstrating a nuanced understanding of gender distinct from the rigid binary view of colonial society. Some societies were matrilineal, meaning that clan or group membership was passed down through the mother's side, or matrilocal, meaning that husbands would live with their wives' families after marriage.¹¹⁷ Moreover, non-capitalist, land-based societies facilitated – indeed, necessitated – greater flexibility regarding the gendered division of labour.¹¹⁸

Lee Maracle's novel, *Ravensong*,¹¹⁹ provides an opportunity to explore the differences between indigenous and settler cultures as they pertain to gender relations. *Ravensong* follows 17-year-old Stacey, who lives with her family on a semi-urban reserve in the Greater Vancouver area in 1954. When a white classmate commits suicide as the result of taunting after engaging in sexual activity, she begins to question the gender and family relationships she has always known, and explore how they differ from those of her white peers and their families.

The clearest example of this is Madeline, a Salteaux woman who married into Stacey's community and whose husband beats her and abuses their daughter. Madeline's husband is referred to only as "the old snake" and it is explained that he is violent because he has adopted white men's ways.¹²⁰ "He's just like them", says Stacey, "them" meaning white people. "He hated his wife for the

116 Jill Alaers. "Two-Spirited People and Social Work Practice: Exploring the History of Aboriginal Gender and Sexual Diversity". *Critical Social Work* 11:1 (University of Windsor, 2010), online: <http://www1.uwindsor.ca/criticalsocialwork/two-spirited-people-and-social-work-practice-exploring-the-history-of-aboriginal-gender-and-sexual-d>. [Alaers]

117 See generally "Marginalization of Aboriginal Women", UBC Indigenous Foundations, online: <http://indigenousfoundations.arts.ubc.ca/home/community-politics/marginalization-of-aboriginal-women.html>. It is important to note that matrilineal and matrilocal societies are not necessarily also matriarchal. They are more specific, narrow terms. For example, a society could be matrilineal in the sense that names, membership, and property are inherited via the mother's side, but men might still hold all positions of political and religious power.

118 Emma Larocque, "Metis and Feminist", *Making Space for Indigenous Feminism*, ed Joyce Green, Fernwood Publishing (Nova Scotia, 2007) at 55.

119 Lee Maracle. *Ravensong*, Press Gang Publishers (Canada, 1993). [*Ravensong*]

120 *Ibid* at 149.

same reason any old white man could conjure.”¹²¹ At the end of the novel, the old snake is exiled from the community after it is discovered that he has raped his daughter.¹²² He is the only man in the community who physically abuses his wife or children, suggesting that indigenous men do not engage in acts of family violence unless influenced to do so by settler culture.

The Snowden family provides another opportunity for Stacey to study the familial relationships of her non-indigenous peers. Stacey’s closest school acquaintance is Carol Snowden, whose white picket fence existence conceals domestic strife. Carol’s mother is punished by her husband with stern looks and silence if she speaks up about a topic not within her sphere of influence. Stacey struggles to understand “why Mrs. S. had no more rank in her own house than the children”.¹²³ Even asking a question about her husband’s work is treated as inappropriate and Mrs. Snowden is chided. Stacey cannot fathom these seemingly arbitrary rules, because the rules are so different in her own family and community. Over the course of the novel, Stacey comes to understand her community’s rules more clearly, and her respect for them grows. Through watching her younger brother come of age and take on new responsibilities, Stacey learns about men’s and women’s roles. At first, she is annoyed when 13-year-old Jim decides he is too “manly” to pick berries with the women. But when she complains, her mother reminds her that she never has to chop wood, hunt, or carry the canning kettle because Jim performs those tasks. Stacey reflects:

Women in this family do one kind of work, men do a different type. It wasn’t a matter of being allowed to do this or that, it was choice born of some ancient string of normal action...¹²⁴

In *Ravensong*, gender complementarity is positioned as a more just structuring of society than its colonial counterpart, patriarchy.

¹²¹ *Ibid* at 161-2.

¹²² *Ibid* at 162.

¹²³ *Ibid* at 35.

¹²⁴ *Ibid* at 77.

One problem with the discourse of gender complementarity, however, is its potentially essentializing effect on these “separate but equal” spheres of influence. Acknowledging the equal value of each gender’s roles is all very well, but what happens to women and men who would prefer to hold a role not associated with their gender? What happens to non-binary individuals? Although Stacey suggests that fulfillment of men’s and women’s duties is a “choice born of some ancient string of normal action”, she also describes how one woman who chose not to marry and to take up men’s tasks like hunting and fishing was, albeit not excluded from the community, not fully accepted by it either. “Custom must be some sort of invisible policeman channeling everyone through a tube of unspoken discipline,”¹²⁵ reasons Stacey. At one point, Stacey even considers whether her father simply has a “more subtle” way of ordering her mother around than does Carol’s father. The thought makes her uncomfortable and she “shoves it... quickly out of her mind”,¹²⁶ preferring to view her parents as possessors of a mutual understanding on how to share work and raise children. Yet Maracle never fully resolves the complementarity question, leaving the reader with a lingering sense of uncertainty. Though *Ravensong* is in many ways a scathing indictment of white settler codes of conduct and gender relations, the novel does not provide a clear way to identify if and when complementarian gender relations can truly be called egalitarian, and when they may still constitute a covertly oppressive social structure. In advocating for the decolonization of what they consider false or corrupted traditions such as skirt-wearing, do some writers and scholars simultaneously promote the revitalization of traditions which embody gender complementarity, and if so, what effects might this have in indigenous communities?

Emma Larocque critically considers the discourse of complementarity in “Métis and Feminist”.

She writes:

¹²⁵ *Ibid.*

¹²⁶ *Ibid* at 34.

While much has been made of “balance” between genders in Aboriginal traditions, there is overwhelming evidence that, by and large, Aboriginal women’s roles have been confined to the domestic sphere... does the rhetoric of balance necessarily or automatically mean gender equality?¹²⁷

Larocque suggests that although complementarity is often conflated with equality, the notion of balance may sometimes have more to do with preserving the symbolic “harmony” of the status quo – in which women work as mothers and caregivers in the domestic sphere while men wield most of the political and economic power – than it does with creating material equality between the genders. Sarah Warren echoes some of Larocque’s concerns in her essay about Argentina. Across the Americas, there is a persistent envisioning of pre-contact indigenous societies as gender complementarian. This discourse holds sway in Argentina, and has been taken up by Mapuche communities. Warren writes:

Many indigenous groups argue that gender is a Western concept not applicable to indigenous peoples, who had complementary, balanced relationships before colonization. This interpretation... can justify women's subordination to men under the guise of complementary relationships.¹²⁸

However, Warren also notes that the discourse of complementarity has in some circumstances been successfully utilized to support women’s arguments that they belong in the public sphere and should participate in community affairs on an equal footing with men. Gender complementarity can disguise sexism in some situations, but provide a liberating framework in others:

In places where indigenous groups are discussing which "usos y costumbres" (customs) govern internal affairs, women have been able to utilize notions of gender complementarity to participate and define these traditions and what they mean for women.¹²⁹

Here, we see again the paradoxical relationship between gender complementarity and tradition. In some circumstances, each concept is used to reinforce the other and maintain the status quo: our traditions are complementarian – they are balanced and harmonized, therefore women have no need to question them. In other circumstances, women claim that complementarity means that they have the right to

127 Larocque, *supra* note 118 at 55.

128 Warren, *supra* note 22 at 773.

129 *Ibid.*

define what certain traditions mean and which ones remain relevant and valuable. These ways of understanding and using the discourse of gender complementarity appear irreconcilable, but they exist simultaneously nonetheless.

The criticisms put forth by Wilson, Simpson, Maracle, and Larocque illustrate the power inherent in the very act of calling something traditional. They also raise important questions about the meaning of tradition and the effects of traditionalism on marginalized members of a group. As Dawn Martin-Hill writes, “In the name of resisting colonial domination, ideologies develop in which a complex multilayered colonial version of traditionalism justifies the subordination of indigenous women.”¹³⁰ Whether we accept the skirt protocol as an “authentic” tradition or whether we see it as the corrupt result of colonialism, underlying questions about how and why certain cultural practices are passed down, legitimized, and disseminated remain unanswered. Why do some practices escape scrutiny on the basis that they are “traditional”? Why are some adopted practices deemed acceptable while others are rejected as un-traditional? Who gets to decide which traditions are important and which are not, and how are these decisions made?

Gender essentialism and exclusivity

Another important criticism of the skirt protocol makes visible who it excludes from cultural participation. Regardless of which rationale is accepted as the basis for the skirt protocol, certain groups of people are excluded as a result. Both the “traditional” or “religious” reasoning¹³¹ may exclude straight or queer cis women who do not feel comfortable wearing skirts, two-spirit individuals such as trans women who may want to wear the skirt but are prevented from doing so or trans men who do not

130 Dawn Martin-Hill, “She No Speaks and Other Colonial Constructs of the Indigenous Woman”, *Strong Women Stories*, ed Kim Anderson and Bonita Lawrence, Sumach Press (Toronto, 2000) at 107. [Martin-Hill]

131 These rationales are not mutually exclusive. The spiritual arguments supporting the skirt protocol also benefit from the claim that they are “traditional” beliefs, and the tradition can be explained through reference to its spiritual underpinnings. I use the terms separately because it is possible that the tradition could have a different basis than the belief in women’s feminine power.

identify as women but are perceived that way and therefore required to dress that way, and non-binary people who do not identify as either gender, or who identify as both. The essentialization of womanhood as cis and heterosexual precludes other identities from being seen as women too. Alex Wilson recalls a sweat lodge ceremony in which the elder leading the sweat demanded that certain two-spirit participants change their clothing in order to conform with what he perceived their gender to be. He even warned that those who failed to do so would be made to “prove” their gender to him before being allowed to join the ceremony, an affront which Wilson calls “a direct assault on their body sovereignty and self-determination”.¹³²

Incidents such as this are especially problematic in light of the fact that indigenous women and two-spirit people already experience severe marginalization both inside and outside their communities. Although many indigenous communities historically respected and honoured two-spirit identities, colonial powers strongly disapproved of their existence, and today many two-spirits face homophobia, violence, and erasure. Indigenous women in Canada are six times more likely to be murdered than their non-indigenous counterparts.¹³³ And the intersection of indigeneity, gender diversity, and sexual orientation compounds these dangers: according to a study of American Indian and Alaskan native women, two-spirit women are twice as likely to be sexually and physically assaulted than indigenous heterosexual women and non-indigenous lesbian women alike.¹³⁴ The indigenous LGBTQ2 population also suffers from extremely high rates of poverty. One study performed in Manitoba indicated that nearly half of indigenous trans people reported pre-tax incomes under \$10,000.¹³⁵ Women and two-

132 Wilson, *supra* note 2.

133 Zoran Miladinovic and Leah Mulligan, “Homicide in Canada, 2014”, *Statistics Canada* (25 Nov 2015) at 3.

134 Keren Lehavot, Karina Walters, and Jane Simoni, “Abuse, Mastery, and Health Among Lesbian, Bisexual, and Two-Spirit Native American and Alaskan Native Women” *Cultural Diversity and Ethnic Minority Psychology*, Vol 15:3 (July 2009) at 275.

135 Catherine Taylor. “Health and safety issues for Aboriginal transgender/Two Spirit people in Manitoba”, *Canadian Journal of Aboriginal Community-Based HIV/AIDS Research* Vol 2 (2009) at 69.

spirit people are often excluded from positions of political power both in the Canadian state and within their own communities' governance structures. For example, indigenous women are underrepresented as band chiefs and council members; in 2012, female chiefs made up only 17.5% of chiefs across Canada.¹³⁶ I have been unable to find information on whether or not there are or have been openly LGBTQ2 individuals serving in positions of power in indigenous governments.

Jill Alaers, a Cree two-spirit social worker, writes about her experiences with the skirt protocol, describing several sweat lodge ceremonies in which she was required to wear a skirt, which she found “incredibly uncomfortable”.¹³⁷ She also didn't like being made to sit in the way that women were supposed to, calling it “awkward and even painful”.¹³⁸ Alaers grew frustrated by seeing the men across the lodge wearing shorts and sitting as they pleased. Wearing a skirt also made Alaers feel like she was not being true to her two-spirit identity. She writes:

Since this time I have attended several events and ceremonies, and continued to be hypervigilant to the fact that I am either “honouring” my womanhood and the Elders by wearing a skirt and sitting like a woman, thus dishonouring myself.¹³⁹

Other two-spirit individuals share similar stories of exclusion and silencing. One woman discusses attending a women's gathering that involved a sweat. She did not wear skirts, and in fact did not even own one. She had emailed the elder running the sweat in advance to inquire about the skirt protocol and explain that she was two-spirit. At the ceremony, the elder singled her out in front of all the participants, said that she had received an email about two-spirits but “didn't know what that was” or how it fit with the traditions, and that she would just have to wear a skirt. The elder in this situation

¹³⁶ It's worth noting that this percentage is actually slightly higher than the percentage of female mayors across Canada, which the Federation of Canadian Municipalities pegged at 16% in 2014. Online: <http://www.fcm.ca/home/media/news-releases/2014/fcm-campaign-school-encourages-women%E2%80%99s-participation-in-municipal-government/fact-sheet-women%E2%80%99s-participation-in-local-government.htm>. Heather Scoffield, “How Women Became Leaders in Aboriginal Politics”, *The Globe and Mail* (22 July 2012) online: <http://www.theglobeandmail.com/news/national/how-women-became-leaders-in-aboriginal-politics/article4435084/>.

¹³⁷ Alaers, *supra* note 116.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

dismissed the very existence of the two-spirit identity and was unwilling to engage with a respectful questioning of the protocol. The two-spirit individual did not feel comfortable putting on a skirt and ended up not participating in the sweat. She lamented, “If you’re a woman you must embrace and adore wearing a skirt. I identify as a woman but not someone who’s comfortable with a skirt and sometimes I feel like I’m being policed for that.”¹⁴⁰

The skirt protocol means that indigenous women and LTBTQ2 individuals are not just marginalized in terms of political participation, physical and mental health, and safety, but also in terms of social, cultural, and spiritual participation. Ironically, the ceremonies from which they are excluded are often aimed at healing emotional and physical trauma. Sweat lodges feature prominently in addictions and recovery programming for indigenous people, and may be utilized by inmates in federal prisons as well.¹⁴¹ Women and LGBTQ2 people often already lack access to such healing ceremonies. Cynthia Kasee explores how the commodification and appropriation of indigenous spirituality have monopolized rare cultural resources such as medicine men and women and knowledgeable elders. In “Identity, Recovery, and Religious Imperialism”, she argues, “if Indian religions can be bought by any dilettante with a credit card, they lose their ability to require commitment, reform, and diminution of ego,”¹⁴² thus ceasing to function meaningfully as a healing tool. Furthermore, the commercialization of indigenous spirituality has practical impacts on indigenous women’s ability to access their ceremonies and teachings. Because women tend to be more economically marginalized,¹⁴³ they are less likely to be able to afford to participate in ceremonies and learn about their own cultural heritage once those things

140 “Laura”, interviewed by Dana Wesley. “Reimagining Two-Spirit Community: Critically Centering Narratives of Urban Two-Spirit Youth”, MA Thesis, Queen’s University (2015) at 76-7.

141 Kasee, *supra* note 84 at 84-5.

142 *Ibid* at 86.

143 The most recent Statistics Canada report on women and income, “Women in Canada: Economic Well-Being” was released in 2010. The Report found that in 2008, women earned an average annual income of \$30,100 per year, while men earned an average of \$47,000. Similarly, female single-parent families had median assets of \$60,000, while male single-parent families had median assets of more than triple that amount: \$200,000. “Women in Canada: Economic Well-Being”, Statistics Canada (2010) online: <http://www.statcan.gc.ca/daily-quotidien/101216/dq101216c-eng.htm>.

are put up for sale rather than passed down through families and communities. Indigenous women and LGBTQ2 people are trapped in an unenviable position: oppressed and traumatized by both the dominant society and their own communities, while simultaneously excluded from the very practices held out as the path to healing from those experiences.

The strong association between womanhood, femininity, and life-giving power promoted by a spiritual reading of the skirt protocol is also reductive, even for those cis, straight women whose identities constitute “acceptable” examples of their gender. It suggests that women who cannot bear or raise children, or those who choose not to, are somehow less in touch with their spiritual power and less worthy of being granted access to ceremony and healing. It also implies that all women should feel the same way about fertility, conception, childbirth, and motherhood. For example, Sylvia McAdam, one of the organizers of the Idle No More (INM) movement, encouraged women to wear ankle-length skirts during INM protests and rallies. She referred to the skirt as “honouring the empowering gift of creation.”¹⁴⁴ But possessing the ability to physically reproduce is not necessarily an empowering gift for all women. Becoming pregnant and giving birth are not always the result of women’s free and active choices; these women may not view their fertility as a source of power but rather as a piece of biology which is emotionally inseparable from trauma. Similarly, those individuals who do not feel that their gender matches the way they usually present or are perceived may not wish to honour their reproductive capacity in this way. Whenever a practice is validated on the basis that it is empowering, it is important to ask why, and for whom.

Métis scholar Emma Larocque confronts this problem in “Métis and Feminist”.¹⁴⁵ The piece is in conversation with Kim Anderson’s *A Reconstruction of Being*, and the views expressed therein

144 “Sacred Protocol is Invoked”, Idle No More archives (10 Dec 2012), online: <http://www.idlenomore.ca/articles/latest-news/saskatchewan-news/item/25-sacred-protocol-is-invokedat-idle-no-more?tmpl=component&print=1>.

145 Larocque, *supra* note 118.

regarding the spiritual and symbolic value of the skirt. Larocque takes issue with Anderson's foregrounding of motherhood as central to indigenous women's identities. She criticizes the assertion that the skirt constitutes a way of connecting with the earth and an example of feminine power that somehow cannot be accessed by women who choose not to wear skirts.¹⁴⁶ For Larocque, this is an essentializing discourse which reduces women to their ability to bear and raise children. Although Anderson is careful not to exclude women who cannot have children from laying claim to this idea of womanhood, by including aunts and other non-biological nurturing figures as "life-givers", for Larocque, this does not fully address the problem. It does not consider the women – cis, trans, non-binary, or queer – who choose not to have children and who are not interested in raising and nurturing other people's children either. Their choices are denigrated because they do not fit the mold of proper femininity and womanhood.

It is undeniable that traditions are important to people. They offer opportunities for bringing communities together and strengthening social and cultural bonds, which can be understood as particularly valuable in the context of decolonization. They can act as markers of identity, used to achieve political recognition and access legal rights. They may provide a source of pride and a space for healing. But as we have seen, they can also rely on their authority *as traditions* to promote essentializing discourses and limit the expression of different gender and sexual identities. Are there ways to negotiate this tension between the meaningfulness of traditions and the harm of essentialization in more inclusive, flexible ways?

Spirituality and identity politics

Others criticize not only the gendered nature of the skirt protocol but also its alleged spiritual underpinnings. Even if we agree that the skirt protocol is "traditional", and we do not consider it to be

¹⁴⁶ *Ibid* at 62-5.

sexist or the result of Christianity corrupting indigenous beliefs, we are left with a religious rationale that limits the ability or willingness of secular indigenous people to comply with it. Métis artist and critic David Garneau raises this point as he discusses the example of celebrated Anishinaabe artist Rebecca Belmore, who refused to enter the *Walking With Our Sisters* art installation¹⁴⁷ because women were required to wear skirts and pass through a smudging and cedar brushing ceremony at the entrance. Belmore stated that she did not enter because she did not appreciate the gendering of the space and as a secular person, did not participate in ceremony.¹⁴⁸

There is some scholarly debate about the meaning of the term “spirituality”, whether spirituality is analytically distinct from religion, or if they are two points on the same line.¹⁴⁹ When referring to practices and beliefs held by indigenous peoples in this paper, I use the terms “spiritual” and “religious” interchangeably. It is worth mentioning, however, that much of the literature about indigenous societies uses the term “spirituality”. It is not clear why this might be the case. It may represent these communities’ understandable desire to distance their belief systems from the Christian church, responsible for centuries of violence and oppression, and to express the perception that their belief systems are less hierarchical than other organized religions.¹⁵⁰ However, the term “spirituality” may also be problematic in that it serves to de-legitimize indigenous belief systems: “spirituality” is perhaps a gentler term than “religion”, but it is also taken less seriously. It connotes subjectivity and individual inner development.¹⁵¹ The word implies that indigenous beliefs and practices are informal,

147 *Walking With Our Sisters* is a community-based, travelling art installation made of hundreds of embroidered and beaded moccasin vamps, designed to commemorate missing and murdered indigenous women. More information is available here: <http://walkingwithoursisters.ca/>.

148 David Garneau. “Indigenous Criticism: On Not Walking With Our Sisters”, *Border Crossings* 34:2 (Jun-Aug 2015) at 78. [Garneau]

149 Anna Fedele and Kim Knibbe, “Introduction”, *Gender and Power in Contemporary Spirituality: Ethnographic Approaches*, ed Fedele and Knibbe, Routledge (New York, 2013). [Fedele and Knibbe]

150 Fedele and Knibbe refer to Pamela Klassen’s study, which found that people self-identifying as spiritual often draw a distinction between “age-old traditions, encrusted with hierarchy” and spirituality, which offered a “more immediate, accessible, personal relationship with God (or another deity)”, at 4.

151 Fedele and Knibbe at 4; 6.

individual manifestations of faith, rather than portraying indigenous communities as collective religious groups fully entitled to the rights and privileges granted to other organized religions. On March 17, 2016, the Ktunaxa Nation was granted leave to appeal to the Supreme Court of Canada in a dispute over the proposed development of a ski resort in their traditional territory.¹⁵² The Ktunaxa claim that the development of a year-round resort in the Jumbo Valley violates their section 2(a) right to freedom of religion.¹⁵³ Although the Ktunaxa do not observe any rituals within the contested territory, they assert that the Jumbo Valley is the home of the Grizzly Bear Spirit and if humans are permitted to be in that territory full-time, the Grizzly Bear Spirit will die and their religious practices related to the Spirit will become meaningless. The Ktunaxa asserted in judicial review that the Minister did not consider the section 2(a) right during the consultation process:

The Ktunaxa submit that based on the Minister’s Rationale, it is clear the Minister “never even put his mind to the Charter right at issue” despite the Ktunaxa having raised it several times. The Ktunaxa further argue that the Minister’s focus on “**spiritual interests**” rather than the associated “practices and beliefs” is evidence that the Minister never considered the asserted s. 2(a) right.¹⁵⁴ (emphasis mine)

The BC Court of Appeal held that the Minister’s failure to use the language of the *Charter* was irrelevant as long as he considered the principles implicated by it.¹⁵⁵ However, I would argue that “spiritual interests” is a weaker, more vague term than “practices and beliefs”, and is more easily cast aside – clearly, this view is shared by the Ktunaxa themselves. I consider this case not in order to claim that the BCCA decision was incorrect, but simply to illustrate how the words used to describe a faith might have practical effects on the treatment of its adherents. In order to acknowledge this issue, I have

152 *Ktunaxa Nation Council and Kathryn Teneese, on their own behalf and on behalf of all citizens of the Ktunaxa Nation v Minister of Forests, Lands and Natural Resource Operations, et al.*, 2016 CanLII 13739 (SCC).

153 *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11. [*Charter*]

154 *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2014 BCSC 568 at para 269.

155 *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2015 BCCA 352 at para 52.

chosen to use both “religion” and “spirituality” in this paper.

There is little scholarly discussion of secularism, atheism, or agnosticism in indigenous communities. Indeed, in Canada and the United States indigenous cultures are often treated as synonymous with a particular kind of spirituality, exemplified by the appropriation of indigenous symbols and practices by New Age culture.¹⁵⁶ Across the globe, the notion of an indigenous worldview evokes ideas about spiritual beliefs. In “Who Is Indigenous?” Cherokee scholar Jeff Corntassel explores the middle ground between outwardly imposed legal, political, or anthropological definitions of indigeneity and definitions used for self-identification.¹⁵⁷ Corntassel ultimately proposes his own definition, based on the Peoplehood model put forth by Holm, Chavis, and Pearson.¹⁵⁸ His definition considers the group’s relationship to the land, language, common spiritual bond and use of “ceremonial cycles”, and sacred history as the four relevant factors in assessing indigeneity.¹⁵⁹ In a later essay by Corntassel and Taiake Alfred, the two scholars “build on this notion of a dynamic and interconnected concept of Indigenous identity constituted in history, ceremony, language and land.”¹⁶⁰ They also find the concept of the Fourth World¹⁶¹ valuable, writing:

...the Fourth World is founded on active relationships with the spiritual and cultural heritage embedded in the words and patterns of thought and behaviour left to us by our ancestors. The legacies of their struggles to be Indigenous form the imperatives of our contemporary struggles to regenerate authentic Indigenous existences. A Fourth World theory asserting Indigenous laws on Indigenous lands highlights the sites of ongoing state–nation conflicts while reaffirming the spiritual and cultural nature of the struggle.¹⁶²

156 Kasee, *supra* note 84. See also Martin-Hill, *supra* note 130.

157 Jeff Corntassel, “Who Is Indigenous? Peoplehood and Ethnonationalist Approaches to Rearticulating Indigenous Identity” *Nationalism and Ethnic Politics* 9:1 (Aug 2003). [Corntassel].

158 As cited in Corntassel, *ibid* at 91. See also Tom Holm, J. Diane Pearson, and Ben Chavis. “Peoplehood: a Model for the Extension of Sovereignty in American Indian Studies”, *Wicazo Sa Review* 18:1 (2003) at 7.

159 *Ibid*.

160 Taiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences Against Contemporary Colonialism”, *Politics of Identity – IX*, Blackwell Publishing (Massachusetts, 2005) at 596. [Alfred and Corntassel].

161 See generally George Manuel and Michael Posluns, *The Fourth World: An Indian Reality*, Collier Macmillan Canada (New York, 1974).

162 Alfred and Corntassel, *supra* note 160 at 610.

Kim Anderson too weaves spirituality into ideas about indigenous identity, arguing that strong families, grounding in community, connection to land, language, storytelling and spirituality are “fountains of resistance” which form a basis for decolonizing action and thought.¹⁶³ Blair Stonechild, a professor at the First Nations University of Canada, goes even further, writing, “...an attack on First Nations spirituality is an attack on First Nations identity, since spirituality pervades all aspects of the First Nations lifestyle.”¹⁶⁴ These scholars do not necessarily assert that a certain spirituality is at the heart of indigenous identity; however, the fact that the mere existence of spirituality is consistently included as an element of indigenous identity suggests that it is widely considered important and that religious belief of some kind is frequently associated with what it means to be indigenous. This association between spirituality and indigeneity persists in the colonial eye, and colonialism bears great responsibility for the limitations placed on the boundaries of indigeneity. Settler society’s stereotypical perceptions play a role in the construction of indigenous identity. Because the dominant society has the power to recognize and enforce legal rights, indigenous communities and individuals are under enormous pressure to conform to settler expectations in order to access those rights. This is most clearly illustrated through legal tests which restrict the development of Aboriginal rights in Canada by invoking the idea of an authentic indigenous person, such as the “Integral to a Distinctive Culture Test” developed in *R v Van der Peet*.¹⁶⁵ By requiring that any Aboriginal right asserted be a “distinctive” aspect of the claimant’s culture, the court relies on a debunked anthropological understanding of culture as made up of discrete items and corresponding institutions. Michael Asch writes, “...culture is a system and a process rather than merely items and arrangements. It is inappropriate to attempt to ferret out

163 *Ibid* at 608.

164 A. Blair Stonechild, “Foreword”, in Katherine Pettipas. *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies*, University of Manitoba Press (Canada, 2014) at x.

165 *R v Van der Peet*, [1996] 2 SCR 507.

whether a practice, custom, or tradition is ‘distinctive’”.¹⁶⁶ Focusing on cultural difference limits the court’s ability to take into account natural processes of syncretism, cultural exchange, and adaptation, meaning that practices which are integral to Aboriginal communities today may not be recognized as legitimate rights if they were not also integral in a substantially similar form prior to the declaration of sovereignty in Canada.

Despite common settler perceptions about indigenous spirituality, indigenous communities are often deeply divided about these issues. They are reluctant to discuss questions of spirituality, atheism, and secularism, David Garneau argues, because they are afraid to “fracture [their] fragile solidarity” and “disturb settler-projected expectations”.¹⁶⁷ Garneau asserts that most people take spirituality and traditionalism as “iconic signs and essential qualities of indigeneity”,¹⁶⁸ so it can be terrifying to express lack of belief lest one be seen as expressing lack of identity as well. Yet Garneau notes that indigenous people have complicated and conflicting views about the value, legitimacy, and meaning of religious traditions and practices. He refers to Cree curator Richard W. Hill’s recent criticism of pan-indigenous ceremonies and symbols such as dreamcatchers, four sacred colour designs, and the use of tipis and sweatlodges in places not historically associated with them. In a speech at a 2014 conference, Hill asked people to reconsider symbols and concepts that reinforce the notion of indigenous identity as static and bound to “blind imitation or mechanical ritual,”¹⁶⁹ and focus on reinvigorating traditions critically. Beliefs and practices should be analyzed and upheld because they have merit as sound ways of being, Hill argues. They should not “have their shadow forms be exoticized, protected and mummified as mere displays.”¹⁷⁰

166 Michael Asch, “The Judicial Conceptualization of Culture After Delgamuukw and Van der Peet”, *Review of Constitutional Studies* 5:2 (2000) at 129.

167 Garneau, *supra* note 148 at 78.

168 *Ibid.*

169 Richard W. Hill, as cited in Garneau, *ibid.*

170 *Ibid* at 79.

Hill and Garneau’s arguments find support even amongst indigenous individuals who do identify themselves as spiritual. Anna Marie Sewell, former poet laureate of Edmonton, writes about her experience at a pipe ceremony. She was offered a skirt to enter the tipi where the ceremony was being held, but declined, and as a result remained outside with her daughter as her non-indigenous husband participated. Although she believes the skirt “can be good and meaningful” on an individual level, for her, the skirt amounts to little more than window-dressing – “a thing done for show”.¹⁷¹ Sewell explains to her daughter why she chooses not to follow the skirt protocol:

I was taught that God sees me always, sees me truly. I have a responsibility to present myself to others in ways that respect my personhood, and that respect theirs. To some people, wearing a certain garment has meaning. Those people should wear it.¹⁷²

Anishinaabe-Métis professor Patricia McGuire describes the skirt protocol as a teaching she often deliberately “forgets”, and when asked where her skirt is, she sarcastically replies, “Oh, I forgot that the spirits can only recognize me with a skirt on ... I wonder if spirits wear skirts?”¹⁷³ McGuire, despite emphasizing the importance of spirituality, claims that any spiritual practice which relies on rigid rules of behaviour is “motionless like stagnant water.”¹⁷⁴ Both Sewell and McGuire take umbrage at the suggestion that their god(s) think less of them based on what they wear. Unlike the secular Garneau, Sewell is clearly a believer, but her description of the skirt as “a thing done for show” resonates with Garneau’s critique of certain traditions as “mere displays”. Poet and artist appear to agree that some behaviours, perhaps in particular pan-indigenous ones, are put on as performance rather than maintained because they are useful.

171 Anna Marie Sewell, “Skirt: the Issue: Part Two”, *Prairie Pomes*, blog post (26 June 2015) online: <https://prairiepomes.com/2015/06/26/skirt-the-issue-part-two/>. [Sewell]

172 *Ibid.*

173 Patricia D. McGuire, “Wiisaakodewikwe Anishinaabekwe Diabaajimotaw Nipigon Zaaga’igan: Lake Nipigon Ojibway Metis Stories about Women”, *Canadian Women Studies* 26:2-3 (2008) at 219.

174 *Ibid.*

Pan-indigenous beliefs are indeed a controversial topic. A recent article on the news network Indian Country Today entitled, “New-Agers and Pan-Indians: What’s the Difference?”¹⁷⁵ struck a nerve among readership, and the ensuing debate in the comment section was fierce, complex, and thoughtful. Duane Champagne’s article reviews Dennis Kelley’s book, *Tradition, Performance, and Religion in Native America: Ancestral Ways, Modern Selves*, which suggests that Pan-Indianism is “a form of personal spiritual engagement in ceremony, identity, and belief.”¹⁷⁶ Pan-Indian beliefs, Kelley asserts, are most often held by persons in urban areas, who have limited or no connection to their ancestral group, and who do not have direct ties to or membership in a tribe or nation. They may have been told they have indigenous heritage but do not know what that heritage entails or from what particular tribe they are descended. Pursuing Pan-Indian activities and adopting Pan-Indian symbols is an attempt to connect with that aspect of their identity.

Champagne has a serious problem with Kelley’s argument. He sees little difference between new-agers, Indian wannabes, and pan-Indians, arguing that they all pick and choose the beliefs that suit them with little real commitment, damaging the integrity of the ceremonies they adopt.¹⁷⁷ He obliquely implies that some Pan-Indians are not actually indigenous; by this, he appears to mean that they do not have any “blood”. Champagne finds the practice of Pan-Indianism selfish, arguing that “returning to an Indian spiritual commitment means returning to and supporting the collective well-being of one’s tribal nation.” He describes Pan-Indianism as a “supermarket practice of spirituality”,¹⁷⁸ and exhorts all Pan-Indians to learn more about the specific tribe from which they are allegedly descended, and take up the

175 Duane Champagne. “New-Agers and Pan-Indians: What’s the Difference?” *Indian Country Today Media Network* (20 Dec 2015) online: <http://indiancountrytodaymedianetwork.com/2015/12/20/new-agers-and-pan-indians-what-difference-162630>. [Champagne].

176 Dennis Kelley. *Tradition, Performance, and Religion in Native America: Ancestral Ways, Modern Selves*, Taylor & Francis (USA, 2015), as cited in Champagne, *ibid*.

177 Champagne, *supra* note 175.

178 *Ibid*.

traditions and beliefs held by that group rather than mixing beliefs taken from all across North America. Some readers and commenters agree with Champagne, writing that people who have heard they are indigenous should “get some facts or give up”¹⁷⁹ rather than pursuing an identity they know nothing about. But others feel that Champagne is privileging a rural, reservation-based way of life, which is problematic for two reasons. First, many indigenous people do not and have never had access to this way of life because they lost status or membership as a result of racist and sexist laws, such as the *Indian Act*¹⁸⁰ in Canada. For others, their tribe was never federally recognized and thus never allotted a land base, or their families had to leave their reservations due to lack of economic opportunities. These forces of colonialism displaced people from their homes and disconnected them from their cultures, and Champagne appears to suggest that it is simply too bad for those who have suffered this fate.

Second, the reader comments reveal a widespread belief that reservations themselves are deeply colonized, and are often not fertile places for cultivating or revitalizing an indigenous spirituality. One commenter writes, “returning to one's tribal nation is returning to an assimilated tribe and Christianity,”¹⁸¹ while another laments, “there are churches & missionaries galore on the Rez, sucking the cultural life blood from tribes”.¹⁸² This commenter is particularly cynical about the formal tribal structure, insinuating that decisions about enrolment and membership are more related to gaming profits than they are to identity. One commenter, who describes himself as an Alaska Native, writes, “My tribe is brainwashed & do not understand a few of us who decided to think independently & not

179 “tvc15”, online comment (22 Dec 2015), *ibid.*

180 *Indian Act*, RSC 1985, c. I-5. The *Indian Act* removed Indian status from women who married non-status men until the passage of Bill C-31 in 1985. This meant that many women were no longer permitted to live on their reserves, and their children were similarly unable to obtain Indian status. Even after the *Act* was amended, many children of these women remained unable to return to their communities due to band membership laws which excluded them.

181 “sammy7”, online comment (21 Dec 2015), Champagne, *supra* note 175.

182 “alexjacobs”, online comment (26 Dec 2015), *ibid.*

buy into the mass forced Christianity.”¹⁸³ This individual explains that they participate in ceremonies from other cultural traditions, such as pow-wows, sweats, and smudging, because they no longer have access to their own. Of course, these critiques of Champagne’s article are not themselves unproblematic; it is condescending to refer to those who have adopted Christian beliefs as “brainwashed”, just as it is to insinuate that urban, tribeless people cannot “really” be indigenous. Finally, a few readers see Pan-Indianism in a more positive light. One comments that inter-tribal pow-wows and intermarriage support peace and understanding between cultures. Another views Pan-Indianism as a strategy of survival. They write:

What may be called Pan-Indianism most likely helped tribal societies to develop and adapt to changing times, where would tribes be w/o Social Pow Wows and Inter-Tribals and the modern ways of teaching or preserving native languages?¹⁸⁴

This comment echoes Tara Williamson’s perspective on cultural survival and the need to recognize and honour adaptation as an example of resilience in the face of colonial oppression.¹⁸⁵ Williamson argues against a dogmatic interpretation of ceremonies and protocols, making the claim that the only reason they continue to exist at all is because they were adapted in response to colonial pressures, going underground or changing forms to avoid annihilation. Champagne’s need to preserve ceremonies “within the context of the tradition of a specific tribal community”¹⁸⁶ perhaps fails to acknowledge the fluidity of culture and traditions, and the changing constitution and identity of tribal communities themselves.

Other indigenous people view spirituality altogether as an impediment to militant resistance and meaningful change. In “Idle No More? Speak for Yourself”, Kwakwaka’wakw writer and anarchist

183 “Asapi Waaghyi”, online comment (26 Dec 2015), *ibid.*

184 “alexjacobs”, *ibid.*

185 Tara Williamson. “Of Dogma and Ceremony”, *Decolonization: Indigeneity, Education, and Society*, blog post (13 Aug 2013) online: <https://decolonization.wordpress.com/2013/08/16/of-dogma-and-ceremony/>. [Williamson]

186 Champagne, *supra* note 175.

organizer Gord Hill criticizes the invocation of indigenous spirituality by the Idle No More movement. He argues that INM organizers used “spiritual ceremonies as a club to pacify the protests by claiming that whenever a sacred pipe was present, people had to be peaceful.”¹⁸⁷ The sacred protocol invoked at rallies and marches also encouraged women to wear skirts down to their ankles, and Hill claims that this protocol was especially inappropriate in Coast Salish territories, where neither the peace pipe nor the skirt-wearing tradition have historical roots. He writes:

A public protest, an occupation, or a blockade, for example, are not ceremonies. They are actions taken to defend people and territory. Nor is a social movement a church in which religious codes can be imposed upon participants.¹⁸⁸

For Hill, the spiritual has no place in movements of anti-colonial resistance: it simply serves to water them down. For others, there can be no resistance without spirituality. As Kim Anderson writes, spirituality is a “fountain of resistance”.¹⁸⁹

The discussion above reveals that there are not only a variety of religious beliefs among indigenous peoples, but a variety of beliefs about those beliefs. In spite of this, indigenous spirituality is popularly conceived of as relatively uniform and closely associated with identity itself. We rarely hear from indigenous atheists or secularists, although they certainly exist. Who is excluded by an identity politics that relies on adherence to certain spiritual beliefs and traditions? While many indigenous people do have faith and share spiritual commonalities, the way that spirituality is so tightly interwoven with indigenous identity limits the space available for non-believers to lay claim to that identity. Furthermore, the assumption that all indigenous people are believers allows “spiritual” traditions such as the skirt protocol to be imposed unquestioningly, even when indigenous women may

187 Gord Hill, “Idle No More? Speak for Yourself”, *Warrior Publications*, blog post (12 Dec 2012) online: <https://warriorpublications.wordpress.com/2012/12/12/idle-no-more-speak-for-yourself/>.

188 *Ibid.*

189 Alfred and Corntassel, *supra* note 160 at 608.

be uncomfortable with either the practice itself or the reasons behind it. As Lee Maracle asks, acknowledging the dark history of potlatch prohibitions and the violence of Christian residential schools, “...why would we want to continue to force anyone to do anything in the name of spirituality?”¹⁹⁰ How can we respect the myriad spiritualities of many indigenous individuals without making spiritual belief itself an essential element of indigenous identity?

Spirituality and public space

An analysis of the relationship between the skirt protocol, spirituality, and indigenous identity gives way to tangential questions about indigenous spiritual practices in public spaces more generally. In an article published in the *Winnipeg Free Press*, University of Winnipeg professor Joanne Boucher voices her opposition to the gendered nature of the skirt protocol, but also expresses concern about the fact that a “religious pipe ceremony” is being held on campus to begin with. Boucher writes:

This is an avowedly "sacred ceremony." Isn't religion to be kept out of public institutions? This seems to be an overt violation of the principle of the laws that have guided public education in Manitoba for 120 years.¹⁹¹

Although this issue is not discussed in great detail, it would appear that Boucher advocates for a strictly secular university campus. Erica Lee, author of the blog *Moontime Warrior* and then-student at the University of Saskatchewan, has a different perspective. Lee argues:

To call for the removal of Indigenous ceremonies from campus on the grounds that they are ‘religious’ does not acknowledge the nature of ceremony or the ongoing history of attempts by Canada to eliminate Indigenous cultures and people.¹⁹²

It is indeed essential to acknowledge the ways in which indigenous religions practices have been prohibited, marginalized, and erased through colonialism, and how the Canadian state continues to

190 Lee Maracle, as cited in “The Shame of Skirt Shaming”, *supra* note 110.

191 Joanne Boucher. “Dress-code message at Uof W sexist”, *Winnipeg Free Press* (17 June 2015), online: <http://www.winnipegfreepress.com/opinion/analysis/dress-code-message—at-u-of-w-sexist-307799831.html>.

192 Erica Lee, “Skirting the Issue: A Response and Call to Action”, *Moontime Warrior*, blog post (19 June 2015), online: <https://moontimewarrior.com/2015/06/19/skirting-the-issue/>.

perpetuate these harms today. But what does Lee mean when she says that Boucher “does not acknowledge the nature of ceremony”? Is she suggesting that events such as pipe ceremonies and smudges are not religious? If so, what differentiates them from other religious practices, which perhaps would be more clearly unacceptable in a university campus context? How does she support making this distinction?

Lee argues that indigenous ceremonies are appropriate and necessary on university campuses as they provide a place where indigenous students can escape and heal from experiences of “daily racism and under-representation”,¹⁹³ especially when such cultural resources can be hard to come by in urban environments, or for students who are far from home. However, Lee cautions against using indigenous ceremonies to replace meaningful systemic change at the curricular and policy levels. She notes that these practices and other symbols of indigenous cultures can easily become tokenized. They make the university look good but offer little real value for indigenous students, staff, and faculty.

Lee’s comments are compelling, but it’s not clear if she makes a sufficient argument in favour of holding indigenous religious ceremonies in public spaces such as university campuses. One possible response to her piece might ask whether there are any other religious and spiritual communities which have suffered historic discrimination at the hands of the Canadian state, and if so, whether these communities should also have their spiritual practices endorsed and supported by the institution. This is a problematic line of inquiry because it implies a need to compare and prioritize experiences of oppression. At what point do the Canadian state’s “attempts to eliminate... people and cultures”¹⁹⁴ justify institutions making an exception from their principles of secularism to endorse and host those cultures’ religious ceremonies? Is colonial oppression unique and if so, how and why? And should secularism even be the golden standard by which such things are measured?

193 *Ibid.*

194 *Ibid.*

Considering the perspectives put forth by Garneau, Boucher, Sewell, and Lee causes me to wonder if there is a middle ground between permitting any and all religious rituals to infiltrate the public sphere, and the practice of unyielding, inflexible secularism. Perhaps there exists a comfortable space between a no-exceptions, rigid separation of church and state attitude, which, by treating every religious practice the same way, fails to acknowledge and address the very real fact that they have historically been treated extremely differently, and the complete dissolution of the separation of public institutions from religion. Is there a way to respect religious diversity, acknowledge religious discrimination, and still avoid the harms perpetuated by the marriage of church and state? If secularism is a spectrum of separation, where should we draw the line?

William Connolly presents a theoretical framework for such a middle ground in “Confessing Identity/Belonging to Difference”.¹⁹⁵ A self-professed atheist, Connolly nevertheless recognizes many of the failures of secularism, and rather than trying to entrench the separation of religion from public and political activity, he acknowledges and accepts that individuals’ faiths are inevitably (and often inadvertently) carried with them into the public sphere. He writes,

Only a few secularists, mostly academics, still purport to leave their existential faiths at home when they enter the public realm... they do not yet acknowledge secular confidence in the sufficiency of public reason... to be a contestable public faith.¹⁹⁶

Here, Connolly asserts that secularism is itself founded on beliefs not adequately supported by evidence; the hardline secularist’s “confidence in the sufficiency of public reason” is based on wishful thinking rather than proof. Recognizing this, Connolly instead proposes a society grounded in “agonistic respect”, which he defines as “a civic virtue that allows people to honour different final sources, to cultivate reciprocal respect across difference, and to negotiate larger assemblages to set

¹⁹⁵ “Confessing Identity/Belonging to Difference”, *supra* note 4.

¹⁹⁶ *Ibid* at 143.

general policies”.¹⁹⁷ Agonistic respect is a richer, fuller version of tolerance, encouraging individuals to actively engage with the innate contestability of their own faiths, and recognizing the possibility of adaptation or conversion.¹⁹⁸ Agonistic respect is not a faith-based ethics, but it is also not a *non-faith-based* ethics. It is both, and neither, because it allows for respect to flow from multiple sources, be they religious, nontheistic, or atheistic. It is possible that by promoting a culture of agonistic respect, indigenous communities could move beyond the extreme poles of “spirituality = identity” at one end and the erasure or marginalization of indigenous spiritualities at the other. This would allow for the ongoing negotiation of a more inclusive, dynamic identity politics.

Authenticity and syncretism

Beyond the question of whether or not a given practice is truly “traditional” and whether, if so, it should be continued, is another question about the devaluing of syncretic practices. It is imperative to acknowledge the ways in which western and Christian ideologies were violently imposed on indigenous peoples. But do we risk negating the agency of indigenous peoples by implying that they were and are incapable of deliberately choosing to adopt, incorporate, or blend their own cultural beliefs and practices with the beliefs or practices brought by colonialism? Traditions which were in place hundreds of years ago would likely have evolved and changed over time even if settlers had never come to what is now called Canada. In what way is the devaluing of the syncretic tied to an erroneous understanding of indigenous cultures as frozen in time, and a problematic view of cultural authenticity?

Charles Stewart and Rosalind Shaw’s collection of essays, *Syncretism/Anti-Syncretism: the Politics of Religious Synthesis* helps to shed light on this question. The book focuses on religious

¹⁹⁷ *Ibid* at 142.

¹⁹⁸ *Ibid* at 143.

syncretism, or the synthesis of different religious forms.¹⁹⁹ While this paper will mainly consider syncretism from a religious point of view, it is worth noting that their arguments are likely applicable to examples of non-religious cultural exchange and incorporation as well. Furthermore, the boundaries of “religion” and “culture” are often blurred: even identifying these concepts as two separate elements of identity is a presumption of western secular thought which is far from a given in other contexts.

Cynthia Kasee writes that most indigenous languages had no pre-contact words for faith, belief, or religion, as these concepts were so pervasive that they “could not be separated from other indigenous codes of ‘right living’.”²⁰⁰ Incidentally, when we talk about syncretic processes of indigenous and colonial religious beliefs and practices, we are also talking about a synthesis of culture, although this may more commonly be referred to in academic literature as “bricolage” or “creolization”.²⁰¹

Stewart and Shaw note that the term *syncretism* has often been endowed with negative connotations. It implies that the product of syncretism is no longer truly authentic: “the infiltration of a supposedly ‘pure’ tradition by symbols and meanings belonging to other, incompatible traditions” has corrupted the original whole.²⁰² Syncretism is thus perceived as a harbinger of cultural decay. Yet these negative associations are shifting. Indeed, in postmodern anthropology, where notions about the purity, wholeness, or authenticity of cultures have been widely criticized, syncretism is seen as a natural and inevitable product of cultures meeting and interacting. Furthermore, Shaw and Stewart highlight the ways in which processes of syncretization can be understood as permitting cultural continuity, rather than spoiling or distorting it. They write:

In colonial contexts, syncretism on the part of colonial subjects could have particularly subversive consequences, for although colonial governments constructed hybrid institutions such as ‘native

199 Charles Stewart and Rosalind Shaw, “Introduction”, *Syncretism/Anti-Syncretism: the Politics of Religious Synthesis*, Routledge (London, 1994) at 1. [Stewart and Shaw]

200 Kasee, *supra* note 84 at 84.

201 Stewart and Shaw, *supra* note 197 at 2; 15.

202 *Ibid* at 1.

courts' all over the world, they were often highly contemptuous and suspicious of their subjects' use of Western cultural elements in syncretic appropriations... whose meanings escape colonial control.²⁰³

The notion that syncretic practices escape colonial control can be read in conversation with Williamson's piece, "Of Dogma and Ceremony". Williamson argues that just as her ancestors had to "bend the rules"²⁰⁴ of their cultures in order to survive (both individually and collectively), so too must contemporary indigenous communities avoid strict adherence to a dogmatic view of tradition and bend the rules according to the context in which they find themselves. Williamson writes:

I believe we still know how to give offerings of asemaa because we learned to replace natural tobacco with cigarettes... I believe we still believe in Gichi-manidoo because we understood how much this spirit looked like GOD.²⁰⁵

Here, Williamson acknowledges the value of syncretism in preserving beliefs and practices. Because her ancestors learned to make do with what they had, ceremonies survived; albeit in slightly altered forms. Similarly, she is faced with dozens of decisions every day which her ancestors never had to make, and she must adapt their traditions so that they remain applicable and relevant to her own life. Williamson's piece demonstrates how syncretism can be a strategy of oppressed peoples' resistance, and is not merely a step towards their ultimate assimilation into the dominant culture. Eventually, religious synthesis might even provide a tool for healing: syncretic institutions which combine Catholic, Protestant, and indigenous beliefs such as the Indian Shaker Church and Native American Church provide spiritual sustenance and emotional value to many people, in spite of the dark history of Christian proselytizing in North America.²⁰⁶ Failure to acknowledge this side of syncretism risks

²⁰³ *Ibid* at 20-1.

²⁰⁴ Williamson, *supra* note 185.

²⁰⁵ *Ibid*.

²⁰⁶ It is difficult to verify the number of members of the Indian Shaker Church due to a relaxed attitude towards record-keeping, but there are several active congregations in Washington, Oregon, and Southern British Columbia, including in Duncan and Squamish. Eugene Harry, a Squamish Nation elder and minister of the community's Shaker Church, credits the Church with helping him to overcome alcoholism, deal with emotional trauma, and heal from the abuse he experienced in residential school. See Wawmeesh Hamilton and Gen Cruz, "Unshaken faith: keeping the Shaker Church alive", *CBC Aboriginal* (14 Apr 2015) online: <http://www.cbc.ca/news/aboriginal/unshaken-faith-keeping-the-shaker->

erasing the agency of indigenous peoples and sees them as passive victims of colonialism whose traditions were infiltrated and corrupted, rather than as active agents who used the tools they had at hand to survive, adapt, and evolve during an extremely oppressive historical period (and who continue to do so today). This contributes to the problematic settler conception of indigenous peoples as confined to the past, and bolsters an exclusive identity politics wherein indigenous individuals must struggle to fit into a narrowly defined narrative of cultural authenticity.

By adopting elements of the colonially imposed belief system, but changing the collectively accepted meanings of colonial practices, indigenous communities could enable their own belief systems to continue in spite of enormous pressure to assimilate. For example, the Yawing people of Papua New Guinea began practicing male ritual circumcision in the mid-twentieth century as a result of colonial influences.²⁰⁷ Although accepting and adopting various aspects of Christianity, the Yawing simultaneously developed unique practices that allowed them to reconcile the new religion with their pre-existing system of beliefs. The circumcision ceremony grew to be associated both with confessing and redemption from sin, clear examples of Christian influence, and with the purification of male blood, which prepared men for hunting responsibilities, marriage, and child-rearing.²⁰⁸

In addition to a colonial religion being adopted by indigenous peoples but subjected to numerous alterations, there are also interesting historical examples of indigenous communities actively choosing the religion of the colonial power over the religion to which they previously belonged. In southeast India, members of “untouchable” castes (often referred to collectively as dalits) took up

[church-alive-1.3030651](#).

Nearly 300,000 people across Canada and the United States identify themselves as members of the Native American Church. Indigenous peoples in northern Mexico have for thousands of years engaged in the ritual and healing use of peyote, a cactus with hallucinogenic properties. In the mid-19th century, this practice spread to the southern United States, where tribes combined the use of peyote with their own ceremonies, as well as with Protestant beliefs. For more information, see generally Christopher T. Vecsey. “Native American Church”, *Multicultural America: A Multimedia Encyclopedia*, ed Carlos E. Cortés (2013).

207 Wolfgang Kempf, “Ritual, Power, and Colonial Domination”, Stewart and Shaw, *supra* note 199 at 109.

208 *Ibid* at 108.

Catholicism as a way of challenging the caste system. In contrast to the restrictions on religious activities imposed by Hinduism – for example, the ban on untouchables entering temples²⁰⁹ – all castes were permitted to enter the church and take communion. As Catholic influence increased in the region and the anti-caste position of the modern Indian state grew stronger, segregated seating for different castes inside churches was abolished and the awarding of festival “honours” only to high-caste individuals was terminated.²¹⁰ Conversion to Catholicism constituted a valid and meaningful form of social protest for dalits, even if the new faith belonged to an oppressive force.

These examples show that the interactions between indigenous and colonial religions are not always tidy illustrations of oppression and forced conversion. By suggesting this, I in no way intend to deny or minimize the harm perpetrated by colonial governments, missionaries, and religious institutions on indigenous communities in Canada and elsewhere. I simply wish to show that where there is religious oppression, there is also physical resistance (such as indigenous families hiding their children to prevent them being taken to residential schools), symbolic subversion (the Yawing accepting Christian practices but replacing Christian meanings with their own), and strategic adoption (the dalits taking up Catholicism to escape the injustice of the caste system). By recognizing examples of resilience and agency in addition to examples of brutality, the “image of the passive proselyte is replaced with a view of converts as active creators and manipulators of symbolic and ritual systems which serve indigenous and social ends”.²¹¹

209 Although it is unconstitutional to prohibit dalits from accessing places of worship, in reality, they are still prevented from doing so in many instances. The problem is particularly pronounced in the southeastern state of Tamil Nadu. From April to July 2016, *The Hindu* newspaper reported on six separate incidents where dalit temple entry and prayer was protested by upper-caste Hindus. In one incident, garlands offered by a group of dalits were torn down. In another, the upper caste organizers of an annual religious festival banned dalits from attending. See “Dalits and Temple Entry in Tamil Nadu”, *The Hindu* (1 Aug 2016), online: <http://www.thehindu.com/news/dalits-and-temple-entry-in-tamil-nadu/article8928953.ece>.

210 David Mosse, “The Politics of Religious Synthesis: Roman Catholicism and Hindu village society in Tamil Nadu, India”, Stewart and Shaw, *supra* note 199 at 95.

211 *Ibid* at 85.

The way in which syncretism is perceived deeply impacts the way that traditions such as the skirt protocol are understood and valued. If we accept that there is no such thing as a “pure” tradition, then modifying or relaxing a given tradition becomes less threatening to the cultural identity and integrity of the group to which it belongs. A woman’s decision not to wear a skirt might then be viewed not as a symbol of disrespect for tradition or culture, but as an acceptable re-evaluation of that tradition’s applicability to certain individuals, or a recognition of changing social values. From a position of respect for and engagement with syncretism, change need not indicate disappearance or decay, but rather flexibility and survival. The shared and ongoing history of struggle, adaptation, and resilience through dynamic systems and practices can then become a more central part of an entity’s collective identity than its static adherence to fixed beliefs and traditions. Understanding syncretism as a process which occurs for a myriad of reasons and with a myriad of effects, rather than as a process of infiltration and corruption, allows us to envision a more inclusive basis for building, strengthening, or reinstating a collective identity than a mythical notion of cultural purity.

Chapter 4

Diversity and the Politics of Becoming

How does the skirt debate relate to broader questions about tolerance, religious and cultural diversity, and pluralism, both within indigenous communities and in the broader context of the Canadian state? William Connolly's notion of a "politics of becoming"²¹² may help us to better understand the different factors and forces involved in the skirt debate. Reading the controversy through this lens provides intellectual resources for navigating dynamic and contested cultural identities in more flexible and inclusive ways.

The politics of becoming is a process which occurs when a culturally marked group finds itself in a position of marginalization within an "established institutional matrix", and struggles to "reconfigure itself by moving the cultural constellation of identity/difference then in place".²¹³ The politics of becoming is a response to the collectivity's suffering, when suffering itself is either unacknowledged by the dominant society, or when suffering is recognized but there is a failure to implement an appropriate response. In such cases, the entity "strives to modify the identity institutionally imposed upon it by redefining institutionally entrenched definitions".²¹⁴

Indigenous communities in Canada can be understood as taking up a politics of becoming in their struggles for collective rights, autonomy, and sovereignty. These communities have had identities institutionally imposed on them for hundreds of years and in a variety of ways – from the legal identities imposed (and taken away) by the *Indian Act* and the advent of the band system, to the anthropological or ethnographical identities which confined indigenous communities to a romanticized, no longer relevant past. The institutional matrix which sees indigenous people as assimilated or

212 William Connolly, "Suffering, Justice, and the Politics of Becoming", *supra* note 3 at 47.

213 *Ibid* at 51.

214 *Ibid*.

culturally disappeared has caused untold suffering, and these constituencies now seek to reconfigure and modify their identities in pursuit of justice. We can view the skirt protocol as part of this politics of becoming – by honouring and centering this “tradition”, indigenous communities contest the dominant narrative of assimilation, and redraw the boundaries of difference which constitute identity.

The politics of becoming is distinct from the politics of recognition. There is a tendency to view an entity which has achieved success in the politics of becoming as having reclaimed a pre-existing but occluded identity constituting the true “essence” or inherent condition of that group.²¹⁵ But this is *being*, not *becoming*. It is generally not clear at the outset what the new cultural identity of the group participating in the politics of becoming will be, nor is it ever possible to locate a moment of arrival at an “ultimate” identity. As Connolly writes, “No positive identity can be judged final in a world where identities are organized through the differences they regulate”.²¹⁶ Although suffering may provoke a collective drive to locate solidity, the politics of becoming is an ongoing process of construction and interpellation, rather than a process of discovery and recovery. However, just because identities are never final or essential and the politics of becoming is never fully completed, this does not mean that identities do not exist or do not matter. Connolly recognizes that even though identities are contingent, they are also entrenched.²¹⁷ “To attend to the politics of becoming,” Connolly states, “is to modify the cultural balance between being and becoming without attempting the impossible, self-defeating task of dissolving solid formations altogether”.²¹⁸

The politics of becoming enables new possibilities for marginalized constituencies. For example, Connolly argues that groups such as women, African-Americans, and the LGBTQ2

215 *Ibid* at 51-2.

216 *Ibid* at 58.

217 “Confessing Identity/Belonging to Difference”, *supra* note 4 at 132-35.

218 “The Politics of Becoming”, *supra* note 3 at 57.

community have participated in the politics of becoming with some success,²¹⁹ resulting in greater legal rights and cultural shifts in attitudes and understandings – even as these processes remain incomplete and ongoing. However, the politics of becoming can simultaneously engender “new modes of suffering”.²²⁰ We can see this happening to women and LGBTQ2 individuals in indigenous communities. As these communities reject the identity that has been institutionally imposed upon them, and endeavor to construct new meanings for themselves, the identity which they create may have oppressive effects on some group members. In the struggle to reject an identity of victimization and assimilation, a cultural identity founded on certain notions of traditionalism may arise. In the process of “becoming” this new identity, those who do not conform to these notions are marginalized, silenced, or excluded.

Understanding the politics of becoming is important because it may help to prevent competing claims of universality which result in implacable barriers to conversation, tolerance, and respect both between distinct communities and between individuals within communities. Connolly recognizes the “powerful tendencies in most cultural groupings to naturalize what they are”.²²¹ This drive to fundamentality - or as Williamson might call it, *dogma* - results in cultural (and sometimes actual) wars. When various groups insist that they alone embody the *fundamental essence of a thing*, be it “Christianity”, “morality”, “the United States”; “feminism”; or “the left”, they set the stage for conflict: other groups, also possessed of an unshakeable faith in the fundamentality of their identity, will inevitably lay claim to the same place of privilege. Furthermore, the drive to fundamentality limits the space for important ideas and values to be contested, expanded, and improved. By insisting that there be a centre, one necessarily insists that everything else be relegated to the margins.

219 *Ibid* at 59.

220 *Ibid* at 58.

221 *Ibid* at 60.

In spite of intellectual acknowledgment that cultures are fluid and evolving, the visceral sense that there is something certain, immobile, and inalienable at the centre of collective identities remains difficult to shake. This “naturalization” serves valuable purposes: it protects group membership and strengthens collective bonds.²²² However, it also creates problems for those group members who do not fit into rigidly defined cultural categories. We can read the controversy over the skirt protocol as an example of this tension in the politics of becoming in indigenous communities. Through criticizing the skirt protocol, indigenous women resist the drive to naturalize the experience of indigeneity, to conflate it with certain fixed traditions and values, and to limit the multiplicity of identities that are allowed to contribute to the politics of becoming. The dialogue between the skirt protocol’s supporters and its detractors allows us to witness the politics of becoming in action.

By recognizing a politics of becoming rather than a politics of being, we can reduce the rigidity of identities and allow for greater diversity, tolerance, and respect, both between and within cultural constituencies. Coming to terms with the “constitutive uncertainty of the centre”²²³ need not defeat the social or political purposes of the politics of becoming. Rather, it simply reveals a need for what Connolly terms a “critical responsiveness which is irreducible to a fixed moral code or abstract conception of the person”.²²⁴

222 *Ibid.*

223 *Ibid* at 69.

224 *Ibid.*

Conclusion

The diversity of perspectives about the skirt protocol demonstrates the richness of engagement with issues of gender, culture, tradition, identity, and decolonization in indigenous communities, both at the level of academic scholarship and through more informal means, such as bloggers and the internet commentariat. Examining the controversy over the skirt protocol raises questions about the meaning of specific traditions and the relationship between tradition and identity more generally, as well as the processes through which these concepts are constructed. The skirt debate makes visible how colonialism impacts indigenous communities both overtly and covertly, not simply by prohibiting the practice of certain traditions but also by infiltrating them in subtle but significant ways. Discussions about the skirt protocol, therefore, invite us to engage with decolonizing practices through questioning the nature and effect of traditions, including acknowledging how ideas about traditions are often closely related to ideas about cultural authenticity. How can communities foster the practice of their traditions without imposing static or oppressive requirements of “authenticity” on their members? How do we acknowledge the violent impact of colonialism without devaluing survival strategies of cultural synthesis and spiritual syncretism?

Exploring the skirt debate can help us to determine who holds spiritual and political power in indigenous communities and analyze how it is exercised. How do those in power use the discourses of “tradition”, “spirituality”, and “culture” to construct or impose collective identities? Does the way in which these discourses are employed maintain the status quo or subvert it? Who benefits from these strategies and who is disenfranchised by them? In answering these questions, indigenous people can identify and challenge the spaces of oppression in their communities, promoting the development of more equitable social and political structures.

Debate about the skirt protocol also makes visible the need for a gendered analysis of questions pertaining to culture and identity. It illustrates some of the ways in which disagreements about traditional practices, cultural values, and spiritual or religious beliefs are acted out on women's bodies, and how women's clothing is the site where these issues intersect in emotionally charged and sometimes polarizing ways. The skirt debate shows that conversations about indigenous identity are incomplete without also considering gender identity, expression, and roles.

Perhaps most importantly, the skirt debate provides an access point to broader conversations about how clothing connects to gender, sexuality, identity, culture, and religion in diverse kinds of communities. What we wear is imbued with meaning in many contexts; indigenous communities are by no means alone in facing internal controversies over women's clothing. Governments struggle with how to police the boundaries of the nation-state, as citizenries grow ever more ethnically, culturally, and religiously diverse, and articles of clothing – highly visible markers of difference - become flashpoints for crises of collective identity. Criminal justice systems regulate how prisoners dress in order to perpetuate existing social hierarchies and enforce normative gender expression. Adolescent girls share experiences of being shamed by teachers, parents, and peers over their “distracting” dress, and seemingly neutral words like “appropriate” and “professional” can disguise sexism, racism, and classism in the workplace. Trans and two-spirit women fight for the ability to dress as their gender without risking their physical security. Women's clothing is often viewed as an incitement to and a justification for rape, and religious leaders from faiths such as Islam, Mormonism, and evangelical Christianity hotly debate what constitutes “modest” dress for their adherents. Some countries, like Saudi Arabia, Iran, and France, impose legal limits on what their citizens wear, but even where this is not the case, women's choices about how to dress are influenced and constrained by a litany of invisible forces.

We have seen how clothing can serve valuable purposes as a marker (and maker) of collective identity, a source of cultural, religious, or ethnic pride, and a vehicle for achieving political recognition. For marginalized communities which have suffered the impacts of colonialism or displacement, dress can be used to resist assimilation, represent traditional values, and envision alternative ways of being. But we have also seen how clothing can function as a tool of oppression. Rules about dress are employed to enforce the binary of normative masculinity and femininity, marginalizing LGBTQ2 people and harming women by perpetuating sexist stereotypes and contributing to rape culture. By policing what people wear, those in power succeed in reinforcing gender, race, and class-based hierarchies. Dress codes have been deployed to assimilate “undesirable” groups such as indigenous peoples and humiliate despised populations such as prisoners. Imposing rigid rules about clothing binds dress to identity, and risks failing to acknowledge the fluidity of culture and the diversity of individuals which comprise any given group.

This paper has drawn on examples from different communities across time and place in an attempt to bring together a wide variety of related concepts whose interactions are highly nuanced and complex. I hope that it has provided an engaging and thoughtful introduction to these issues, and encourages readers to consider the meaning and consequences of the rules about clothing which are present in their lives.



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