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Settler Colonial Ways of Seeing: Documentary Governance of Indigenous Life in Canada and its Disruption

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Abstract

Settler colonialism in Canada has and continues to dispossess Indigenous nations of their lands and authority. *Settler Colonial Ways of Seeing* argues that a politics of visibility has been central to these structures of invasion and dispossession. In an effort to transform sovereign Indigenous nations into “Indians”, the Canadian state has used techniques of bureaucratic documentation to naturalize the classification of Indigenous bodies as racially inferior and thus subject to a range of violent interventions. This politics of visibility fails to see Indigenous people as *people who matter*.

Using Indigenous feminist critique, discourse analysis, and theories of aesthetics to analyze federal legislation, policy manuals, and archival documents, I theorize settler colonial ways of seeing as a nexus of techniques and epistemological investments with two aspects: one, the vision of a radically new society that drives settler colonial desires; two, the techniques of seeing used to manage the visibility of Indigenous life. To demonstrate how state techniques structure the visibility of Indigenous life, I investigate four techniques of visibility and erasure: i) classification under *Indian Act* racial taxonomy; ii) enumeration through the centralized Indian Register; iii) identity documentation with Certificates of Indian Status; and, iv) the numerical re-presentation of the crisis of missing and murdered Indigenous women (MMIW).

However, just as settler colonial statecraft operates through ways of seeing, it is also resisted by artistic and political acts that insist on and make visible Indigenous presence. Alongside examples of settler documentation, I analyze artworks by Nadia Myre, Cheryl L’Hirondelle, Christi Belcourt, and others, as practices of Indigenous resistance engaged in counter-documentation strategies that make visible and denaturalize the restrictive frames imposed upon their lives. Ultimately, this dissertation demonstrates how racial classification and documentation attempts to naturalize a way of seeing that devalues Indigenous lives and undermines Indigenous presence, but has always been resisted by the Indigenous lives it seeks to transform.
Keywords

Indigenous politics, settler colonialism, vision, representation, media theory, visual art, documentation.
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Introduction

Royal Proclamation, 1763.

British North America Act, 1867.

Indian Act, 1876.


These four pieces of legislation each sought to structure Indigenous life in what is now called Canada. Collectively, they articulated the formal terms of relation between Indigenous nations, the settler colonial state, settler populations, and territories. Such relations were not mutually defined. Rather, these acts were authored by the representatives of settler colonial powers to establish the limited terms through which Indigenous nations and their claims to sovereignty could become visible to British-Canadian agents of governance and to the broader settler population. The Indian Act stipulated these terms of vision most explicitly. The Act codified a legal definition of “Indian”, introduced restrictions governing how they ought to live, and outlined limited “Indian” authority over their reduced land bases. The state-recognized mode of being

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1 The Royal Proclamation arrogated sovereignty to the British Crown while recognizing Indigenous jurisdiction over territories. Indian lands, the act stipulated, could only be acquired by settlers after they had been formally ceded to the Crown through treaty. This recognition of Indigenous jurisdiction receded with the legislation that followed. The British North America Act created the federal Dominion of Canada, transferring responsibility for Indigenous peoples and territories from the Crown to the Dominion. As a result, the Canadian federal government was responsible for both looking after Indigenous interests and negotiating treaties from the expansion of Canadian settlements. The Indian Act legally defines and governs “Indians”, bands, and reserves. Wide-reaching and paternalistic, this legislation administers “Indians” as wards of the federal government and regulates the affairs of all registered “Indians” and of reserves. The Constitution Act repatriated the Canadian constitution from the British Crown and included the recognition and affirmation of Aboriginal and treaty rights.

2 A note on terminology: when I use the term “Indian” in this dissertation, I am referring to a term used in British, Canadian, and American political theory, anthropology, legislation, and literature to refer to the original inhabitants of Turtle Island. This term is an offensive misnomer. It is intimately tied to the violent act of referring to more than 800 culturally, historically, linguistically, and politically distinct groups of people with one reductive term. When I use “Indian”, I am referencing both this colonial conception and the violence it entails. When I use the term “Indigenous peoples” or “Indigenous nations” I am referring to distinct groups of people with claims to sovereign self-determination. These original inhabitants of Turtle Island have also been named “Natives”, “First Nations”, and “Aboriginals” and I use these terms in direct quotations. While the term “Aboriginal” has been used by the Canadian state since the late 20th century, this term tends to tie together three administratively separated groups: “Indians”, “Inuit and Inuk”, and “Métis”
“Indian” in Canada is premised on the assertions of these four colonial acts and emerging settler claims to sovereignty and jurisdiction over land and life. Though the jurisprudence of each differs, there is a continuity of the vision of Indigenous life that flows across the four pieces of legislation. That is, a continuous situation of being reduced, circumscribed, and confined by a vision of a settler colonial future, from which Indigenous lives are excluded. The *Royal Proclamation* enunciated terms for the colonial acquisition of Indigenous territories. In the more than 250 years since, Indigenous lands, nationhood, jurisdiction, and lives have been the targets of settler colonial incursion—through means ranging from direct frontier violence to the contemporary politics of recognition. In their collective project of establishing the conditions of possibility for settler colonial Canada, these acts sought to impose the frames through which Indigenous lives became visible—frames that diminished and aimed to eliminate Indigenous presence and authority.

These four legislative acts are also the subjects of Saulteaux artist Robert Houle’s *Premises for Self-Rule* (1994). Collectively, the work is a series of large, rectangular diptychs. The left half of each piece is an abstract, monochromatic colour field painting and the right half of each features text extracted from its titular piece of legislation and printed on plexiglass. Each text panel is also includes a black and white photograph, printed on canvas and affixed to the plexiglass. The lush colours and gestural brushstrokes of the painted side of each piece evoke a sense of organic movement that sits in stark contrast with the black vinyl lettering and glossy surface of the plexiglass panels. The painted half of each work resonates with Houle’s earlier *Manitowapah: The Place Where God Lives* (1989), a work of four abstract landscape paintings depicting

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(Andersen 2014, 16). The term “Indigenous” does not yet carry this administrative division and in using it, I aim to disrupt state politics of imposed categorization.

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*Premises for Self-Rule* also includes a fifth piece, *Treaty One, 1871*. Like the other four pieces in the work, *Treaty One, 1871* is also a diptych. The left side of the work features a green colour field oil painting. The right side is text of the treaty printed on plexiglass, with a black and white photograph of Indigenous men in regalia customary to Plains Nations reprinted in the middle of the text. This piece is part of the Winnipeg Art Gallery collection. I exclude it from my comments here, as it was not exhibited in the *Form Follows Fiction* exhibition, where I encountered the other four components of Houle’s work.
scenes of spiritual significance from the artist’s home territories—the place now called Manitoba. In depicting landscape with abstract rather than a realist European approach, Houle’s paintings do not offer a separated perspective apart from the land but articulate a sensibility that is “a part of” and immersed in it (McMaster 1990, 43). The layered brushstrokes evoke the interplay of topography and light, drawing the eye into the land rather than creating a standpoint from which to survey territory. Houle uses red, green, blue, and ochre paints in both works, colours that both capture the vibrant features of prairie landscapes and carry ceremonial meaning (McMaster 1990; Madill 1999). Thin gestural lines skip across the surface of each of the paintings in Premises for Self-Rule, lines that Houle has described as the “moment of introspection, when after praying and the offering of tobacco […], the self becomes spiritually activated” (qtd. in Madill 1999, 14). Houle’s paintings not only represent land from an immersive perspective, but articulate the intertwining of land and ceremony, as the source of energy, strength, and life rather than as property to be mapped and articulated in law.

The left halves of each piece in Premises of Self-Rule depict the immersive, sensuous perspective that Houle’s landscapes evoke. The text printed on each panel partially reproduces legislation that was purported to enshrine Indigenous nations’ jurisdiction over their territories, yet with the passage of each law, territories were winnowed and authority was further constrained. Houle’s work not only documents the legislation, but the continued processes through which the settler colonial state’s legislators undermined the premises for—and promise of—Indigenous self-rule by establishing the conditions of possibility for Canada. The contrasting halves of each piece juxtapose the organic vibrancy of land and life with the bureaucratic techniques deployed to constrain and diminish. Hanging in tension with the landscapes, these text panels can be read as instances of what Sarah Hunt terms “colonialscape,” that is, “representations of the space now called ‘Canada’, which perpetuate and manifest particular relations of (colonial) power” and “have been given material significance through legal and social enforcement” (2014a, 62). In reproducing the language of four legislative acts, these colonialscape panels give visual form to the colonial efforts to of containing Indigenous land, life, and claims to self-rule.
The legislative texts excerpted in each of Houle’s pieces are abbreviated snippets, capturing some of the key language of the each act. The quoted portions of each statute are incomplete: as unfinished and unrealized as the grounds for self-determination they each promised (Langford 2007, 229). A section of each text is also obscured by the photographs affixed to the centre of each panel. Reproductions of photographs printed and sold as postcards in Fort MacLeod, Alberta in 1907, the images are of “Indians” (Hargittay 1996). That is, they are images that were produced for settler consumption and depict Indigenous people in regalia and comportments that correspond to Euro-colonial imaginaries of Indigenous life. The photographs include a landscape dotted with tipis, men in feathered headdresses and regalia both on horseback and in a group formation, and a group of women and men in customary dress and regalia with their backs to the photographer. At one level, the photographs illustrate the kind of Indigenous life these four pieces of legislation collectively worked to produce: vanishing “noble savages”, relics trapped in tradition made available for settler consumption, unmodern and out of place in the new settler state. Transferred onto canvas, the reproductions are grainy, marked with the texture of brush strokes, and fading at the edges. They threaten to perhaps be disappearing as well. And yet, “Indian” presence obstructs and casts shadows across the legibility of sovereign law through the photographs’ interruption of the legal text.

I first encountered Premises for Self-Rule in the fall of 2016, at a critical juncture in the research and writing of this dissertation, when I visited the exhibition, Form Follows Fiction: Art and Artists in Toronto. Curated by Luis Jacob and hosted at the Art Gallery of the University of Toronto, the exhibition considered how artists have visualized Toronto over the past fifty years. Together, the four pieces that comprise

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4 A gift from artist Faye HeavyShield, the set of postcards were produced from photographs taken at a gathering of several Indigenous nations at Fort MacLeod on August 30, 1907 and were published in Germany as “Young’s Canadian Series of Postcards”. The photograph used in Premises of Self-Rule: The Indian Act 1876 was captioned “Chief Running Wolf and a Party of Blackfoot Braves” in the postcard collection (Langford 2007, 228).

5 Unfortunately, Robert Houle declined my request to include photographs of Premises of Self-Rule, taken at this exhibition. Premises for Self-Rule: The Indian Act 1876 can be viewed online at https://artbank.ca/art-piece/from-premises-for-self-rule-the-indian-act/.
Premises for Self-Rule make visible the settler state techniques of seeing and rendering visible colonized spaces—such as Toronto—and the peoples within them. This work captures the ways in which the settler colonial state has used documentation strategies to get hold of both the territory of the place we now call Canada, but also to get hold of the people within this space. In Houle’s pieces, I recognized both the bureaucratic forms of state ways of seeing, but also the disruption of that field of vision by insistent and resistant Indigenous presence. In juxtaposing landscape with colonialscape, the work makes visible the Indigenous legal, political, and ceremonial relations that continue to be lived in tension with the techniques of domination and erasure naturalized by settler colonial ways of seeing.

The disruptive visibility of Indigenous presence in Houle’s work—even in this constrained form of early 20th century commercial postcard images—speaks to the limited capacity for state laws to realize the political visions of settler colonial agents. The four legislative acts featured in Premises for Self-Rule make individuals invisible as members of Indigenous nations, who embody the alterity that makes the central claims of settler sovereignty tremble. The bodies visible in each photograph speak to the disruption of ongoing Indigenous presence in the very settler-claimed territories from which they were imagined to disappear. Houle’s work documents the legal techniques through which British and Canadian agents have sought to establish exclusive sovereign power over land and life: while putatively offering the premises for Indigenous self-rule, the four laws reproduced in these pieces have been used to undermine the conditions of possibility for the survival of Indigenous nations in order to establish the conditions of an ascendant and politically hegemonic settler population. Settler colonial visions of a new society and “a better polity” governed by sovereign political orders necessarily involve the receding visibility of Indigenous life (Veracini 2015, 43). In this way, settler ascendancy is premised on the erasure of Indigenous nations as political entities with claims to historical continuity with the original inhabitants of Turtle Island and with relationships to and jurisdiction over the lands on which they live. The conditions of such a disappearance are directly articulated in the Indian Act’s restrictive definition of “Indians” and the limited conditions for the transmission of “Indian status”. And yet, “Indian” presences—in the form of weathered photographic postcards in Houle’s work—
interrupt the legibility of sovereign law and the vision of a Canada populated exclusively by British-Canadian settlers.

The legal documents Houle reproduces are instances of settler colonial ways of seeing. They are means of re-presenting the territories, lives, and relations of what is now called Canada in forms visible to the bureaucratic gaze of the state. My theorization of settler colonial ways of seeing takes as its point of departure a key insight of Kahnawà:ke Mohawk scholar Audra Simpson. In her article, “On Ethnographic Refusal”, Simpson argues that colonial framing and its concepts have shaped the “terms of even being seen” for Indigenous peoples and nations (2007, 69). Settler colonial ways of seeing is a politics that frames these terms of being seen. There are two key questions at the heart of these politics. First, what are the conditions under which the world is made visible—or invisible? Second, how does that visibility affect politics, ethics, and policy? John Berger (1972) has described ways of seeing as both the objects of sight and the conditions under which something can be seen. Ways of seeing, Berger notes, often work to mystify the past in ways that insulate contemporary regimes of power. Ways of seeing, then, are not limited to sensuous apprehension. Rather, they involve broader attempts to arrange the field of the perceptible. Put another way, ways of seeing enact specific ways of framing the world. They structure conditions of visibility and invisibility in relation to power and political desires.

Settler colonial ways of seeing engage the visual techniques of states and their agents, as analyzed by James Scott (1998). Scott articulates how administrative techniques of re-presentation, state agents, and sovereign logics combine to form the ways of seeing employed in statecraft. The abstract, simplified, abridged ways that states depict their objects of governance aim to remake what they portray. This transformative re-presentation of the would-be governed world also aims to establish order. Through techniques of bureaucratic re-presentation that make the lived world perceptible to the

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6 Though somewhat out of fashion in contemporary academic writing, I reproduce Scott’s hyphenation of re-presentation to draw attention to the ways in which it connotes the how the presentation of things in documentary forms often radically differ from how they are in the world.
state’s limited visual faculties, territories become maps and land surveys, nations and communities become registered populations, relations become laws. The framing strategies developed by particular ways of seeing attempt to cover their tracks by seeming to offer a neutral view of the world. In the case of Canada, settler colonial ways of seeing structure the visibility of things like land as property and of individuals as governed citizen-subjects.

The legislative re-presentations of Indigenous life and land in the four laws featured in Houle’s *Premises for Self-Rule* both assume the primacy of first British and then Canadian state gazes and impose Euro-modern grids of intelligibility that constrain what is visible to such eyes. The Enlightenment project of hierarchically organizing life operated through a system of grids, maps, taxonomies, and tables, wherein land and bodies were sorted by type, which included the produced categories of race and species (Foucault 1970). Together with a belief that all other lands are disposed to European “improvement”, these Euro-modern grids created the colonial imaginary that was actualized on the soil of what is now Canada and provided resources for this actualization. This imaginary provided a justification for colonial policies, material violence, and succession-oriented settlement. The vision asserted by these legislative acts and the ways in which each has structured the limited visibility of Indigenous nations as governed wards dwelling on diminished territories demonstrates what Simpson describes as “the differential power of one account over another in defining not only difference but establishing presence, by establishing the terms of even being seen: an historical perceptibility that empowered possibilities of self- and territorial possession in the present” (2007, 69).

**Framing Settler Colonial Ways of Seeing**

This dissertation analyzes the Canadian state’s project of transforming sovereign Indigenous nations into “Indian” subjects of settler colonial governance. Specifically, I look at the functions of different documentary techniques for re-presenting Indigenous life developed by the Canadian state and deployed by its official and unofficial representatives in the interest of governing Indigenous peoples and nations. The central problematic I engage is the deployment of a settler colonial framing that apprehends
Indigenous life in narrow, abstract, and homogenizing ways. My research aims to theorize settler colonial ways of seeing as an array of discursive, legislative, conceptual techniques mobilized in making life visible to official and unofficial representatives of state power in Canada. But I also document their disruption. To undertake this work, I ask the following questions:

1) What are the conditions under which life is made visible—or invisible—and how does that visibility frame politics, ethics, and policy?

2) What are the specific documentary techniques of settler colonial ways of seeing that seek to re-present Indigenous life as legible to the official and unofficial agents of the Canadian settler state?

3) What are the effects of these techniques on the visibility of Indigenous peoples and nations and on the visibility of violence endured by those peoples and nations?

4) How might practices of documenting settler colonial ways of seeing life disrupt (or seek to disrupt) the function of bureaucratic techniques and/or challenge state gazes? How might such counter-documents make the state see the Indigenous presence that it wishes to make invisible?

In its most basic formulation, this dissertation interrogates two integrated techniques of documentation—categorization and counting—and the effects of these techniques on the visibility of life in the specific the political context of settler colonialism in Canada. To this end, I analyze federal Indian policy and colonial documents as instances of bureaucratic re-presentation. I theorize settler colonial ways of seeing as the interlocking of documentary techniques and political investments, which enact indirect violence.

Practices of defining, making visible, and governing “Indians” have histories, and in these histories a particular way of seeing is at work. To identify how various agents of settler sovereignty have aimed to delimit possibilities for Indigenous lives, I map the development and deployment of different documentary practices for generating evidence of the existence of “Indian” lives, conforming to settler racial categories. The very processes through which Indigenous lives are made visible are also the processes through which they are targeted by settler colonial policies of erasure, assimilation, and elimination. This analysis unfolds across four chapters, each of which examines a specific documentary technique deployed in the governance of Indigenous life: the *Indian Act*, the
Indian Register, Certificates of Indian Status, and the crisis of missing and murdered Indigenous women.

I critique the documentation and governance of “Indian” subjects and argue that the racial taxonomy imposed by the Canadian state on Indigenous life constitutes indirect symbolic violence, which creates the conditions of possibility for further direct violence. This narrow focus risks repeating the administrative separation of Indigenous nations into “status Indian” and “non-status Indian”, as well as Inuit, Inuk, and Métis categories. However, in taking this specific focus, I make visible the documentary techniques used by the state to fracture Indigenous nations into governable populations in the particular case of “status Indians”. This dissertation thus contributes a method for denaturalizing state ways of seeing and grappling with the violence of documentary techniques, as well as their resistance—a method that can be adapted to analyze the documentary governance of other state-imposed categories of Indigenous life in future research. The central contribution of this dissertation is to further theorize Simpson’s insights into the ways histories, narratives, and theories have created the “terms of even being seen” in colonial contexts (2007, 69). Simpson’s formulation of the political work of framing Indigenous life in the past and present is a condition of possibility for developing the concept of settler colonial ways of seeing and exploring how it has been and continues to be a key frame through which settler colonial governance operates in Canada. While it is my hope that settler colonial ways of seeing will be a useful conceptual tool and will open new avenues for scholarship and critique within the disciplines of media studies and settler colonial studies, this term ought not be stripped of this critical genealogy.

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7 Throughout this dissertation, I reference many different forms of violence. While developing a typology of violence in its many forms is not the goal of this work, I do return to a distinction between direct violence and indirect violence. Under this dichotomy, direct violence refers to types of violence with direct, material effects on the body. This can include frontier homicide, starvation, beatings, rape or sexual assault, forced sterilization, family violence, intergenerational and lateral violence, and many other acts. Indirect violence refers to harm that is not immediately endured by the physical body. This includes the policies that led to the Indian Residential School system, deceptive treaty terms, confinement to reservations, cultural appropriation, and the techniques of identity documentation investigated in this dissertation. In asserting the immediacy of effects on the physical body (which includes human, more-than-human, and land bodies), I am not establishing a binary or hierarchical relation between direct or indirect violence. These two broad types of violence can operate in isolation, in tandem, and in preparation for one another.
State generated documents—legislative acts, lists of registered names, identity cards, databases—contribute to the violation of Indigenous life by making a so-called “Indian problem” visible to agents of colonial governance and the broader settler society. The *Indian Act* introduced a racial taxonomy, which narrowly defined “Indian” life and contributed to creating the conditions of possibility for establishing a Euro-Canadian settler society and, ultimately, “a racially stratified capitalist economy and colonial state” (Coulthard 2007, 446). The goal of settler colonialism is to acquire territory in service of establishing new political communities—territories from which Indigenous inhabitants must be eliminated (Wolfe 1999). As Audra Simpson observes, “[t]he desire for land produces ‘the problem’ of Indigenous life that is already living on that land” (2014, 19). For the representatives of Euro-Canadian sovereign power, reckoning with “the problem” of Indigenous nations was central condition for acquiring territory and making it available for settlement. The *Indian Act* was designed to contribute to solving a so-called “Indian problem” by codifying a definition of who is an “Indian”, while the Indian Register and Certificates of Indian Status brought this category into being at the level of identifying and registering individuals as “Indians”. To reckon with a problem of governance requires making that problem visible to the gaze of the state. In these documents, the state could see its “Indian problem” in an abstracted, calculable, abridged way.

Settler colonial ways of seeing, I argue, aim to transform Indigenous lives and nations into “Indians” in service of containing and controlling the threats sovereign Indigenous alterities poses to the establishment and maintenance of Canada as a settler polity. The Canadian state and its official and unofficial representatives have engaged in a wide range of direct and indirect violence perpetrated against Indigenous land, lives, 

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8 Jodi Byrd has theorized the process of “Indianization” as the conversion of Indigeneity into the racializing construction of “Indian” populations through a process that “elides and effaces the Indigenous peoples upon whose land the nation-state is now located” (2011, 110). Byrd’s analysis is primarily concerned with both the United States context and the ways that various streams of critical theory have taken up the symbol of “Indian” presence and simultaneously denying Indigenous agency in service of such theorists’ own political ends. This dissertation, however, focuses on the context of a similar transformation of sovereign Indigenous nations into governable “Indian” subjects in Canada and at the level of bureaucratic, documentary technique rather than critical theory.
and relations. Such direct violence includes frontier homicide (Hildebrandt and Hubner 1994), sexual brutalization (Razack 2000, 2016), forced relocations (Bussidor and Bilgen-Reinart 1997; Tester and Kulchyski 2011), starvation (Burnett et al. 2015; Daschuk 2013), child removal (Jacobs 2014), forced sterilization (Stote 2015), and violence at the hands of the criminal justice system (Razack 2014; Palmater 2016). Indirect forms of violence include the Indian Residential School system (TRC 2015), limitations on movement and economic participation (Barron 1988; Carter 1985, 1990; Williams 2015), and a system of racialized identity documentation designed to assimilate and eliminate the “status Indian” population.

As a point of departure, I echo the assertion that such material and symbolic strategies of elimination deployed against Indigenous peoples constitute genocide (Wildcat 2015; Woolford 2009; Woolford et al. 2014). Such acts have been—and continue to be—committed with intent to destroy Indigenous lives and nations in Canada. It is important to note that Article II of the UN Convention on the Prevention and Punishment of Genocide defines genocide as: “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. The relative success or failure of such acts is not a factor in this definition. As such, the fact that Euro-Canadian policies of elimination have not led to the disappearance of Indigenous peoples does not constitute evidence against the charge of genocide. As Matthew Wildcat argues, “[r]egardless of how elimination is enacted, the acts of violence, coercion, hegemony and duress needed to ensure settler ascendancy are inherently destructive to Indigenous collectivities” (2015, 394). While Canadian policies may not have taken the form of explicit or mass extermination, these policies aimed to transformed political entities—Indigenous nations—into one racial group within a colonial racial hierarchy through the Indian Act and intended to eliminate this group over time (Napoleon 2001). I analyze the Indian Act’s racial taxonomy as a technique of this transformation and intended elimination in chapter one.

Colonial violation has also taken the form of the contemporary politics of recognition, which Glen Coulthard describes as a range of liberal pluralist policies that “seek to ‘reconcile’ Indigenous assertions of nationhood with settler-state sovereignty via
the accommodation of Indigenous identity claims” (2014, 3). While state actors have promised various new relationships between Indigenous nations and the Canadian state, Coulthard’s analysis reveals that recognition-based policies continue to reproduce colonial, racist, and heteropatriarchal forms of state power. The politics of recognition Coulthard critiques begin to emerge in the 1970s in response to a growing Indigenous anticolonial movement formed in response to the explicitly assimilationist approach to federal Indian policy presented in the 1969 White Paper. This form of politics was also clearly reiterated in the 1996 *Royal Commission on Aboriginal Peoples*, which articulated a vision of “mutual recognition” between the Canadian state and Indigenous peoples (Coulthard 2014, 118). Following Coulthard’s distinction between the recognition policies that have been pursued over the past four decades and earlier strategies of exclusion and forced assimilation, my analysis of documentation also acknowledges that colonial approaches to governing Indigenous life have shifted from policies of direct to more indirect applications of coercive state power. However, in analyzing colonial vision at the level of documentation, this dissertation identifies a continuity of bureaucratic techniques developed for categorizing, enumerating, and governing Indigenous lives in the interest of their elimination, which began in the 19th century and continues in the present atmosphere of recognition and reconciliation discourses. Continuity, though, does not mean a transhistorical consistency across the techniques under investigation here. In identifying how techniques such as legal definitions of “Indian” status have played a continuous role in defining the visibility of Indigenous lives for more than 140 years, this dissertation also charts how such techniques have been adapted to fit shifting policy agendas.

Working at the more granular level of documentation, this dissertation analyzes techniques for seeing and intervening upon Indigenous lives that have been developed and deployed by the settler colonial state and its various agents, as well as how these techniques have been disrupted by Indigenous peoples and nations. Whereas technologies are durable materials, techniques are ways of conceptualizing and acting on the world (Peters 2015, 87). Techniques often make use of technologies, but also involve learned practices, processes, and protocols. The sovereign techniques under investigation in this dissertation emerge from the classification of bodies and deploy technologies, such as
registration forms, to bring such classifications into being. Not fully distinct from the entities that develop and deploy them, techniques are operations that mutually constitute both users and fields of action. Taking a historical view, Cornelia Vismann describes the early technique of using a plough to draw a line in the ground as determining the political act: “the operation itself produces the subject, who will then claim mastery over both the tool and the action associated with it” (2013, 84).

Categorization—a technique of line-drawing, a political act—is a world-creating exercise, which operates unnoticed until it is faced with alternative modes of world ordering that bring the contingency of the entire operation into focus. It is a seemingly endless, but often naturalized and invisible process of “thinking that” (Foucault 1970, xv). In outlining the productive power of classification, Ian Hacking argues, “numerous kinds of human beings and human acts come into being hand in hand with our invention of the categories labeling them” (1999, 170). In the context of Canada, settler colonial agents have used similar techniques of line drawing to frame the terms by which the world—including Indigenous peoples and nations as well as settlers agents themselves—becomes visible. The ordering of the known world through Euro-modern systems of categorization furnished justifications for imperial and colonial violence based on the accepted hierarchies embedded within a civilizational worldview, in which European elites ranked the highest and all other forms of life occupied “various degrees of inferiority beneath them” (Carter 1999, 79).

I theorize settler colonial ways of seeing and associated techniques for rendering the world visible as part of a broader settler colonial regime of knowledge. Regimes of knowledge, as articulated by Michel Foucault, “establish truth claims through a process of exclusion and marginalization that relies upon specific technical procedures within connected institutions in a particular context” (1991, 79). Within a given regime of

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9 The much-cited world-shattering laughter that Borges’s Chinese encyclopedia elicited from Foucault comes to mind. The very possibility of a foreign taxonomy that would divide all animals into those belonging to the Emperor, the embalmed, the tame, and so on troubles the seeming rationality of Western modes of categorizing animal life. “[A]s the exotic charm of another system of thought,” the Chinese taxonomy demonstrates, Foucault writes, “the limitation of our own, the stark impossibility of thinking that” (1970, xv).
knowledge, some techniques are valorized as sources of fact and some individuals are authorized to use those techniques, while others are cast aside as unintelligible. A regime of knowledge structures what can be known, how it is known, and who can know. Further, such a regime of knowledge is characterized by Euro-modern investments in documentation as a method of recording observations and their asserted objectivity (Poovey 1998). What is visible to settler colonial ways of seeing and captured by state techniques of documentation becomes the terms through which its agents operate. What is invisible and undocumented is effectively erased. Repeating the Latin aphorism, “quod non est in actis, non est in mondo” (“what is not in the records is not in the world”), Vismann’s study of the intimate relations between record keeping practices and law reminds that what is not recorded or documented is effectively effaced (2008, 56; Kafka 2009, 345). Further, what is recorded or documented is reshaped by the work of recording itself. Techniques of documentation are techniques of world-making and world-erasing. I identify settler colonial projects of classifying populations and surveying lands as techniques through which Euro-modern categories were imposed upon the territories and peoples to make the world claimed as Canada. These techniques valorize Euro-modern categories and are used by settler colonial agents to generate images of land and life that corresponds with settler political visions. Conspicuously absent in this nexus of re-presentation, visibility, and knowledge claims are Indigenous techniques for apprehending the world: Indigenous worldviews are excluded as unintelligibly other to a settler colonial regime of knowledge. 10

Seeing is a complex process. Gazes, even those invested with sovereign state power, are vulnerable to being misdirected, deflected, or refused. The settler colonial ways of seeing mapped in this dissertation are partial. Their framings have been routinely

10 Saul (2008, 2015) has argued that Canada, as a place of mixed anglophone, francophone, and Indigenous heritage, is structured by “métissage” and that Canada’s founding myths and history of negotiation are of a (here, métis is read as “mixed”, contra Andersen’s analysis of Métis nationhood). Saul diagnoses radical inequality between Indigenous and non-Indigenous peoples as rooted, in part, in a denial of this history. As King and Pasternak (2015) note, Saul’s analysis and prescriptions are limited to electoral politics and court cases—a strategy they argue will only result in superficial changes. Saul’s argument might also be read as a variation on settler nativism, a claim to innocence that aims “to deflect a settler identity, while continuing to enjoy settler privilege and occupying stolen land” (Tuck and Yang 2012, 11).
met with resistance and state techniques for intervening into the world have been repeatedly disrupted. The project of solving a so-called “Indian problem” by transforming Indigenous lives and nations into “Indians” remains incomplete: Indigenous nations and claims to sovereignty are very much present in contemporary Canada, the category of “Indian” remains very much under contestation. Indigenous artists and activists have played an important role in critiquing and disrupting settler colonial ways of seeing. Alongside examples of settler documentation, I analyze artworks by Nadia Myre, Cheryl L’Hirondelle, Howard Adler, Rebecca Belmore, and Christi Belcourt as practices of Indigenous resistance engaged in a counter-strategy of visibility. Like Houle’s *Premises of Self-Rule*, these artists take as raw material settler documents to produce works that demonstrate the limits of these ways of seeing and the violent effects of settler techniques of documentation on Indigenous lives and nations. I describe these different works as counter-documents, which denaturalize the restrictive state-imposed frames and insist on seeing Indigenous lives as present, sovereign, and resistant to settler strategies of elimination.

**Conceptual Wayfinding**

Five core concepts operate as both theoretical and contextual signposts in this dissertation. They are active in the theorization of settler colonial ways of seeing developed across the four cases of documentation analyzed in the chapters that follow. They are: vision, race, nationhood, settler colonialism, and documentation and counter-documentation.

*Vision*

This dissertation engages with vision as an operation of politics, rather than as a phenomenon of optics. Taking up vision as both a process of apprehension and as a political view—or envisioning—of the world, I conceptualize ways of seeing as operating on two registers. First, ways of seeing operate as the techniques, processes, and conditions that negotiate what is given to apprehension. Second, they are active in establishing a political view of the world and imagining how a contemporary state of affairs might be seen otherwise. In the context of settler colonialism in Canada, ways of
seeing are at work in how lands, lives, and relations are perceived—or erased—as well as in envisioning a willed settler future to come. Envisioning the settler future crucially involves making Indigenous peoples visible as disappearing and making invisible their claims to presence and to nationhood.

The political work of vision is not just about making something perceptible to state gazes, but is also about the sovereign desire to compel the gaze of subjects. Foucault’s formulation of sovereignty in its disciplinary and biopolitical idioms identifies both vision and the distributed capacity for sight as key operations of power. Under disciplinary sovereignty, the individual subject is the object of sight: “He is seen, but does not see; he is the object of information, never a subject in communication” (Foucault 1977, 200). The object of sight and knowledge shifts under biopolitical sovereignty and the governing sovereign gaze extends from the individual to the entire population and seeking to observe and measure general biological and social processes (Foucault 2003, 249). Foucault argues that the biopolitical operations of sovereign privilege involve “the right of death and power over life” (1990, 135). In this formulation, sovereign power deploys multiple techniques that categorize life and death: some lives are made visible as valued and worthy of protection, while others are pathologized as unhealthful, unmodern, and unnecessary. I thus characterize ways of seeing as a resource for the operations and political visions of sovereign biopower.

The function of vision in politics has been engaged by recent media studies scholarship. In addition to Berger and Scott, Nicholas Mirzeoff (2011) has theorized the relationship between vision and sovereignty as a “complex of visuality”, in which classification and techniques of representation contribute to practices of seeing that naturalize the authority of those who look—those agents invested with enacting the state’s gaze—and the diminish the power of the overseen. For Mirzeoff, techniques like mapping territory or the surveillance of laboring bodies are practices of seeing that deploy classifications to divide and organize governed people and places, but also naturalize such classifications and their effects (476). The map is presented as an objective image of the territory; the oversight of workers a neutral practice of management. Taking a similarly broad approach to seeing, Martin Jay and Sumathi
Ramaswamy’s recent edited collection, *Empires of Vision* (2014), map the ways that the production, consumption, and collection of images in multiple forms enhanced the eyes of colonizers, as well as the colonized. Vision and colonial politics, they argue, are “mutually constituted and entwined, both in the colonies and in the metropole” (2014, 4). Just as visual practices underwrite colonial governance, they are also powerful tools of decolonial imaginaries and actions.

Drawing insight from these approaches, I analyze how the state uses documentary techniques to re-present to itself the subjects it seeks to colonize—that is, how the state sees Indigenous nations. In taking this broad approach to vision, my dissertation responds to Mark Reinhardt’s call to examine how “visual practices shape political life” (2012, 51). More specifically, I trace the mapping techniques, processes, and uses of seeing that have structured settler colonial politics in Canada, as well as forms of resistance to these practices. My attention to the techniques developed and used in ways of seeing brings attention to vision as a process that makes use of concrete technologies in order to conceptualize and act in the world. It is a political relation, wherein framing and techniques of looking and re-presenting are exercises of power, which can be negotiated, contested, and resisted.

In theorizing settler colonial ways of seeing, this dissertation develops a method for articulating how documentary techniques are used to structure the ways particular lives become seen, and thus make material the political vision of the state. In doing so, I work to denaturalize the framing work of state techniques of seeing and re-presenting. The settler state and its agents work to realize the vision of “a *better* polity” in each attempt to frame Indigenous peoples and nations as instances of an “Indian problem”. However, sovereign efforts to compel subjects’ gazes can also be met with eyes that disobediently wander towards the framing operations of sovereign vision. Such wandering eyes pose the risk of gazing upon the framing work that sovereign vision wishes to leave unseen (Reinhardt 2015). Frames and the visual techniques used to differentiate between lives that appear as mattering and those that are made not to matter—or are erased—are never fully successful. Frames are most powerful when they operate invisibly, but as Judith Butler notes, “to call the frame into question is to show
that the frame never quite contained the scene it was meant to limn” (2009, 9). The disruptive gazes that make visible the work of framing present opportunities for resisting sovereign efforts to govern the distinction between those who look and those who are looked at. In disrupting settler colonial ways of seeing, the artistic and activist works I analyze and the broader argument of the dissertation expose the incompleteness of sovereign frames by making visible the Indigenous presence that persists in spite of the colonial politics that envisions erasure as an inevitable conclusion. Further, these works open up alternative ways of seeing in which Indigenous identities are multiple and self-determined.

Race

This dissertation primarily addresses race as a political project of classification. The hierarchical categorization of bodies by way of racial classification enacts and reinforces specific social, political, and economic orders. The conception of race mobilized in this dissertation attends to the historical processes operating within conceptions of race, as well as their use in dividing and governing different bodies. These processes are the accumulated histories of techniques used to fuse the biological with the social and political. More specifically, conceptions of race are the outcomes of historical processes that first insist upon natural connections between the external surface of a person’s body and their internal characteristics and capacities, and then use such connections to justify how that person is treated. Read this way, race is an effect of a classification principal that, as Stuart Hall notes, “operates to sort out the world into its superiors and inferiors along some line of biological or genetic race” (1997, 3). The creation of racially defined groups or “populations” is legitimized on the grounds of differences purported to be biological—and thus immutable—rather than as the effect of policies based on dominance and inequality. As this dissertation demonstrates, the politics of creating racial populations are crucial to upholding economic, social, and political orders.

In my attention to documentary techniques, I dissertation focus on race as an aspect of political practice. I take as central Patrick Wolfe’s argument that race is “a set
of classificatory regimes that seek to order subject populations differentially in pursuit of particular historical agendas” (2016, 10). The material effects of these classifications take different forms in different locales. In colonial North America, the expansive definition of Black racial identities through calculations made under the so-called “one drop rule” ensured an expanding source of enslaved labour, while the restrictive definition of “Indians” was designed to enable increasing settler access to land by decreasing the Indigenous population. Such work of racial classification is not unique to Canada or North America. Colonial state actors in Australia, South Africa, and elsewhere have deployed similar techniques of racialization.

In each of these cases, the definition and calculation of race are traces of the events and actors that converged in the interests of creating the conditions of a white supremacist capitalist economy and settler ascendency. Racial classification thus shaped how Black and Indigenous bodies became visible to settler colonial actors in what is now the United States and Canada: as a growing presence or as vanishing. Reinhardt notes that while ideologies, practices, and experiences of race are produced by politics, the effects of race also “remain tightly bound to ways of seeing human difference and organizing the perceptual field” (Reinhardt 2015, 1). The bureaucratic documentation of racial identity, as this dissertation will demonstrate, plays a significant role in making race visible and governing the visibility of bodies within the frames of racial classification.

Defining and imposing the category of “Indian” was—and continues to be—a process tied to the ongoing assertion of settler colonial political orders in what is now called Canada. As will be analyzed in Chapter One, the racial categories created and imposed by colonizers were designed to dispossess Indigenous populations from their land and to divide and diminish opposition to colonial policies (Lawrence 2003, Napoleon 2001; Palmater 2011). The framing of “Indian” status as a racial identity transmitted through biological inheritance contributed to securing conditions for settler ascendency by defining “who is ‘Indian,’ and control[ling] access to Native land” (Lawrence 2003, 3). In Canada, the Indian Act and its race taxonomy operate as a means
for pursuing politics by establishing a framework within which bodies and the relations between them are hierarchically organized.

**Nationhood**

I make frequent reference to Indigenous nations and nationhood throughout this dissertation. My invocation of these terms intends to distinguish Indigenous nations as communities connected to pre-contact societies through cultural, political, economic, and social practices that survive in the present from the political formations, such as “Indian bands”, imposed post-invasion by settler colonial agents. Engaging with Taiaiake Alfred’s writing, Coulthard notes that Indigenous nationhood is the result of neither transhistorical essentialism nor contemporary invention, but “informed by a complex of cultural practices and traditions that have survived the onslaught of colonialism and continue to structure the form and content of Indigenous activism in the present” (2014, 64). Similarly, Simpson describes the challenge of negotiating the difficult issue of membership as part of asking the broader question of “how to be a nation, when much of one’s territory has been taken” (2014, 10).

The theorization of nationhood in Indigenous scholarship contests Euro-modern theorizations of sovereignty, in which to claim sovereign power over a territory and its bodies is to authorize a singular law and to preserve the force of that law with a singular source of legitimate violence (Weber 1946, 26). In the context of Canada, the nation-state model asserts federal and provincial governments as the sole sources of law over the inhabitants of territories claimed by the state. Within this context, the recognition and accommodation of difference among peoples is articulated as cultural or ethnic difference, subsumed under the state’s claimed legal and political authority. The Canadian nation-state model, then, can withstand the limited existence of difference, so long as this recognition is conferred by the state and in ways that do not meaningfully disrupt the legal, political, and economic structures of Canadian sovereignty. Theorists of Indigenous nationhood have pointed out that Indigenous nations have a history of co-existence and such concepts of nationhood do not hinge on a singular source of legal authority over territory and peoples, as is the case with “the narrow fictions of a single
sovereignty” that undergird the settler colonial imaginaries active in the Canadian nation-state (Alfred 2005, 33). As such, Indigenous conceptions of nationhood can withstand the complex plurality of nations co-present in a territory, or of sovereignties “within a sovereignty” (Simpson 2014, 10). It is important to note that conceptions of Indigenous nationhood—though not necessarily unified—identify cultural sovereignty and formal self-government as political goals, but do not necessarily involve the creation of new nation-states in the model of Euro-modern sovereignty.

Indigenous nationhood was and continues to be a primary target of settler colonial governance and the affirmation and regeneration Indigenous nationhood is a crucial aspect of decolonization. In addition to imposing a racial taxonomy, the Indian Act also defined “Indian bands” as the only unit of community affiliation visible to settler colonial ways of seeing. Val Napoleon notes this creation of colonial agents “bears no relationship to the larger nation or its ancient cultural systems of governance, land tenure, laws, or citizenship” (2001, 126). The Indian Act’s imposition of “Indian bands” aimed to fracture Indigenous nations and undermine their claims to territories. For example, the Gitxsan nation in what is now northern British Columbia was divided into six Gitxsan bands under the Indian Act, each with separate governing councils and membership rules that administratively fragment the nation and contravene the political and hereditary relationships of Gitxsan society (Napoleon 2001, 126). The legal division and separation of nations into smaller bands was a policy designed to erode Indigenous political formations. This fracturing of Indigenous nationhood was furthered by the homogenizing work of Indian Act racial taxonomies, which sought to deny the realities of politically distinct Indigenous nations and peoples by transforming them into individual “Indians”, as a stage in the path to enfranchisement as fully assimilated citizens (Milloy 2008).

There is ongoing debate over the meaning and form of nationhood under the conditions of contemporary settler colonialism amongst Indigenous scholars, political leaders, and knowledge keepers (Alfred 2005; Barker 2005; Coulthard 2014; A. Simpson, 2014, L. Simpson 2011). I have neither the knowledge nor the authority to claim a position in these debates, but attend instead to the challenge Indigenous nationhood poses to settler colonial desires and to the actions taken by colonial agents to undermine and
extinguish this threat. Further, I take the normative position that any reparative efforts undertaken by the settler state and broader society to offer redress for colonial violence must approach Indigenous nations “as political partners to be engaged with rather than as social problems to be ameliorated” (Andersen 2014, 19). Debates in Indigenous scholarship and communities around resource allocation, membership policy, legal orders, and other matters of self-governance draw on Indigenous histories and relations. The work of these debates themselves, as well as the political activism they feed, can be understood as practices of resurgence that have the effect of regenerating political and legal traditions, reclaiming knowledge, and developing resources for undercutting the domination of settler colonial policies.

Settler Colonialism

Settler colonialism is a structure of political relations where a settler population seeks to replace native forms of life and relations with settler communities and, ultimately, to establish a new political community distinct from the colonial metropole. Unlike other forms of colonialism that primarily seek to exploit natural resources or extract labour power from native populations with the intention of enriching the metropole, settler colonialism additionally involves permanent invasion (Coulthard 2007; Simpson 2014; Wolfe 2006). In this dissertation, I follow Wolfe’s emphasis on the ongoing nature of settler colonialism as “a structure not an event” (2006, 388). In practice, settler colonialism is an uneven, but continuous and ongoing process of dispossession and settlement. The structure of settler colonialism and the techniques through which it is enacted are varied. Such techniques mutate and are adapted to respond to the particular conditions of different socio-historical conditions and the particular characteristics of communities and territories. The ways of seeing theorized in this dissertation contribute to settler colonial strategies of elimination, as well as the production of different subjectivities and power relations.

11 The permanent invasion of settler colonialism in Canada also centrally involves the exploitation of resources, the incursion of extractive industries into Indigenous territories, and the extraction of Indigenous labour power (Coulthard 2014; Pasternak 2015; Preston 2013).
The will to eliminate Indigenous nations, their political structures, and their peoples is a key characteristic of settler colonialism. In order to develop a new society on invaded and expropriated territories, settler colonial projects seek to eliminate the material presence of existing Indigenous nations and, as a result, undermine their claims to those lands. The continued existence of an Indigenous nation lies in tension with settler colonial claims to sovereignty and to the legitimacy of legal fictions, like *terra nullius* (Asch 2002; Rifkin 2009). Wolfe also indicates the need to symbolically eliminate Indigenous societies, so that settlers themselves can appropriate the mantle of indigeneity and claim their distinction from the colonial metropole (2006, 389). Simply stated, for settlers to build a permanent political community on colonized territory—to establish new homeland for a new nation—the original inhabitants and their political and legal claims to occupancy, and their social, cultural, and physical presences must be eliminated.

Techniques of elimination under settler colonialism are multiple. In addition to the strategies of direct violence contributing towards material elimination described earlier, the agents of the settler colonization of Canada have pursued a variety of strategies aimed at the symbolic elimination of Indigenous nations. These strategies have included direct disavowals of Indigenous presence, repressive authenticity that excludes Indigenous life from the contemporary world, and conciliatory policies of recognition that reaffirm colonial frameworks of power, dispossession, and racism (Coulthard 2014; Wrightson 2015). In its symbolic forms, elimination does not necessarily entail the replacement of Indigenous populations, but seeks the erasure of their political status as self-determining political nations. The erasure pursued by settler colonial agents in Canada centrally involves the transformation of Indigenous nations into racialized minorities by way of the documentary techniques analyzed in this dissertation.

It is crucial to note that settler colonialism, through its strategies of ongoing dispossession and elimination, has a productive characteristic. Specifically, settler colonial desires and policies make use of racial classification, conceptions of property, and various re-presentational techniques to generate an array of subject positions within the envisioned settler colonial society. Beyond the range of subjectivities and
relationships that emanate from and reproduce the claimed legitimacy of settler political orders, settler colonialism also reproduces the power structures on which such orders depend (Coulthard 2014, 152). This productive characteristic gives rise to both settler and “Indian” subjectivities. Bureaucratic re-presentations are techniques through which this productive characteristic operates. Where maps generate and naturalize a vision of territory as private property, racial categories and their subsequent documentation give rise to the subject positions of Indigenous peoples as “status Indians”, as well as Inuit and Inuk, Métis, and “non-status” Indigenous persons. While these categories structure the visibility of the bodies they are used to define, the world they work to create and the hierarchies they present as natural are emanations of settler power structures, not of the lived relations and practices of Indigenous peoples and nations.

The productive aspect of settler colonialism does not merely bring into being those places it seeks to appropriate or peoples it aims to eliminate. Settler colonial hierarchies of classification and power structures also establish the subject positions of settler citizens—envisioned as the legitimate occupants of colonized spaces—and of non-Indigenous inhabitants, or “arrivants” (Byrd 2011). The relations between “Indian”, settler and non-Indigenous arrivants have been theorized as a triangular relationship (Veracini 2010) or as a “structure of antagonisms” (Wilderson III 2010), wherein settlers and their political representatives exert differential authority over Indigenous peoples and non-Indigenous arrivants in ways that seek to naturalize social, economic, and political hierarchies. Non-Indigenous arrivants is not a closed category and includes African peoples trafficked to North America under chattel slavery, other groups of enslaved peoples, refugees, and other immigrant groups outside of the political vision of Canada as a “better Britain” (Morgan 2016). Non-Indigenous arrivants, their relations, and their labour have been crucial to the processes and power structures of settler colonization in Canada. However, the scope of this dissertation is limited to the production of settler and “Indian” forms of life through settler colonial ways of seeing and thus does not engage the documentary techniques and other exercises of settler colonial authority that have sought to structure the lives of non-Indigenous arrivants. Nor do I address potential and emergent solidarities between Indigenous peoples and arrivant communities in their struggles against dispossession, antiblackness, Islamaphobia, and other forms of violence.
perpetrated by settler colonial agents and structures (Snelgrove, Dahmoon, and Corntassel 2014; Tuck, Guess, and Sultan 2014; Tuck and Yang 2012).

**Documentation and Counter-Documentation**

Documentation combines techniques of classification and re-presentation with the durable, material surfaces upon which such classifications are inscribed. In this dissertation, I take a broad view of documentation, drawing on Suzanne Briet’s definition of documents as those things produced with the intent of representing, reconstituting, or providing evidence of a physical or conceptual phenomenon. In this view, signs produced to provide evidence are not limited to paper records, but are much broader. Briet writes:

> Is a star a document? Is a pebble rolled by a torrent a document? Is a living animal a document? No. But the photographs and catalogues of stars, the stones in the museum of mineralogy, and the animals that are catalogued and shown in a zoo are documents (2006, 10).

In this dissertation, I approach state-generated documents as evidence of the phenomena they are designed to record as well as evidence of the classifications that guide this recording work. The *Indian Act*, then, is not only a document that records the outcome of a legislative process, but also provides evidence of the techniques of classification undergirding the Act’s racial taxonomy. Documentation, then, is a technique of sovereignty that combines the conceptual line-drawing work of classification that makes bodies visible with the material technologies—the forms, the certificates, the photographs—that record the outcomes of classifying.

Documentation is a practical operation of sovereignty at the level of individual life, which Vismann has described as the “vanishing point” where abstract law and its enforcing agencies converge (2008, xii). Crucially, under conditions of Euro-modern state sovereignty, the state arrogates to itself the authority to document—an authority then delegated to administrative agents. Prolific authors of documents, state administrative agents play a key role in recording and thus writing-into-being the territories, peoples, and property it seeks to govern, as well as their erasure. Documentation generates evidence of the people and places that legislation and administrators name and classify in service of state-making (Scott, Tehranian, and
Mathias 2002). As a political and legal entity, the state is itself constituted through the documentary techniques executed by its agents. In re-presenting land and life in accordance with sovereign practices of classification, administrators repeatedly assert the powers to look, to distinguish, and to frame which the state arrogates to itself (Vismann 2008). Intentionally circular, these relations between sovereign authorial power, documentation, and authority aim to exclude alternate sources of documents: part of state agents’ claims to authority is connected to their exclusive claim to authorship of the documents that will be visible to other state agents. Similarly, documents do not only re-present who and what a state seeks to govern, they also create a space of interaction between sovereign power and its object. State powers multiply and literalize themselves through documentary re-presentations and, as Veena Das argues, through documents, the state and its legal abstractions “can enter the life of the community” (2004, 245). As Chapters Two and Three of this dissertation will argue, the Canadian state enters the lives of Indigenous peoples and communities on a daily basis by way of registration forms and identification documents. My analysis of how documents are used to bring the law and state classifications into being mobilizes insights from theorizations of governmentality, which have traced the role of bureaucratic technique in naturalizing the operations of state power (Miller and Rose 1990; Neu 1999; Neu and Graham 2004, 2006; Rose 1991, 2001). State claims to sovereign power, I argue, are reiterated by the generation of documents, through the world-creating work of inscription and erasure.

I approach documents as concrete manifestations of settler colonial ways of seeing. Each documentary technique analyzed in this dissertation presents a site where the classificatory regimes that seek to establish the conditions of visibility converge with particular, classified lives, as visible to state agents. In studying documents, I investigate both the technique of seeing and the image that results. However, state-authored documents and the ways of seeing active within them are themselves subject to documentation. The works of Indigenous artists and activists also analyzed in this dissertation reconstitute, represent, and provide evidence of the experiences of being documented or made visible as “Indian” by settler colonial ways of seeing. I refer to the technique active in each of these works as counter-documentation.
Counter-documentary techniques reconstitute and make visible the classificatory framing practices at work in settler colonial documents. Specifically, counter-documents depict the ways in which lives becomes visible if the lines of classification were differently drawn by making visible the Indigenous presence that settler documentation techniques seek to render invisible. Extending Bernd Frohmann’s (2008) analysis of patient and consumer generated documents as disruptions in hegemonic medical and business discourses, I approach counter-documentation as a critical practice that multiplies writing, records, and documentation techniques, as a means of destabilizing the authorial power claimed by the state. In rendering lives and nations visible through the frames of Indigenous intellectual, cultural, and political paradigms, counter-documents are assertions of “visual sovereignty” that disrupt settler regimes of classification (Raheja 2010, 2015). Read this way, I argue that counter-documentation is a technique of decolonial politics because it is engaged in a critique of the system of colonial governance itself, but also of the knowledge that undergirds that system. In addition to contesting the re-presentations of state documentary techniques, counter-documents disruptively and insistently bring into being the realities settler colonial ways of seeing seek to erase. As I will outline in Chapter One, the politics of framing and of defining the terms of visibility have powerful effects on organizing the sensible world. Further, by asserting alternate ways of seeing, these works of counter-documentation disrupt the colonial field of the sensible and introduce self-authored and self-authorizing frames of Indigenous identity.

**Situating this Study**

As a settler scholar, I have approached this dissertation research with a commitment to the necessary task of dismantling the settler colonial inheritances that shape the broader political structures in which I work and live. The primary focus of this dissertation is the identification and critique of the bureaucratic strategies of re-presentation that have been and continue to create conditions of possibility for the colonization of Canada. My approach to the visual techniques of the state and to the counter-documentation work of Indigenous artists and activists are grounded in an analysis of the political effects of seeing. Two core political commitments inform my
work. *First*, that decolonization cannot be a metaphorical task, but must centrally locate the restoration of land and life to Indigenous nations (Tuck and Yang 2012). *Second*, that substantive reconciliation requires both economic and symbolic redistribution of power—conditions not currently possible under state-sanctioned reconciliation (Coulthard 2014). To this end, the disruption of settler colonial ways of seeing does not simply involve the production of different re-presentations of Indigenous life, but must also contest the claims to land and life naturalized by settler visual techniques.

While formally located as a work of media studies scholarship, this dissertation research has been conducted in close conversation with the field of settler colonial studies. In addition to sharing settler colonial studies’ object of research, this dissertation also shares some of the concerns of Indigenous studies. Specifically, it shares the normative position that the cultural, political, and economic regeneration of self-determining Indigenous nations requires the transformation of the symbolic and material conditions that have contributed to the dispossession of Indigenous peoples (Coulthard 2014; A. Simpson 2011, 2014; L. Simpson 2011).

Though my research has benefitted from engaging with the different literatures, critical languages, and approaches to framing questions of these three disciplines, I have also come to dwell somewhat uncomfortably between them. A key tension with which I have struggled throughout my process of research and writing is the tendency of towards centering state power and settler subjectivities within settler colonial studies, to the exclusion of Indigenous peoples’ articulations and critiques (Snelgrove, Dhamoon, and Corntassel 2014). In focusing their analytical energies on the logics and structures of settler colonialization rather than on Indigenous experiences, key figures in settler colonial studies, such as Wolfe and Veracini, frame this exclusion a refusal “to ‘ventriloquise’ on behalf of Indigenous peoples” (Woolford and Benveneuto 2015, 380). The combined emphasis on settler logics and subjectivities and the absence of engagement with Indigenous scholarship risks reiterating the very colonial erasures supposedly under critique. To navigate the space between the commitments of settler colonial and Indigenous studies and to guard against the risk of repeating colonial erasures, I have aimed to center Indigenous scholarship, artwork, and activism in my
analysis. While this dissertation is an analysis of settler colonial practices for generating and enforcing specific frames through which the world it aims to colonize become visible. But, I do not propose that these are the only ways of seeing at work in what is now Canada. Indigenous ways of seeing—and specifically, of oppositionally framing—the settler colonial state and its techniques of documentation are a crucial component of the dissertation.

By conducting research in this way, I seek to contribute to a critical displacement of the usual object of settler colonial studies by analyzing state practices in ways that do not exclusively emphasize the work of the state and settler knowledge. Scholarship limited to the study of settler colonial structures risks reifying the necessary existence of the settler state apparatus or sensationalizing its violence. These methodological choices also aim to disrupt tendencies within academia to appropriate Indigenous works as objects for analytical consumption, and instead to foreground Indigenous thought within the project of critiquing settler sovereignty and within settler colonial studies as a discipline. To this end, analyses by Simpson, Coulthard, Lawrence, Palmater and other Indigenous political theorists are central to my conceptualization of the settler colonial state apparatus that continues to operate in what we now call Canada. While my research is not exclusively in conversation with Indigenous thinkers, I assume the presence of Indigenous scholarship rather than its absence (Te Punga Somerville 2016). I also engage with counter-documentation work of activists and artists that disrupt settler colonial frames of vision help bring the operation of those frames into view. From Houle’s mixed-media works to the reports produced by the NWAC Sisters in Spirit initiative, these works denaturalize settler state frames, their operations, and the ways of seeing they produce, offering instead records of the effects of settler colonial policies and assertions of continued Indigenous nationhood stretching backward and forward across time. As Simpson observes, “[s]ettler colonialism appears in its non-appearance as a sturdy, structuring logic but also a shifting and impossible assemblage” (Simpson 2016, 439). Indigenous art and scholarship refuses this self-effacement and instead pins down settler colonial techniques like a specimen to be scrutinized, stripped of its camouflaging exterior.
Finally, this dissertation is centrally concerned with techniques of settler colonial violence, but it does not include descriptions of Indigenous suffering. I have instead tried to train my own gaze on documentary techniques as operations and relations of knowledge and power. This is not to elide violence, but to mount an argument at the level of sovereign practice—a space where I believe there are possibilities for doing and seeing differently—rather than engaging in invasive research that seeks to extract stories that are not mine to tell (Tuck and Yang 2014). In taking this approach, I follow Eve Tuck and K. Wayne Yang’s insistence on shifting “the unit of analysis, away from people, and toward the relationships between people and institutions of power” (815). Similarly, the responses of Indigenous artists and activists to these techniques that I engage are works that perform a refusal of settler colonial ways of seeing. These counter-documents disrupt the state desires and capacities for vision, gazing back upon the state and making visible the ways in which settler techniques continue to invade the lives of Indigenous peoples. Such counter-documents and the ways of seeing they gesture towards are not parallel to state practices of documentation or seeing. The documentary and re-presentational techniques that form settler colonial ways of seeing have been developed in correspondence with a singular political vision—of settler supersession contingent on the elimination of Indigenous nations. The ways of seeing that emerge from artworks like those analyzed in this dissertation are refusals of settler political visions that instead explore the necessarily multiple political visions for the self-definition and self-determination of Indigenous peoples and nations.

My analysis of how bureaucratic techniques make Indigenous life visible is informed by cultural theory research, which has assessed the ways restrictive definitions of “Indians” have shaped media depictions of Indigenous individuals and communities. Images of Indigenous persons in literature, on screens, and in museums reproduce a variety of stereotypes ranging from caricatured “noble savages,” “Indian princesses,” and “warrior chiefs” to violable women and undeserving recipients of government handouts (Cornellier 2013; King 2012; Raheja 2011). Consistent with logics of elimination, such stereotypes mark “Indian” life as vanishing or locked in the past and thus refuse Indigenous presence. As Julia Emberley (2007), Pauline Wakeham (2008), and Emma LaRocque (2010) each observe, historical and contemporary representations of “Indians”
in cultural texts contribute to the naturalization of Euro-modern racial hierarchies by reproducing distinctions between savagery and civilization.

While studies of ethnocentric images of “Indians” offer valuable insight into the dispersed ways popular culture contributes to the naturalization of both colonial state logics and “settler common sense” (Rifkin 2014), bureaucratic representations require additional and specific analysis. As Noel Dyck has argued, bureaucratic depictions of Indigenous lives and communities are invested with the “the practice of state racism in the form of bureaucratized systems of discrimination and inequality” (1991, 9). While cultural biases circulate throughout Euro-Canadian culture in a variety of ways and can lead to violent results, the ideas of “Indians” as a governable population held by federal agencies have institutionally harmed Indigenous nations in direct and indirect ways (Brownlie 2003). Daniel Francis (1992) and Thomas King (2012) each briefly consider bureaucratic representations of Indigenous communities in their studies of “Indian” images in popular culture, but neither author details the specific techniques the settler colonial state uses to make Indigenous life visible. Historians of Canadian public administration such as John Milloy (1992), James Leighton (1975), and John Leslie (1999, 2013) have focused on the development of assimilationist programs within Canada’s Indian policy in the mid-20th century. Each of these studies have primarily attended to macro-level policy shifts and the decision-making by political leaders and within policy communities, leaving the more granular work of documentation under-theorized. While the field of library and information studies has produced a few analyses of state documentary practices, these approaches have largely been limited to narrating historical documentary procedures and tend not to address the relationship of documents to settler colonial politics (Darcy 2004; Gourlie 1993; Pylypchuk 1991; Russell 1984).

What remains little studied in these different approaches, however, is the role of documentary techniques in structuring the visibility of Indigenous lives to the settler colonial state and their political effects. The visual dimension of the settler bureaucratic gaze and its documentary techniques requires further investigation, specifically with regard to how the state’s visual practices have developed, have been naturalized, and have been disrupted. This dissertation contributes to such an investigation by examining
the specific function of bureaucratic re-presentation in providing the ideological frame and establishing ways of seeing “Indians”. As a settler scholar engaged in media studies, this dissertation speaks to a small aspect of the issues of representation and the attempted governance of Indigenous identities. What I highlight in this project is how different documentary strategies have become a means of conducting settler colonial politics at the micro-level of bureaucratic process, but have also been taken up as site of critique by Indigenous artists and activists. In my analysis of colonial documentary practices and their counter-documentary disruptions, I aim to centre Indigenous scholarship, artworks, and authority. I do so as a mode of both critiquing the practices of dispossession that constitute the settler colonial present and disrupting their naturalization, but also of imagining alternate, more just relations between Indigenous and non-Indigenous communities.

Discussing turns made in her education and later in her curatorial practice, Irit Rogoff notes that turning involves the movement of the learner. “In a turn,” she writes, “we turn away from something or towards or around something and it is we who are in movement, rather than it” (2010, 42, emphasis in original). This dissertation is the result of my own turning toward and around the realities of ongoing settler colonial violence and questions of decolonization. My turning toward these questions in the latter years of my doctoral studies is a belated effect of learning that began a decade ago, when I was a masters student at the University of Victoria and a civil servant with the BC provincial government. During my time in Victoria, I was invited to turn towards the work of political and anthropological theory in reproducing the conceptual frameworks of much settler colonial law by Michael Asch and Warren Magnusson, in a course they generously allowed me to audit. At that time, my own research was focused on the role of photography in framing the naturalized conditions of violence in the Abu Ghraib prison; however, I had the good fortune to continue my informal education on settler colonialism
through conversations with colleagues engaged in the politics of treaty relationships, Indigenous resurgence, and decolonial political theory.¹²

During this period, I was also working as a junior policy analyst with a branch of the BC provincial government responsible for housing, counselling, and outreach programming for women who have experienced violence. Here, I was exposed to the practical, material effects of settler colonial violence in the form of policy papers written and programs designed in response to the disproportionate rates of violence experienced by Indigenous women. The conclusion of the Robert Pickton serial murder trial in December 2009 and calls for the Missing Women’s Commission of Inquiry, which would commence in September 2010, formed a background that brought a specificity and urgency to the statistics I would commit to memory during my 18 months as a policy analyst. As Rogoff suggests, the *something* of learning—here settler colonial politics and techniques—is what I have turned around for several years, but in an instance of the latency of learning, I only belatedly turned toward these issues as a site of sustained academic research.

Methodologically, my experience of turning towards settler colonial violence and Indigenous resistance has also involved a degree of turning away from my previous training. Specifically, turning away from the Euro-American theorists of sovereignty from whom I had learned my perspective on politics and violence, such as Michael Foucault, Giorgio Agamben, and Jenny Edkins. Instead, I turned towards Indigenous critique. The questions of violence and visibility, of documentary governance, and of classification and enumeration could be engaged from the perspectives of biopolitical or governmentality theorists. These same questions could have been considered through the application of settler colonial studies theorists, like Patrick Wolfe or Lorenzo Veracini. To design my research in this way would have foregrounded the contributions of settler theorists of the colonial political condition and contributed to the centrality of already

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¹² I owe a great deal of my early and continued learning on these issues to Kelly Aguirre, Renée Beausoleil, Robert Hancock, Joëlle Alice Michaud-Ouellet, Tim Smith, Joshua Smith, Gina Starblanket, Matt Wildcat, and Kelsey Wrightson.
well established critical voices within the realms of political and settler colonial theory. Instead, I have oriented my citation practices towards the contributions of Indigenous scholars. This decision is political. It is a response to the long tradition within political, legal, and anthropological theory of framing of Indigenous peoples as “timeless”, as vanishing, as objects of knowledge rather then subjects of knowing (Simpson 2007). Indigenous peoples and the scholars whose work is central to this dissertation are knowers who are working in their own traditions, creating work in response to and for their communities. But they are also offering much needed criticism of Euro-modern traditions, often from within the institutions of such traditions. In navigating community spaces and colonial academic spaces, Indigenous scholars continue to work as the subjects of multiple ways of knowing.

This methodological turning away from Euro-American political theory and towards Indigenous scholarship has also involved shifting the range of documents I had previously worked with (documentary photography) and into the more interpretive, poetic spaces of visual art. I selected the artworks analyzed in this dissertation for a variety of reasons: reasons of subject matter, of diversity, and of poesis. Subject matter is the primary thread connecting these works. Across multiple media, including painting, web code, and performance, these works each take up an aspect of the settler colonial governance of Indigenous identities and the multiple techniques and effects of asserting “Indian” as the restrictive frame of visibility. Beyond a search for art engaged in the critique of “Indian” identities and their governance, I wanted to include a wide range of perspectives. Wary of what Chimamanda Ngozi Adichie has called “the danger of a single story” (2009), my decision-making around the artworks included in my analysis was guided by a desire to engage the work of artists from different Indigenous nations, at different points in their careers, and employing different methodologies.

Whenever possible in the citation of both artwork and scholarship, I have also privileged the contributions of Indigenous women, as they have historically been marginalized in the few and often singular stories told about “Indians”. My interest in including artists from a range of backgrounds was driven by the desire to contribute towards the project of making Indigenous life visible as complex, as varied, and as filled
with at times contradictory voices—a visibility that Thomas King has described as much more inconvenient to settler states than the singular story of “Dead Indians” (2012, 53). Finally, each of these works has been selected for their poetic dimension. Taking on forms ranging from collaborative beading to photo collage, these works are poetic in that they construct a world—an Indigenous world of self-definition and self-determination alongside the critique they wage against colonial ways of seeing and techniques of documentary governance. They signal the possibility of different relations, even amid the history and continued presence of colonial devastation.

It is in this process of constructing new, self-defined worlds that I locate Indigenous ways of seeing operating in opposition to the regulative, restrictive, and reductive frames of settler colonial state visions. These ways of seeing denaturalize the framing work of settler state policies and techniques. They are works that refuse settler colonial ways of seeing, and in enacting their refusal, they are works that articulate other ways of making visible Indigenous life. They offer ways of seeing Indigenous nations as fully present and as mattering. The critical work of this dissertation is the identification of settler way of seeing, the analysis of the techniques involved, and the critique of their violent outcomes for Indigenous nations. Such work requires a particular mode of analysis and writing. Readers will notice my mode of analysis shifts with respect to Indigenous artwork and the ways of seeing they engender. This shift in tone is in response to different objects under investigation: historical documents, legislation, and bureaucratic paperwork call for different critical lenses than a painting or a community installation. Perhaps more importantly, these shifts in tone have been elicited by the different political status of the objects of my analysis. The Indian Act, the forms of the Indian Register, status cards, and the crisis of disappeared and murdered Indigenous women are all immediately tied to and infused with the force of state racism. Here, the force of my critique is driven by the normative position that these policies and the violence they enable must stop. While art does important political work, Robert Houle’s painting that features the Indian Act is of a different register than the Act as state policy.

This is not to say that art does not matter. To this dissertation, it matters intensely. Within this study, art is the locus of hope and the model for thinking, doing, and seeing
otherwise. The artworks analyzed in each chapter shift the terms of engagement, refusing state insistence on identities defined by racism and sexism and introducing practices of seeing differently. The terms of my engagement with these artworks and the ways of seeing they present are shaped by a practice of refusal. By addressing these works in a different register than state documents I have sought to conduct a more open-ended analysis of their disruptions and the possibilities for vision they create. This shift in critical tone refuses to transform Indigenous artworks into objects of academic knowledge. I have attempted to narrate each work and to provide interpretive context and connections—often with reference to Indigenous art criticism—without claiming an authoritative position. In many ways, these works are not for me (Nixon 2017). And yet, they present crucial sites for thinking about Indigenous presence and thinking through other, expansive ways of seeing.

**Mapping the Dissertation**

To identify the bureaucratic techniques used by the Canadian state to make Indigenous lives visible as colonized subjects, this study maps the use of racial classification, registration, and enumeration to transform Indigenous lives into “Indian” subjects. This dissertation is composed of four chapters, each analyzing a different technique of bureaucratic documentation: the *Indian Act*, the Indian Register, Certificates of Indian Status, and numerical representations of the crisis of murdered and missing Indigenous women and girls. Each case study offers different insights into how settler colonial ways of seeing work in service of the vision of colonial Canada by naturalizing hierarchical racial classifications and providing documentary resources necessary for dispossession, governance, and elimination of Indigenous nations.

Chapter One identifies the *Indian Act* as a foundational technique of settler colonial sovereignty. By introducing a definition of “status Indian”, the Act codified a racial classification system that sought to transform sovereign Indigenous nations into an “Indian” population to be observed, calculated, and managed. I read the *Indian Act* as both the manifestation of racial ideologies at the close of the 19th century and—due to its legislative entrenchment—as a foundational element of Canada’s settler colonial vision. By identifying and analyzing the taxonomic operations of the Act, this chapter
demonstrates how settler colonial ways of seeing naturalize the logics and practices of elimination through categorizing Indigenous bodies as racially inferior and thus subject to a range of violent interventions. To further thematize the frames through which Indian Act taxonomy seeks to circumscribe the visibility of Indigenous life, I engage Nadia Myre’s *Indian Act* (2002). Myre’s beading installation takes up form of the physical document of the Act, repudiating the constraints of racial taxonomy and its effects on individual lives and communities by obscuring the Act’s legislative language.

Chapters Two and Three focus on two documentary techniques deployed by the agents and agencies responsible for federal Indian policy: a centralized Indian Register and dispersed Certificates of Indian Status. Introduced alongside the 1951 *Act to Amend the Indian Act*, the Indian Register and Certificates of Indian Status are two interconnected techniques of documentation and representation that each demonstrates settler colonial ways of seeing. Both documentary processes materialize and literalize Indian Act classifications, generating evidence of “status Indians” through paperwork. These documentary techniques—structured by settler colonial ways of seeing—are crucial sites of investigation because they have been used by government administrators as a way of establishing and protecting their agency as functionaries of sovereign power. These two processes are invested with a hierarchy of truth and serve as the state’s point of departure for counting, scrutinizing, and manipulating those Indigenous bodies rendered intelligible as “Indians” vis-à-vis Indian Act racial taxonomies. The centralized Register—analyzed in Chapter Two—introduces a system of racialized identity documentation that governs access to resources and to claims of title and rights. Certificates of Indian Status—the subject of Chapter Three—form the other half of this system, operating as a distributed tether between individual “Indians” and the list. The Register counts bodies; Certificates of Indian Status provide evidence of an individual body as counted. The Register takes an existing abstraction—the category of “status Indian” codified by the Indian Act—and literalizes it through paper forms and numerical abstraction.

Simultaneously dispersed in the wallets of cardholders and housed in registry files, I argue that this system of “Indian” identity documentation literalizes Indian Act
taxonomies and infuses colonial impositions of racial categories with a sense of objective truth—a sense furnished by investments in the evidentiary function of the number and the photograph. I contextualize my analysis with two counter-documentation interventions that mimic and resist bureaucratic images of “Indians” and challenge the state’s claim to being the singular author of such images, reclaiming authority over them: Cheryl L’Hirondelle’s *TreatyCard.ca* (2002) and Howard Adler’s *STATUS* (2014). In different ways, both projects draw attention to the limited, arbitrary, and constraining ways that Indigenous peoples are made visible to the state as “Indians”. In making the bureaucratic gaze the subject of their works, each of these projects denaturalize and contest the state’s authority over the definition of legitimate “status Indian” bodies.

Chapter Four brings the dissertation’s arguments about settler colonial ways of seeing and the governed visibility of Indigenous lives through classification, enumeration, and documentation to the direct violence of murdered and missing Indigenous women (MMIW). The crisis of MMIW, I argue, is a crime made possible by the politics of visibility thematized in the preceding chapters. This same politics of visibility that generates “Indians” on paper also produces an invisibility of Indigenous lives with claims to land and sovereignty. Further, settler colonial ways of seeing render “Indian” lives unintelligible as lives that matter, naturalizing the material and epistemic violence individuals and communities have been made to endure as given conditions of “Indian” existence. This final chapter examines the techniques of documentation that have contributed to the emergent visibility of disappeared and murdered Indigenous women as the MMIW crisis. I argue that the MMIW crisis has become visible to the Canadian state and the broader settler society through three key frames. Each frame has a number at its center—a count of disappeared and murdered women. From the 67 women’s deaths made visible by the Missing Women’s Commission of Inquiry to the 582 women’s lives entered into the NWAC Sisters in Spirit database to the 1,181 cases of disappearance and murder counted by the RCMP’s Operational Overview. This chapter analyzes these three numerical frames, the shifts between them, and how numbers have been used to establish the existence of the crisis despite the limitations of the settler colonial field of vision. However, numbers also homogenize and flatten what they measure. To examine how Indigenous artists have worked outside the genre of numbers to document
the magnitude of loss experienced by the families and communities of disappeared and murdered women, the final section of the chapter analyzes performances by Rebecca Belmore and a community-based installation art coordinated by Christi Belcourt.

The effects of bureaucratic re-presentations are not limited to how Indigenous lives are made visible to the state. Documentation techniques that account for lives *without counting them as lives that matter* (ethically, politically, or historically) creates the material conditions in which sovereign power intrudes upon Indigenous lives, creating opportunities for violence to unfold without appearing as an emergency requiring action. The role of settler colonial ways of seeing in materializing logics of elimination and structuring how lives become legible is thereby naturalized, depoliticized, and obscured.
Chapter 1

Making Up “Indians”: The Indian Act Racial Taxonomy and the Visibility of Indigenous Lives

The Indian Act 1876 was a foundational technique of settler colonial sovereignty. The Act codified a racial classification system that sought to transform sovereign Indigenous Nations into an “Indian” population to be observed, calculated, and managed. Revised many times since, the Indian Act “made” and “unmade” Indians, a process that legally codified the bodies that posed a “problem” to the establishment of the Canadian state, shaped possibilities for personhood, and created the conditions of legibility through which lives and relationships can be articulated (Simpson 2014, 10). The political and economic project of settler colonization seeks to acquire territory in service of establishing new political communities—territories from which Indigenous inhabitants and their claims to sovereignty must be eliminated (Coulthard 2014; Wolfe 1999). Restructuring and producing Indigenous lives and nations in forms that can be absorbed within the settler nation rather than maintaining sovereign alterity or self-determination is central to settler colonial structures of elimination (Morgensen 2011; Veracini 2010; Wolfe 2006).

“Indian status”, defined under the Indian Act, is the condition for being visible to the settler state as an “Indian”—a visibility itself premised on erasure and structured by the settler colonial structure of elimination. The visibility of life under the Act’s categories determined access to resources, to territory, and to intimate familial bonds. The dispossession of Indigenous populations through these practices of racialization was a key project of settler administration and a condition of colonial expansion across the territory now know as Canada. As I outlined in the introduction, settler colonial desires operate through the Indian Act and its restrictive taxonomy in two ways, both tied to vision. On a conceptual level, the Indian Act contributes to the political vision of the settler colonial society, wherein “Indian” presence and claims pose a problem. On the more granular level of bureaucratic practice, the Act’s racial taxonomy establishes the techniques for visualizing who is an “Indian”, and thus is a “problem” the state can solve.
through governance. The racial taxonomy at the core of the *Indian Act* continues to be a crucial technique of settler colonization and provides the primary frame for what I am calling in this dissertation “settler colonial ways of seeing”.

The *Indian Act* 1876 consolidated the legal foundation for the material and epistemological violence perpetrated by the Canadian state and its official and unofficial representatives in the interest of establishing a settler colonial vision of an open frontier available for Euro-Canadian settlement (Lawrence 2003; Andersen 2014; Palmater 2014). By codifying the bodies that pose a “problem” to the settler colonial state, the *Indian Act*’s taxonomy tethers the racial category of “Indian” to justifications for surveillance, intervention, and governance. The particular—and peculiar—definition of “Indian” codified in the Act is a means to restrict the visibility of Indigenous life. This restriction of visibility, I argue, formed the basis for a series of state documentary practices, which sought to literalize the transformation of Indigenous life into the restricted mode of visibility at the center of the *Indian Act*. As the state-recognized narrative of “Indian” existence, the Act obfuscated Indigenous claims of sovereignty and difference that were irreconcilable with the settler colonial project of Canada. I read the *Indian Act* as both the manifestation of racial ideologies at the close of the nineteenth century and—due to its legislative entrenchment—as a continued condition of possibility of the Canadian state.

Settler colonial ways of seeing provide the ideological frames through which both “Indians” and Canada become visible.

This chapter contributes to existing documentation of settler colonial technique by theorizing the visual dimensions of the *Indian Act* and its racial classifications. By establishing a racial taxonomy that seeks to transform Indigenous lives into “Indians”, I argue that the Act is an operation of settler colonial ways of seeing. Defining who counts as an “Indian”, the Act renders Indigenous life visible to the settler colonial state and its bureaucracy through schematic, abstract re-presentations. In other words, the Act “makes up” a kind of people marked by a racial category (Hacking 1999). However, settler colonial logics of elimination structure this “making up”. Through the *Indian Act*, the racial classification of “Indians” restricts the visibility of Indigenous life. In its many iterations, the *Indian Act’s* taxonomy has been deployed by the Canadian state to
transform sovereign Indigenous nations into individual members of a homogenized “Indian” race as a means of undermining claims to self-determination and territory and to articulate the means through which “Indians” might be assimilated and, ultimately, eliminated. In making up “Indians”, the settler state constructs a racialized identity that reflects colonial desires and power, but is fully divorced from the forms of identity, affiliation, and belonging practiced among Indigenous nations. The settler colonial gaze—you may wish to substitute the term “settler state” here—exerted here through the implementation of racializing legislation by state agents—seeks to transform its object. In making up “Indians” the state and its agents are themselves continuously reconstituted through their repeated practices of documentation and erasure (Kafka 2009; Vismann 2008).

Three propositions ground my analysis. First, that insofar as the settler colonization of Canada turned on a vision of a new society and “a better polity”, the practices of elimination in service of this vision of settler colonial genocide involve a visual dimension (Veracini 2015, 43). Second, that this visual dimension of genocide in the colonization of Canada functions through techniques of racial classification and its persistent re-presentation in bureaucratic documentary practices. Third, just as settler colonial statecraft operates through ways of seeing, it is also resisted by artistic and political acts that insist on Indigenous presence in spite of the state’s own visions through counter-strategies of visibility. Indeed, the settler gaze operating through the Indian Act has always been resisted by the Indigenous lives it seeks to transform.

To develop these propositions I apply both Audra Simpson’s (2007) claim that settler thought shapes perceptions of Indigenous life and John Berger’s (1972) classic

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1 As noted in the introduction, the Article II of the United Nations Convention on the Prevention and Punishment of Genocide defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. These acts include: “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” The definition and its discussion includes both the mental element of intending a group’s destruction and the physical element of perpetrating these acts. The relative success or failure of acts committed with the intention to destroy a group is not a factor in this definition. As such, the fact that Euro-Canadian policies of elimination have not led to the disappearance of Indigenous peoples does not constitute evidence against the charge of genocide.
observation that visual techniques shape our social and political worlds. Drawing further insight from James Scott’s (1998) analysis of bureaucratic re-presentation as a central activity of modern statecraft, I investigate how the Canadian state sees Indigenous lives and communities. Scholars have traced the violent effects of settler colonial policies on the lives of Indigenous people and their communities but less attention has been paid to the visual dimension of these practices of classification. In identifying and analyzing the visual dimensions of the Indian Act, this chapter demonstrates how settler colonial ways of seeing naturalize the logics and practices of elimination through categorizing Indigenous bodies as racially inferior and thus subject to a range of violent interventions. Analyzing the Indian Act as a way of seeing illustrates how the Act’s taxonomy restricts the visibility of Indigenous lives to the frame of “status Indians” and forms the basis for the bureaucratic representations of Indigenous life deployed in settler governance. State-generated documents, such as registration and identity cards, literalize the abstract category of “Indian” codified in the Act and are the subject of Chapter Two and Three of this dissertation.

In the first two sections of this chapter, I introduce the claim that there is a visual dimension to settler colonialism: the vision for a “better polity”, a vision that excludes Indigenous alterity and claims to Indigenous sovereignty in service of settler goals of assimilation and elimination. Next, I outline the restrictive racial taxonomy of the Indian Act and review existing research on how it affects Indigenous lives and communities. The final section analyzes Nadia Myre’s “Indian Act” (2000-2003) as an example of a counter-strategy of visibility, which denaturalizes the restrictive colonial frames and asserts an Indigenous presence.

Seeing Like a Settler State

To articulate the visual dimension of settler colonial desires and the legislation they produce, I turn to a series of insights from visual and political theorists. The politics of framing, of defining the terms of visibility, and of organizing the sensible world has
been the subject of a wide range of theoretical work.\textsuperscript{2} At the heart of many of these interventions are responses to the following question: What are the conditions under which life is made visible—or invisible—and how does that visibility frame politics, ethics, and policy? Naturalized frames claim to present the world \textit{as it is}, when so often what we glimpse through such a constrained view is an image of the world \textit{as if} the desires of those invested in framing practices were neutral facts rather than the conditions of specific political aspirations. Put another way, framing attempts to transform the material conditions of the world by shaping their visibility. In conditioning the possibility of being seen, frames operationalize grids of intelligibility such as hierarchical classifications and property logics. As Judith Butler notes, frames are “operations of power”, but they do not unilaterally determine one’s apprehension of the world: there are always breakage points within these operations, where elements that disrupt framed senses of reality come into view (1999, 1).

While I draw on the insights of several visual and political theorists to develop what I am calling \textit{settler colonial ways of seeing}, my theorization of this concept is grounded in the insights of Kahnawa:ke Mohawk scholar Audra Simpson. In her 2007 article, “On Ethnographic Refusal”, Simpson reflects on the practices of re-presentation used in anthropological research have frequently worked in tandem with social and political theory to provide justifications for the dispossession of Indigenous peoples from their territories, in the past and present. Drawing on the example of Captain Cook’s reports of the Indigenous peoples he encountered in the lands now called Australia, Simpson notes that these accounts narrate an uncivilized people living without a system of land tenure. Cook’s representations, Simpson notes, not only reflected Euro-modern biases of the time, but were employed as evidence that the British settlement of the continent was justified under the legal doctrine of \textit{terra nullius} (69). Cook’s accounts are one example of a wide range of anthropological, ethnological, ethnographic, and cartographic practices used in colonial contexts to extract Indigenous peoples from “their

own spaces of self-definition” (69). Such ways of making Indigenous “others” known to settler colonial agents do so in ways that also render Indigenous claims to “self- and territorial-possession” imperceptible (69). This array of re-presentations employed alongside social, political, and legal theories to justify dispossession, Simpson argues, establish “the terms of even being seen” (69). Under such terms, “Indians” are insistentely rendered in “deeply simplified, atrophied representations” that simultaneously conform to theories of settler colonial right and efface Indigenous political realities, presence, and relations.

Simpson’s findings identify perceptibility and the operation of visual, narrative, and legal frames as key sites of settler colonial politics. My theorization of settler colonial ways of seeing flows from a desire to better understand the conditions of possibility that establish such “terms of even being seen” and to examine the techniques through which the political work of seeing and refusing to see operate. Specifically, I am interested in the broader visual-political scene of settler colonialism. Building on Simpson’s critique of anthropological terms of even being seen, I ask: What political visions and visual techniques structure the ways that seeing—and unseeing—operates under settler colonialism? Shifting from Simpson’s anthropological register to one of political and media studies, how do settler colonial bureaucratic actors contribute to the visibilities that combine with social, political, and legal theory to justify dispossession? In response to settler colonial ways of seeing, how do the disruptive techniques of Indigenous activists and artists point to ways of seeing that insist on self-determining Indigenous presence?

With Simpson’s insight into how colonial politics establish limited and restrictive terms of being seen for Indigenous peoples as a foundation, the remainder of this section elaborates the concept of settler colonial ways of seeing. Settler colonial ways of seeing enact the aesthetic dimensions of settler politics by framing what is perceptible, thinkable, and feasible (Rancière 2009, 72). Settler politics and aesthetics converge in two broad modes of seeing: first, that imagined through cultural re-presentation or “cultural governance” (Shapiro 2004) and, second, that imagined through bureaucratic re-presentation. Practices of sovereign governance over “Indian” subjects frequently involve
aspects of both modes of representation. Settler colonial logics operating within cultural and art practices demonstrate how visual conventions naturalize a particular way of seeing. The naturalization of settler logics within cultural and art practices serves as a useful heuristic for analyzing bureaucratic techniques as enacting a similar process. While cultural representations are more expressly established through visual techniques, ways of seeing are also at work in bureaucratic representation. John Berger notes that ways of seeing—which encompasses the objects of sight, but also the conditions under which something is seen—mystify the past to insulate contemporary regimes of power (1972, 11). From his analysis of the European oil painting tradition, Berger argues that the practices of the tradition’s agents—painters, collectors, historians, curators—naturalize a system of conventions that represent the world as a privately owned possession. The sum total of these visual conventions and their interpretation is a way of seeing that obscures the patriarchal capitalist relations of possession inscribed into oil paintings, presenting themselves as a window to the world (109).

Berger’s argument is a useful provocation for considering the ways of seeing reflected in settler colonial framing of Indigenous life as “Indian” within a bureaucratic tradition of representation. The oil painting tradition works with canvas, paint, galleries, and museums to represent the world as possess-able. In still life paintings, the possessable world is made up of bourgeois objects; however, the landscape painting extends this perspective to the world itself. A quick scan through the Canadian collections of most art institutions in this country present a multitude of landscape paintings: vast, unpopulated, pristine, property. There is no shortage of critical work on Canadian landscape painting—particularly the Group of Seven—and the role of this body of work in envisioning the territory of what is now Canada as the property of first the British Crown and later, Canada.³ These painterly documents of open space—most often the untamed and unclaimed north and west—enact an aesthetic terra nullius, transforming Indigenous lands into available property, often without reference to the

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material, historical, and political conditions of invasion or the continued presence of Indigenous nations. Such paintings present the land as unoccupied and render it within visual conventions that naturalize the appropriative gaze of Euro-modern capitalism. This process exemplifies the capacity of landscape painting as a genre to serve as the “dreamscape of imperialism” (Mitchell 2002, 10). The Group of Seven and other iterations of Canadian landscape art enact a mode of cultural governance that gets hold of space in service of settler aspirations while mystifying the political and violent histories of invasion and seizure of territory.

Ways of seeing are not limited to sensuous apprehension, but include a broader attempt to arrange the field of the perceptible. A second practice of vision—bureaucratic re-presentation—operates alongside cultural representation in settler colonial ways of seeing. The bureaucratic tradition uses documents, maps, law, and administrators to represent the world as knowable and governable. In tandem with the landscape painting, the land survey and the map also enact an aesthetic transformation, rendering land visible as property. As James Scott’s analysis of state practices of seeing reveals, the representational conventions and agents of the bureaucratic tradition combine with sovereign logics to form the ways of seeing employed in statecraft. The abstract, simplified, abridged ways that states depict their objects of governance seek to establish a rational order that, when infused with sovereign power, “would enable much of the reality they depicted to be remade” (1998, 3). The representational work of the bureaucratic tradition does not merely mistake the map for the territory. Rather, it operates as if the map is the territory: the map renders the unknown territory in terms knowable to sovereign power and the territory is then intervened upon as if it were selfsame with the map.

Settler colonial sovereignty desires to get hold of territory, but also the bodies within that territory (Agamben 1998; Foucault 2003, 1977). In both cultural and bureaucratic modes, settler colonial ways of seeing direct visual techniques towards Indigenous bodies to contribute to the sovereign project of claiming juridical power over those bodies and make them visible as “Indians”. The representation of Indigenous peoples as “Indians” is famously at work in the portraiture of Edward S. Curtis.
Travelling across the North American West and frequently above the 49th parallel, Curtis worked in a salvage ethnography tradition and aimed to photograph members of Indigenous communities before they “vanished”. While Curtis’s work has been praised as a valuable historical document (Touchie 2010), his portraits are circumscribed by the settler colonial vision of “Indians” as disappearing and unable to exert claims to territory as sovereign, self-determining Indigenous nations. Here again, the material and political conditions that have directly contributed to the conditions of “vanishing” are obscured and the impending disappearance of “Indians” is naturalized as an unavoidable, inevitable outcome.

In a recent critical response to cultural representations of “Indians”, the 2014 group exhibition *Sovereign Acts* curated by Wanda Nanibush presented contemporary Indigenous artists’ engagement with the history of Indigenous performances of cultural practices to satisfy the desires of the settler imaginary, often as a mode of economic survival. The exhibition’s collected works include photograph and video works that disrupt colonial gazes that seek to limit the field of Indigenous appearance to the trope of “vanishing Indians”. The show included Jeff Thomas’s photographs of powwow dancers wearing both traditional regalia and contemporary jeans and sneakers and Robert Houle’s *Paris/Ojibwa* paintings that trace the history of Anishinaabe performers who travelled to Paris and across Europe in the mid-19th century, making a living performing for European elites the very dances the settler colonizers were prohibiting in Canada. Both of these works disrupt the colonial trope of “vanishing Indians” by highlighting continuities across time, documenting Indigenous peoples engaged in the “modern” pursuits of travel and commerce, and demonstrating the important work of preserving cultural practice.

While Curtis’s photographs provide documentation of vanishing “Indians”, the works in *Sovereign Acts* thematize and break away from colonial frames of visibility. The works included in Nanibush’s show seize the very capacity for cultural representations to make

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4 Practices of imaging, classifying, and studying “vanishing” castes and tribes deemed nearly-extinct was also used in other colonial contexts. In his study of colonial photography in India, Christopher Pinney describes this orientation to representation-as-preservation as part of a “salvage paradigm” (1997, 45-56). For analysis of the role of photography in colonization, see Hight and Sampson (2013), Landau and Kaspin (2002), and Maxwell (2000).
Indigenous lives visible as “Indian” bodies that Curtis’s photographs naturalized and do so in ways that assert Indigenous presence.

The “Indian” bodies of cultural representation also find their doubles in bureaucratic re-presentation. Much like the relationship between map and landscape, the Canadian state’s definition of “Indian” operates within the conventions of the bureaucratic tradition to reinforce the appearance of vanishing and of non-sovereignty. Schematic re-presentations of Indigenous life attempt to naturalize a political order by claiming to reflect the world as it is and to exert an ordering authority over Indigenous lives by re-presenting them as “Indians”. This conceptualization of “Indian” as a re-presentation and indeed a misrepresentation of Indigenous lives borrows from Gerald Vizenor’s articulation of “Indians” as a simulation.5 “Indians”, he writes, “are the simulations of the discoverable other […] the simulations of the other have no real origin, no original reference” (Vizenor and Lee 1999, 85). Rather than referencing or accurately depicting the lives of actual Indigenous peoples, communities, and nations, Vizenor argues that the re-presentations of “Indians” in literature, archives, and state and cultural narratives—asserted as “authentic”—aim to replace the realities of Indigenous life in public discourse (1994, vii). As simulations circulating without reference to Indigenous reality, the many forms of “Indian” enact a politics of erasure. The re-presentational strategies of settler colonial artists, writers, bureaucrats, politicians, archivists, theorists, social scientists, and other purveyors of “Indian” images and stories contribute to the settler dominance by de-realizing Indigenous presence. For Vizenor, the figure of the “Indian” is both a simulation and the visual form of erasure: the re-presentational “Indian” substitutes and renders invisible Indigenous peoples, nations, and realities. In recent work, Thomas King has also taken up the notion of Indigenous peoples being erased by simulations of Indianiness. King observes: “North America has had a long association with Native people, but despite the history the two groups have shared, North America no longer sees Indians” (2012, 53, emphasis in original). In lieu of Indigenous

5 In his own writing, Vizenor renders “Indian” in italicized lower-case. I have rendered it in quotation marks to maintain consistency with the rest of the dissertation, except when directly quoting Vizenor.
presence, he argues, settler citizens and state agents are only interested in seeing and engaging with “bits of cultural debris—authentic and constructed” (2012, 54).

Working in the bureaucratic tradition, settler colonial agents have created a constrained image of “Indians” through paperwork. By taking up the vision of “Indians” asserted in Indian Act taxonomy, state agents have generated thousands of documents representing “Indians” in government files. Not unlike the map, settler colonial ways of seeing do not merely mistake “Indians” for Indigenous life; the settler bureaucratic gaze can only see “Indians” and thus operates as if the two were identical. While the bureaucratic gaze is endowed with institutional force due to its proximity to systems of sovereign power, cultural representations often work alongside bureaucratic images to naturalize the settler colonial ways of seeing seemingly at a distance from the state itself. Bureaucratic representations—such as the Indian Act’s restrictive definition of “Indian”—create the material and political conditions for the disappearance of “status Indians” while cultural representations—like Curtis’s portraits—present the “vanishing Indian” as a neutral subject before the camera. However, artistic and political projects such as Nanibush’s Sovereign Acts that critically demonstrate how sovereign techniques of vision operate are valuable resources for disrupting and denaturalizing settler colonial ways of seeing.

Nicholas Mirzeoff’s concept of a “complex of visuality” offers further resources for identifying the relationship between the bureaucratic tradition, state practices of “seeing”, and the visual dimensions of statecraft. Visuality extends beyond sensory perception, Mirzeoff argues, and is a discursive practice that combines “information, images, and ideas” to form an entire perspective on the world, its history, and its range of possibilities (2011, 474). A structure of authority distinguishing those who look from those who are looked at is embedded within and naturalized by a complex of visuality. Mirzeoff notes that a complex of visuality conducts three operations to naturalize the authority of those who look: it defines the objects of vision through classification; it divides and organizes its classified objects; and it aestheticizes these classifications as correct, neutral, and objective (476). When articulated in Mirzeoff’s terms, the Indian Act’s taxonomy is a complex of visibility that classifies Indigenous life as “Indian” or
otherwise; facilitates the division of “Indians” from settlers through reservations as well as the federal provision of services and benefits; and aestheticizes the existence of “Indians” by refusing to “see” actual Indigenous lives, communities, and relations. The remainder of this chapter will further apply these theories of political vision to examine how the *Indian Act*’s racial taxonomy establishes both an ideological frame and documentary techniques for making Indigenous lives visible to the settler state.

### Mapping *Indian Act* Taxonomy and its Effects

The *Indian Act* was—and is—deployed to make the Indigenous nations of what is now Canada visible to settler colonial state power. In this chapter, and the dissertation broadly, I am interested in the taxonomic aspect of the *Indian Act*. In addition to issuing a vast array of impositions on Indigenous lives, the Act operated taxonomically to divide groups of bodies into types based on shared characteristics and to give names to those groups. By naming and grouping non-European bodies, the Act sought to transform Indigenous nations into “Indian” subjects in ways that have enabled the observation, calculation, and manipulation. The settler state circumscribed the terrain of politics by announcing and defining the “Indian” as an objective fact and exclusively engaging with Indigenous nations through the prism of this fact.

From the perspective of the settler state, the *Indian Act 1876* announced into law the “Indian” as the singular Aboriginal entity over which the federal Canadian government has responsibility. In practice, Indian Agents and other settler state representatives inconsistently applied the racial categories of the Act when asserting differences between Indigenous peoples. The band lists, treaty lists, scrip commissions, and other sovereign techniques that articulated who is and is not an “Indian” are all effects of bureaucratic practice. Such techniques are not evidence of identities formed through epistemological, historical, or relational bonds. In applying taxonomic distinctions between types of Indigenous life and infusing those distinctions with the force of law, the state endeavored to bracket and erase all other modes of identification. By articulating which individuals would count as “Indians”, *Indian Act* taxonomy
structured the nature of the relationship the Canadian government sought to impose between “Indians” and the state—a structure that remains in place today.  

While the Constitution Act 1867 asserted federal authority over the “Indian” population residing on lands reserved for Indians, the state further detailed the category of “Indian” and the rules for their political organization and territories through the Indian Act 1876. The Act’s racial taxonomy ascribes bodily distinctions based on Euro-Canadian assumptions about civilization, hierarchy, and racial “purity” and “mixedness” (Lawrence 2003; Andersen 2014). The Indian Act defines “status Indians” in terms of having Indian blood and belonging to a single, recognized band on reserve territory. Building on the blood quantum introduced under Gradual Enfranchisement Act 1869, which required individuals to have one quarter “Indian” blood to retain their status, the codification of “Indianness” was made more stringent under the Indian Act. Specifically, the 1876 legislation defined an “Indian” as:

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6 The Royal Proclamation 1763 limited the new Canadian state’s plans for expansion across the Northwest. Explicitly granting Aboriginal title to unsurrendered territory and barring any direct purchase of such lands, the Royal Proclamation asserts that Indigenous lands could only be acquired through formal treaty process wherein the British Crown would purchase surrendered land from Indigenous communities and then make it available for private sale. Due to the constraints of the Royal Proclamation, the Dominion of Canada began negotiating the first wave of numbered treaties in 1871. However, it is crucial to note that despite the early petitions of Indigenous leaders, the Dominion government only initiated negotiations in accordance with its own goals and timelines. From 1871 through 1908, the negotiation process which would see vast swaths of the western plains converted to Canadian land and what are now the prairie provinces, while tiny parcels of which remained reserved for the land’s original inhabitants: the “Indians”. For a history and analysis of treaty negotiations in the west, see Asch (1997, 2014), Daschuk (2013), and Miller (2009).


8 Escalating the individualizing focus of the 1857 legislation, the Gradual Enfranchisement Act 1869 introduced the distinction between “status Indians” and “nonstatus Indians”: the former would be included in treaties and owed fiduciary responsibilities by the state, the later would excluded from any sense of historical relationship or entitlements. The Gradual Enfranchisement Act directly undermined Indigenous self-governance, placing communities under the guardianship of the state by replacing traditional political structures with elected, all-male councils that were controlled by and served at the pleasure of local Indian agents (Milloy 2008, 6). The 1869 policy transferred control over reserve lands, resources, and finances to the Department of Indian Affairs, limiting band council authority and restricting jurisdiction to mundane issues. Ultimately, the goals of enfranchisement policies were the ascription of private property, the relinquishment of Indian status and tribal ties, and the eventual removal of obstacles to “non-Aboriginal economic development and settlement” (Carter 1999, 116).
First. Any male person of Indian blood reputed to belong to a particular band; Secondly. Any child of such person; Thirdly. Any woman who is or was lawfully married to such person (Indian Act 1876, Section 3).

Gender played a crucial role in this definition of the “Indian” race. A man’s “Indian status” was tied to the patrilineal inheritance of “Indian” blood, while the “Indianness” of women was contingent on their marriage relation to an “Indian” man. As will be discussed later in this chapter, the racial governance established in the Indian Act operates through sexism. While the primary focus of this chapter is on the racial identities imposed by Indian Act taxonomy, these identities are also defined and experienced through the governance of sexual difference and heteropatriarchal family relations. Additionally, this definition ties “Indian” status to band membership in addition to blood. Tying blood and lineage to community membership produces “Indian” status as a biocultural race status: an “Indian” is a biological body (blood), living in a specific cultural arrangement (band membership).  

However, both blood and band are defined and circumscribed by the state. Band governance structures and band membership rules are also creations of and subject to the Indian Act. Effectively, to be an “Indian” under the Act is to be an individual necessarily in relation to state-defined community governance and thus, to the Canadian state. By recognizing and ascribing status to individuals, the Act effaced kinship ties, thus rendering any other claims to relation unintelligible and undermining Indigenous forms of governance and authority. The ascription or denial of “Indian status” on the level of

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9 The logic at work in the 1876 definition is consistent with the accepted race science of the 19th century. Theories of scientific racism did not distinguish between the physical and the cultural and frequently knitted the two together to explain differences between interior, phenotypical, cultural, and geographical/environmental differences between peoples across different places. Techniques such as craniometry and phrenology were invented to argue for relationships between physical and phenotypical characteristics and claims about interiority, intelligence, and sensory capacities. Such techniques and the various claims to evidence they generated were used throughout the 19th and early 20th century as the basis of an array of hierarchical classifications and to justify a wide range of violence, including imperial and colonial domination, slavery, racialized immigration control, and eugenics. For histories of scientific racism and its various techniques, see Stephen Jay Gould (1996), Donna Haraway (2004), Kim TallBear (2013), and David Hurst Thomas (2000).

10 Until the 1950s, bands were also controlled by the state via Indian agents. Chiefs and band council members served at the pleasure of the offices responsible for Indian Affairs (Leslie 1999, Smith 2009).
individuals marked a shift in policy away from an earlier legislative focus on the “civilizing” of the Indigenous population as a whole and towards the enfranchisement and assimilation of individuals.\textsuperscript{11} In centering the individual, the Canadian state’s approach to governing and assimilating its “Indians” functions through “community dismemberment—enfranchised individual by enfranchised individual” (Milloy 2008, 5).

The 1876 definition of “Indians” did not include Mètis and “non-status Indians” and, as a result, they are not entitled to registration under the Act nor to its “benefits”. However, the Indian Act did formally articulate “halfbreed” as a racial category.\textsuperscript{12} Individuals designated as “halfbreeds” would be excluded from treaties and any related rights and entitlements. The process of distinguishing between “Indians” and “halfbreeds” represented neither kinship lineage nor self-identification; rather, it was arbitrarily inscribed into Indigenous lives, dividing nations and families. Individuals assigned “Indian” status were placed on band lists and included in treaties in places where they were signed, while those deemed “halfbreed” were given “scrip”, a certificate entitling them to simple title to a small parcel of land or a small amount of cash.\textsuperscript{13} The

\textsuperscript{11} From 1830 to 1857, Indian policy attempted to “civilize” the Indigenous population, instill Euro-Enlightenment ideas about private property, and establish self-sustaining agricultural communities through investing in the “infrastructure of ‘civilization’—villages with day schools, churches, European houses and ploughed fields” (Milloy 2008, 4). This policy was abandoned with the Act to Encourage Gradual Civilization 1857, which shifted focus to enfranchising individuals and halted investments in Indigenous communities. From 1857 onwards, Indigenous communities were seen as places that would eventually disappear in the wake of full assimilation.

\textsuperscript{12} As a category of the settler state’s racial taxonomy, “halfbreed” is distinct from Mètis nations. The Mètis identify themselves as a new Aboriginal people that emerged post-contact through intermarriage between Indigenous and settler peoples, from which a distinct culture, traditions, languages, and nationhood emerged (Mètis National Council). However, as an administrative concept, “halfbreed” articulates a “mixed” or “thinned out” form of “Indianness” that cannot apprehend the Mètis as an Indigenous nation distinct from a “White/Indian” binary. The state’s articulation of Mètis-as-mixed and thus not fully “Indian” imposed distinctions between Indigenous groups in order to limit fiscal responsibilities and to prevent the formation of political opposition between Indigenous nations. Ultimately the taxonomic distinction between “Indians” and “halfbreeds” governed by racialized hierarchy in service of colonial interests. For an analysis of Mètis and the question of hybridity or mixedness, see Andersen (2014).

\textsuperscript{13} Like most DIA policies, this too was inconsistently applied. In many cases, Mètis received scrip for land instead of reserves when the numbered treaties were made. However, Mètis are not necessarily excluded from treaties and some did sign or adhere to treaties, such as the adhesion of the Half Breeds of Rainy River to Treaty 3. The question of whether Mètis can be parties to treaties is still contested.
federal government considered accepting scrip to be a relinquishment of any right or claim to territory.\textsuperscript{14}

Since 1876, several judicial rulings have decided that for the purposes of the \textit{British North America Act (Constitution Act 1867)}, section 91(24) “Indians” includes Inuit, Métis, and non-status Indians. In 1939, the Supreme Court ruled in \textit{Reference Re: Eskimos} that the “Eskimo” population—now referred to as Inuit and Inuk peoples—should be included in federal jurisdiction over “Indians”. The \textit{Constitution Act 1982}, section 35 recognizes the Aboriginal treaty rights of Inuit and Métis peoples along with those of “status Indians”. However, federal government’s jurisdiction over Métis and “non-status Indians” was clarified by the \textit{Daniels} decision in April 2016. In \textit{Daniels v. Canada}, the Supreme Court granted that Métis and non-status Indians are “Indians” under Section 91(24) of the Constitution “by virtue of the fact that they are all Aboriginal peoples” (\textit{Daniels v. Canada}, 2016 SCC 12 at para 46). The decisions to include Inuit, Métis, and non-status Indians under section 91(24) identify the federal government as the entity with which claims to land, services, and benefits can be negotiated.

While the \textit{Indian Act} was amended many times between the original codification of “status Indian” in 1876 and the end of WWII, the definition of “Indian” was revised in the 1951 \textit{Act to Amend the Indian Act}.\textsuperscript{15} The 1951 revision moved from the comparatively general 1876 definition—driven by concepts of blood and reputation—to a more specific and legalistic definition. Rather than hinging on the claim to being a child of “any male person of Indian blood or reputed to belong to an Indian band” (\textit{Indian Act}

\textsuperscript{14} Accepting scrip did not secure a land base for Métis peoples. In practice, it divested the Métis of the territories of their birth and turned communally held homestead lands into commercial property. Speculations syndicates working to establish a speculative commercial real estate market in the west actively encouraged people to take scrip over joining treaties through a variety of means ranging from the unsavory to the illegal and violent. For a full discussion of scrip commissions and speculation, see Andersen (2014, 40-43) and Tough (1996).

\textsuperscript{15} The goal of this revision was to streamline administrative processes within the DIA. When canvassed by policy analysts about desired changes to the Act, many DIA field agents requested clarification on the definitions of “Indian” and terms of registration. As Leslie reports, among field agents “there was a major grievance that went to the very heart of the existing Indian Act and Indian administration, namely the definition of who was to be considered ‘Indian’” (1999, 79).
the 1951 definition requires tracing lineage through paternal descent to someone with “status” in 1876, to someone who was a band member when a treaty was signed, or someone who appears on a band membership list or general list of “Indians”. Under the terms of the amended definition, the source of one’s “Indianness” no longer rests in the body, but in colonial documents. Of particular interest to this dissertation, the 1951 Act shifts the terms of its definitional work. The 1876 legislation defines what “the term ‘Indian’ means” (Indian Act 1876, Section 3). However, section 11 of the 1951 Act introduces the revised definition of “Indians” by outlining which individuals are “entitled to be registered” (Indian Act 1951, Section 11). The first condition for registration turns on the documentation of one’s relationship to community via an entitlement to property. Those entitled to registration as an “Indian” to an individual who:

on the 26th day of May, 1874, was [...] considered to be entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada (Indian Act 1951, Section 11).

One’s entitlement to registration, then, turns on the documentation of property and of tribes or bands—both impositions of settler colonial ways of seeing. The amended legislation further outlined entitlement to “Indian” registration through band membership and paternal descent.

Both iterations of the Act have the effect of restricting status and band membership to certain persons (Leslie 1999, 238); however, the 1951 legislation connects the state’s way of seeing Indigenous peoples (as “Indians”) to bureaucratic practices of documentation (entitlement to registration). As of 1951, to be visible as an “Indian” explicitly requires being visible on paper and in Department of Indian Affairs files. Additionally, the narrowed 1951 definition serves elimination logics by increasing the burden of proof for claiming status and, crucially, by making it harder for women to retain and pass on status. While the 1876 Act contained provisions for revoking status if an “Indian” woman married a non-status individual, such women retained their rights to treaty monies and to distributed band revenues and, in some cases, were able to remain on reserves. The 1951 revisions forced women off of the reserve with a one-time payment from band funds, terminating connections to relations and community—a
measure that would reduce Department of Indian Affairs costs (Leslie 1999, 190-1; Palmater 2011, 42-6). In differentially defining “Indian” in relation to gender, the Indian Act rendered the blood of men distinct from the blood of women. The Act not only rendered the “Indian” identities of women contingent on their marital status, but confined the capacity to pass on the “Indian” racial identity to the blood of the father. The effect of the Act’s marriage and inheritance rules created conditions for assimilation grounded in sexism and heteropatriarchal family structures: women had a restricted ability to maintain and pass on their “Indian status” and that restricted ability could only be realized heterosexual family. These marriage policies remained in place until 1985; however, contemporary settler colonial definitions of “Indian” identity are still undergirded by gender, as well as race. The effects of gender discrimination at work in Indian Act taxonomy and the disproportionate dispossession of Indigenous women will be discussed further in my analysis of statistical representations of murdered and missing Indigenous women in chapter four of this dissertation.

The 1951 definition moves from a bio-cultural concept of an “Indian” as a type of heritable, embodied trait combined with membership in a cultural community to an archival concept, wherein an “Indian” is an individual who can demonstrate descent documented in specific types of paperwork. Here, the Indigenous body’s visibility as an “Indian” depends on where and how her “Indianness” has been recorded. As the next chapter’s discussion of registration techniques will demonstrate, the array of paperwork accepted as evidence of one’s entitlement to registration as a “status Indian” is restricted to documents produced by state representatives. However, the racialized body defined in the 1876 Act is not fully replaced by the 1951 revision. Given the state’s concern with policing women’s status and the continued role of descent in determining “Indian status”, blood remains in play. The move to an archival concept obscures the continued presence of bio-cultural “Indianness”. In making the visibility of already-raced bodies contingent on paperwork, I read the 1951 definition of “Indian” as a bio-archival racial status—a conception of status amenable to biopolitical governance.

A direct attempt to dissolve the Indian Act’s racial taxonomies came in the form of the “Statement of the Government of Canada on Indian Policy, 1969”. Colloquially
referred to as the 1969 White Paper, the document was written by Jean Chretien, then Minister of Indian Affairs and Northern Development. The White Paper formed the federal government’s proposed response to the Hawthorn Report—a national survey of Indigenous communities in Canada, which responded to the widespread inequality, marginalization, and disenfranchisement of “status Indians” living on reserve communities by describing them as “citizens minus” (Hawthorn 1966, 6). The Hawthorn Report had recommended a shift in Indian policy towards one that would regard Indigenous peoples as “citizens plus”, possessing political and legal rights in addition to the normal rights and duties of Canadian citizenship (12). However, the White Paper proposed to address inequality by dissolving “Indian status” as a distinct legal status and rendering Indigenous peoples visible only as fully-assimilated Canadian citizens. The White Paper’s proposals were wide-reaching and included the abolishment of all existing legal documents governing the relationship between Indigenous nations and the federal government—including the Indian Act and all treaties—the dismantling of the Ministry of Indian Affairs, the devolution of service provision from to provincial governments, and the conversion of reserve lands into private property. Ultimately, the White Paper sought the “total and immediate integration” of all Indigenous peoples into settler colonial society (Milloy 2008, 17). The White Paper’s proposed erasure of “Indian status” was met with swift and clear rejection from Indigenous political leaders across the country, who rejected the proposal as “an extreme act of colonialism, challenging the very roots of Indigenous identity and social organization” (Coates 2008, 7).

The White Paper was withdrawn in 1970, leaving both the Indian Act and the category of “status Indian” intact today. However, the responses of Indigenous nations to the proposed dissolution made clear that the dissolution of Indian Act racial taxonomies was not a desirable solution to colonial injustice. While the Act is a source of violence and enables the federal government’s ongoing regulation of Indigenous land and life, the elimination of the Act as proposed in the White Paper would have stripped “status

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Indians” of their already limited legal and political rights and would release the state from its treaty-bound obligations (Coates 2008, 30). Indigenous peoples, thus, find themselves in a double-bind engineered by settler colonial policies. “Indian status” was a frame designed to restrict the visibility of Indigenous life and to encourage the assimilation of Indigenous peoples over time—an “encouragement” that took the form of direct and indirect violence. Despite the violence enabled by the Act and the social, economic, and political restrictions “Indian status” entailed, the dissolution of status would erase the limited visibility of Indigenous life under settler colonial ways of seeing. Further, the White Paper’s proposals maintain the Canadian state’s claimed authority over the visibility and governance of Indigenous lives.

From amending the definition of “status Indian” to proposing its erasure, the Canadian state has continuously arrogated itself the power to define who can be seen as “Indian” and the frames through which they might appear. Similarly, amendments made to the Indian Act under Bill C-31 in 1985 were designed to address sex discrimination under the Act, but also served to reinscribe the federal government’s claimed authority over “Indian status”. Bill C-31 was a belated response by the Department of Indian Affairs and Northern Development to more than two decades of legal challenges to the 1951 Indian Act amendments, which saw women stripped of their status upon marriage to a non-status man. Key cases of Indigenous women’s legal battle against sex discrimination included Mary Two-Axe Earley’s petition to the Royal Commission on the Status of Women in Canada in 1968, Jeanette Lavell and Yvonne Bedard’s 1973 Supreme Court cases, and Sandra Lovelace’s 1974 Supreme Court case (Krosenbrink-Gelissen, 1991; Napoleon 2001; Palmater 2011). While the courts upheld the Act in each of these cases, Lovelace’s 1981 petition to the United Nations human rights committee finally led to the C-31 amendment in 1985. The C-31 rules allowed individuals with one parent who had status prior to 1985 to be reinstated, but these rules retained gender bias. While the grandchildren of men who had married non-status persons prior to 1985 would maintain status, the grandchildren of women who lost status prior to 1985 would not be reinstated. As Napoleon has argued, the effect of C-31 was to “shift the burden of discrimination from the Indian woman to her children and grandchildren” (2001, 119). In response to this continued burden borne by the grandchildren of women, Sharon McIvor
successfully brought suit against the federal government and in 2010 the Bill C-3 was passed to further amend the Indian Act (Palmater 2010).

Gender discrimination within the Indian Act has been the central issue in each of these women’s battles to have themselves and their descendants recognized as “status Indians”. Despite forcing the Department of Indian Affairs to amend the Act in 1985 and again in 2010, the cases did not fundamentally disrupt the state’s claimed authority over the definition and registration of “status Indians”. In theory, the C-31 and C-3 amendments were successes for Indigenous women and their families. In practice, the amendment also caused major strain in communities because, as Simpson explains, it “appeared as a most recent imposition (read by some as being told who was Indian, again) and this iteration of the code reflected a century of colonial impositions, along with a desire for scientific rigour and objectivity” (2007, 73). Ultimately, settler colonial ways of seeing have shifted under the pressure of national and international court decisions, but the Canadian state continues to claim authority over the visibility and governance of Indigenous life.

As a response to the so-called “problem” of Indigenous life in expropriated territories, the Indian Act created the means for imagining a frontier free for settlement by transforming Indigenous nations into “populations, to be administered by the state” (Simpson 2014, 21). The categories of the Indian Act, born of imperial logics of civilization and racial hierarchies, transform the Indigenous nations that threaten to undermine settler claims to sovereign authority into an “Indian” population. Rather than many, heterogeneous sovereign Indigenous nations with inherent claims to their lands, the Indian Act taxonomy generates a singular, homogenous “Indian” race of individual bodies that can be absorbed into the settler body politic. In producing “Indians” and identifying the various ways they might lose their status and be assimilated into the Canadian population, the Act’s racializing taxonomy is a crucial technique of settler colonization and provides the primary frame for settler colonial ways of seeing.

Rather than describing the world as it is, the visual techniques of classification reflect the institutions and authorities that deploy them. Classification systems and their
categories connect social and political ideas with practical application: producing models of the world, such systems organize the world within a specific range of possibilities (Bowker and Star 1998). Within such models, Ian Hacking argues, categories create ways of being in the world. The delimitations of a category have the effect of “making up” a kind of people, which “changes the space of possibilities for personhood” (Hacking 1999, 161). Once established, systems of classification tend to remain in place, and their described models of the world begin to appear as accurate reflections. New systems of classification, Geoffrey Bowker and Susan Leigh Star explain, inherit “the inertia of the installed base of systems that have come before” (1998, 33). The aesthetic product of power appears as a natural occurrence in the world. As a system of classification dwelling at the intersection of imperial logics, sovereign desire, and settler colonial policy, the Indian Act not only reflects the historically- and politically-specific moment of its production, but has formed the bedrock for subsequent interactions between Indigenous peoples and the Canadian state. It is a technique for classification and ordering “Indian” lives that naturalizes its own authority. When used as a consistent point of reference and universalized in the language and practice of sovereign law, taxonomies become naturalized, their rankings fading into the appearance of life as it is or things as they are.

Scholars have carefully documented the effects of the Indian Act’s taxonomic classifications and regulations on Indigenous lives, relations, and communities and how these effects have served settler colonial logics of elimination. In defining “Indian status” by patrilineal descent, the Act has been used as a tool of enforcing heteropatriarchal structures on Indigenous familial and political relations. As Bonita Lawrence (2003, 2004) and Pamela Palmater (2011, 2014) outline, the “out-marriage” provision forcibly assimilated women and children and tied settler control over “Indianness” to a system of patriarchal domination. Many Indigenous feminists have traced the methods of the Indian Act’s disentitling of women from positions of power, such as: patrilineal nature of status, restrictions on band council participation, denial of sexual and gender diversity, and the management of women’s bodies (Anderson 2010; Carter 2008; Huhndorf & Suzak 2010; Simpson 2016; Stote 2015). These policies have rendered Indigenous women disproportionately vulnerable to poverty, illness, and violence—issues that are at the
centre of the crisis of murdered and missing Indigenous women and girls (Beniuk, 2012; Dean 2008, 2015; Hunt 2014; NWAC 2010; Pearce, 2013; Pratt 2005). Regulative heteropatriarchy has also structured men’s identities (Innes and Anderson 2015; McKegney 2014) and imposed a European model of heteronormative family organization, intimately tied to private property (Driskill 2011; Morgenson 2010, 2012; Rifkin 2010). In Chapter Four, I will demonstrate how some of the effects of these restrictive ways of seeing Indigenous life and their classification of Indigenous bodies as racially inferior, thus subject to a range of violent interventions, have contributed to the crisis of disappeared murdered Indigenous women, girls, and two-spirit people.

The definition of “Indian status” and its application is interwoven with the creation and governance of the reservation system. Segregating “Indians” from settler spaces, reserve policy attempts both to render “Indians” invisible and to create economic and environmental hardships intended to prompt assimilation and thus eliminate the number of “status Indians” over time (Harris 2003; Razack 2002; Wiebe 2016). Scholars have also identified the connection between the Indian Act’s restrictive definition of “status” and fiscal rationality. Due to treaty obligations, every individual visible to the state as an “Indian” is tied to expenditures on welfare, rations, and other federally funded supports: every “Indian” who lost status and was assimilated meant a decrease in annual expenses (Milloy 2008; Neu 1999; Neu & Graham 2006). In arrogating responsibility for reserve lands and their revenues first to the Indian Affairs Department (1880-1950) and then later to the Ministry of Citizenship and Immigration (1951-1965), the Indian Act restricted the access and use of band revenues, undermined the efforts of early band governance, and stymied Indigenous attempts to create economic opportunities in their communities (Carter 1990; Daschuk 2013; Smith 2009). Such restrictions continued in increasingly neoliberal forms under the Departments of Indian Affairs and Northern Development (1966-2011) and Aboriginal Affairs and Northern Development (2011-2015) and the contemporary Indigenous and Northern Affairs Canada (Pasternak 2015, 2016). Scholars have observed that chronic under-funding of reserve communities and services for “Indians” results in radical health, education, and economic inequality (Blackstock 2016; Lux 2016; Reading 2009; Reading, et al 2012), and overrepresentation in the criminal justice system (Monchalin 2016; Nichols 2014; Razack 2015). Further, the
federal government has used aggressive demands of fiscal transparency to undermine the self-determination of Indigenous communities and to represent precarious conditions and attrition of reserve populations as the result of deficiencies inherent to “Indians” and their communities rather than caused by colonial tactics of inadequate and inequitable funding (Henderson 2012; Pasternak 2015). 17

“A Better Polity”: Vision and Settler Colonial Statecraft

When introduced in 1876, the Indian Act amalgamated existing legislation and policies that had aimed to structure the settler state’s relationship with the original inhabitants of the lands it sought to colonize. The Act operated as a condition of possibility for the settler colonization of Canada by claiming “Indians” as wards of the state, thus denying the sovereignty of Indigenous nations, and by establishing the conditions for the elimination of the “Indian” population over time. These explicit functions of the Act have an aesthetic dimension because they contribute to a political vision of Canada—a settler colony of the British Empire—as wielding exclusive sovereign right over territory, population, and law. This vision does not include the sovereignty claims of pre-existing, self-determining Indigenous nations. Instead, it produces “Indians”: a subject position incorporable within the settler body politic.

The aesthetic vision of creating a new settler society is at the core of the Indian Act, the documentary techniques it gives rise to, and the many practices used to transform Indigenous nations into “Indians”. Solving the “Indian problem” is not only a project of settler colonial governance, but is embedded in settler political visions. The will to replace Indigenous life with settler citizens, who in turn claim to be “native” to colonized lands, has entailed the genocidal intent to destroy Indigenous peoples and nations through both direct and indirect forms of violence. In his analysis of the Holocaust as a product of

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17 The complaint that Cindy Blackstock, the First Nations and Family Caring Society, and the Assembly of First Nations filed with the Canadian Human Rights Tribunal in 2007 illustrates the continued underfunding of Indigenous communities and the denial of federal responsibility at work in contemporary Canada. By demonstrating the gap in funding for Indigenous children living on reserves and children in the rest of Canada, Blackstock’s complaint provides evidence of how the life conditions and outcomes for Indigenous peoples are undermined by colonial discrimination. The Tribunal decided in favour of Blackstock in January 2016.
modernist institutions and techniques of governance, Zygmunt Bauman contends
genocide has an important aesthetic dimension: rather than an end in itself, the violence
of genocide is committed in service of altering the world to create an idealized version of
society. The end of modern genocide, Bauman argues, “is a grand vision of a better,
radically different, society” (1989, 91). Rather than killing out of vengeance or open
hatred, modern genocide functions as a “gardening state”, emphasizing the need to
identify and remove those bodies that do not conform to the designed future (13). As a
structure of invasion intent on producing a new version of the colonial society, settler
colonialism also perpetrates its violence in the name of a “grand vision”. Enacting the
aesthetic vision of settler colonialism in Canada has taken many forms, but the restrictive
codification of Indigenous identities and communities through the Indian Act is a
foundational element of policies and techniques used to police Indigenous life. By
making “Indians” visible, the Act’s taxonomy gives form to the notion of an “Indian
problem” at odds with settler aesthetic visions.

The desire to recreate an idealized version of an original society in a new land is a
distinguishing feature of settler colonialism, one that other forms of migration do not
share. As Lorenzo Veracini explains, settler collectives “remove” themselves from their
original lands without plans to return and with the intention of establishing “a better
polity, either by setting up an ideal social body, or by constituting an exemplary model of
regenerative social organization” (2015, 43). The continued existence of Indigenous
nations stands in tension with settler colonial claims to sovereignty and to the legitimacy
of legal fictions, like terra nullius (Asch 2002; Rifkin 2009). As Benedict Anderson has
argued, development of modern nation-states in general requires imaginative work,
drawing together a variety of techniques for visualizing territory, population, and history
(2006). However, the focused desire of settler colonizers to import new political orders
through extinguishing existing modes of life gives the settler colonial state and its
aesthetic vision a specific character. Desiring both the supersession of the settler
population and the extinguishing of Indigenous claims to sovereignty over their lands,
settler colonialism’s vision for “a better, radically different society” is premised on the
Crucially, this vision and its resulting politics require the production of the “Indian” as a
subject that can been seen, governed, and incorporated by the agents of the settler state (Morgensen 2011).

The vision for British North America was an improved version of the British polity. This vision required the continent’s land but not its original inhabitants. To be sure, Indigenous nations were crucial to French and British exploration, economic exploitation, and settlement building (Colpitts 2014; Ray 1974). However, Indigenous peoples were also apprehended as uncivilized, inferior, and without a place in the broader design of the improved settler future to come. As a result, the architects of 19th century settler colonial policies sought to eliminate Indigenous populations, thus extinguishing their claims to territory and sovereignty, through a variety of means that range from the material to the symbolic. The intended material and symbolic elimination of Indigenous nations can be read as a variant of, rather than distinct from, genocide because these acts have been and continue to be committed with intent to destroy Indigenous nations. In this context, the settler colonization of Canada can be understood as the implementation of an aesthetic vision, for which elimination and assimilation are conditions of possibility.

The Indian Act and its racial taxonomy are framed by the aesthetic vision of a settler polity. The Act produces the “Indian” through the visual techniques of the bureaucratic tradition, is circumscribed by the terms of the settler colonial sovereign interest, and conforms to the state’s limited range of intelligibility (Scott 1998). Rather than members of sovereign Indigenous nations enmeshed in relationships, histories, and knowledges, “Indians” are made to appear as isolated individuals readily observed, calculated, and intervened upon. Further, in defining who has “Indian status” and how that status may be lost, settler visuality also frames its object of governance: the so-called

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18 Material elimination can also involve summary liquidation, but also extends to forcible deportations, assimilation, the abduction of children, institutionalization in boarding schools and missions, and restrictive racial categorizations that ensure the dwindling over time and impact a group’s capacity for survival (Wolfe, 2006; Veracini 2010). Symbolic elimination can take the form of direct disavowals of Indigenous presence, repressive authenticity that excludes Indigenous life from the contemporary world, the appropriation of artworks, stories, and other cultural resources and conciliatory policies of recognition that reaffirm colonial frameworks of racism (Coulthard 2014).
“Indian problem”. As a product of settler colonial aesthetic visions, the Indian Act makes visible how “a better polity” might be achieved.

For the agents of Euro-Canadian sovereign power, reckoning with “the problem” of Indigenous nations was a central condition for creating frontier spaces and making it available for settlement. The so-called “Indian problem” was constructed in ways that reflected Euro-Enlightenment practices and modes of thinking, such as hierarchical civilization, private property, and fiscal economism. Specifically, Dean Neu and Cameron Graham argue that the construction of the “Indian problem” was facilitated by distinctively modernist bureaucratic practices, including the knowledges and practices of law, medicine, education, and accounting (2004, 581). Each of these practices employed the bureaucratic gaze to translate the material, social world into terms intelligible to the state’s narrow range of vision, enable decision-making at a distance, and create “new quantitative visibilities” (Funnel 1998, 439) or “new social truths” (Scott 1998, 77).

The “problems” of governance made visible through the conventions of the bureaucratic tradition also introduced bureaucratic solutions. In the twentieth century, the “Indian problem” was articulated as a question of legibility: the colonial state needed to create an account of who the “Indians” are in order to take control of their lands, to dispense required annuities, and ultimately, to coordinate their elimination. The Indian Act and its classifications are an aesthetic operation in so far as they produce abstract representations of Indigenous bodies and avail those representations for use in the state’s own project of envisioning its “grand vision” for a “better polity”.

“Indian Act”: Silencing the Settler Colonial Law

Indigenous peoples and nations continue persist and resist in the face of settler statecraft’s incursions. Many Indigenous artists have taken up the language and aims of the Indian Act, creating works that transform the text of the legislative document to articulate the affective dimensions of the Act’s restrictions and seek to make visible the violence of its policies. A small selection of these works would include Leonore Keeshig-Tobias’s “(a found poem)” (1983); Robert Houle’s Premises for Self-Rule (1994); Maria Hupfield’s “An Indian Act” (1997); Lawrence Paul Yuxwelupton’s “An Indian Shooting
the *Indian Act*” (1999); and Teharihulen Michel Savard’s “Reciprocity” (2009). In her serial artwork, “Indian Act” (2000-2002), Algonquin/Québécois artist Nadia Myre responds to the language of the legislation by materially obscuring its written content with beadwork and refusing its attempts to govern the visibility of Indigenous life.

Figure 1: Nadia Myre, *Indian Act*, November 2002. Photos: Merle Addison. Courtesy of Nadia Myre and grunt archives

To create “Indian Act”, Myre printed the 56 pages of Chapters One through Five of the *Indian Act* and affixed them to black wool broadcloth. She then stitched over the pages with red and white beads. Myre recruited 250 other beaders—some experts, some learning to bead for the first time—to assist her in the project of stitching white beads over each word of the legislation and filling in the pages with red beads. The individual pages were framed for exhibition, with several of the pages left unfinished to demonstrate the process of creating the piece and to reflect the Indian Act legislation as a living document, undergoing changes through amendments. Throughout the process of creating “Indian Act”, Myre and curator Rhonda Meier held group beading sessions at the Oboro Gallery, at Concordia University, and at the Native Friendship Centre of Montreal.
(Capell 2003, 104). The names of participants were recorded and painted on gallery walls across from the framed beaded pages, but the particular beads sewn by any one individual merge with and become indistinguishable from the beads sewn by others (Cappell 2003, 105). In beading over the words of the Act together, Myre and her collaborators silenced the language of the law that sought to individuate and divide their identities and collective efforts.

Beading over the *Indian Act* can be read as a collective amendment to the legislation. Myre and her collaborators obscured the language of the Act and its claim to authority over the visibility of Indigenous peoples, physically blocking the written English word with the hand-stitched bead. It is significant that Myre chose beading as her mode of disappearing the letters of colonial law. Beading is both a craft customary to many Indigenous communities and is one often associated with women (Fowler 2010; Wrightson 2015). The labour of beading introduced the bodies to the pages of the law, placing the abstract articulation of state power—set down in English text—in direct contact with the fingers and needles of the work’s participants, many of whom were the targets of the Act’s abstract articulation of power. Dozens of hands punctured the surface of the Act’s pages thousands of times, making brittle both the physical document and its claims to a naturalized legal clarity and authority. The hands that punctured these 56 pages and covered the text with thousands of beads were those of Indigenous and settler peoples. And yet, the pages themselves do not reveal the identities of those who labored on them. The impossibility of distinguishing the labour of “status Indians” from others in this “Indian Act” disrupts the function of the state’s Act, thwarting the application of its racial taxonomy. However, Myre’s work does not make an easy claim of denying difference. Rather, her project speaks to the endurance of Indigenous ways of seeing and governing.

Myre’s project is a subtle negotiation with the *Indian Act* as a symbol of settler colonial statecraft. Beading symbolizes two targets of the *Indian Act* and broader settler colonial legislation: Indigenous knowledge and women’s expression. Carrying ties to memory and relations, beadwork introduces another mode of politics to the language of settler law. As Robert Houle notes in an essay responding to Myre’s work, the
Anishinaabe word for beadwork is manidoominensikaan, “the god-like activity of remembering one’s relations” (2004, 23). The many hours of laboring over the work’s pages created opportunities for sharing knowledge between skilled and amateur beaders and, in doing so, remembering and creating relations. The beaded surface of Myre’s work silences the language of the law, disrupting the naturalized authority claimed by the Act’s text to adjudicate “Indian” life and the frames of its appearance. Further, the practice of beading itself introduces the voice of Indigenous legal traditions. Specifically, beading carries associations with the Indigenous legal tradition of beaded wampum belts used to narrate Anishinaabe and Haudenosaunee history and to establish political agreements. While early colonial actors participated in wampum as a tactic for engaging with Indigenous nations on their own terms, the Indian Act and other one-sided legal documents written in colonial languages were techniques used to depart from a period of more equitable relations to one of settler domination (Hill 2002). In replacing the words of state legislators, Richard Hill notes, “the failure of the beads to be words speaks eloquently of cultural difference and the estrangement of the language of the Indian Act from those it seeks to govern” (2002, 75).

Rather than replacing one form of domination with another, Myre’s “Indian Act” encodes the colonial legislation with the material form of Indigenous presence and alterity. Her approach of placing Indigenous practice and legal tradition into an intimate conversation with settler colonial legal domination contrasts with Coastal Salish artist Lawrence Paul Yuxwelupton’s “An Indian Shooting the Indian Act” (1999). In this work, Yuxwelupton filmed himself shooting a copy of the Indian Act with a shotgun in England. Rather than destroying the Act itself, Myre’s work transforms it into an object that might be recognizable to Indigenous nations and their knowledge traditions and unrecognizable to colonial eyes. This retention and transformation—rather than destruction—reflects the Act’s fraught status for Indigenous peoples. As argued earlier in this chapter, the Indian Act is at once a source of deep colonial violence, but its withdrawal—as proposed in the 1969 White Paper—would risk dissolving the state’s legal obligations to “status Indians” and erasing the limited visibility of Indigenous peoples to the settler state.
Transforming the pages of the *Indian Act* with beading, Myre’s work makes visible what a transformed relationship between the Canadian state and Indigenous nations might look like. By asserting Indigenous presence and practice in the form of thousands of collectively sewn beads, “Indian Act” disavows the state’s claimed authority to govern the visibility of Indigenous life. Like Houle’s *Premises of Self-Rule*, Myre uses the physical text of colonial law as a central component to the work, which she transforms into a document of Indigenous knowledge and practices while silencing the violent structures encoded in the Act itself. Once beaded, the Act’s pages no longer fit within settler grids of intelligibility and cannot be re-presented through any straightforward application of bureaucratic technique. The intelligibility of Myre’s beaded legislation is embedded in Indigenous knowledge, held in lived relations rather than claimed by an abstract sovereignty. The *Indian Act* sought the “dis-memberment” of Indigenous nations—one enfranchised individual at a time (Milloy 2008, 5). Myre’s “Indian Act” aims to re-member through the collective performance of refusing the authority of settler colonial ways of seeing, one bead at a time. The labour of beading that
produced “Indian Act” was not simply a mode of covering over the surface of settler law. It was also an activation and centering of Indigenous women’s knowledge. For the beaders—both Indigenous and non-Indigenous—the practice of beading was an opportunity to learn the craft from Indigenous women and created the opportunity for sharing the knowledge, stories, and legal traditions the Indian Act sought to erase. Myre’s work, thus, operates as a counter-document to the Indian Act, repudiating its paternalism, its individuating efforts, and its attempt to erase Indigenous knowledge.

Conclusion

The Canadian state developed its policies governing “Indian” life in response to and in preparation for the deepening entrenchment of dispossession and expansion of settlement. As settlers expanded further west and the numbered treaties were signed, the Indian Act restricted the number of people who could claim status as “Indians” and thus claim rights to territory by further narrowing the category. This was a practice of population elimination by assimilation and “restrictive accounting” (Veracini 2010, 37-40). Palmater observes that, in providing many more means of denying status than extending status, the Act creates the conditions for the elimination of band members and, by extension, their ability to claim legal ownership of reserve lands (2014, 47). Such restrictions and their will to strangulate Indigenous nations’ claims to self-determination are a condition of possibility for the settler colonization of Canada. The Indian Act’s categorization of life is driven by the aesthetic vision at the heart of settler colonial desires. It established the conditions of possibility for “a grand vision of a better, radically different, society” (Bauman 1989, 91) vis-à-vis the desire for sovereign control of territory, unhindered by competing Indigenous sovereignties. In delimiting the category through which Indigenous life could be made visible to the state, this legislation was and remains central to the settler colonial project in Canada. By codifying the racializing category of “Indian”, the Indian Act established its techniques for transforming sovereign Indigenous nations into the governable “Indian” populations it sought to contain, control, and eliminate.

The Indian Act was—and continues to be—deployed to make the Indigenous nations of what is now Canada visible to settler colonial state power and commensurable
with its aesthetic vision. A complex of visibility, the Act’s classification and ordering techniques intend to erase the social and political fact of multiple Indigenous nations, their epistemologies, their relations, and their histories, while generating abstract “Indians”. Through the Act, the settler state circumscribes the terrain of politics by announcing the category of “Indian” as an objective fact and exclusively engaging with Indigenous nations through the prism of this fact. Operating within the conventions of the bureaucratic tradition, the state and its agents produce volumes of documentary representations that literalize and provide evidence of “Indians”: centralized population registration, dispersed identification cards, and myriad modes of statistical enumeration.

In addition to the work of mapping the land, driving local land-based economies towards an industrial brink, negotiating treaties, and arranging for scrip, the many official and unofficial representatives of the Canadian state worked to create the conditions of possibility for the settler vision of a “better polity” by rendering the Indigenous nations inhabiting the land visible in a specific way: as disappearing only to reappear as abstract individuals, readily incorporable into the settler state.

To literalize the “Indians” of settler colonial visions, state agents responsible for Indian policy developed a range of documentation practices. The proliferation of documentation techniques was made possible by the shift from a definition of “Indian” based on blood and relation (1876) to one grounded in paperwork (1951). Documentation practices, which aim to provide evidence of “Indians” through registers, population statistics, and identity cards, situate the state and its functionaries as prolific producers of re-presentations, as well as erasures. The expansive documentation of “Indians” reiterates the bio-archival concept of race codified by the revised 1951 taxonomy. The state’s documentary techniques of representation—which will be discussed in detail in the next two chapters—give the material form to the “Indian” subjects made visible by Indian Act taxonomy. However, the conventions of bureaucratic re-presentation and the settler colonial ways of seeing that deploy them are neither totalizing nor fully successful. Indigenous voices have disrupted and continue to disrupt ways that encounters with Indian Act taxonomy seeks to torque their identities and fracture their communities. Through acts of artistic disruption, like Nadia Myre’s “Indian Act”, that denaturalize and
refuse the incursions of the state’s gaze, Indigenous counter-documentary strategies insist on and call to the presence of Indigenous nations.
Chapter 2

The “Occasionally Violent Business” of Making Visible: The Indian Register

In her study of bureaucratic technique and power, Cornelia Vismann describes the modern state as the “vanishing point” between the authority of abstract law and the agencies that enforce that law. These parallel operations of power, she observes, appear to converge in the generation, processing, and administration of files (2008, xii). In a mutually constitutive embrace, abstract law regulates files and files “relieve law from the quotidian, troublesome, and occasionally violent business of executing particular laws” (xiv). Some of the “occasionally violent business” delegated to administrative files is the work of literalizing the classifications, orders, and typologies through which states see the world. Forms, files, and documents contribute to “making up” the particular kinds of persons, places, and properties defined in sovereign law by mediating between classification schemes and the particular entities being classified. In connecting the conceptual schemas and claimed authority of sovereign power to practices of governance, bureaucratic techniques are instances where the state and its ways of seeing “enters the life” of communities and individuals (Das 2004, 245). In mid-20th century Canada, the abstract legal categories of the Indian Act and the settler colonial agents that enforced state law converged in the invention, application, and administration of Indian Register files. Registering “status Indians” literalizes the taxonomic nominalism of the Indian Act and maintaining such administrative files aids in the monitoring, scrutinizing, and governing of Indigenous people and nations.

Forced removals, executions, starvation, movement restrictions, and a militarized police force were all policies of direct violence deployed by settler forces in the colonization of what is now Canada. Open, militarized violence against Indigenous peoples and nations has been deployed at different historical moments, such as the violent suppression of the 1885 rebellions and in the 1990 liberation of Kanehsatà:ke. However, the “occasionally violent business” of executing Canada’s Indian policy has largely fallen to the bureaucratic processes implemented. By the mid-20th century, some of the more obviously brutal forms of direct colonial repression that had been explicitly and tacitly
enacted by the representatives of the federal government—such as the pass system and the permit system\(^1\)—were replaced by seemingly more benign forms of disciplinary and biopolitical governance. The core of Indian policy in Canada involves many of the tenets of modern liberal governance: economism, centralized decision-making, and other indirect and often technocratic governing.\(^2\) However, forms of indirectly violent governance continued to have repressive effects, structuring the experiences, possibilities, and prospects for Indigenous life in Canada. Throughout the 20\(^{th}\) century, repression under settler colonialism frequently took the form of paperwork, documentation, and other bureaucratic procedure. Unlike earlier policies of direct, physical violence, the repressive work of disciplinary and biopolitical governance appears in the form of basic tasks necessary to the functioning of a modern state. The repressive effects of this form of governance are disappeared by the ordinariness of documentation and other bureaucratic practices. In other words, “[t]he elaborate transactional protocol of these administrative processes cloaks coercion in banal procedure” (Neu & Graham 2006, 56).

\(^1\) Revisions to the *Indian Act* in 1880 and 1881 introduced the permit system, a licensing system and restrictions around sale of goods produced on the reserves. Implemented as a market protection for settler produced goods, the permit system severely debilitated economic development and self-sufficiency on reserve communities. The history of bureaucratically induced failure of reserve farming generally remains eclipsed by stories of reserve Indians resisting change and refusing or being incapable of taking up farming. Provisions requiring Indians to seek permission to sell livestock and produce remained on the 1951 *Act to Amend the Indian Act* and are still in place, though no longer applied (RCAP 1996, 255). See Carter (1990) for a crucial history of reserve farm policy on the prairies. The pass system, while never formally passed into law, was a policy of limiting and monitoring the movement of Indigenous peoples living on reserves. Instituted as a security measure to prevent further resistance after the 1885 North West Rebellions, the pass system required that all reserve residents register and receive approval for any travel through Indian Agents and was enforced by the NWMP. A letter circulated to all western reserves in 1941 requested the return of all remaining books of pass documents to be returned to DIA headquarters for destruction, marking the “official” end to an unofficial program of disciplinary surveillance. For early analyses of the pass system and its effects, see Carter (1985) and Barron (1988). Several recent publications have also discussed the system’s role in the context of colonization and assimilation, such as Daschuk (2013, 161-2 and 171-2), Smith (2009, 60-73), and Williams (2015).

\(^2\) These indirect techniques can also involve material violence. For example, the severe restriction of rations and overcrowding in the late 19th and early 20th century created a tuberculosis crisis across many “Indian” reserves. The rates of infection and death were significantly higher than those in the settler population, but this information was interpreted as a sign of inherent weakness of the “Indian” population and their congenital predisposition to the disease—an interpretation that would be used in support of further policies of state intervention and management. For a complete analysis of the role of disease in the dispossession of Indigenous peoples and establishing the conditions of possibility for colonizing the plains, see Daschuk (2013). The TB epidemic and its rhetorical manipulation are discussed in chapters 8 and 9.
Introduced following the 1951 *Act to Amend the Indian Act*, Indian Register and Certificates of Indian Status were instances of the convergence of law and administration in documentary practice. These two processes of settler colonial ways of seeing served as the state’s point of departure for counting, scrutinizing, and manipulating those Indigenous bodies rendered visible as “Indians” vis-à-vis *Indian Act* racial taxonomies. The administrative function of the Indian Register was to generate a clear picture of the “status Indian” population. This picture takes the form of individual administrative records and a cumulative count of the “Indian” population: records resolved into number.

The Register’s restrictive mode of apprehending Indigenous life, I argue, is an instance of settler colonial ways of seeing: the Register limits the visibility of Indigenous life to the constraints of *Indian Act* racial categories and, thus, to categories formed in the interests of dispossessing Indigenous lands, eliminating Indigenous lives, and asserting colonial sovereignty. The Register counts bodies; Certificates of Indian Status provide evidence of an individual body as counted. This chapter will analyze the centralizing, enumerative work of the Indian Register and the dispersed evidentiary function of Certificates of Indian Status will be taken up in Chapter Three.

The function of the Register’s population count and its individual records is to document the existence of “Indians”. Documents are things produced to represent, reconstitute, or prove a phenomenon: the document provides evidence by recording the phenomenon (Briet 2006, 7). Through their assertion of evidence, documentary practices have the effect of making things come into being (Frohmann 2008, 166). In generating documents that verify the identities of “status Indians”, the Indian Register brings the abstract category of the *Indian Act*’s racial taxonomy into being. However, by claiming the material presence of one abstraction—“Indians”—the Register produces another abstraction—the cumulative count of the “Indian” population. This numerical abstraction is afforded the qualities of objectivity and truth. Such abstraction is distancing: it creates a vantage point from which settler colonial power apprehends a feeling of superiority, generated by claims to knowledge over a documented and re-presented Indigenous population. This felt superiority borne of distancing abstraction, I suggest, serves to insulate settler sovereignty and its representations of the world against the persistent material reality of Indigenous alterity. In literalizing the category of “Indian”, the
Register produces the kind of abstract data, that feels like knowledge and can be deployed in the interests of sovereign power.

Registering names on a centralized list does not necessarily appear as an act of state repression or a technique of dispossession or the work of elimination. Indeed, population registration is a key component of modern statehood (Scott 1998; Caplan and Torpey 2001; Torpey 2000). However, the Indian Register is not simply a practice of a state keeping track of its population. It is a technique that sutures Indigenous lives into the Indian Act’s racial taxonomy by literalizing the categories it produces: the materiality of paperwork and the performance of administrative processes gives form to classification schemas. Registration documents that make individuals visible as “status Indians” also make them invisible as members of Indigenous nations, embodying the Indigenous alterity that makes the central claims of settler sovereignty tremble. The introduction of this documentation system did not simply streamline paperwork. Rather, it created a system of documents that provide evidence in support of the “fact” of “status Indians” asserted by the Indian Act’s taxonomic nominalism.

In this chapter, I argue that the Indian Register generates and organizes knowledge about the “status Indian” population in the interest of ongoing and future interventions into the lives of those included in the Register’s list. To make this argument, I introduce the Indian Register and its value to the settler state’s administrative work, analyze the population count it generates, and demonstrate how the documentation of Indigenous lives contributes to their marginalization while realizing the desires of settler colonial sovereignty. With the exception of brief discussions of its development in histories of Indian Affairs policy, the Indian Register has not been the subject of sustained academic analysis. Given that individual and community appearance on the Register is the exclusive way Indigenous peoples become visible to state agents and policy makers, the stakes of the registration practices are high. This chapter aims to

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3 Histories of Indian Affairs policy, such as work by Leslie (1999) and Milloy (1992, 2008), briefly discuss the development of the Indian Register as part of the broader trend toward mid-20th century bureaucratic centralization and the development of both welfare state programs and their oversight.
examine the Indian Register and its body count as key techniques deployed to make the “status Indian” population visible to settler colonial policy makers and to situate it within the broader context of settler colonial ways of seeing. The Register and its numbers, I argue, are important facets of bringing the aesthetic vision of settler Canada into being. In producing what feels like objective knowledge about “Indians”, the Register generates abstract re-presentations of Indigenous lives. Such re-presentations have been and continue to be vital to the decision-making at a distance that is characteristic of settler colonial governance.

Two very different cases of enumeration as sovereign technique inform my analysis: the accounting techniques introduced in Nazi Germany and the numerical biopolitics deployed by the British in colonized India. The settler colonization of Canada and the genocidal violence perpetrated against Indigenous peoples is distinct from both Nazi Germany and British colonial India in important political, material, and historical respects. However, analyses by Warwick Funnell, Götz Aly and Karl Heinz Roth, and Arjun Appadurai on the use of numerical re-presentation in service of sovereign violence offer insights into the ways racialized enumeration is a technique of sovereignty. Through introducing an official count of the “status Indian” population, the Register introduces “new quantitative visibilities” for framing Indigenous life and furnishes a feeling of knowledge and control (Funnell 1998, 439). Shedding light on registration as a technique of colonial governance, Appadurai’s claim that enumeration marks a transition from classificatory biopolitics of taxonomy to a “numerical biopolitics” serves as a guiding concept for my analysis of the Indian Register (Appadurai 1996, 132). The colonial imaginaries Appadurai critiques are of the imperial variety. However, key aspects of the “colonial numerology” that introduced an intensified mode of observing, calculating, and intervening upon colonized lives in British India are also at work in the logics and techniques of transforming Indigenous lives into numbers in the settler colonial Indian Register. From this comparative analysis of the Register as sovereign technique, I turn to Cheryl L’Hirondelle’s TreatyCard.ca and engage the work as critical mimicry of the registration practices of the Canadian state that both draws attention to the narrow frames through which the Indian Register makes Indigenous lives visible.
The abstract ways of seeing introduced by the Indian Register—and extended by Certificates of Indian Status—make “Indian” bodies visible to the state and available for governance. However, this same politics of visibility produces an invisibility of “Indian” bodies as instances of Indigenous lives with claims to land and sovereignty. Settler colonial ways of seeing obscure the repressive techniques the state has used to enclose Indigenous life while solidifying juridical authority over what is now Canada. Compounding the effects of 400 years of dispossession, settler colonial ways of seeing and the re-presentations they generate have created the conditions of invisibility under which nearly 1200 Indigenous women and girls have been murdered or disappeared in the past 30 years—the subject of the final chapter of this dissertation. The effects of bureaucratic re-presentations are not limited to how Indigenous lives are made visible. Bureaucratically counting lives \textit{without counting them as lives that matter} establishes the conditions in which sovereign power intrudes upon Indigenous lives, creating opportunities for violence to unfold without appearing as an emergency requiring action. Together, the analyses of the Indian Register and Certificates of Indian Status in this chapter and the next demonstrate how the application of \textit{Indian Act} racial taxonomies through documentary techniques creates the conditions of possibility for violence to become naturalized and thus, invisible. In both cases, the role of settler colonial ways of seeing in materializing logics of elimination and structuring how lives become visible is naturalized, depoliticized, and obscured.

\textbf{Implementing the Indian Register}

The 1951 \textit{Act to Amend the Indian Act} introduced several key changes to the Canadian government’s approach to the so-called “Indian Problem”, which codified stricter registration criteria and centralized bureaucratic operations. From the original codification of “status Indian” in 1876 to the end of WWII, federal Indian legislation had undergone a series of amendments, leading to a disorganized body of policy. The \textit{Act to Amend the Indian Act} was “an exercise in housekeeping”, which removed many of the constraints on “Indian” and reserve life, which had been imposed by previous legislation but was ineffective at the goal of increasing rates of voluntary enfranchisement, and reconfigured band councils to resemble municipal-style governments (Leslie 2002, 26).
One of the key targets for clarification in the 1951 revisions was the definition of “status Indian” in the interest of streamlining policy.  

As part of this housekeeping work, the revised Act introduced the Indian Register—a centralized list of all status Indians—and the administrative position of Indian Registrar. The Register was to become a single, master list of all “status Indians” in the country. Until 1951, registration of individuals under the Indian Act was the responsibility of individual Indian Agents working out of Indian Affairs Department field offices across Canada. Between 1876 and 1951, techniques for keeping track of registered status Indians varied across field offices and regions. This dispersed, non-standardized collection of lists failed to offer a clear sense of how many “status Indians” were recognized by the Canadian government, how this population was changing, and other information deemed necessary for developing efficient and effective policies (Milloy 2008, 12). To create the Indian Register, the various lists being used in different field offices were consolidated. Prior to forwarding these lists to Ottawa, Indian Agents posted them in public community spaces on the reserves under their supervision to allow band councils and individuals an opportunity to contest the inclusion or omission of persons (DIAND 1993, 6-7). The Registrar later entered these band lists into a database using new standardized forms, creating the official Indian Register. The Register also

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4 When canvassed by policy analysts about desired changes to the Act, many Indian Agents requested clarification on the definitions of “Indian” and terms of registration. As Leslie reports, among field agents “there was a major grievance that went to the very heart of the existing Indian Act and Indian administration, namely the definition of who was to be considered ‘Indian’” (1999, 79).

5 The existing lists consolidated in 1951 included: lists of band members receiving annuities owed through the numbered and Robinson treaties; lists of band members receiving revenues generated by band funds; census lists created in British Columbia, where treaties had not been signed; and additional records including lists used in elections, estates, commutation, and scrip (DIAND 1993, 5-6).

6 Lists were posted for several weeks and then submitted to Ottawa for the inclusion in the Indian Register. The possibilities remained that individuals may not have visited their communities or band offices during this time and were unable to dispute the inclusion or exclusion of their names on the lists forwarded to the Registrar. In some cases, lists were not posted in particularly conspicuous places. In other cases, some individuals refused to register, “seeing it as a derogation from the historical status of Indian nations” (RCAP 1996, 256). As a result, many individuals claim that their ancestors were excluded from the original Indian Register lists, which has prevented their access to status.
includes a General List, where persons with status under the Act but without band membership are listed (DIAND 1993, 8).

Figure 3: “The Registered Indian Record Sheet”, Indian Status and Band Membership: A Guide For Administrators (1974). Source: Indigenous and Northern Affairs Canada Library

Forms and the ways they structure fields of information are a bureaucratic technique for framing visibility. The type and format of information inscribed on registration documents reproduce the constrained conditions under which Indigenous life is made to appear to the settler state and its representatives. Registration forms were written in French and English and completed with names of people and places inscribed in either colonial language. Each “status Indian” was registered individually, reiterating both the Canadian government’s definition of “Indian” as a status held by individuals and the undermining of Indigenous nations as political entities with the authority to determine their membership. The inscription of band name and number repeats the Indian Act’s imposition of bands as the only state-recognized administrative entities, which further fractured Indigenous nations and their systems of political, economic, and social relation (Napoleon 2001). Applications for registration and the subsequent records produced reiterate these legislative frames of individualized “Indians” organized into federally-structured bands. In early records completed by Indian Agents, the first field of recorded

\[7\] It is important to note that “status” and “membership” is not synonymous. The federal government determines status, while membership is determined by bands (after C-31 in 1985). All band members are registered as “status Indians”, but not all registered “status Indians” have membership in a band. For the complications this poses to Indigenous identity and sovereignty, see Lawrence (2003, 2004), Simpson (2014), and Palmater (2011). The 1974 guide for membership administrators also articulates this: “Although no one can be a band member if he doesn’t have Indian status, there are registered Indians who are not members of any particular band. They are in a General List in the Register” (DIAND 1974, 1).
information is the applicant’s band name, followed by the name of the individual (Figure 1). Forms currently in use are completed by individual applicants and begin with applicant names, with band names requested last (Figure 2).

Figure 4: “Application for Registration of an Adult Under the Indian Act”, Indigenous and Northern Affairs Canada (2017). Screenshot of online application form. Source: aadnc-aandc.gc.ca

In Part A of the contemporary form, applicants request to be “registered in the Indian Register” and that their name “be entered in a Band List” (Figure 2), reiterating the suturing of “Indian” and “Band”. Though it is possible to register without it, band membership is the only form of group affiliation possible within this system of documents. Similarly, applicants must identify their fathers and mothers and, in contemporary forms, their paternal and maternal grandparents. Mirroring the prioritization of patrilineal descent in the Indian Act, both early and contemporary forms list the father prior to the mother. In exclusively recognizing nuclear family relations, registration forms reiterate the model of heteronormative patriarchal family structures embedded in broader settler colonial policy (Carter 2008; Morgensen 2010; Rifkin 2010). Each of these limitations at the level of the document renders Indigenous naming practices, nations, and other forms of community or familial relations not formally
recognized by state policy uninscribable on Indian Register paperwork and ultimately invisible to settler colonial ways of seeing.

In addition to the an individual’s name, parents, and band affiliation, registration records also indicate date of birth; any recorded aliases; marital status; and the names of any registered children (DIAND 1993, 37). While federal and provincial governments also track similar data about non-Indigenous subjects, the Register connects that information to a racialized subject position, codified in law. The collection of information about the “status Indian” population has unique political implications. As John Torpey observes, racial registration as a means of exercising control over a “negatively privileged” group is usually characteristic of authoritarian regimes (2000, 9). With the end of the pass system in 1941 and permit system in 1951, the Indian Register and the Certificates of Indian Status it produced did not operate as internal passports. However, this technique of racial registration framed particular bodies as the homogenized containers for the “benefits” of status, which involved scrutinized access to and restriction from different resources. In tracking marriages and divorces, for example, registration records are the documentary surface on which Indian Act sex-discrimination unfolds: prior to 1985, the amendment of a “status Indian” woman’s registration record to reflect her marriage to someone without status would result in her loss of status. Under the racialized context of the Indian Register, a seemingly banal act of paperwork is also the assertion of settler colonial governance of Indigenous life.

In the broader context of 20th century Indian Affairs administration, the amalgamation of existing lists into the Indian Register continued a trend of centralization and rationalization, which had begun in earnest under Duncan Campbell Scott’s leadership (Neu and Graham 2006; Leslie 2002). The stated goal for the centralization of registration records and processes was “[t]he need to determine exactly who came under the federal government’s responsibilities for Indians” (DIAND 1993, 6, my emphasis). This centralization of records arose out of a desire for a more precise picture of the population subject to governance under the Act, a concern driven by ministerial
economism and centralization of authority, and was aligned with increasingly precise and more restrictive definitions of “status Indian”.

The 1951 revision replaced “Indian blood” with registration. Rather than hinging on the claim to being a child of “any male person of Indian blood or reputed to belong to an Indian band” (*Indian Act 1876*, Section 3), the 1951 definition required tracing lineage through paternal descent to someone with “status” in 1867, to someone who was a band member when a treaty was signed, or someone who appears on a band membership list or general list of “Indians” (*Indian Act 1951*, Section 11). Practically, claiming one’s eligibility to register as a “status Indian” required documentary evidence tracing paternal lineage. Traced through access to birth certificates, marriage licenses, divorce agreements, death certificates and other administrative re-presentations of relational bonds, “Indianness” was given a bio-archival form. As discussed in the previous chapter, to be “Indian” after 1951 no longer turned on a claim to blood and community. The crucial heritable trait became archival: visibility as “Indian” required the appropriate documentation, verified by state representatives and reflective of state ways of seeing.

The narrowed, document-driven 1951 definition of “status Indian” served eliminationist logics by increasing the burden of proof for claiming status and, crucially, by making it harder for women to retain and pass on status. While the 1876 Act contained provisions for revoking status if an “Indian” woman married a non-status individual, such women retained their rights to treaty monies and to distributed band revenues and, in some cases, were able to remain on reserves. The 1951 revisions forced women off of the reserve with a one-time payment from band funds, terminating connections to relations and community—a measure that would reduce administrative costs (Leslie 1999, 190-1; Palmater 2011, 42-6). As a form of restrictive accounting, the tightening of “out-marriage” rules sought to ensure a decrease in the “status Indian” population over time. It had the effect of undercutting women’s autonomy and consolidating heteropatriarchal

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8 The logic of elimination central to settler colonization’s entwined structures of invasion, dispossession, and nation-building is amplified by a desire to minimize expenditures. As Neu and Graham (2006) have argued, the so-called “Indian Problem” has always been shaped by concerns about expenditures, from British imperial policy through to contemporary financial logics.
structures within band politics. Crucially, by stripping women of resources and community, the revisions frequently placed Indigenous women in a state of financial vulnerability and social isolation—an important contributing factor to the contemporary crisis of murdered and missing Indigenous women and girls, which will be discussed in Chapter Four.

The Indian Register produced two key visibilities in service of federal Indian Affairs policy and broader settler colonial goals. In collecting records of Indigenous people deemed visible as “status Indians”, the Register produced centralized documentary evidence pointing to the “fact” of Indian Act race taxonomy. This accumulation of documentation also generated a numerical picture: a body count of the “status Indian” population. Being seen by the settler colonial gaze required making oneself visible in compliance with a pre-determined, restricted range of categories and facts. Crucially, the trafficking in documents visible to sovereign power structured the registration process and ultimately resulted in the generation of more knowledge about the registered “Indian” population and their increased exposure to the gaze of settler colonial governance. The Register, borne of layers of authorized documentation of “Indians” and their relations, enumerated the “Indian” population to confirm their existence as instances of an abstract racial category with the objectivity of numbers.

Registration and Documentation; or, “What is Not in the Register is Not in the World”

From its mid-20th century implementation to its contemporary digital form, the Indian Register is primarily a documentary project in service of settler colonial policy objectives. As a documentary project, the Register asserts the “fact” of “Indian status” by literalizing the Indian Act’s taxonomic categories. In enumerating the registered “Indian” population, the Register endows that nominalism with the objectivity of numbers. The authority attributed to the Register’s records and resulting body count by the Canadian state is the outcome of broad investments in the capacity of documents to objectively verify the phenomena they record. At the heart of official, administrative documentation is a logic of distanced verification, investment in procedural objectivity, and an orientation to the future. The documentary process was developed in the 1950s and 1960s
to generate the Indian Register, I argue, aimed to endow Indian Act nominalism with the authority of objective evidence and to expand Department of Indian Affairs capacity for monitoring, scrutinizing, and governing Indigenous peoples and nations.

The materiality of files and documents make and foreclose a range of visibility and, thus, possibility. Describing the productive heart of documentation Ben Kafka repeats a frequently cited dictum of Spain’s King Philip II: “quod non est in actis, non est in mundo; what is not in the records is not in the world” (2009, 345; Vismann 2008). Similarly, what is not “Indian” in the Indian Register is not in the world. That is, not in the world as perceived by the settler colonial Canadian state and its administrators. By creating documentary records, the Indian Register literalizes and makes visible in its files the lives defined as “Indian” by the state’s taxonomic nominalism. Lives outside the narrow Indian Act definition are obscured: they may appear to the state in a variety of other ways, but not as “Indian”.

The stakes of this documentary visibility are high. To not be seen as “Indian” risks an assimilative invisibility, which results in being denied access to treaty relationships and what is owed by virtue of these relationships. But being seen on the state’s terms risks being made visible under deeply constrained conditions. The stakes of this erasure are clear in the many court cases and struggles over the definition of status, as well as the struggle of different groups such as the Métis and Inuit to be recognized as Aboriginal peoples under the Constitution. The circumscribed visibility of Indigenous life recorded by the Register is the evidence accepted by the Registrar and the broader settler state apparatus. Only the data recorded by its own documentary practices is  

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9 Such court cases begin with the 1939 Supreme Court ruling in Reference Re: Eskimos that the “Eskimo” population—now referred to as Inuit—should be included in federal jurisdiction over “Indians”. Section 35 of the Constitution Act 1982 recognizes the Aboriginal treaty rights of First Nations (“status Indians”), Inuit/Inuk, and Métis peoples. The April 2016 Daniels v. Canada Supreme Court decision granted that Métis and non-status Indians are “Indians” under Section 91(24) of the Constitution. Indigenous women’s long struggle against Indian Act sex-discrimination also made use of the court system. Key cases include Mary Two-Axe Earley’s petition to the Royal Commission on the Status of Women in Canada in 1968, Jeanette Lavelle and Yvonne Bedard’s 1973 Supreme Court cases, and Sandra Lovelace’s 1974 Supreme Court case. While the courts upheld the Act in these cases, Lovelace’s 1981 petition to the United Nations human rights committee finally led to the C-31 amendment in 1985.
deemed real and becomes the terrain of reality on which the state operates. To be seen at all—indeed to even be glimpsed as in the world of the settler state—Indigenous people and nations must make themselves visible through documents that literalize the terms of the Indian Act. As will be discussed further in Chapter Four, this constrained form of visibility also frequently entails a hyper-visibility of Indigenous peoples—and especially Indigenous women—to agents of state law and to perpetrators of sexual and other forms of violence.

As I’ve argued in the previous chapter, documents and documentary techniques—forms, maps, files—are key processes in the bureaucratic tradition. Suzanne Briet defined documents as things that have been “preserved or recorded toward the ends of representing, of reconstituting, or of proving a physical or intellectual phenomenon” (2006, 10). By rendering territories and peoples visible within the terms of the state, documentation processes create many of the forms of bureaucratic re-presentations that the state uses to do the work of governing. In other words, documentary practices are central to what Mark Reinhardt has identified as the dual “visual construction of the political field” and “political construction of the visual field” (2012, 34). In delimiting frames of what can be seen and how, settler colonial ways of seeing make visible the bodily and territorial terrain on which the state seeks to operate.

The Canadian state’s vision for a new and better settler polity includes articulating Indigenous presence as an “Indian problem”. In the previous chapter, I demonstrated how the Indian Act’s racializing taxonomy is a vision for colonization and a technique of knowledge and governance grounded in a settler colonial logic of elimination. In the form of the Indian Register, documentation is a technique for applying this taxonomy. The Indian Act taxonomy produces the category and name “Indian”; the Register is a documentary mode of identifying, sorting, and counting individuals in relation to this taxonomy. Yet, the settler colonial state and its representatives in the metropole (Ottawa) are removed from the bodies they seek to categorize, scrutinize, govern, assimilate, and eliminate. Documentation is one of the localized forms of sovereign law and of interaction with juridical categories. While the settler state takes a very real, material form in the body of the Indian Agent visiting the reserve or the Indian Registrar in the
distant metropole, it also is literalized through documentation. Indeed, the Indian Agent and the Registrar are not only enforcers or representatives of settler law, they are also documentarians charged with the role of transforming Indigenous land and life into the many genres of the bureaucratic tradition.

In the late 19th and early 20th centuries, documentation was key to developing a new form of authority, which was based on the collection of evidence in centralized, administrative spaces. Craig Robertson (2014, 2009) has analyzed the emergence of state investments in the validity of paper documents as a technique for stabilizing the “official” identities of a population in service of centralizing governance. Robertson characterizes this system of paper evidence and governance as a “documentary regime of verification” (2014, 79). A documentary regime of verification depends on exclusion and marginalization in the process of collecting, recording, and transmitting information about individuals. Such a regime assumes that individuals cannot be reliable or objective sources of information about their own identity and that it is necessary to minimize individual discretion in relation to reading and interpreting evidence of identity. This results in individuals being excluded from the process of their own documentary identification: birth certificates, passports, and other forms of “official” identity are produced by administrative officials at a distance from the particular person being identified. Under this documentary regime, Robertson notes, “ideally official document begat official document to articulate an official identity” (2009, 342). By requiring state-generated documents such as birth and marriage certificates to secure documentation of “Indian status”, the Indian Register exemplifies such a cyclical regime of documentary verification.

Structured by procedures set out in official manuals and enacted at a distance from individual applicants, the Indian Register operates within a documentary regime of verification. As a system of files housed first in the Ministry for Citizenship and Immigration’s Indian Affairs portfolio (1951-1965) and later in the Departments of Indian Affairs and Northern Development (1966-2011) and Aboriginal Affairs and Northern Development Canada (2011-2015), the Indian Register’s claims to knowledge and authority are rooted in a “logic of location” common to many forms of identity.
verification. The veracity of an administrative document is tied to its condition of production: someone with a defined position within a bureaucracy follows predetermined protocols to confirm the provided evidence of an individual’s identity and ultimately generates further documents verifying the “fact” of that identity (Robertson 2009, 335). This logic of location privileges documents emanating from a formal state organization over personal stories or associations, rendering trust a question of depersonalization. The Indian Register was structured by this logic, producing official “Indian” identity by the intentional collection and recording of specific facts as documents, then processing, classifying, and storing these documents in the files—first paper, now digitized—of the bureaucrats charged with governing the affairs of “Indians”.

Ultimately, these processes create a circle of evidence in which documents require more documents to verify identity. Applications for registration as a “status Indian” must reference specific forms of evidence testifying to an individual’s eligibility. The limited range of evidence accepted by the Registrar illustrates the circumscribed range of the world legible to sovereign grids of intelligibility. The forms of evidence required for registration with the state is evidence generated by the state. A 1993 Department of Indian Affairs and Northern Development report on registration presented a list of acceptable documents, prioritized in the following order: provincial vital statistics documents; court orders and court documents; church records; school or census records; band or other Indian Affairs records; and, lastly, sworn affidavits testifying to the applicant’s birth (DIAND 1993, 38-9).

This hierarchical order reveals the regime of truth at the heart of Canadian Indian policy. Settlers, Eve Tuck and K. Wayne Yang argue, “locate themselves at the top and at the center of all typologies—as simultaneously most superior and most normal” (2014, 812). Similarly, the preferred sources of evidence within colonial bureaucracies are those most removed from the individual requesting registration and closest to settler political authority. Those documents infused with the authorial force of state power conform to state grids of intelligibility and, as such, are perceptible as statements of fact. The information sources of last resort are those closest to the individual in question, furthest from political authority, and potentially attest to alternate regimes of truth. Even in cases
where the Registrar accepts oral testimony, that testimony is co-authored by the state via the affidavit process. An inscription of state-recognized authority on the storyteller’s own authority, the affidavit serves as “proven” or “verified” oral history. Ultimately, the state only accepts what can be included within its realm of intelligibility and authorized within a state-defined realm of facts. Working through the office of the Indian Registrar, the state thus retained its grasp on sovereign authorial power: the ability to grant status remained under the exclusive auspices of settler colonial law.\(^\text{10}\)

Administrative documents and the categories and facts they make visible set the terms of interaction with the state. The reality materialized by authorized documents and the facts they contain forms a closed circuit of evidence: to be recognized by the state, one needs to produce documents visible to the state and yet to contest the state, one is still limited to those same modes of visibility. Authorized documents are the “operative facts” in spaces of sovereign power and “there are virtually no other facts for the state than those that are contained in documents standardized for that purpose” (Scott 1998, 83). The avenue for speaking back to one’s position within Indian Act taxonomy—filing a protest of the Registrar’s decision—is structured by the forms of truth authorized and accepted by the state. The same forms of evidence accepted by the Registrar are also the only forms of evidence admissible in situations where the Registrar’s decision is protested or heard in court (DIAND 1993, 40). While an individual may protest the veracity of information included on her official documents, her claim must be corroborated by additional documents that still fall within the list of those intelligible to the Registrar and the court.

\(^{10}\) At different times, individual bands have requested authority to determine status within their communities. This transfer of authority would dissolve the distinction between status and membership, resulting in rights and benefits flowing through band membership and ending the concept of “Indian status”. To date, the federal government has rejected this policy proposal on the grounds that “to remain accountable to the Canadian public, the federal government cannot agree to a new basis for funding without knowledge of how much such a move would cost” (DIAND 1993, 15). The refusal to transfer such authority to bands is explained with reference to concepts of accountability, which reinforces the importance of the Register as an image of the “Indian” population: governance requires an authorized view of its subject population.
Generating a picture of the “status Indian” population, the Indian Register aims to consolidate existing knowledge about “Indian” presence. As a technique of settler colonial ways of seeing, the Register continues to make “Indians” visible to the state through protocols developed within this broader process of documentary authority and naturalizes investments in official documents as neutral, objective facts. Through registration, Indigenous individuals are made functionally present to the state as “Indians”, their documentation is the result of observation and procedure rather than the application of a transformative taxonomy. Registration documents inform policy decisions and thus, the broader settler colonial goal of solving the “Indian problem”. The Register is future oriented: the systematic collection of information on individual identity is always in anticipation of future analysis and retrieval (Robertson 2009, 334; Curtis 2001, 2002; Higgs 2004). Like many other forms of documentation connected to regimes of oppression, the Indian Register constructs its object—the “Indian” population—through documentation, but does so in the interest of framing its object. Namely, the Canadian state and its agents use the Register data to inform the creation and implementation of assimilationist policies, which aim to reduce the “Indian” population over time.

The Indian Register as “Colonial Political Arithmetic”

Created in a period where overtly repressive policies of forced assimilation were being replaced by integration strategies, the Register created a metric by which the basic premise of the so-called “Indian problem”—the existence of unassimilated Indigenous bodies and nations—could be measured. To be administratively useful, information has to take on particular forms so that features of the governed domain can be re-presented in spaces of decision-making (Miller & Rose 1990, 7). To generate such administratively

11 Many forms of documentation construct their object by mediating between classification schemes and classified bodies, doing so in service of disciplining, re-making, or otherwise governing that object. The uses for documentation to literalize classifications are expansive. For example, welfare documents construct the unemployed subject (McDonald 2003), UK immigration monitoring forms construct the racialized subject (Bhavani 2005), aid agency “trauma portfolios” construct Haitians subject to political violence as victims (James 2004), intake documents construct the insane and the criminal (Reed 2004; Rhodes 2004).
useful information, the Register accumulated information about individual “status Indians” and translated that information into numbers. Numbers, as Nickolas Rose explains, “are integral to the problematizations that shape what is to be governed, to the programmes that seek to give effect to government, and to the unrelenting evaluation of the performance of government” (1991, 675). Numerical re-presentations transform the diverse and irregular world into information, which can be standardized, compared, and calculated. The seeming equivalency of numbers allows for the historical, cultural, and political differences between hundreds of Indigenous nations to be smoothed over to create a numerical picture of a generalized “Indian” population. By making Indigenous people numerically visible as one cumulative population, the state can re-present and address “Indians” as an ethno-cultural minority within the Canadian state rather than sovereign nations and treaty partners. The broader process of transforming Indigenous nations into racialized ethno-cultural minority groups by way of abstracting re-presentations has been described as “Indianization” by Jodi Byrd (2011) and by Tuck and Yang (2012) as “asterisk-ing”.

The Indian Register enhances the knowledge claims generated by racial classifications through resolving those categories into objective numbers, creating a claim to the objective truth of the re-presented “Indian” population. The cumulative count of the “Indian” population provides the numbers required for biopolitical measurement and intervention, serving techniques of settler colonial governance. The implementation of the Register marks a shift from “a classificatory to a numerical biopolitics” (Appadurai 1996, 132). As a technique that enacts the transition from classificatory to numerical biopolitics, the Register shifts both the mode of governance exercised and its intensity. Numbers provide an objectivity that intensifies the feeling of knowledge and, as a result, deepens the feeling and exercise of power. Of classification and numbers in the biopolitical governance of colonial India, Arjun Appadurai observes:

these two forms of dynamic nominalism came together to create a polity centred around self-consciously enumerated communities. When these communities were also embedded in a wider official discourse of space, time, resources, and relations that was also numerical in critical ways, a specifically colonial political arithmetic was generated, in which essentializing and enumerating human
communities became not only concurrent activities but unimaginable without one another (1996, 132-3, my emphasis).

The numbers collected about categorized individuals or communities infuse that category with a sense of objective truth. In doing so, the colonial methods for circumscribing Indigenous communities through knowledge production renders those communities unintelligible without reference to state logics and categories. The Register is a technique of a “colonial political arithmetic” that uses numerical data to confirm and further entrench the objective existence of “status Indians”, thus further obscuring the sovereignty claims of Indigenous nations.

Numbers collected for policy development and implementation have the cumulative effect of something that feels like power. While colonial techniques of enumeration often begin under utilitarian premises, Appadurai notes that, “numbers gradually became more importantly part of the illusion of bureaucratic control and a key to a colonial imaginary in which countable abstractions […] created the sense of a controllable indigenous reality” (1996, 117). The Register’s depoliticized, transportable, objective numbers create a similar sense of “controllable indigenous reality” by naturalizing the existence of “status Indians” and the constricted frame through which they are made legible by the state.

The Indian Register is a point of convergence for the mobilization and accumulation of information produced in the interests of intervention and their alignment with the political rationality of the Canadian settler state.\(^{12}\) While pre-existing lists were also the products of political rationality, the centralization of information in the center of calculation (the office of the Indian Registrar) intensifies the modes of intervention

\(^{12}\) In claiming that the state’s will to generate increasingly specific knowledge of and to exercise power over Indigenous bodies and nations is demonstrative of the convergence of a settler colonial political rationality and techniques of colonial governance, I do not suggest that other aspects of governed life in Canada are outside of or free from this convergence of knowledge and sovereign technique. Indeed, this dissertation identifies a dynamic of knowledge-power and sovereign technique functioning across many different corners of government. What is unique in the case of “Indian policy” and the governance of Indigenous bodies and lands is the logic of elimination and goals of assimilation and control. The risk that flourishing and unassimilated Indigenous life poses to settler colonial sovereignty provokes an intensification of the biopolitical governmentality in Canada.
available to the state and its agents. This new technique of inscribing (some) Indigenous lives as “Indian” renders the bodies on that list more available for evaluation, calculation, and intervention. Further, the consolidation of dispersed lists into a single centralized list further effaces difference across Indigenous nations and intensifies the homogenizing character of the state’s schematic re-presentsions of the ahistorical, acultural “Indian”. In this way, the Register fuses racial classification, grids of intelligibility, and a will to contain through “objective knowledge”, operating as a technique of sovereignty and structuring settler colonial ways of seeing.

Population Registration as a Technique of Sovereignty

To articulate the techniques and rationalities involved in this practice of racial registration, it is useful to examine two other instances of racial registration as sovereign technique: the Nazi census and registration of the Jewish population in the 1930s and the censuses and registrations of the colonized population of British Indian in the late 19th century. By considering the Indian Register in relation to these other practices of registration, I do not intend to deploy equivalency-seeking comparisons between very different political, historical, and social conditions. Rather, I am interested in racial registration as a shared technique of sovereignty—a similar means, deployed in different ways and to different and differently violent ends. Further, these disparate uses of racial registration each reflect a variation on a “politics of calculation” that is a condition of possibility for the technical, material, bureaucratic, and legal circumstances for the violence perpetrated in these different contexts.

The politics, history, and modes of violence in play in each of these human registries differ in important ways. In Nazi Germany, the registration of the Jewish population grew out of the quantification of putative racial distinctions between German

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13 As noted in the introduction to this dissertation, the genocidal violence perpetrated by the British and Canadian state did not take the form of wholesale extermination, as was the case in the Holocaust. Rather, settler colonial policies have used a wide range of direct and indirect violence in the interest of eliminating the Indigenous population over time. Many of these tactics, such as land dispossession, starvation, and de-resourcing of Indigenous communities, were designed to exacerbate the suffering of Indigenous peoples and compel their enfranchisement and assimilation.
citizens and non-citizens subject to German law (i.e.: individuals of “full” or “mixed” Jewish blood), a distinction codified in the 1935 Nuremberg Laws and recorded through the 1939 census (Aly and Roth 2004, 19-21). The development and adaptation of so-called race science attempted to gild the irrationalities of anti-Semitism with the sheen of calculative rationality and guided the process of racial classification and registration (Eldon 2006, 758). Within the broader policy of extermination, racial registration aimed to make Jewish subjects legible to the Nazi state apparatus, which facilitated their concentration in ghettos and their later transfer to camps. As Götz Aly and Karl Heinz Roth explain, under the Nazi regime “[e]very act of extermination was preceded by an act of registration; selection on paper ended with selection on the ramps” (2004, 1). Serving the goal of exterminationist genocide, the Nazi racial registration policies were concerned with identifying and enumerating all subjects with any Jewish ancestry, including assimilated Jews and those who had been baptised. In addition to information disclosed on census cards, Nazi administrators also used baptism lists, genealogical certificates, library information, and collective denunciation to aid in the task of identifying and registering “full”, “mixed”, and “race” Jews (assimilated individuals of some Jewish lineage who were not members of the Jewish religious or cultural community) (Aly and Roth 2004, 72-4).

Abstraction and the homogenization of differences across the lives of individuals deemed to be Jewish were central to Nazi racial registration. Stripping away myriad qualitative details to render things “sufficiently similar in their essence” made possible the work of registration and, later, extermination (Eldon 2006, 756). Key to quantification, abstraction helped make invisible the aspects of human lives to which ethical values ordinarily adhere. As Warwick Funnell explains, the transformations

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14 Beginning with the 1939 census, Jewish subjects were required to fill out additional cards declaring their Jewish lineage. The additional cards were placed in separate envelopes, giving the racialized data collection process a veneer of anonymity. However, the collected data was used to create lists of Jewish subjects. Jewish subjects were required to carry identity cards stamped with “J” to make visible their racial identities and to register their whereabouts within three days of being away from their homes. These are just a few of the examples of racial registration as sovereign technique. See Aly and Roth (2004) and Young (2017).
intended and accomplished by the processes of registration and accounting are powerful conditions of possibility for violence:

Accounting as an instrument of the new German civil bureaucracy provided at “centres of calculation” new quantitative visibilities that were able to supplant the qualitative dimensions of the Jews as individuals by commodifying and dehumanising them, and thereby, for all intents to make them invisible as people (1998, 439).

Under Nazi practices of racial classification and registration, one’s status as a Jew precluded all other dimensions in which a human life might matter. Through the process of racial registration, “bureaucratic abstraction dehumanized individuals and transported them to a new reality—namely, death” (Aly and Roth 2004, 1). The sovereign technique of flattening and consolidating lives into a category equated with Jewishness was a necessary condition of possibility for the violence of their extermination.

Aly and Roth conclude their analysis of Nazi racial registration by observing that such bureaucratic techniques have not disappeared with the fall of the Reich; rather, “they are, in many respects, considered normal techniques of the modern state—used, to be sure, in extreme cases, but by no means considered shady” (2004, 149). Parallels with Nazi administrative techniques can also be found in banal bureaucratic practices of modern states. The link between the exterminationist excesses of Nazi registration and other human registries—including Canada’s Indian Register—turns on the similar conditions of possibility that bring these different techniques into being. As Stuart Eldon explains, the thoughts, beliefs, and orders that make possible both extreme and non-shady banal forms of racial registration rest in a “broader calculative understanding of the world, a calculative understanding of the political” (2006, 766).

British colonial India provides a second example of racial registration as a technique of sovereignty operating through abstraction. The imperial administration’s goal in India was extraction rather than extermination.¹⁵ Censuses and population

¹⁵ Unlike settler colonization, which seeks to establish new polities and eliminate Indigenous presence, imperial colonization aims to extract material and human resources from invaded lands and export them to the colonial metropole. Settler colonizers make use of Indigenous labour while seeking the elimination of
registrations were conducted in British India from 1872 through 1947 in service of extractive imperial goals. These censuses and registrations were designed to make the colonized population legible to colonial administrators—a task achieved through quantification and bureaucratic re-presentation. Unlike pre-colonial practices of enumeration that were largely localized inventories of domiciles for pragmatic taxation and land-use policies, British colonial enumeration sought to count individuals and to establish a formal taxonomy of social groupings, or castes.\(^{16}\) Crucially, the British census transformed complex and highly localized population relations and hierarchies into a categorized system detached from local landscapes that served the interests of colonial administrators, but did not correspond to social realities. As a sovereign technique of enumeration and registration and part of a broader “battle of standardization against on-the-ground variation”, the census made the Indigenous population legible to colonial administrators and enabled decisions to be made from offices in Calcutta and London (Appadurai 1996, 127).\(^{17}\)

Colonial practices of enumeration in India, Appadurai observes, enabled comparison between disparate bodies and lands, accumulated and conveyed information efficiently, and “served as a short form for capturing and appropriating otherwise recalcitrant features of the social and human landscape of India” (1996, 120). In abstracting India’s subjects from their localized realities and transforming them into forms visible to colonial administrators, the census and population register engaged in a

Indigenous bodies and the eventual supersession of settler populations; imperial colonizers seek to govern the continued existence of Indigenous populations in order to maximize the extraction of their labour power. Land, bodies, and labour power are appropriated in both models of colonial exploitation.

\(^{16}\) For analyses of pre-colonial enumerations, see Guha (2003) and Peabody (2001).

\(^{17}\) Knowledge about population categories allowed for certain groups to be criminalized in order to police upheavals and resistance; the relation between castes and certain activities (such as moneylending and agriculture) was used as the basis for implementing colonial administrative policies. As Bates explains, “the use of caste at an all-India scale to categorize the population according to occupation and social structure formed a more sophisticated basis for British attempts at social engineering” (1995, 10).
practice of disciplining colonized bodies into subjects that fit the extractive desires of empire. Appadurai explains:

Thus, the unruly body of the colonial subject (fasting, feasting, hook swinging, abluting, burning, and bleeding) is recuperated through the language of numbers that allows these very bodies to be brought back, now counted and accounted, for the humdrum projects of taxation, sanitation, education, warfare, and loyalty (1996, 133).

Numbers transformed and translated the Indian body from “wild” local economies that were value-less to the colonial interests into terms legible and of use-value to the colonial state and economy. Abstraction and its numerical logic produced the colonial subject as a body that could be disciplined and trained (as a student, a taxpayer, a soldier) but also that could be known and monitored in the biopolitical sense (as healthy, as productive, as efficient).

Colonial worldviews are views in translation: they have their roots in Europe, but are also developed in relation to the land and lives they are seeking to colonize. The work of invading, dispossessing, bureaucratically re-presenting, extracting resources from, and governing India and Canada were both projects rooted in British and Euro-Enlightenment logics of hierarchy, civilization, and property. However, the specific techniques deployed by different colonial administrators were developed in response to local political conditions (conditions which themselves varied across colonized spaces and times). In India, colonization translated into the extractive, imperial management of a large local population; whereas in Canada it translated into a permanent invasion, claims to settler native-ness, and the erasure of the Indigenous population through assimilation, appropriation, minoritization, and ultimately elimination. As an adaptable, plastic medium, sovereign techniques of classification and registration have been put to use in realizing the ends of these different translations of coloniality.

Disrupting the Indian Register’s Authoritative Gaze

Cree/Métis artist Cheryl L’Hirondelle’s TreatyCard.ca project disrupts the documentary regime of verification, claims to objective knowledge, and narrow frames of visibility at the heart of the Indian Register’s documentation policy. TreatyCard.ca is a
website created by L’Hirondelle in 2002 that invites individuals to register for a treaty card. The project mimics the process of registration under the Indian Register, but does so in a decentralized and user-driven manner that undermines the exclusive authorial power arrogated to the Indian Registrar, as a representative of settler colonial sovereign power. By inviting individuals to register for treaty cards and generating a cumulative list of registered persons, TreatyCard.ca produces a mode of visibility that is uncoupled from the logics of documentary verification and thus is useless to state power. I read L’Hirondelle’s work as a practice of counter-documentation because it replicates the techniques through which the Indian Register generates “new quantitative visibilities” and introduces a documentary method that refuses the conditions of possibility of such visibility.

L’Hirondelle’s introduction to the project and website frames the work as an attempt to “re-dress current relations between natives & non-natives by re-examining the intent, issue and details of the canadian government’s ‘certificate of indian status’ [sic]” (2002, n.p.). Given that treaties are an agreement between two sovereign parties, L’Hirondelle explains, it follows that both parties ought to hold treaty cards that mark their mutual subjection to the agreement and its terms. Rather than acknowledging the original treaties or ongoing treaty relationships, the Certificates of Indian Status issued by the Canadian state are used indicate an individual’s identity as a registered “status Indian” under the Indian Act, thus obscuring the relational core of treaties. L’Hirondelle weaves her critique of bureaucratic controls on Indigenous identity into the instructions for using the website. She addresses three groups of potential users: current holders of “Indian” status, Métis peoples and non-status “Indians”, and non-natives. For those with status, new TreatyCard.ca documents can be made with information that is more relevant to one’s lived identity and history. For Métis or non-status “Indians”, L’Hirondelle’s project offers an opportunity to obtain one’s “own personal facsimile of the gov’t issue (if

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18 In western Canada, Certificates of Indian Status or status cards are sometimes referred to as Treaty Cards, in reference to the numbered treaties that secured the Canadian state’s access to land across the Prairie Provinces and some of the Northwest Territories. In the process of negotiating the treaties, membership lists of signatory bands were drawn up and these lists are one of the key resources used in developing the Indian Register.
you’ve been feeling left out of the club) [sic]” (2002, n.p.). In a wry nod to settler derision towards the “benefits” of status, L’Hirondelle also offers non-natives the opportunity to register: “never let the words ‘i wish I had a treaty card’ pass your lips again - sign up today [sic]” (2002, n.p., emphasis in original).

The simplicity of form used in TreatyCard.ca lends affective force to L’Hirondelle’s work as a work of counter-documentation. Registering on TreatyCard.ca mimics the act of submitting identifying information to the state’s Indian Registrar; however, the openness of L’Hirondelle’s process illustrates the limitations and burdens of the state’s registration process. L’Hirondelle’s register interrupts the circuit of state-generated evidence required for registering with the state as an “Indian”. The Indian Register requires that individuals use the family names and birthplace names translated into English or assigned by representatives of the Canadian state, as they appear on government issued forms of evidence such as birth certificates, marriage certificates, original treaty lists, and other state-accepted documentation. Alternatively, TreatyCard.ca instructions encourage users to enter given names, surnames, aliases, and birthplaces in their original languages and in line with an individual’s chosen modes of identification.

Figure 5: Cheryl L’Hirondelle, TreatyCard.ca (2002). Screenshot of registration form. Courtesy of Cheryl L’Hirondelle.

L’Hirondelle offers users a guide to the terminology used in TreatyCard.ca, which articulates the project as one of counter-documentary critique. The fields for first
name and surname/colonized name, the guide explains, are to be populated with names that replace those used in government registration. In defining surname/colonized name, L’Hirondelle indicates the use of state-imposed names in the Indian Register as an act of assimilation:

for some, your last name may have been established because of one of your ancestors’ names and changed from its original language into English or French (i.e. - Littlechief=Okimasis / Apisis=Petite etc) or you may have been given the last name of the priest or the indian agent - hence your last name is ‘colonised’ [sic] (2002, n.p.).

Offered as an opportunity to include another preferred name or the name of an ancestor, the field for alias/original/chosen name both disrupts the sense of criminality associated with “alias”—a piece of information gathered on official registration forms—and expands the terms of identification to include the familial relations obscured by the Indian Register.

Similarly, L’Hirondelle’s guide specifies that “Indians” input their band name—written in the original Indigenous language, if possible—to populate the place of origin/birth field. The inscription of band names in Indigenous languages is framed as an opportunity to correct information held in the Indian Register and inscribed on existing Certificates of Indian Status. For Métis or non-status “Indian” users, this field is to be filled with place names in Indigenous languages. Non-native users are instructed to fill in either their place of birth or where they feel they are “from”; however, L’Hirondelle explicitly reminds that “if you live on the prairies/plains, you are existing on treaty land [sic]” (2002, n.p.).

In referencing the imposition and translation of names by settler state representatives, the TreatyCard.ca instructions acknowledge some of the ways Indigenous peoples and lands have been torqued by efforts to render them visible to settler colonial ways of seeing. The specified use of the Indian Register is the collection of “status Indian” names and other information for use in streamlining effective public policy and service delivery. However, lived Indigenous identities, communities, relations, and histories all overflow and exceed the narrow bounds of documentary meaning. In
requesting individuals register on Treatycard.ca in the mode of their choosing, L’Hirondelle points both to the ways Indigenous identity exceeds the range of visibility made possible in colonial registration processes. Registration is bound up with multiple legacies of colonial violence, including the imposition of names, the criminalization of Indigenous language and culture, and the appropriation and transformation of Indigenous lands into the private property now intelligible as Canadian cities and towns. Each data field of the colonial registration form not only asks for names imposed by colonial agents, but for names meant to cancel existing practices of identification and relation. In this way, TreatyCard.ca documents the exclusions of settler colonial documentary techniques and asserts the very Indigenous knowledge, presence, and history that are purposely obscured by registration practices used in forming the Indian Register.

TreatyCard.ca generates individual records with unique registration numbers and creates a cumulative list of those registered. However, L’Hirondelle is not engaged in a technique of sovereignty. The register generated by her project is useless to the knowledge-power project at the heart of the Indian Register. TreatyCard.ca is a self-verifying register: it invites individuals to verify their own identity at a remove from the state, its institutions, and its procedures. This method of registration disrupts the distance that a documentary regime of verification asserts between individual, identifying evidence, and the analysis of that evidence. Displacing documentary logics of location and neutrality, TreatyCard.ca produces an alternative register. Each participant takes on the role of Registrar to author and authorize his or her own identity and relationships. In inviting people to define and claim “Indian” identities in the names and languages of their choosing, L’Hirondelle points to the arbitrary fabrication of “Indian” as a category. For anyone and everyone to be able to claim “Indian” status through TreatyCard.ca, the term fails to operate as an exclusive distinction deployed by representatives of sovereign law. If anyone with access to a networked computer can register for “Indian” status through a simple online form, the restrictive accounting built into Indian Act taxonomies fails to operate as designed.

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19 As of 26 August 2016, the TreatyCard.ca “ndn band roll” contains approximately 1,460 entries.
In critiquing the racial taxonomy defined and imposed by the state, L’Hirondelle does not engage with the membership policies of Indigenous nations. Similar to Audra Simpson’s method of ethnographic refusal (2014), L’Hirondelle trains her critique on the forces that settler governments exert over Indigenous lives, lands, and relations rather than exposing the internal processes of Indigenous nations.\textsuperscript{20} L’Hirondelle’s refusal to reveal the inner workings of band membership protects Indigenous knowledge of specific communities from becoming depoliticized as a generic example of alternative bureaucratic practice. Further, such refusal retains Canada’s racial taxonomy and registration as the subject of critique rather than scrutinizing Indigenous membership practices. Refusing to reveal Indigenous modes of relation is not a denial of their complexity or challenges; rather, it is a refusal to aid in settler colonial techniques of knowledge-power. In TreatyCard.ca the very object of inquiry and critique is registration as a technique of knowledge-power.

\textsuperscript{20} As a method, ethnographic refusal does not deny challenges, complexity, or even injustice within Indigenous nations. Rather, it acknowledges that Indigenous nations operate under the duress of settler colonial forces that seek their elimination and maintains a keen awareness of the contributions of research representing the practices of “Indian” cultures to such colonial ends (Simpson 2007, 2014).

Figure 6: Cheryl L’Hirondelle, TreatyCard.ca (2002). Screenshot of the register generated by TreatyCard.ca. Courtesy of Cheryl L’Hirondelle.
The Indian Register generates a body count of “status Indians”, which is read as objective evidence about “Indian” lives and informs further surveillance, knowledge production, and intervention. In creating “new quantitative visibilities” (Funnell 1998, 439)—under which “Indians” from diverse locations and histories are consolidated and expressed as a single, officially counted population—the knowledge furnished by the Indian Register is structured by, and constitutive of, settler colonial ways of seeing. L’Hirondelle’s register refuses to produce evidence intelligible to settler colonial ways of seeing. The Indian Register’s worth rests in the sanctity of state-authorized evidence, but L’Hirondelle’s register is produced by individual desires. While the website lists some 1,460 names, the absence of proof of individual identity and lineage prompts reflection on the kinds of evidence required by sovereign accounting. TreatyCard.ca contests the observable form of “Indian” life generated via state documentary techniques by documenting the many ways Indigenous life exceeds these categories. When there is a multiplication of writing, documents, and documentation techniques, there is a destabilization of roles, actors, and actions (Frohmann 2008, 175). As a work of counter-documentation, TreatyCard.ca claims authority outside of the logic of location and regime of verification centralized in the Indian Registrar’s office, thus denaturalizing and destabilizing the ways of seeing operating through these spaces. While settler colonial ways of seeing aim to make Indigenous life exclusively visible through the homogenizing, flattening frame of Indian Act racial taxonomies, L’Hirondelle creates space for modes of self-identification unintelligible to such a frame.

Conclusion

The picture of the “status Indian” population generated by the Indian Register is the outcome of a documentation procedure that literalizes the terms of the Indian Act’s racial taxonomy. In documenting and enumerating “Indians”, the Register resolves Indigenous lives into the standardizing logic of records and numbers intelligible to the settler state. Registration practices resolve the complex histories and relations of Indigenous life into information: bodies become data points. The process of registration reiterates the categories of the Indian Act, anointing the state’s racial classification with the objectivity of counted numbers. By insisting on a closed system of hierarchized
evidence and abstract conditions of visibility, the Indian Register reinforces settler colonial sovereignty by generating knowledge that informs and enables the governance of “Indians”, and thus the further strangulation of Indigenous nationhood.

The capacity for rendering lives as countable instances of a category is an effect of settler colonial ways of seeing. Structured both by Euro-modern logics of objectivity and by the desire of settler ascendency, this way of seeing makes Indigenous bodies and their communities visible as objects of governance that can be known, controlled, and ultimately eliminated. The validity of the Register and its population count hinges on the state’s claim to exclusive authorial power over the definition of the category of “status Indian” and its application—a claim disrupted by L’Hirondelle’s TreatyCard.ca. The modes of producing such visibilities are inherently political, but are frequently insulated from contestation and consistently depoliticized. In furnishing a sense of abstract objectivity, numerical inscriptions help to free political interests from the need to justify decisions: disinterested numbers render particular decisions as the obvious outcome of rational, technical processes rather than the interested choices of sovereign power.

However, these techniques have subjective, concrete, and qualitative implications for the individual bodies and nations it counts. As a technique deployed within broader strategy of assimilation and elimination, the Indian Register is a list that was intended to become shorter over time in accordance with the restrictive accounting mechanisms embedded in the codification of “status Indians”. The addition and removal of names triggers further administrative processes, such as the extension or retraction of access to state resources or the granting and revoking of Certificates of Indian Status. For the Registrar and other administrators, the act of registering or unregistering an individual “Indian” is a matter of paperwork: forms are filled, appropriate evidence attached, applications are adjudicated, entries or deletions are processed. For the individual Indigenous persons made visible by registration, the entry or deletion of a Register file is a matter of crucial material, social, and cultural importance (Kolopenuk 2014; Lawrence 2003, 2004). Dealing in the language of abstraction is a luxury only available to those at a distance from the material lives and lands being rendered abstractly. For those subject to
racial registration, Indigeneity is not an abstraction but a lived condition and one that settler colonial logics of elimination aim to make unlivable.
Chapter 3

Racialized Identification as Sovereign Technique: Certificates of Indian Status

The purpose of the ‘treaty card’ has been to track the movement of spending patterns, prescription drug use, doctor & dentists’ care, police contact, social services use etc. and institutionalise the identity of ‘...indians within the meaning of the indian act, chapter 27, statutes of Canada.’ [sic]

Cheryl L’Hirondelle, TreatyCard.ca

L’Hirondelle’s TreatyCard.ca generates an alternate registry, disrupting the Department of Indian Affairs (DIA) and, more generally, the Canadian state’s claim to authority over the definition of “Indian” and its application. The digital artwork begins with participants registering for a “treaty card” and ends by generating individual cards. Once you register on L’Hirondelle’s website, your card and instructions for its use appear on your computer screen. The TreatyCard.ca registration list is held on the work’s website, the cards it generates are distributed amongst the work’s many participants. Directed to “first time non-native cardholders”, L’Hirondelle’s instructions share the ironic tone of the broader project and indicate the many social and political roles that cards documenting “Indian status” are made to play in Canada. While the Indian Register remains in the office of the Registrar in Ottawa, the Certificates of Indian Status are dispersed amongst the registered “Indian” population. The Indian Register generates a centralized document of the “status Indian” population as a whole, but Certificates of Indian Status circulate as evidence marking an individual’s “Indian” identity. L’Hirondelle’s instructions for using these cards illustrate the central role that these certificates play in everyday transactional and identification moments in the lives of Indigenous peoples.

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1 For discussion of “treaty card”, see Chapter Two, footnote 18.
New, “non-native” holders of cards from TreatyCard.ca, L’Hirondelle instructs, ought to print and laminate their cards and carry them in their wallets or on their persons at all times. The registry number on the “treaty card” ought to be memorized and the card should be used as a primary form of identification and presented: “whenever identification is requested”, “when you purchase anything”, “when you visit the doctors’, dentists’ or any other government subsidized health practitioner”, “when visiting any government agency”, and “if stopped by the police or rcmp [sic]”. This list of interactions where “Indian status” is required as a primary form of identification reflects how the classifications resulting from Indian Act taxonomy are prioritized over any other potential mode of self- or community-identification and how identification documents are used to monitor the behavior of “Indians”. Further, L’Hirondelle’s list specifies the repetitive and transactional nature of “Indian” identification: to access services owed to Indigenous communities as a result of treaty commitments, Indigenous peoples must present proof of their registration as “status Indians”. Before any interaction between the state or its official and unofficial representatives—ranging from healthcare providers to store clerks—can take place, the classification of Indigenous lives as “Indian” subjects must be performed. In documenting techniques for the regulation and surveillance of “Indians”, L’Hirondelle disrupts settler desires to “play Indian”—a settler “move to innocence” that seeks to claim distant Indigenous ancestry as a way of distancing, disavowing, or diminishing the violent realities of settler colonization (Tuck and Yang 2012, 10-13).
The Canadian government began issuing Certificates of Indian Status to individuals classified as “Indian” under the Indian Act in 1956. These documents govern access to resources and to claims to title and right, as stipulated by treaty obligations and the Canadian government’s fiduciary responsibility to Indigenous peoples and communities. This chapter identifies Certificates of Indian Status as a technique of sovereignty that advances the state’s capacity for scrutinizing and intervening upon Indigenous life. Certificates of Indian Status—or, status cards—are documents that literalize the Canadian state’s definition of “Indian”. They circulate as official evidence of “Indian status” and suture the face of individuals to that status through portrait photographs included on the card. Conceptually, status cards assert further documentary evidence of “Indian” lives, abstracted from the relations, histories, and protocols of Indigenous communities. Politically, requiring that a registered “status Indian” provide a status card as documentary evidence of the racialized identity bestowed upon her by the state in order to access services creates repeated contexts where Indigenous individuals must make themselves visible to official and unofficial representatives of settler colonial sovereign power. Status cards, I argue, insistently require Indigenous persons to declare that one is who the state claims one to be.

Structured by the modes of evidence, knowledge, and truth that frame settler colonial ways of seeing, status cards are amalgams of abstracting concepts and documentary technique. Inscribed with name and address, bearing portrait and state seal, the card is an object interwoven with several techniques of statecraft: writing, registering, photographing, accounting, classifying, re-presenting. The card announces the state’s declared capacity to verify identity. Further, status cards mobilize the state’s assertion of a right to claim knowledge about and jurisdiction over the bodies within its borders, regardless of the claims those bodies might make about themselves or about their collective claims as nations. Status cards are a documentary technique used by the Canadian state to get hold of Indigenous bodies—bodies that pose a risk to the state’s ability to get hold and keep hold of space. As a material trace of the settler state’s assertion of who one is, the status card is a document that reiterates the classifying and claiming work of settler colonial sovereignty at the level of the individual. This reiteration is repeated every time a status card is offered, required, or demanded.
The *Indian Act* defines an “Indian” in abstract, conceptual terms. A status card announces a particular person as an instance of the taxonomic category, “Indian”. Issued after an individual is registered as a “status Indian”, the status card is a dispersed confirmation of one’s place on the Indian Register. The card tethers its holder to *Indian Act* racial categories. The Register literalizes the classifications of the *Indian Act* in the centralized office of the Registrar for use by the authors and agents of federal Indian policy. When used to identify a specific individual as registered and counted in the Registrar’s files, status cards reiterate this documentary technique of literalizing sovereign law at the level of the individual and community. While the Indian Register generates a number to be viewed at a distance, status cards present evidence of the individual body as an instance of the broader population and tether individuals to the Indian Register and reiterate one’s visibility as an instance of quantified life. A personal identification document held by each “status Indian”, status cards insistently link the cardholder’s material body to the centralized site of counting and link the abstract category of “Indian” to the individual face.

The offering and inspection of a Certificate of Indian Status as official proof of an individual’s “Indian” identity reiterates the administrative fact of an individual person as an “Indian” and repeats the sovereign technique of dis-membering Indigenous nations into individuals with cultural, rather than political, claims (Milloy 2008). Repeated on a daily basis by Indigenous persons moving through their lives, the act of offering a Certificate of Indian Status invokes both the taxonomic category (the conceptual “Indian”) and the application of the administrative procedure (the literalized, registered “Indian”). To present any form of official identification is to present one’s identity as verified. Identification documents announce, “this is who I am”. Presenting a Certificate of Indian Status—fictionalized as a print-at-home “treaty card” in L’Hirondelle’s work—requires repeatedly making oneself visible in the terms of a racialized taxonomy defined by the settler colonial state. To present a Certificate of Indian Status is to appear in the form of a colonially defined identity as verified in the files of the Indian Register and to announce, “prior to who I am, this is who I am required to be”.
In this chapter, I examine how the files generated by the Indian Register and the portraits laminated to status cards contribute to the Canadian state’s claims to the material existence of and the production of knowledge about “Indians”. Working in concert with the Indian Register, status cards repeatedly literalize the Canadian state’s definition of “Indian” and reiterate the sovereign claim to authority over “Indian” bodies. Through the portrait photographs used on status cards, the individual face is recruited to the task of authenticating the identity of individuals registered as “Indians”. The “Indian” identity portrait is a laboratory for biopolitical thought: it is a site of interaction for colonial imaginaries, the grids of intelligibility that demarcate racial taxonomies, and the sovereign desire to manage racialized subjects. Despite the constant presence of status cards in the lives of Indigenous people, the administrative, symbolic, and performative functions of the cards have not been the subject of sustained academic analysis. In _Mohawk Interruptus_, Audra Simpson (2014) relays several accounts of her status card being questioned while crossing the Canada-US border, each illustrating the challenges of asserting Indigenous presence while refusing settler state associations. My interest, however, is in the surfaces of the cards themselves and how they operate as documentary evidence in relation to other techniques for making visible and governing “Indian” identity. I argue that status cards and their routinized, required use as official identification operate as a settler colonial way of seeing, which insistently makes Indigenous lives visible as “Indian”.

After a brief history of status cards and their features, I present the argument that status cards extend the documentary ontology of the Indian Register to literalize the administrative category of “Indian” as a functionally present and required mode of identification. Next, I examine how the photographic portraits included on status cards rely on cultural investments in both the face as an indicator of interior identity and the portrait as a privileged form of evidence to suture the state’s abstract, homogenizing category of “Indian” to individual bodies. Third, I argue that in making individuals visible as formally and restrictively defined “Indians” while effacing Indigenous histories and politics of identification and membership, status cards mobilize settler colonial ways of seeing. After critiquing the settler colonial ways of seeing entrenched in status cards, I will then consider how an Anishinaabe/Jewish artist, Howard Adler, combines the formal
documentary protocols of status cards with family photographs in a project that disrupts and denaturalizes the settler colonial ways of seeing at the heart of Canadian techniques for documenting “Indian” lives.

**Introducing Certificates of Indian Status**

Certificates of Indian Status—or, status cards—were first issued in 1956 by the Ministry for Citizenship and Immigration, which was responsible for the Indian Affairs portfolio at the time. An extension of the registration process introduced with the 1951 amendments to the *Indian Act*, status cards are identity documents that serve to confirm an individual’s registration as a “status Indian” under the Act. All individuals registered under the Act are able to apply for a status card, though not all registered “status Indians” have these documents. Consistent with early descriptions of the card system, the current Indigenous and Northern Affairs ministry describes status cards as “documentary evidence provided to registered Indians to facilitate access to a wide range of services and benefits administered by federal and provincial governments and other private sector program and service providers” (AANDC 2015). From its inception, the status card system has played an evidentiary role in verifying individuals as registered “status Indians” and has tied that documentary evidence to service-based transactions. The status card solves the administrative problem of knowing and keeping track of “Indians”. Individual compliance with this documentary technique is compelled by the card’s necessity for accessing many of the services owed to Indigenous individuals.

When status cards were first introduced, a broader shift towards official identity as an administrative problem was already occurring in Europe and North America. Identity documents and the concept of an official identity used by individuals both in private life and in their interaction with the state became a problem for state administrations in the late 19th and early 20th centuries. As Craig Robertson observes, the growth and increased complexity of North American society created the desire for the

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2 For histories of the passport, the role of documentation in securing individual identities, and the development of border, citizenship, and other membership practices alongside documentation, see Caplan and Torpey (2001), Robertson (2010), Salter (2003), and Torpey (2000).
fusion of personal and legal identities in order to create “a stable and reliable object for governing” (2009, 330). The use of documents to mark and verify these official identities is invested with logics of archive and location, which identify both the materiality of paper records and the production of those records through bureaucratic procedures performed in sanctioned administrative spaces, such as government offices (Robertson 2009, 333). The adoption of birth certificates and later passports worked to stabilize the identities of individual citizens. Such stabilization enabled states agents to develop increasingly refined bases of knowledge about their citizens, which were deemed necessary for the modern governance of nation-states. Individual citizens were compelled to use new identification documents and stabilized official identities in order to access services and benefits.³ Canadian passports, for example, have shifted alongside changes in the official identities of settler subjects. While the first Canadian passports were produced by the Secretary of State of the Dominion of Canada, passports issued between 1915 and 1947 verified the identities of British subjects residing in Canada, thus also documenting the colonial relation between the British colony and metropole (Canada 2014c). The federal government began issuing passports to Canadian citizens following the 1947 Canadian Citizenship Act. The verification at stake in official identity documents is two-fold: such paperwork verifies the individual being identified as the object of the state’s gaze as well as validating the state itself as the subject of the gaze and official producer of authoritative documents.

Invested with the truth claim that paper records are a meaningful way of stabilizing identities, identity documents were developed and used as evidence to confirm who someone is. In Canada, the collection of facts to form the Indian Register further materialized in status cards: each status card pointed to the existence of a document-driven archival identity and the demand for an impersonal account of oneself, corroborated by distant officials. Status cards extended the Indian Register’s goal of making “Indians” more visible to Indian Affairs policy makers and agents. However,

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³ While efforts to develop official identification documents began in the 19th century in North America, such documents only became pervasive enough to be used as a reliable and consistent mode of identification in the 1930s (Robertson 2009, 332).
while the Register’s files were centralized in Ottawa, status cards were distributed among the “status Indian” population. For state agents, documentary proof of “Indian” identities had become increasingly important in the 1950s, as some of the controls over Indigenous life that sought to sequester “Indians” to reserves were lifted, the pass and permit systems were more or less disbanded, and the federal government was working to extend the expanding welfare state to “Indians” (Leslie 1999). With an increased mobility of the Indigenous population, it was deemed necessary for official and unofficial representatives of the state other than Indian Agents to efficiently identify individuals as “status Indians”.

Status cards share many features with other forms of official identity documentation. They contain personal information, such as an individual’s name, gender, and date of birth, as well as card and registration numbers and a passport-style portrait photograph. There is no direct application fee to acquire a status card, but individuals incur any costs associated with the gathering the documents needed to support an application, which include: “Original proof of birth document; Name-linking documents (if required); Two passport-style photographs; Valid identification; Completed application form” (AANDC 2015). Much like the application to be added to the Indian Register, the application for a status card hinges on an individual’s ability to access a range of documents produced by the state or its agents. The design and format of status cards has changed from a piece of heavy cardstock issued to heads of households, to individualized laminated cards introduced in 1983, and a plastic card in 2002 (INAC 2000). In 2009, the DIA began a pilot project for a Secure Certificate of Indian Status, which aimed to improve security features and “reduce the risk of unauthorized alterations or duplication while protecting benefits and services from fraud” (AANDC 2015). The increasing securitization of status cards seeks to protect the state as the singular voice of authorial definition—of borders, of identities, of verified members of populations—and to protect state expenditures from losses due to fraudulent claims supported by insecure identity documents. Features of new status cards are shared with contemporary driver’s licenses, permanent residency cards, and passports, aligning with broader developments in the securitization of identity documentation and governance.
While documentary identification has been widely instituted across modern nation-states and increased securitization is not exclusive to status cards, these documents are still different from other forms of identification. They are used to literalize the state asserted racial taxonomies and are deployed to make an already closely monitored population more readily visible to scrutiny by the settler colonial state and its official and unofficial representatives. In older versions of the cards (Figure 6), a wide variety of physical characteristics are included. From sex and height to scars, birthmarks, and amputations, the card’s data fields generate a bodily description, which is also inscribed with the certification of the cardholder’s “Indian” identity.
Figure 8: Early Certificate of Indian Status, date unknown. Source: Indigenous and Northern Affairs Canada

This version of the status card includes an assertion of “Indianness” alongside other bodily traits that can be visually confirmed by someone inspecting the card. “Indian status” retains a position of priority—it is stated on the front of the card, other traits on the reverse. However, the inscription of “Indian status” alongside height, weight, and
complexion imbues the state-generated category with the same sense of unmediated visibility as other bodily traits. This association uses the description of bodily traits to secure the objective reality of “Indian status” and to obscure the fact that—as a legal fiction—“Indian” does not take on a consistently or objectively visible phenotypical form. The inclusion of portraits on later card designs reduces the need to narrate “Indian” as one bodily trait among many, resulting in the reduction of data fields (Figure 7). The specific documentary function of status card portraits will be analyzed later in the chapter.

![Certificate of Indian Status, currently in circulation. Source: aadnc-aandc.gc.ca](image)

Further, stabilizing Indigenous identity as visible, registered “status Indians” plays a crucial function in settler colonial statecraft. James Scott, John Tehranian, and Jeremy Mathias (2002) have argued that the creation and imposition of a system of standardized ways of identifying territory, people and property that displaces the knowledge of sources of local or community authority with terms legible to administrators is a key process in the growth of modern nation-states. Quite simply, “[t]here is no State-making without State-naming” (4). In Canada, the settler state’s mode
of knowing needed to displace the knowledge of Indigenous nations and their assertions to sovereignty. A shared feature of early and contemporary status cards is the inscription of an individual’s band information. The inclusion of band name and number as data fields on individual status card reiterates the imposition of federally-structured bands under the Indian Act as a key strategy of undermining of Indigenous nations and other modes of relation. Aligned with the Indian Register’s embedding of band information within registration records, the inclusion of band names on status cards ensures that this mode of state-naming repetitively enacts the conditions of settler colonial state-making—namely, the erasure of Indigenous nations as self-determining political entities.

As the previous two chapters have argued, making Indigenous people and nations visible to state agents has been crucial to articulating and creating solutions to the “Indian problem”. The Indian Act’s racializing taxonomy conceptually transformed Indigenous peoples into “Indians” and the Indian Register reiterated this transformation procedurally through the literalizing work of documentation. These conceptual and procedural transformations are instances of state-making through state-naming: making Indigenous peoples visible as “Indian” aims to erase the methods, protocols, and traditions of identification practiced by Indigenous nations. Status cards, I argue, entwine the settler state’s conceptual and procedural techniques for circumscribing Indigenous life as “Indian” through the restrictive forms of identity documentation. Through their limited, formal data fields, status cards inscribe the taxonomic category of “Indian” on the portraits of cardholders and draw a connective thread between an individual and her file, archived in the cabinets and hard drives of the Indian Register. A piece of documentation produced to offer evidence of registration, the status card verifies that the name and face it bears belong to an individual classified as “Indian”.

**Status Cards as Documentary Technique**

present it whenever identification is requested

Cheryl L’Hirondelle, TreatyCard.ca

Identification documents are techniques of apprehension. Developed alongside the modern nation-state, identity documents make visible a relationship between the state
and its growing populations.\footnote{As a matter of practice, the scaling up of the nation state resulted in the need to know who is a member of the governed population and who is a foreigner/outsider in a formalized way, as both population and territory began to exceed the bounds of localized knowledge (Torpey 2000). Further, the imposition of standardized modes of identifying individuals and their relationships to place, to the exclusion of local knowledge is key technique in centralizing state power (Scott 1998; Scott, Tehranian, and Mathias 2002).} When these documents include photographs, they certify the selfsameness of individual face and name and articulate a relationship between person and place: identity documents verify who you are and where you belong. Questions of proof, evidence, and identity claims are at the center of identification documents. Beyond verification, identity documents constitute subjects. Like all documents, identity documents have an ontology: documentary practices make things come into being (Frohmann 2008, 166). Certificates of Indian Status not only claim to verify the link between a certificate holder’s name, face, and Indian Register file. Certificates of Indian Status bring individuals into being as a “status Indians”.

Settler colonial ways of seeing frame how one may make an identity claim visible to the state, as well as its official and unofficial representatives. The range of proofs state identification protocols demand and accept circumscribe the terms of claiming who one is. Contemporary status cards limit the frame of “Indian” appearance to a few narrow categories: name, address, registration number, and photograph. Identity documentation is deemed reliable when it is produced by persons and processes autonomous from the person being identified. Quite simply, one cannot give an (official, documentary) account of oneself. Like other forms of identification, status cards are only official evidence of one’s “Indian” status if they are produced and distributed through official procedure. In his analysis of identification documents in the United States, Robertson (2014) observes that the legitimate production of such documents is tied to their emergence from institutions, while institutions constitute themselves through document production. Documentary authority, Robertson argues, “is embedded and enacted in institutions; the authority of institutions is constituted and enacted in documents” (86). The aesthetic form of the historical and contemporary status cards are inscribed with Canadian state insignia, denoting state offices as their site of production and distancing the process of production from the individual identified by the card. The securitized features of modern status
cards, drivers licenses, passports, and other identity documents have been designed with features that are not only increasingly difficult to forge, but also make obvious that such documents have been produced in official spaces.

The distance between identified person and the formalized process of inscribing her identification creates a claim, Robertson observes, that “the informational representation of identity is objective” (2014, 78). That is, the identifying information is stored in a neutral medium (paper, cards) and has been inscribed independent of the referent subject. Manuals explaining the protocol for issuing status cards reinforce this claim to objective neutrality: any bureaucrat can follow the manual’s instructions, evaluate the “proof” of a claim to status using pre-determined criteria, and complete the registration procedure. As an artifact of the registration process, the status card is presented as an objective, independent verification of an individual’s identity as an “Indian”. By framing the registration of “Indians” in abstract terms of evidence and qualification, state agents following prescribed processes for issuing status cards are able to distance their work from its effects through the language of procedure. Such perspectival neutrality aids the naturalizing and literalizing work of documents.

The process of obtaining a status card is governed by the Canadian state’s own “documentary regime of verification”, which depends upon the exclusion of particular forms of knowledge and relation in the “collection, recording, and transmission of information about people through paper” (Robertson 2014, 79). As with the Indian Register, procedures for producing status cards assert the state as neutral arbiters of identity. By defining who is a “status Indian” according to the rules of the Indian Act, generating the acceptable evidence of such status, governing the protocols of registration, and producing the documents that identify one as “Indian”, the state asserts its bureaucratic processes and location as central to “status Indian” identity. Distanced from the local community politics or the intimate histories of familial relations, the status cards are part of a broader documentary regime that claims the autonomous knowledge and perspectival neutrality of state procedures and agents. By demanding registration and status cards in order to access resources and services, the state further constitutes and enacts its authority through documentation.
Along with other forms of identity documents, status cards not only constitute the subjects they depict, but also create contexts in which offering a card to verify one’s identity makes sense and it is in these contexts that the power of identity documents become realized. For example, a passport can be issued as an authorized proof of individual identity, but the passport’s power to validate identity only really becomes meaningful at the border crossing. I feel the effects of the document when a border agent inspects my passport, deems it a verification of my identity and citizenship, and then grants me passage. My passport both makes me visible as a Canadian citizen and makes document facilitated travel intelligible. Similarly, status cards bring into being contexts in which it makes sense for an individual to verify her “Indian status” through a document. However, these contexts for documentary verification can be freighted with the need to prove oneself as an instance of the “Indian” racial type. As Simpson reports in her autoethnographic account of using her status card to cross the Canada-US border, authorities frequently asked about her lineage or “blood quantum” (2014, 116-124). Simpson attributes some of the discomfort and scrutiny she endured during her various border crossings to the effect of refusing to make herself legible with documents asserting a straightforward nation-state citizenship. The confused scrutiny of various border guards also reflects the constructedness of “Indian status” as a bio-archival trait differently defined under Canadian and American policy, rather than something immediately or visibly verifiable. Simpson’s account speaks to the failure of documentary technique to guarantee the literalization of Indian Act taxonomic categories.

Like all documents, identification documents are used to mark down, represent, and generate evidence of a phenomenon (Briet 2006, 7; Hull 2012, 253). A document is something that provides an account or record of a recorded phenomenon and, through inscription, generates further traces of that phenomenon. As the connection point between an object, body, or phenomenon and the defining and organizing work of classification schemes, documents toggle between the discrete individual subject and the categories to which that subject has been assigned. Matthew Hull articulates the mediating role documents play between classification schemes and classified objects:
Discursive logics, concepts, norms, and social relationships can account for classification schemes, the criteria for bureaucratic determinations of what sort of person or thing fits within them. But documents are what mediate between these schemes of classification and particular people, places, and things, constructing this person as a victim [sic] or this house as encroachment—or even this as a house. Documents are central to how bureaucratic objects are enacted in practice (2012, 259).

By writing, recording, representing, and reconstituting something on paper, documents literalize and materialize phenomena in the world and articulate its position within classificatory schema. As a prolific author of documents, the state and its agents play a key role in recording and thus writing-into-being the territories, peoples, and property it seeks to govern. However, documents do not only re-present who and what a state seeks to govern, they also create a space of interaction between sovereign power and its object.

The requirement that individuals repeatedly produce their status cards in order to access the services owed to them through treaty obligations reiterates the literalization of racial classification on a routine basis. To access healthcare, to avoid undue taxation, and to cross borders, individuals are required to make themselves visible as “status Indians”, as defined under the Indian Act. In requesting and inspecting status cards as proof of “Indian” identity, doctors, dentists, store clerks, and border agents enact the seeing practices of the settler colonial state. By inspecting the state’s identity documents, the store clerk deploys the state’s evidentiary logics in looking for the appropriate “proof” of validity and authenticity: an official seal, a watermark, a registration number, a portrait that corresponds to the cardholder. Further, the store clerk inhabits settler colonial ways of seeing, in demanding and witnessing the performance of Indigenous life re-presented as “Indian” identity, as well as contributing to the production of knowledge about those identities. The store clerk performs a certain way of seeing, effectively repeating the limited frames through which “Indians” become visible and setting the terms of the social exchange.

As an identification document, the status card makes “Indian” a functionally present category in the world. In other words, a status card constructs this person as an “Indian” and does so with a claim to neutral, evidence-driven registration procedure. The data fields of the card delimit the ways in which this person can become visible as a
“status Indian”. Status cards are inscribed with band names and numbers, but do not provide the means for any other mode of affiliation, such as Indigenous nationhood or the associations with multiple communities that might result from kinship models other than heteropatriarchal relations. Sex is recorded, but only in a binary fashion. Names of persons and places are inscribed in English or French, reiterating the assimilationist erasure of Indigenous language and presuming the Euro-modern model of adhering to a single name throughout the course of one’s life. The only affordance for recording an alternate name is under the field of “alias”, a type of name that insinuates criminality. These fields at once constitute the limited frames through which “Indian” life becomes visible to the state and reflect specific ways in which Indigenous knowledge, practices, and presence are erased by documentary techniques.

In the context of settler colonial governance and its logic of elimination, state definition and documentation of “Indian” identity is a key operation of settler colonial ways of seeing and, I argue, of administrative violence. Status cards are used by the Canadian state to constitute evidence of the “Indians” defined by Indian Act taxonomy, broader Euro-modern racial hierarchies and, more specifically, in alignment with the political visions of a settler polity. Status cards extend the documentary ontology and evidentiary logics of the Indian Register to the many contexts in which Indigenous people are required to present themselves as “status Indians”. Read this way, settler colonial ways of seeing operate through status cards in two ways. On the one hand, status cards make Indigenous people visible as “Indians” on paper by inscribing their portraits and names with the Act’s classification. On the other hand, the multiple transactional contexts in which status cards are necessary require—even if fleetingly—Indigenous people to make themselves visible as “Indians”.

Portraits as Identity Confirmation

take note of how it feels always have to account for your identity

Cheryl L’Hirondelle, TreatyCard.ca

Along with names, date of birth, band name, registration number, and Canadian state insignia, Certificates of Indian Status include portraits of the individual cardholder.
Within the rationality of documentary identification, including portraits increases the trustworthiness of status cards. The history of administrative uses of portraiture reaches back to Alphonse Bertillon’s prison identification system and Francis Galton’s composite portraits of generalized types in the late 19th century, as well as to ethnographic attempts by Edward Curtis and others to photographically capture “vanishing natives”. Allan Sekula describes these early administrative uses of photography as doing “the dirty work of modernization” (1986, 56). Similarly, status card portraits do some of the dirty work of settler colonization.

The portraits that circulate on status cards and fill government files depart from attempts by eugenicists, such as Galton, to give visual form to the phenotypical traits of racial types. Rather, status card portraits are visual documents of a heritable archival trait. The portraits of “Indians” are portraits of individuals registered under the post-1951 biarchival definition of “Indian”. As part of the bureaucratic response to the problem of official identification, status card portraits make visible individual instances of the Canadian government’s so-called “Indian problem” by creating a visual hinge between the face and the Indian Act’s taxonomic categories. Copies of status card portraits are also collected in government files, forming an archive that gives visual form to the settler colonial desire to transform Indigenous peoples and nations into “Indian” individuals and population. Produced to visually verify identities, these portraits are also the images of individuals who have been made visible through settler colonial ways of seeing.

For photographic identification to work, portraits must conform to an “aesthetically neutral standard of representation” (Sekula 1986, 30). A starkly formalist portrait that strips away any form of relation, such photographs isolate the affectively neutral face as proof of an individual subject. The identity portrait brackets all external context by requiring an impassive expression and a blank backdrop. The resulting portrait reduces the individual face to features that may be measured and compared. Thoroughly

decontextualized, the administrative portrait presents an individual as sealed: she is available as an ahistorical object of empirical knowledge rather than a person embedded in relations, history, and place. By including portraits composed to meet bureaucratic standards, status cards are used to confirm a connection between an individual face and the state-defined identity textually inscribed on the card’s surface.

The inclusion of portraits on status cards recruits long-held assumptions about the objectivity of the camera and the indexicality of photography. The aesthetic standards that aim to delimit the identity portrait’s interpretation also seek to minimize the role of the photographer. With guidelines for a portrait’s background, lighting, and distance of camera from subject, the photographer is merely the operator of the camera as mechanical reproducer of images. There is little space for artistic direction, aside from the reminder not to smile. The camera and the images it produces are part of a larger ensemble, which includes the archive, the filing cabinet, and the policy manual. Just as the disinterested distance of the particular agent enacting a documentary identification procedure contributes to the verification of individual identity, the camera and its operator produces an image accepted as an objective visual document. Despite the performative experience of presenting oneself to the camera, of contorting one’s face into a neutral expression, the resulting portrait is accepted as an indexical trace of the person before the camera and ultimately as the visual corroboration of identity: that one is who the state claims one to be.

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6 Both Bertillon and Galton had very precise instructions for taking portraits in their respective projects. Sekula notes that as a clerk and technician within the Paris police force, Bertillon’s portrait instructions were designed—in a similar style of Taylorist work techniques—to be efficiently and readily carried out by a wide range of camera operators (1986, 17). Indeed, the fact that the vast majority of identification portraits are taken by various clerks rather than professional photographers or artists illustrates the marginalized role of the image-maker in this genre of photography.

7 Roland Barthes description of the experience of posing points to a distance between the oneself and one’s photographic image: “I decide to ‘let drift’ over my lips and in my eyes a faint smile which I mean to be ‘indefinable,’ in which I might suggest, along with the qualities of my nature, my amused consciousness of the whole photographic ritual: I lend myself to the social game, I pose, I know I am posing, I want you to know that I am posing” (1981, 11).
However, even the neutral formalist portrait carries the instability of meaning inherent in all photographic images (Azoulay 2008, 2012). In his use of identification portraits in the Paris police department, Bertillon attempted to tame the idiosyncrasies of photographs and their range of interpretation by implementing a system of taxonomic grids and scientific descriptions of bodies and their parts to ground portraits in unambiguous narrations of appearance (Sekula 1986, 30). Contemporary identification documents similarly constrain the interpretation of portraits with text, which unambiguously narrates height, weight, age, hair and eye colour, and other descriptors. Alongside these seemingly objective descriptors, status cards include the state-defined racial taxonomic category, “Indian”. The very possibility of an objective photograph and its neutral interpretation by state representatives is a fantasy, which imagines decades of inquiry into race, representation, dispossession, and deviance has not “intercepted its capacity for vision” (Biber 2007, 5). But, ways of seeing are historical. The racial category at the center of—and certified by—status cards and their portraits is a product of settler colonial ways of seeing.

Photographic identification presupposes a scene of visual comparison within the broader context of document inspection. Presenting a photographic identification document elicits the visual comparison between the image and the person presenting the document. If judged to be similar enough to the person in the picture, the identifying information on the card is confirmed as the identity of the cardholder. Describing the scene of recognition and comparison photographic identity documents create, Lily Cho articulates the specific function of the administrative portrait:

> to speak, to announce and respond to the question posed but not asked regarding the truth of one’s identity, the fidelity of one’s appearance with that of the image on the document, to declare **prima facie** that one is who one claims to be (2009, 278).

Presenting a photographic identification is to offer the one’s portrait as evidence of an identity claim. More specifically, presenting a status card involves making an identity claim circumscribed by the terms of the state. The role of the status card portrait, then, is to respond to the posed but unspoken question of one’s identity by declaring that one is **who the state claims one to be**.
Figure 10: Certificate of Indian Status photograph requirements. Source: aadnc-aandc.gc.ca

Status card portraits circulate on cards, but also accumulate in the files of the Indian Registrar and other state agents. When applying for a status card, an individual registered “status Indian” includes two copies of her portrait with her application. One of these portraits is laminated to the card, the other remains on file in Ottawa (INAC 2012). The accumulation of these portraits has created an archive of “Indians”. As a collection of individual faces—impassive, expressionless against decontextualized backgrounds—the status card application files document the “Indian” population as made visible to settler colonial ways of seeing. These are portraits intended to be subject to scrutiny, but not to be the party to the kind of face-to-face gaze that Jenny Edkins has suggested as a source of disruptive affective and political encounter (2013). Rather, this archive conforms to an approach to population as governable through disciplinary and biopolitical techniques, as seen but not seeing (Foucault 1977, 200). Indeed, administrative portraits are not meant to be subject to a sustained gaze, but to be quickly scanned in transactional scenes of identification. Unlike other modes of portraiture, such
as family snapshots, the administrative portrait is not intended to be a site for affective face-to-face encounter.

Circulating on individual cards and stored in application files, status card portraits contribute to the broader documentary project of literalizing the category of “Indian”. The aesthetic standards constraining the portraits to formalist images without context or expression is a visual trace of the racial taxonomy that circumscribes “Indian” identity. Registering as a “status Indian” and applying for a status card requires presenting oneself in ways visible to settler colonial ways of seeing: as an individual, the inheritor of an archival trait that presents in the form of documentation. The collected archive of “Indian” portraits is a visual trace of the population imagined by settler colonial visions and policies: a group of bounded individuals rendered homogeneous, calculable, and ahistorical by a state-imposed racial taxonomy. By presenting the “Indian” individual and population in accordance with the state’s aesthetic standards, status card portraits are engaged in a politics of sight premised on a dynamic of visibility and erasure.

Status Cards as a Politics of Visibility and Erasure

refer to yourself as being ‘treaty’ above any other type of self identification

Cheryl L’Hirondelle, TreatyCard.ca

Certificates of Indian Status have been used to gather information about, to scrutinize, and to govern Indigenous people registered as “Indians” for more than sixty years. While card design has shifted to reflect trends in securitizing identification documents with the addition of barcodes, watermarks, holographic images, and new forms of plastic, the card’s practical and conceptual function have remained constant. Practically, status cards authenticate an individual’s “Indian” status and can be used by that person to access the services owed to them by virtue of treaties and agreements. Conceptually, status cards literalize the abstract racial categories codified by the Indian Act through the production and circulation of documents. In using cards for their practical function, Indigenous people are made to also enact their conceptual function. By presenting a card with one’s face on it and making the claim that this photographic portrait represents a certified holder of “Indian” status, an Indigenous person performs
the work of materializing state defined identity categories. To claim the services and resources owed to her by treaties and other legal agreements, she must declare that she is *who the state claims her to be.*

There is a dynamic of visibility and erasure at the core of status card production and use. As a technique for identifying, tracking, and scrutinizing Indigenous peoples, status cards function through making Indigenous people visible. However, that visibility is limited to the narrow, state-defined terms of the *Indian Act*’s racial taxonomy. The aesthetically neutral portraits included on the cards illustrate the nature of this visibility: impassive, decontextualized, rational individuals. These portraits isolate the face from the body, from one’s relations, and from one’s location to produce an individual readily visible to the gaze of the state and its representatives. An image that departs from these aesthetic constraints to reveal history, attachment, or expression would be unintelligible within the grids of aesthetically neutral standards: the glaring or smiling face will be sent back with a request to try again.

The constraint on self-presentation in status card photographs reflects the broader circumscription of Indigenous identity under the *Indian Act* and materialized in the documentary techniques of settler colonial administrators. Canada’s attempts to solve its “Indian” problem through assimilation target individuals as bearers of “Indian status”, governing the inter-generational transmission of status based on an individual’s access to the necessary documentation. Milloy has described the insistent designation of individuals as “Indians” as a policy of “community dis-memberment” (2008, 5). The Canadian state’s documentary techniques have bracketed the broader historical, relational, and political contexts in which Indigenous peoples are enmeshed in order to extract individuals as the objects of registration, identification, and knowledge. The documentation of individuals deemed “Indian” creates a population within the Indian Register’s files. Through paperwork, individual “Indians” are abstracted from their disparate community and geographical contexts and recombined as a homogenized population—an assemblage of state-defined juridical subjects. The individual made visible through the portrait and text of her status card and traced through interactions
where her card is required generates the visibility of the generalized “Indian” population as a knowable, calculable, and governable statistical entity.

In their operation as techniques of visibility, status cards are also techniques of erasure. Restricting the frame of visibility to individual, juridical subjects and their aggregation effaces alternative ways of defining, sharing, and inheriting identities. The individualizing terms of administrative visibility do not just “dis-member” communities, they attempt to erase self-determining nations as sources of Indigenous identity, membership protocols, and relations. To rephrase Scott, Tehranian, and Mathias, there is no state-naming and state-making without concerted practices of un-naming. The imposition of names in colonial languages sought to cancel existing practices of identification and relation, undermining Indigenous nationhood and sovereignty. The limited fields of data that frame status card visibility—name, band name and number, registration number, gender and date of birth—foreclose the inclusion of any additional information that an individual or community might deem crucial to Indigenous identity. Further, the identity documented by status cards assumes the validity of English names and binary gendering. Naming and gendering conducted by Indian Agents, other administrators, missionaries, teachers, and other official and unofficial representatives of the state is an important assimilative technique, which constrains Indigenous visibility and enforces heteronormative colonial intelligibility. The Truth and Reconciliation Commission of Canada recognized the assimilationist violence of colonial naming practices in Call to Action #17:

We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver’s licenses, health cards, status cards, and social insurance numbers (TRC 2015, 2).

Inscribed with both official colonial languages, status cards refuse the possibility of an individual’s “official identity” including one’s name in an Indigenous language. The critical intervention of Cheryl L’Hirondelle’s TreatyCard.ca, then, is in responding to these constraints of documentary technique with a radical openness. In explicitly inviting
participants to create documents that reflect their preferred identities and to replace the assimilative names imposed by Indian Agents and other settler state operatives, L’Hirondelle challenges the documentary techniques of erasure. The documentary visibility of settler colonial ways of seeing requires Indigenous histories, knowledges, and identities be effaced. In literalizing the state defined “Indian” identity, status cards disavow the history of Indigenous practices of identification and knowledge.

**Challenging Settler Politics of Sight**

*STATUS* (2014), a collection of collages by Anishinaabe/Jewish artist Howard Adler, disrupts the constrained ways of seeing enacted by documentary techniques deployed by the Canadian federal government. Adler’s six collages superimpose family photographs with the data fields and insignia of the style of status cards introduced in 1985 (Figure 9). Each of the six images depicts the very contexts of relation and history that status cards work to obscure. An analogue for the state’s restrictive definition of “Indian” identity, the status card data fields and insignia layered over the photographs point to the tension between Indigenous life and its circumscribed visibility within settler colonial ways of seeing. By layering black text denoting English names and registration numbers over the photos, Adler imposes traces of administrative documentary technique over images that would be unintelligible to that very gaze. Adler’s collages combine the aesthetic traces of settler colonial ways of seeing with a more local, relational, historical mode of visibility. The result is six status cards that would be unseeable by the administrative gaze of the DIA, unintelligible to settler logics, and impossible within the bureaucratic tradition.
Figure 11: Certificate of Indian Status, “laminated” style, introduced in 1985. Source: aadnc-aandc.gc.ca

The first three of the six collages feature individual children. In one, a shirtless young boy stares up at the camera from the living room floor, a pair of legs and a foot resting on an adjacent couch indicate the presence of adults just beyond the frame. In another, a boy in sandy clothes sits on a playground swing, looking up at the photographer (Figure 10). The third image features a teenage girl in shorts, t-shirt, and sunglasses poses stiffly in front of Lake Superior, with the Sleeping Giant rock formation in the distant horizon. The remaining three posters use group photographs. In the first of these group images, an adult man in green military pants has a large rifle slung over his right shoulder and his left arm around a young boy, who holds a book and wears a too-large denim jacket. The signage in the open-air storefront in the background in Hebrew indicates the photo was taken in Israel. In the next image, a woman wearing large gold-rimmed glasses and a long brown ponytail holds a toddler with pigtails and a pink jacket and stands in front of a large coniferous tree, which gives way to a background of mountains. In the final photograph, a group of six is assembled on the side of a road with a bridge and forested mountains in the background. Two women with dark, curly hair—one older and wearing sunglasses, one younger and not quite meeting the camera’s gaze—are in the centre and are flanked by a teenaged girl, two young boys with mops of

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8 STATUS was created for a 007 Art Collective group show, *Surveillapocalypse*, hosted at the 5Myles Art Gallery in New York City (June 2014). Adler’s family members granted consent for their photographs and status card data to be used in this context; however, this consent does not extend beyond the context of the specific installations of the work at 5Myles, as well as subsequent installations in Ottawa (2014, 2015) and Sudbury (2015). Adler has granted permission to include the poster featuring his own image and status card in this dissertation.
light brown hair, and a third boy wearing a baseball hat. A small Canadian flag logo and “Indian and Northern Affairs Canada” are printed across the top of each image, different names and registration numbers take up much of the frame to the right or left of each photograph, and the lower portion of each contains the text: “is an Indian within the meaning of the Indian Act, Chapter 27, Statutes of Canada (1985)”. 

Figure 12: Howard Adler, STATUS (2014). 24” x 36”. Courtesy of Howard Adler.

Adler’s collages are impossible status cards. They disrupt settler colonial ways of seeing by making visible the relational histories that identity documents seek to efface. Recruiting social and cultural investments in family photographs, Adler contrasts and contests the logic of the status card. In each of these family photos, the photographer is not the disinterested operator of the post office passport photo booth. Family photos are often taken by someone very much interested in the resulting image: wishing to capture a look of affection, to mark an occasion, to preserve a memory. Circulating across public and private spaces, family photography has been recruited to many and often contradictory tasks: reflecting connections, substituting for loss of connections, reproducing normative notions of the family, providing evidence of alternative modes of
familial relation. Indigenous family photographs can provide visual testimony to the flourishing relationships and kinships that settler heteronormativity has sought to fracture. But such images might also function as traces of absent family members lost to the outcomes of colonial violence, be a source of connection to absent others, and transmit memories. The complexity of family photographs—and specifically of Indigenous family photography—resists the simplification enforced by the regulative neutrality of administrative portraits, the limited textual descriptions of identification documents, and other genres within the bureaucratic tradition. Requiring the accompaniment of storytelling and evoking the multiple, shifting terrain of familial relations, the photographs Adler uses exceed the bounded visibility upon which status cards insist.

Adler’s six images are documents and counter-documents. As documents, they provide photographic evidence of different moments in the history of a family: a roadtrip, travel to Israel, domestic scenes, and an embrace. These collages point to a counter-archive of photographs that document Indigenous life and it’s historical, cultural, and place-based relations. While Sekula claimed that “every proper portrait has its lurking, objectifying inverse in the files of the police”, Adler’s images remind that the objectifying administrative portraits in the files of the state have their inverse in the albums of Indigenous families. By interrupting the visual field of the snapshots with status card data, Adler documents the disruption of familial relations, community contexts, and self-determination with state-defined identity categories. The photographs of an Indigenous family are disrupted by traces of the technique used to document them as individual “Indians”. This disruptive combination of snapshot and data fields operates

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9 For extended discussions of the role of family albums in narrating family history and the particular interaction of albums and oral storytelling, see Langford (2001) and Hirsch (1997). Both Langford and Hirsch note the constitutive incompleteness of the family album: they are partial reflections of family lives, intended to be accompanied by stories and other forms of narration. This mode of orality is well outside the grids of intelligibility at work in “Indian” identity documentation. Similarly, the photographs in STATUS reflect the partiality of an album, capturing many varieties of notable moments without offering explanatory narratives.

10 Hirsch (2001, 2012) terms the transmission of memory through photographs and other material objects “postmemory”.
as a technique of counter-documentation, denaturalizing and making visible the intrusion of state-imposed frames on Indigenous lives and relations. Adler’s work makes visible the gulf between claiming that one is who one claims to be or having to claim that one is who the state claims one to be.

Conclusion

The distribution of status cards applies techniques developed through the problematization of official, verified identity to the “Indian problem”, resulting in new methods of making “Indians” visible, tracking data, and producing knowledge. The various federal departments that have been charged with administering “Indians” and, by extension, the settler state itself confirm and enact the authority of their taxonomic creation—“Indians”—through practices of documenting Indigenous peoples as “Indians”. As identity documents, status cards literalize the terms of the Indian Act and generate contexts in which Indigenous peoples are required to repeatedly make themselves visible as “Indians”. Status cards are thus a sovereign documentary technique used to make the conceptual category of “Indian” a functionally present identity. Each file in the Indian Register draws its authority from its proximity to sovereign power and its claim to evidence and knowledge of “Indian” existence. Each status card literalizes the category of “Indian”, entering into the lives of Indigenous peoples and communities by enunciating in the language of objective, reliable documentary verification: this is who you are.

By requiring the use of status cards to access treaty-owed services, the Canadian government insistently enters into the lives of Indigenous people to require that they inhabit the bureaucratic identity of “Indian” on a daily basis—an identity designed to efface Indigenous life and eliminate self-determining nations and their claims. However, interventions like L’Hirondelle’s and Adler’s draw attention to the limited, arbitrary, and constraining ways that Indigenous peoples are made visible to the state as “Indians”. In making the bureaucratic gaze the subject of their works, each of these projects denaturalize and contest the state’s authority over the definition of “Indian” bodies. Mimicking sovereign techniques of racial registration and counting to produce impossible status card documents, L’Hirondelle and Adler demonstrate the torqueing of Indigenous
identity under the Canadian state’s documentary regime of verifying “Indians”. Pointing to the limitations of state-defined processes of identification, L’Hirondelle’s *TreyCard.ca* illustrates how Indigenous life exceeds the categories of *Indian Act* taxonomy and yet is constrained by the cumbersome registration process. Similarly, Adler’s *STATUS* collages document the modes of relation and familial identification erased by Certificates of Indian Status. In refusing the very techniques through which settler colonial ways of seeing operate, L’Hirondelle and Adler each challenge the Canadian state’s claims to authority over terms of “Indian” visibility.
Chapter 4

Accounting for Missing and Murdered Indigenous Women

In the absence of accurate national statistics, Indigenous women have themselves taken the lead in attempting to expose the scale of violence they face.


Recent independent and state-funded reports have found that at least 1,181 Indigenous women were murdered in Canada between 1980 and 2012, a homicide-rate 4.5 times higher than all other women in Canada (Canada, 2014; NWAC 2010; Pearce 2013; RCMP 2014). This crisis of missing and murdered Indigenous women (MMIW) involves violent crimes made possible by invisibility: namely, the invisibility of Indigenous women as people who matter and ought not be violated. Settler colonial ways of seeing fail to perceive Indigenous people as mattering, as belonging, and as fully present within the political visions of the settler polity. The visual dynamic at work here is a politics of visibility that generates “Indians” through a racial taxonomy codified in federal legislation and literalized through documentary practices. This politics also produces the invisibility of Indigenous lives with claims to land and sovereignty, while naturalizing the material and epistemic violence Indigenous peoples have been made to endure. As a result, when Indigenous women go “missing”, their disappearances do not often appear to the official and unofficial representatives of the settler state as an issue requiring careful and sustained attention. This final chapter brings the dissertation’s arguments about settler colonial ways of seeing and the governed visibility of Indigenous lives through classification, enumeration, and documentation to the material violence of MMIW.

The term “MMIW” itself has visual dimensions, as it is the result of a multi-pronged effort to make visible both the crimes that have been perpetrated against Indigenous women and their families and the structures that have created the invisibility that made such violence possible. In response to advocacy from the families of murdered and missing women, Indigenous women’s groups, and human rights organizations, the Canadian government has responded to the MMIW crisis with a series of studies, such as
the Missing Women Commission of Inquiry (MWCI) conducted in British Columbia following the trial of Robert Pickton, Royal Canadian Mounted Police (RCMP) operational overviews, and a currently ongoing national inquiry. All of these state responses have tended to reiterate a vision of disappeared and murdered women not as an ongoing crisis with a national scope and rooted in historical and contemporary colonial policies, but as an unfortunate series of discrete, disconnected criminal acts that can be best addressed through the criminal justice system. Responding to the August 2014 murder of Tina Fontaine, a 15 year old girl from Skagkeeng First Nation, then Prime Minister Stephen Harper referred to the murder of Fontaine and other Indigenous women and girls as crimes to be dealt with in the criminal justice system, insisting that “we should not view this as sociological phenomenon” (Boutilier 2014).

At the heart of demands for the MMIW crisis to be seen and responded to as a crisis is a critique of the ways of seeing that have framed Indigenous women’s lives as violable, disposable, and invisible as ethically- and politically-substantive persons. The violence of colonization has long targeted Indigenous women and has long operated through practices of rendering women and their violation invisible. Beginning with the time of contact, control over and access to the bodies of Indigenous women and girls has been a central tactic of settler colonial dispossession, elimination, and ascension (Acoose 1995; LaRocque 1994). Rooted in hierarchical classifications of European superiority coupled with the imputed purity of white women, stereotypes of Indigenous women as sexually violable, as “rapeable” with impunity, and as disposable have structured the racialized and gendered dynamics of settler colonization—historically and in the present moment (Acoose 1995; Anderson 2000; Carter 1997; Mann 2000; Razack 2016; Silman 1987).

As I argued in Chapter One, the primary legislation governing Indigenous life in Canada is the Indian Act. This document has been a powerful resource for targeting the fabric of Indigenous society and imposing regulative heteropatriarchal relations. Indian Act policies politically excluded and economically de-resourced the women its taxonomies marked as “status Indian”. Women who married men without status or who parented “illegitimate” children faced loss of status, social exclusion, and heightened
economic precarity (Lawrence 2003; Napoleon 2001; Silman 1987). The forced assimilation of women under Indian Act sex discrimination, Beverly Jacobs observes, “was the beginning of missing Indigenous women” (2013, np). Political exclusion in particular has exacerbated the invisibility of violence against Indigenous women. Absented from positions of power within colonially-imposed, male-dominated organizations, women struggled since the mid 20th century to put have sex discrimination and gendered violence on the agendas of band councils and broader coalitions (Krosenbrink-Gelissen 1991; Kuokkanen 2014, 2016; Simpson 2007; Turpel 1993).

Enforced heteropatriarchy and systematic disempowerment conspire with the gaze of settler colonial law and its enforcement to enact the disappearance of Indigenous women as people who matter. This invisibility intersects with racial and gendered stereotypes, which mark Indigenous women as inherently deviant and make them hyper-visible to law enforcement as criminals and to sexual predators as violable. The marginalizing effects of the Indian Act and other colonial policies have forced many Indigenous women into precarious situations of urban poverty. This dynamic of hyper-visibility and invisibility has been structured by settler colonial re-presentations of space. Places like Vancouver’s Downtown Eastside (DTES) and other centers of urban poverty from where women have been taken are both marginalized and racialized spaces. As Geraldine Pratt (2005), Sarah Hunt (2014a), and Sherene Razack (2000) have each argued, the social coding of marginalized urban spaces as “deviant” and those inhabiting it as “criminal” reinforce the spatialization of the city as “White” space, in which urban Indigenous poverty and presence is framed as an aberration that does not properly belong.

This mapping results in the over-policing and under-protecting of Indigenous women. Women’s presence in such downtown spaces is coded as criminal and sexually available, regardless of their engagement or non-engagement in sex-work (Bourgeois 2014; Kuokkanen 2009; Razack 2016). Simultaneously, women’s presence is also coded as transient. Because women are always already policed as drug-dependent sex-workers, their disappearances dismissed as merely having moved on, back to the “Indian” spaces to which they are assumed to belong (Amnesty 2004, 2009; England 2004; NWAC 2010; Palmater 2016). The hypervisibility of Indigenous women in such spaces functions as an
alibi for the processes that render them un-seen (Lauzon 2008, 160). The unwanted gaze of colonial policing and normative settler subjects replaces a gaze capable of seeing Indigenous women—and other marginalized women—as fully present and mattering persons. Combined with enduring colonial stereotypes about Indigenous women’s violability, the spatialized dynamic of visibility and marginalization renders Indigenous women invisible as persons requiring protection well in advance of interactions with their assailants.

How, then, to make visible both Indigenous women and the violence to which they are subject? Moreover, how to make women and violence visible to the very settler colonial state that has been an active agent in their invisibility? One approach to this challenge of visibility has been documenting cases of MMIW and producing statistics that represent these disappearances and deaths in forms intelligible to the Canadian state and compliant with state-accepted genres of accountability. Numbers are efficient shorthand for simplifying complex social phenomena into the crisp, tightly focused, comparable representations that ground so many truth claims. By generating statistical accounts of how many Indigenous women have been disappeared or murdered, the documentation of MMIW cases is a pragmatic technique for making the crisis visible or “real” to state representatives and the broader settler society (Walter and Andersen 2013).

This chapter charts the techniques of documentation that have contributed to the emergent and contested visibility of disappeared and murdered Indigenous women as the MMIW crisis. I argue that the MMIW crisis has become visible to the Canadian state and the broader settler society through three numerical frames, each of which coheres around a count of disappeared and murdered women. From the 67 women’s deaths made visible by the Missing Women’s Commission of Inquiry to the 582 women’s lives entered into the Native Women’s Association of Canada (NWAC) Sisters in Spirit database to the 1,181 cases of disappearance and murder counted by the RCMP’s Operational Overview, documents counting cases of disappearance and murder have contributed to making the MMIW crisis visible to the Canadian state and its settler citizens. The shifts between these frames have been mediated by different processes of documentation and by contestations over meaning. The first half of this chapter analyzes these three numerical
frames, the shifts between them, and how numbers have been used establish the objective existence of the crisis within the settler colonial field of vision.

And yet, numbers and quantitative visibilities have also been effective tools for dehumanizing and dominating counted peoples. As the preceding chapters have argued, numbers also homogenize and flatten what they measure. In an attempt to negotiate this dilemma of representation, several Indigenous artists have created works that aim to mark the magnitude of this crisis, to provide context for the loss of hundreds of individual women, and to resist the flattening tendencies of quantitative visibilities. To this end, the final section of the chapter analyzes performances by Anishinaabae artist Rebecca Belmore and community-based installation art coordinated by Métis artist Christi Belcourt. Through these works, I examine how Indigenous artists have worked outside the genre of numbers to document the magnitude of loss experienced by the families and communities of disappeared and murdered women.

The crisis of disappeared and murdered Indigenous women is an affectively and politically charged issue and a rapidly shifting terrain. There is a great deal to be said about the history of violence against Indigenous women, about state neglect, about storytelling, healing, and resistance. And there are a great many activists, researchers, knowledge keepers, and theorists engaged in this issue from a wide range of approaches who are better positioned to speak to the political, ethical, and historical dimensions of this crisis. Existing research on the MMIW crisis and the broader issue of violence against Indigenous women has documented the conditions that have made the crisis possible (Carter 1997; Kuokkanen 2009, 2015; Palmater 2015, 2016; Razack 2000, 2016). This vein of research has also identified the role that Indigenous women have played on the frontlines of anti-violence and anti-colonial political organizing (Bourgeois 2014; Hunt 2013, 2014a, 2014b; Sterritt 2015). Additionally, an emerging body of

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1 Walter and Andersen (2013), Neu and Graham (2006), Henderson (2012), and Razack (2015) have all explored the specific context of the use of numbers to dehumanize Indigenous lives in settler colonial states. Each of these analyses emphasize state uses of population statistics and other quantitative visibilities to make claims about the “deficiencies” of Indigenous communities, as a pretext for justifying colonial governance and domination.
research has analyzed the challenge of marking and memorializing the individual lives of victims (Dean 2015a, 2015b; Saramo 2016). What is less discussed, however, is how documentation has shaped the visibility of the MMIW crisis as a crisis. As a settler scholar engaged in media studies, this chapter speaks to a small aspect of this issue. What I highlight in this chapter is how different documentary strategies have become a means and a site where contesting interpretations of the both the nature of the crisis and the causes that lie beneath can unfold. In order to highlight this role of documentation, the chapter engages two key questions: How has the MMIW crisis become visible as a crisis? How have Indigenous women’s groups’ and state interpretations of the nature of the MMIW crisis made use of numerical representations?

The Role of Numbers in Framing the Crisis as a Crisis

The visibility of the missing and murdered Indigenous women crisis as a phenomenon of contemporary and ongoing colonial violence that has brutally taken the lives of at least 1,181 women is relatively recent. The family members of disappeared women, as well as Indigenous activists, researchers, and artists have been working to draw attention to the issue since the time of contact (Acoose 1995; LaRocque 1994). However, the crisis only began to be seen as a crisis by the settler colonial state, its representatives, and its settler population in the late 1990s, following a wave of Indigenous women disappearing from Vancouver and the specific term “MMIW” has only come into regular use in the past decade.² Reflecting on the challenges Indigenous women and families have faced in making violence visible to settler governments, to broader settler population, and within largely male-dominated Indigenous political organizations, Pamela Palmater observes: “The fact that these statistics are now widely known was a struggle in and of itself” (2016, 256). Indigenous women’s activism, advocacy, and research have been at the heart of this struggle. Decades of work

² While analyses of the issue have existed for several decades, the earliest use of the term “missing and murdered Indigenous/Aboriginal women” in academic writing is in Cardinal (2006) and Pate (2006). Announcements about the funding of the Sisters in Spirit initiative and the Amnesty Stolen Sisters report are the earliest usage of the term in the mainstream press. The Stolen Sisters report names the phenomenon “discrimination and violence against Indigenous women” in 2004. Another early use of the term was at the Missing Indigenous Women Conference, held in Regina, Saskatchewan in 2008.
conducted in city streets and in remote communities, as well as in public hearings, libraries, women’s centres, and offices have contributed to establishing the frame through which MMIW is now visible.

The contemporary visibility of the MMIW crisis is the result of several documentation strategies, which have provided key evidence of the crisis. Though not a complete history of all actions taken to frame the disappearances and murders of Indigenous women as the MMIW crisis, in this section I narrate the work of making the crisis visible through three numerical frames:

- **67**: the number of women who were disappeared from Vancouver’s Downtown Eastside between 1997 and 2002, according to the Missing Women’s Commission of Inquiry (MWCI);
- **582**: the number of missing and murdered Indigenous women included in NWAC’s Sisters in Spirit database in 2010; and,
- **1,181**: the number of missing and murdered Indigenous women identified by the RCMP in 2014.

Each frame coheres around different numbers of disappeared and murdered women, reflecting the many representational practices deployed over the past three decades. I approach these numerical frames as the focal points at which multiple efforts to making the MMIW crisis visible—and invisible—converge. To map the ways the MMIW crisis has come into view as a crisis also requires charting key points of contestation between various state, media, activist, and research representations of the crisis. As the space in which practices of documentation and contests of interpretation cohere, these three numerical frames present a window into the politics of visibility. As products of the struggle to name and make visible the MMIW crisis, these three numbers are themselves documents of the crisis and serve as evidence of the phenomenon of disappeared and murdered Indigenous women.

The politics of using numbers to make visible questions of justice are fraught. The knowledges that numbers and their quantitative visibilities generate can be an efficient method for pointing to the existence of the phenomena they represent and can serve as a
pragmatic tool in demonstrating injustice. Human rights organizations monitoring war, conflict zones, and other humanitarian crises have long asserted that counting casualties—especially civilian or non-combatant deaths—has an important role to play in advocating for policy changes, such as spurring humanitarian aid or the cessation of combat (Perousa de Montclos 2016; Seybolt et al 2013). However, as Sally Merry notes, uses of numbers are often wrapped up in the claim that are “rational, technical knowledge that is disinterested and the product of expertise” (2016, 4). In their efficiency and claims to objectivity, numbers tend toward simplifying the complex details of the phenomena they represent. Such a decontextualizing, abridged method for re-presenting the world is, as I have argued in the preceding chapters, a preferred technique within the conventions of state bureaucracies. Just as the centralized Indian Register’s count of “status Indians” serves state desires to make the “Indian” population visible through documentary evidence, these different numbers serve to make visible the MMIW crisis and to generate the documentary evidence that brings it into being.

Each of the three numerical frames analyzed in this chapter have proved a valuable resource for women’s families, communities, and advocates to re-present the growing MMIW crisis in terms visible to settler colonial ways of seeing. But, this strategy risks circumscribing the lives of Indigenous women within abstracting numerical re-presentations. In her analysis of Indigenous deaths in police custody, Razack reminds that numbers “offer the opportunity to confirm an old colonial belief (they are dying due to an inherent incapacity to survive modern life) as much as they do the opposite (we are

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3 A recent example of the use of statistics in service of claims about racial injustice in Canada was the complaint filed by Cindy Blackstock and the First Nations Child and Family Caring Society against the federal government with the Canadian Human Rights Tribunal in 2003. Population statistics and reports on federal spending to show that on-reserve services receive significantly less funding than services in other communities were key sources of evidence in the case’s argument that such underfunding results in a significantly larger proportion of First Nations children being apprehended and placed in the custody of child welfare services. In January 2016, the Canadian Human Rights Tribunal handed down a landmark ruling that found the federal government to be racially discriminating against 163,000 First Nations children by failing to provide equitable child welfare services. For analyses of the case, see Blackstock (2016a, 2016b) and Henderson (2012).

killing them)” (2015, 193). The numbers of the missing or the dead that may indeed render the crisis visible to settler state gazes also risk confirming settler visions of Indigenous peoples as vanishing. Similarly, the counting of deaths does not necessarily lead to understanding colonial relations of violence or the realities of violation, death, and its impacts on surviving family and community members. While specific counts of disappeared and murdered Indigenous women seem to resolve the incomprehensibility of violence itself, they often do so often without requiring comprehension of the broader colonial structures contributing to such violence. The works of Indigenous artists and activists dwell within this very space of incomprehensibility. As the families of Indigenous women insistently remind, their loved ones are “more than a statistic”. 5 The visibility of the MMIW crisis as a crisis has emerged in part through numerical frames and the statistics they generate. However, artist and activist works have extended this visibility by articulating the magnitude of the crisis in ways that complicate reductive statistics and spark the emotional responses to violence often numbed by counting alone (Gregory 2014).

At the center of each of these numerical frames is the dilemma of making multiple violent deaths visible as a connected crisis. How to articulate the collective magnitude of loss upon loss while retaining the specificity of individual victims? How to indicate the structural violence that amplifies the vulnerability of Indigenous women without pathologizing Indigenous life itself? How to make the state see something that it wishes to make invisible? How to make the crisis visible in the terms of an ongoing colonial violence that the state actively seeks to disavow? How to make a recalcitrant Prime Minister and other state officials understand that the abduction and murder of Indigenous women can be both crimes and part of a broader phenomenon—a sociological, political, colonial phenomenon? Memorial marches, research coalitions, inquiries, press reporting,

5 This phrase, or versions of it, appears in much of the news coverage of disappeared and missing women, often in the form of quotations from family members. For example, the No More Stolen Sisters report quotes Pauline Muskego speaking about the loss of her daughter Daleen Kay Bosse: “Daleen may be one of 500 missing and murdered aboriginal women, but she is more than just a statistic. She was our daughter. She was my granddaughter’s mother. She was a sister to her brothers. She was a wife to her husband. She was a cousin, an aunt, a friend. She was granddaughter to her grandmother” (Amnesty 2009, 20).
funding decisions, and operational reviews are all practices that have contributed to the visibility of missing and murdered Indigenous women as a crisis. Often in contest with one another and offering competing ways of seeing Indigenous women, violence, and colonialism, such practices have cohered around these three numerical frames and have functioned as documents that have brought the visibility of the crisis as a crisis into being.

67: Disappearances of Women from Vancouver

The disappearances of more than sixty women from Vancouver’s Downtown Eastside (DTES) neighbourhood, their investigation, and the high-profile trial and conviction of the women’s serial killer played a significant role in making disappeared and murdered Indigenous women visible to the wider settler society. Disappearances from the DTES were initially made visible by Indigenous women’s activism and later framed by media and political responses to the issue. Though there was fluctuation in the number of reported disappearances in late 1990s and early 2000s, the Missing Women’s Commission of Inquiry (MWCI) named and investigated 67 disappearances and murders of women between 1997 and 2002. While the number of cases investigated by the Vancouver Police Department and RCMP Missing Women Taskforce ranged between 31 and 69, the MWCI ultimately studied 67 cases. This number was derived from combining cases under investigation by the Taskforce with cases associated with the serial murder investigation, but excluding cases where women had been found alive or whose deaths were attributed to natural causes (Oppal 2012a, 33-34). The visibility of the crisis of women being disappeared from the DTES emerged first through Indigenous women’s activism, and later from press reporting, missing posters, and coverage of the Pickton investigation and trial, the MWCI was the official settler state response to the crisis. I emphasize the MWCI in this section because the Inquiry and its 67 cases became the frame of the DTES crisis recognized by representatives of the Canadian state. The MWCI’s circumscription of the matter as one of localized crime was a tactic repeatedly deployed in subsequent framing of the MMIW crisis. Similarly, the MWCI’s refusal to frame the crisis around a clear identification between the violence perpetrated and the
Indigeneity of the majority of victims, let alone a clear connection to colonialism, was also reiterated in subsequent settler colonial framings.

The first attempt to call public attention to violence against Indigenous women in the DTES was the organization of annual marches. Led by families, elders, and activists, the February 14th Memorial March and ongoing community organizing around the issue began in the early 1990s and aimed to focus on women’s survival and resistance to the ongoing violence affecting their community. From the inaugural march in 1991, organizers have articulated the crisis of women disappearing from the DTES as one directly connected to settler colonial policies that have marginalized Indigenous women and rendered violence against them invisible (Culhane 2003; Thobani 2015). In addition to marches, the organizers tracked disappearances, urged police action, and memorialized victims (Thobani 2015, 5). While the march organizers consistently worked to document the crisis and to make it visible as an effect of settler colonial violence, the emerging visibility of a crisis of women disappearing from the neighbourhood was shaped into a criminal justice issue by press reporting, policing, and a provincial inquiry.

Reporting for the Vancouver Sun in 1998 and 1999, Lindsay Kines provided the first sustained media attention to the issue.7 Prodded on by the insistence of women’s family members to continue investigating the suspicious circumstances of their disappearances, Kines’ stories profiled different women who had seemingly vanished from the neighbourhood and documented the growing number of missing women (Sterritt 2015). These early stories suggested the possibility of a serial killer and highlighted the police inefficiency (Jiwani and Young 2006, 897; Pitman 2002). Following the formation of a Missing Women Taskforce dedicated to investigating the disappearances,8 Kines and

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6 The inaugural memorial march was organized in response to the murder of a woman abducted on Powell Street in January 1991. Out of respect for her family, the march and its organizers do not speak her name (Women’s Memorial March, nd).

7 Prior to his 1998-1999 reporting on women missing from the DTES, Kines had also traveled to Prince George in 1995 and travelled along Highway 16—the Highway of Tears—to report on three murders and two disappearances under investigation at the time (Sterritt 2015, np).

8 The Missing Women Taskforce was a joint investigative effort of the Vancouver Police Department and Royal Canadian Mounted Police, formed in 2001 to review missing persons cases from the DTES.
fellow *Sun* reporters Kim Bolan and Lori Culbert conducted a four-month investigation. The resulting eleven-part series published in 2001 made the issue of missing women visible to the mainstream press and identified the crisis as growing. ⁹ Though the investigative series focused primarily on police inefficiency, Yasmin Jiwani and Mary Lynn Young note that this early reporting often identified the missing women as Indigenous, establishing a frame that naturalized the women’s vulnerability by insinuating an inherent, racialized deviance (2006, 897). In a comparative analysis of the media coverage of missing Indigenous and White women, Kristen Gilchrist (2010) found that the coverage of Indigenous women’s disappearances was written with less detail, in more detached tones, and often reiterated stereotypes of Indigenous women as sexually violable and thus disposable. David Hugill (2010) also identifies the dominant framing of women missing from the DTES as “self-selected” victims, due to drug and sex-trade involvement.

The Missing Women Taskforce was formed in May 1999 to jointly investigate Vancouver Police Department and RCMP files on women missing from the DTES. In July 1999, the Taskforce released a missing poster displaying the names and faces of the 31 cases under their review. Between 2001 and 2008, the Taskforce released five more posters. The number of faces included on each poster shifted to reflect the identification of new cases, as well as instances where women had been discovered alive or to have died of natural causes. As I will discuss below, the MWCI used the Taskforce’s files and these posters to determine which cases would be included in their study. These posters played a crucial role in making the crisis of disappearances from the DTES visible as an issue affecting dozens of women. The portraits depict individual missing women, but the visual field of the poster gestures to a unity between them: they suffer the shared condition of abduction, each face an iteration of a crime perpetrated.

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⁹ The 2001 *Sun* investigation increased the list of missing women from the VPD’s 27 names to 45 and forced the Missing Women Taskforce to acknowledge that the number of known cases of missing women had increased since the Taskforce’s formation in 1999 (Jiwani and Young 2006, 903).
However, many of the portraits were mugshots or closely cropped photographs that resemble mugshots and other formal administrative portraits, which introduced an unclear sense of criminality to the poster. As Amber Dean (2015a) and Jennifer England (2004) each argue, the portraits and their arrangement share visual conventions with wanted posters, thus conferring deviance and criminality rather than victimhood upon the featured women.\(^1\) Regardless of charges laid or convictions, the existence of a mugshot is premised on the photographed individual’s apprehension and appearance before a police department’s camera: one has to have been doing something wrong to end up in such a photograph. The collecting together of the women’s faces also codes the women themselves as the visual representation of the crime in question. In their analysis of knowledge generated by quantification, Richard Rottenburg and Sally Merry observe “what becomes quantified is often the product of what seems to be the problem” (2015, 12). In the posters women’s faces act as placeholders for the violence of their abductions, thus the women themselves are what appears as quantified and thus, as the problem to be addressed. Together with the visual overlap between the missing poster and a wanted poster, the poster’s mode of imaging the crisis reinforced the framing of the women’s disappearances as a matter of criminal justice and visually reiterated the pathologization of Indigenous women as criminally involved and, thus, the source of their own marginality and suffering.

\(^1\) The poster was also circulated on America’s Most Wanted, inserting the poster into a criminal justice narrative and further blurring the lines between criminality and victimhood (England 2004, 301; Pitman 2002).
The Ministry of Attorney General and the Vancouver Police Board have authorized a reward of up to $100,000 for information leading to the arrest and conviction of the person or persons responsible for the unlawful confinement, kidnapping or murder of any of the listed women. Missing from the streets of Vancouver. Upon the arrest and conviction of a person or persons responsible for the unlawful confinement, kidnapping or murder of any one or more of the women listed as missing in this poster, a reward will be decided by the Vancouver Police Board, in its sole discretion, and that decision is final, binding and not revocable.

Only those people who come forward and volunteer information which is received by the Vancouver Police Department or before May 1, 2000, will be eligible to receive a reward.

Any persons having information regarding the unlawful confinement, kidnapping or murder of any of the missing women listed in this poster are requested to communicate that information immediately to the Vancouver Police Department, Missing Persons Unit.

North America at: 1-800-993-3799 OR
In the Vancouver Area at: (604) 717-3415 OR
Call your local police agency or You can remain anonymous and call: 669-TIPS

$100,000 Reward

Missing Downtown Eastside Women

<table>
<thead>
<tr>
<th>Name</th>
<th>Reported Missing</th>
<th>Last Seen</th>
<th>Born</th>
<th>File Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPENCE, Dorothy</td>
<td>95-10-30</td>
<td>95-07-30</td>
<td>1962</td>
<td>95-290934</td>
</tr>
<tr>
<td>SMITH, Karen</td>
<td>99-04-27</td>
<td>92-06-??</td>
<td>1964</td>
<td>99-089295</td>
</tr>
<tr>
<td>CREISON, Marcella</td>
<td>99-01-11</td>
<td>98-12-27</td>
<td>1976</td>
<td>99-039399</td>
</tr>
<tr>
<td>MURDOCK, Jacqueline</td>
<td>99-05-18</td>
<td>97-08-14</td>
<td>1971</td>
<td>99-105703</td>
</tr>
<tr>
<td>BECK, Cindy</td>
<td>99-06-01</td>
<td>98-10-??</td>
<td>1972</td>
<td>99-147103</td>
</tr>
<tr>
<td>JORDINE, Angela</td>
<td>99-11-10</td>
<td>99-04-21</td>
<td>1973</td>
<td>99-25254</td>
</tr>
<tr>
<td>ALLINARACH, Elona</td>
<td>99-12-10</td>
<td>99-10-10</td>
<td>1977</td>
<td>99-286097</td>
</tr>
<tr>
<td>FOST, Mona</td>
<td>99-13-10</td>
<td>99-08-30</td>
<td>1978</td>
<td>99-301877</td>
</tr>
<tr>
<td>HINSON, Patricia Gay</td>
<td>99-14-14</td>
<td>99-08-28</td>
<td>1979</td>
<td>99-301877</td>
</tr>
<tr>
<td>MATHIES, Linda Jean</td>
<td>99-16-16</td>
<td>99-10-20</td>
<td>1981</td>
<td>99-301877</td>
</tr>
<tr>
<td>WILLIAMS, Tenessa</td>
<td>99-17-17</td>
<td>99-11-17</td>
<td>1982</td>
<td>99-301877</td>
</tr>
</tbody>
</table>

Additional details and larger photos are available on the Vancouver Police Department Web site at: www.vancouverpolice.ca/missing

Figure 13: Missing Women Taskforce, First Missing DTES Women Poster (1999).
Source: www.missingpeople.net
Press attention to the issue and its framing as a matter of criminal justice intensified with the arrest of Robert William Pickton for the murder of 27 of the women missing from the DTES in 2002, as well as the ensuing trial in the murders of Sereena Abotsway, Mona Lee Wilson, Andrea Joesbury, Brenda Ann Wolfe, Marnie Lee Frey, and Georgina Faith Papin. The arrest and trial shifted attention to Pickton and focused on the sensational narrative of a serial killer and the horrific details of his crimes. This shift in press coverage resulted in the insistent framing of the murdered women as drug-dependent sex-workers. The scant mention of the Indigenous identity of women in four of the six cases that went to trial emphasized a frame of marginality and disposability, but did not clearly articulate connections to colonization or race (Hugill 2010, 13-14; Jiwani and Young 2006, 910). This characterization continued inside the courtroom, where Indigeneity was only mentioned once in the seventy-six rulings produced over the course of the original trial and multiple appeals (Craig 2014, 12). This shift in press coverage from before to during the trial demonstrates a double bind. When identified as Indigenous, women’s marginalization is attributed to stereotypical associations between race and criminality, irresponsibility, and tendencies toward substance abuse. Alternately, when women’s Indigenous identities are obscured, the colonial roots of their marginalization are erased.

The provincial government’s official response to the disappearances and murders of women from the DTES was an official inquiry. Established in September 2010, the Missing Women’s Commission of Inquiry (MWCI) was led by former Attorney General Wally Oppal and issued its final report in 2012. Over the course of two years, the MWCI was tasked with inquiring into the disappearances of 67 women from the DTES between

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11 While twenty-seven charges were filed, Pickton admitted to an undercover police office disguised as a cellmate that he had killed forty-nine women. The charges of first-degree murder in the deaths of Abotsway, Wilson, Joesbury, Wolfe, Frey, and Papin were severed and tried together, beginning 22 January 2007. Pickton was found guilty of six counts of second-degree murder on December 9, 2007 and was sentenced to life in prison. Twenty additional charges were stayed by the Crown and the twenty-seventh dismissed due to insufficient evidence. For analysis of the arrest, trial, and appeals, see Cameron (2011) and Craig (2014).

12 The single reference to the fact that the majority of women murdered by Pickton were of Indigenous descent was made by Justice Finch of the BC Court of Appeal in *R v Pickton*, 2009 BCCA 300 at para 25, 260 CCC (3d) 132 (Craig 2014, 12).
1997 and 2002 and with recommending changes to missing persons and homicide investigation protocols in the province (Oppal 2012a, 33-4; 2012b, 4). The Commission’s mandate and terms of reference further framed the crisis as a localized criminal justice issue. Myriad representatives of local and national police forces were consulted in the negotiation of the Commission’s terms of references, were the focus of much of the Commission’s proceedings, and were the primary subject of study. Indigenous families, communities, and organizations, on the other hand, were entirely absent from the MWCI work. Robyn Bourgeois (2014) and the West Coast Women’s Legal Education and Action Fund researchers (2012) have each argued that the absence of Indigenous voices throughout the inquiry process centers the Canadian criminal justice system—a source of historical and ongoing violence in many Indigenous communities—and obscures the colonial roots of the violence women in the DTES have endured. The reports identified racism and colonialism as key factors contributing to the marginalization of the disappeared and murdered women (Oppal 2012a). The final recommendations focused on failures of police practices and issues within the wider criminal justice system, rather than addressing connections between the failure of these systems to protect marginalized women and the racialized colonial structures that undergird their marginality (Bourgeois 2014, 310-12).

The BC provincial government’s framing of the DTES disappearances remains in contest with Indigenous families and community organizations. The emergence of the number of 67 disappeared and murdered women from police investigation and provincial inquiry made the crisis visible as a crisis. Specifically, the number provided concrete evidence that the disappearances from the area were not a few instances of transient women drifting away from the DTES. As a state-generated document, the MWCI’s count

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13 Volume I of the MWCI’s final report contains profiles of each of the 67 women. However, the information included in these profiles was gathered by sending letters to women’s families, only some of whom responded (Oppal 2012a, 32-35). This approach differs significantly from methods used by NWAC during the Sisters in Spirit initiative, where life stories were gathered through the cultivation of ongoing relationships with families. The MWCI’s limited approach to gathering stories for these profiles is particularly troubling given the lack of opportunities and support for families to contribute to the Commission’s work. Similar issues have been raised regarding the Terms of Reference and resources committed to the current National Inquiry into Missing and Murdered Indigenous Women and Girls (Amnesty 2016; CBC 2017).
of 67 cases reconstituted the existence of the phenomenon of disappeared and missing women. However, the Commission’s criminal justice framing structured the image of the crisis that its documentary work brought into being. The Commission made visible shared experiences of police inaction as a connection between these cases, but did not make visible the role of colonization or ongoing colonial policies in their experience of marginalization and violence.

582: Coalition-Based Research Expands the Visibility of the Crisis

The Pickton murder trial and Missing Women’s Commission of Inquiry drew national and international attention to the disappearances and murders of women in Vancouver’s DTES and across BC. While the press attention garnered by the 67 DTES cases brought attention to the crisis of ongoing violence against Indigenous women, the racial and colonial dimensions of the case were frequently subsumed by media narratives that focused on victims’ drug and sex-trade involvement and the sensationalized horror of their murders. The Native Women’s Association of Canada (NWAC) and several other activist and research organizations formed the National Coalition for our Stolen Sisters in 2002 with the goal of shifting how the crisis had been made visible by state and media frames and to generate a broader statistical account of the crisis. The coalition aimed to make visible the Indigeneity of victims, to present the issue as one of women being “stolen” rather than transient, and to document reports of disappeared and murdered women that extended beyond the frame of Vancouver’s DTES. This research agenda was a key shift in the project of making disappeared and murdered women visible as a crisis explicitly tied to race and as national in scope. Between 2005 and 2010, NWAC and its partners created the first centralized database of MMIW cases. Their work generated a

14 In addition to NWAC, other member organizations included: Amnesty International, Canadian Ecumenical Justice Initiatives (KAIROS), Elizabeth Fry Society, the United Church, the Anglican Church, National Association of Women and the Law (NAWL), Canadian Research Institute on the Advancement of Women (CRIAW), Womenspace, the Canadian Federation of University Women, the Women's Legal Education Action Fund (LEAF), and the Mother of Red Nations (KAIROS nd; Diamond 2003).
new number around which advocacy, research, and news media approaches to the crisis
began to cohere: 582 missing and murdered Indigenous women.

The first research output of the Stolen Sisters coalition was Amnesty
International’s 2004 *Stolen Sisters* report. Working in solidarity with NWAC, Amnesty
released the *Stolen Sisters* report and presented their findings before the UN Permanent
Martin’s federal Liberal government announced $5 million in funding would be dispersed
over five years to the NWAC Sisters in Spirit initiative. Prior to the Sisters in Spirit
initiative, there was no central repository of information about murdered and disappeared
Indigenous women (Eberts 2014, 69). The initiative aimed to document each known
case of disappeared and murdered Indigenous women, creating a “census” of the MMIW
crisis. From 2005 through 2010, NWAC reviewed more that 740 missing and murdered
women cases and found that 582 met criteria for inclusion in the database (NWAC 2010,
17). The criteria for inclusion was: the identified Indigeneity of the victim; the victim was
a woman or living as a woman; the victim was disappeared, murdered, or died under
circumstances considered suspicious by family or community members; and, the victim
was born in or connected to a community in Canada (NWAC 2010, 17). In the database,
Indigenous identity includes “status Indians”, “non-status” Indigenous women, Métis,
Inuit, and Inuk. By creating a census of all known cases of MMIW, the Sisters in Spirit

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15 The *Stolen Sisters* report was researched and written by Beverley Jacobs and Giselle LaVallee. Jacobs
served as president of NWAC from 2004 to 2009.

16 The report integrated Indigenous women’s stories into the Amnesty human rights lens, contextualizing
the MMIW crisis in the ongoing experiences of violence and marginalization to the legacies of colonial
policies, such as residential schools, child apprehension, dispossession and resulting vulnerability to
poverty, over-policing, and widespread racial discrimination. The report raised the international profile of
the MMIW crisis and directly identified the crisis as rooted in colonialism and marked the first of many
calls for clear action plans and inquiries during this period of coalition research. As Anita Olsen Harper
notes, “[m]any say that ‘Stolen Sisters’ was the main reason for the federal government’s approval of
NWAC’s funding request for the Sisters in Spirit initiative” (185).

17 The Sisters in Spirit initiative was not NWAC’s first efforts to address the issue of violence against
Indigenous women. Rather, NWAC had been working on the issue for more than a decade before launching
Sisters in Spirit (Dean 2015, 147).

18 Researchers identified suspicious deaths as “incidents that police have declared natural or accidental, but
that family or community members regard as suspicious” (King 2010, 271).
database contributed a significant shift in the framing of the crisis by presenting it as a coherent object of analysis, rather than a collection of discrete criminal acts.

The database was populated primarily through secondary research of cases presented in the public domain, either through police and law enforcement records, court records, and media reports. NWAC researchers have noted that their data collection was hampered by issues of underreporting, police mishandling of cases, and media bias that often characterized these sources (King 2010, 272-3). Researchers supplemented these records by interviewing family and community members, as well as police officers and other key informants; however, the program’s modest funding and the geographical scope of the issue limited this capacity (King 2010, 274). As a result, the 582 cases included in the Sisters in Spirit database is a conservative count, likely much smaller than the actual number of cases of disappeared and murdered Indigenous women (King 2010, 273). It is also important to note that the number of cases included in the Sisters in Spirit database is the result of the de-funding of their work, rather than their completion of a full study of the crisis.

Gathering together statistics and stories, the final report of the initiative documented connections between settler colonial policies, their gendered effects, and the ongoing crisis of disappeared and murdered Indigenous women and girls, arguing that “that colonization remains the constant thread connecting the different forms of violence against Aboriginal women in Canada” (NWAC 2010, 2). By identifying historical and ongoing settler colonial policies as a key factor in violence experienced by Indigenous women, the report pushed back against stereotypes frequently used to rationalize their deaths, such as claims that intimate partners were the assailants in the majority of cases,\(^\text{19}\)

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\(^{19}\) While charges have only been laid in 53% of murder cases (261 cases), NWAC found that 23% of assailants were current or ex-partners, 17% were acquaintances (e.g.: a friend or neighbor), and 16.5% of suspects were strangers to the women and girls killed. The rate of Indigenous women killed by strangers is three times that of non-Indigenous women (NWAC 2010, 29).
that murders primarily occur on reserves, or that all disappeared and murdered women were involved in the sex trade.

The initiative used a community-based “research-for-change” process, which centred Indigenous protocols, privileged the experiences of women, girls, and their families, and sought input from a wide range of communities (King 2013, 270). The research process aimed both to mark the lives of victims and to establish a clear account of the structures contributing to racialized and sexualized violence against Indigenous women. Storytelling was central to the research, making women visible through their names, experiences, and relationships rather than exclusively through numbers. Over the initiative’s five years, researchers travelled across Canada to document the stories and experiences of the families and communities of victims. With the ongoing consent of family members, the final report included the abridged life stories of 13 women (NWAC 2010). Rather than submerged under the initiative’s quantitative research, these stories are prioritized and appear in the first third of the final report.

Even with the inclusion of abridged stories of women and their families, the report makes the crisis primarily visible through the lens of statistics. Unlike the Stolen Sisters report or the initiative’s Report to Families and Communities, the final report of the Sisters in Spirit initiative does not include any photographs of victims. The only images in the report are graphs of the statistical findings generated by NWAC’s analysis

20 The report found that 60% of women and girls were murdered in urban spaces, while 28% were killed in rural areas and 13% on reserves. In the missing persons cases, more than 70% of women and girls were disappeared from urban areas, 22% from rural areas, and 7% of were last seen on reserves (NWAC 2010, 26).

21 The report found information about sex-trade involvement in 149 of 582 known MMIW cases. Of these 149 cases, 51 women were involved in the sex-trade at the time of their disappearances or deaths, 21 women had been previously involved, and 74 women had not involvement (NWAC 2010, 31).

22 Stories and storytelling are widely acknowledged as culturally significant forms of knowledge transmission, meaning making, and governance within Indigenous communities and are an important Indigenous research methodology. On the role of storytelling in Indigenous research, see Hargreaves (2015), Kovach (2009), Tuhiiwai Smith (1999), and Wilson (2008).

23 In addition to the final report, the initiative also documented more detailed life stories of disappeared and murdered women in a longer report to families and communities (NWAC 2009).
of the database. The report’s diagrams conform to the genre of representation increasingly seen by state agencies as necessary for informed policy development (Merry 2015; Rottenburg and Merry 2015). In addition to conforming to principles of data representation legible to state bureaucracies, the report’s graphs also contribute to the broader project of making MMIW crisis visible as a phenomenon of racialized and gendered violence rather than a collection of individual criminal instances. While the stories included in the report respond to the need to recognize to the individual, lived realities of victims; the graphs present a picture of the crisis itself.24

Figure 7: Geographic Distribution of Incidents, 2009 and 2010

Figure 14: One of the eight graphs included in the Sisters in Spirit initiative final report (NWAC 2010, 26). Courtesy of the Native Women’s Association of Canada

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24 This representational strategy has some affinities with the descriptive statistics and statistical W.E.B. Du Bois generated in studies of Black life in the United States. Rather than illustrate the particular lives of individual Black citizens, Du Bois’s diagrams made visible the abstract social and political forces that structures Black life and encoded race. This work innovatively disrupted notions of race as a natural or biological descriptor, insisting instead upon the political relations of racialization (Weheliye 2015).
The graphs have the effect of making the MMIW crisis into an object of knowledge, rendering visible its traits such as the geographic distribution of violence or the clearance rate of cases. An accumulation of photographs—such as the Missing Downtown Eastside Women posters—or even of stories might have the effect of counting individual women, but in ways that risk making women themselves appear as the problem in question. In analyzing the cases collected together in their database, NWAC researchers were able to quantify violence as the problem requiring policy intervention. The graphs shift the site of analysis to the characteristics of the MMIW crisis, marking the crisis as the source of pathology rather than Indigenous women.

The Sisters in Spirit initiative’s research findings were a turning point in the struggle to make the disappearances and murders of Indigenous women visible. The research not only studied cases that had been under-investigated and had attracted little political or public attention, but identified their common root causes stemming from settler colonialism. By establishing a cumulative number of known cases, the report represented the disappearances and deaths of Indigenous women within the conventions of the bureaucratic tradition. Further, the report made the MMIW crisis visible as an observable phenomenon rather than a collection of discrete cases of violent crime. In using statistical analysis and generating a count of stolen women, the initiative met the pragmatic need to re-present the crisis in terms visible to the state: the number 582 clearly identified the crisis as extending well beyond the 67 cases considered by the MWCI. This visibility was made more concrete by the representation of the crisis and its calculable characteristics with graphs throughout the report. However, the use of storytelling was a refusal to exclusively perform the flattening work of counting bodies and erasing the context of women’s lives. In marking the details of women’s life histories and their relations, these stories pushed against the narrow limits of bureaucratic personhood to provide context not readily reducible to numbers. While the number 582 was a re-presentation visible to settler colonial ways of seeing, the integration of stories and the centrality of colonization in the initiative’s report put pressure on the state’s limited frame of vision.
The federal government responded to the 582 cases documented by the Sisters in Spirit initiative by reinforcing a criminal justice framing of the issue in its public statements and funding decisions. When the five-year funding commitment to the Sisters in Spirit initiative ended in March 2010, the federal government declined to renew the initiative’s funds in favour of supporting a series of new projects. The de-funding of Sisters in Spirit was framed as a shift away from research and towards “concrete action [that] will be taken so that law enforcement and the Justice system meet the needs of Aboriginal women and their families” (Canada 2010a, 132). The decision insinuated both that the government had a complete picture of the crisis—despite its resistance to acknowledging the role of ongoing colonial policies played in the violence—and that law enforcement and the Justice system present appropriate solutions to the crisis. Announced by then Minister for Status of Women, Rona Ambrose, on the steps of the Vancouver Police Department headquarters in October 2010, the promised “concrete action” was $10 million of spending allocated to criminal justice and law enforcement projects, such as: improvements to cross-agency communication, the creation of a missing persons database, and the development of community safety plans (Canada 2010b). Each of these projects was to be delivered by police and justice agencies.

Despite characterizing the number of disappeared and murdered Indigenous women as “disturbingly high” (Canada 2010b), the federal spending decision announcements did not directly reference NWAC’s 2010 report or its finding of 582 MMIW cases. Through the insistent framing of the issue as a question of criminal violence, the federal government’s counter-image of the crisis has the effect of rendering Indigenous women visible only as victims of violent crimes. Re-framing the crisis in this way distances the numbers of MMIW cases from the colonial conditions of violence also

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25 NWAC did receive $500,000 in bridge funding, received over the course of six months, to fund the From Evidence to Action project (Canada 2010b). This project involved outreach to Indigenous and settler communities, rather than further research towards the expansion of the Sisters in Spirit database.

26 The announcement also included spending on amendments to the Criminal Code that would streamline requests for wiretaps in missing persons cases; the compilation of a best practices list to coordinate community, law enforcement, and justice partnerships; funding for culturally-appropriate victims services programming; and the development of community safety plans for Indigenous communities (Canada 2010b).
documented in NWAC’s research. The state’s refusal to see the crisis beyond the frame of criminal justice is an attempt to refuse the fusion of number and context at the centre of the Sisters in Spirit initiative’s work.

1,181: Moving Towards an Image of a Colonial Crime

The contested visibility of disappeared and murdered Indigenous women took on a third numerical frame with the Royal Canadian Mounted Police’s (RCMP) release of an operational overview of the MMIW crisis in 2014. The report generated the largest number to date: 1,181 women and girls. The size of this most recent number crystallized the visibility of the MMIW crisis as a crisis and amplified calls for a national inquiry. In the years prior to the RCMP report, the work of the Truth and Reconciliation Commission into the Indian Residential School system and, in particular, the activism of the Idle No More movement brought widespread attention the legacies of colonization and the ongoing violence of contemporary colonial policies. Indigenous women were at the centre of the Idle No More movement. The movement’s Calls to Action identified violence against women as a key concern and demanded a national inquiry to better study and intervene in the MMIW crisis.

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27 Mainstream Canadian media coverage often characterized this activism in ways that relied on fear-based politics, amplified perceived division in Indigenous communities, and excluded Indigenous voices. However, Indigenous media also proliferated at that time, offering self-representations of Indigenous concerns that framed the movement as a continuation of 400 years of anti-colonial resistance and brought broader public attention to colonialism in Canada (Kino-nda-niimi 2014; Rice 2013; Simpson 2013).

28 The Idle No More movement was founded by Nina Wilson, Sylvia McAdam, Jessica Gordon, and Sheelah McLean (a settler ally) in Saskatoon in December 2012. Beginning with a teach-in organized in response to the implementation of Bill C-45 (or, the Omnibus Budget Bill), which removed thousands of lakes and streams from federal protections and changed procedures governing reserve land use, posing a threat to both treaty rights and environmental protections. Following the initial teach-in, additional meetings, rallies, and protests were held throughout the winter of 2012-13. For histories of the movement, see Coulthard (2012, 2014); Kino-nda-niimi (2014); and Rutherford, Dolmage, and Podruchny (2015).

29 Reflecting the centrality of violence against Indigenous women and girls to the movement’s concerns, one of the six Calls for Change calls on Canada to: “Actively resist violence against women and hold a national inquiry into missing and murdered Indigenous women and girls, and involve Indigenous women in the design, decision-making, process and implementation of this inquiry, as a step toward initiating a comprehensive and coordinated national action plan” (Idle No More, nd).
In the year that followed the height of Idle No More activism, RCMP commissioner Bob Paulson ordered a study of the 582 cases of disappeared and missing women gathered in the NWAC Sisters in Spirit database. Released in May 2014, Missing and Murdered Aboriginal Women: A National Operational Overview identified 1,181 cases—164 missing and 1,017 murdered—in a study that examined records across all police jurisdictions in Canada (RCMP 2014, 3). Of the cases identified in the report, 225 remain unsolved (3). As the most comprehensive report completed by a state organization, the Operational Overview marked another turning point in the emergent visibility of the MMIW crisis as a crisis. The number—1,181—made the scope of the crisis clearly visible within the terms of bureaucratic representation. Crucially, the report marked the RCMP’s admission that the number of disappeared and murdered Indigenous women exceeded prior government and police estimates (LSC 2015, 3). This finding confirmed claims made by Indigenous communities and families, NWAC, and other organizations that the 582 cases captured in the Sisters in Spirit database was only a partial list. However, the RCMP’s numbers and its broader report conformed in many ways to settler colonial ways of seeing and generated a number that, as victim’s families, advocates, and researchers argue, continues to underestimate the scale of the crisis.

Though key in shifting the visibility of the crisis, the RCMP report has been critiqued by many as an underestimation of the magnitude of the MMIW crisis. The historic and contemporary role of law enforcement officers in maintaining settler colonial power relations troubles any straightforward relationship between Indigenous communities and the police. Many Indigenous women and their families have struggled to have their reports of murdered or missing friends and family members taken seriously or responded to with urgency by police (Palmater 2015; Saramo 2016, 6-7). Incidences of outright police violence, such as the practice of “starlight tours” and sexual abuse at the hands of officials within the criminal justice system also exacerbate distrust (HRW 2013; Palmater 2016). Backlogs in police data management, police failure to properly manage

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30 “Starlight tours” are a violent police practice where Indigenous men and women have been driven to the outskirts of cities and left without adequate clothing to find their ways home. In many instances, victims of this practice have frozen to death (Razack 2014, 2015).
records, and the decision to exclude women missing for less than thirty days from the report create further reason to believe that the number of MMIW cases exceeded the report’s numbers (LSC 2015, 5).

The categories used in collecting and analyzing data created further cause for concern. The report’s validity is limited by the challenge of identifying individuals as Indigenous. Indian Act taxonomies and documentation techniques make any straightforward identification process difficult. While “status Indians” may or may not carry their status cards with them, Inuit, Inuk, Métis, and “non-status” Indigenous peoples do not have state-issued racialized identification cards. When a victim’s Indigenous status is not visible to police via state documentation, officers either make a visual judgment based on a victims phenotypical traits and family members’ identification, or leave blank the “ethnicity” section of their reports (RCMP 2014, 21-2). Finally, the RCMP report claimed that 90% of murdered women were killed by an acquaintance or family member (RCMP 2014, 12). In 2014, Statistics Canada Homicide Survey data only captured five types of perpetrator-victim relationships: spousal, other family, other intimate relationship, acquaintance, and stranger. The “acquaintance” category was broadly interpreted as referring to relationships ranging from a close friend to a one-time co-user of drugs. The report uses the “acquaintance” category to insinuate that lateral violence within Indigenous communities or individual relationship choices were the primary cause of violence against Indigenous women, further contributing to the pathologization of Indigenous families and communities as the primary source of violence and, thus, the key sites for government intervention. However, the report did not identify the links between lateral violence and colonial policies, such as the disempowerment and de-resourcing of women through the Indian Act (LSC 2015, 9). As Dean notes, the “belated” 2014 report was designed to uphold the discourse of individual responsibility and evaded the question

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31 The cases included in the RCMP report are limited to cases recorded in the Statistics Canada Homicide Survey data as “culpable homicide”, excluding cases of “suspected homicide” and other suspicious deaths (LSC 2015, 4).

32 Statistics Canada revised these categories in 2017 to create eight new sub-categories of “acquaintance”, which will create a clearer picture of the relationships between victims and perpetrators in future studies.
of colonial violence, but still produced the largest number to date of murdered and disappeared women (2015, 147).

Consistent with the resistance I have outlined in the two previous numerical frames, the federal government of the day continued to contest the visibility of the MMIW crisis as it emerged even more clearly with the RCMP’s count of 1,181 disappeared and murdered Indigenous women. In lieu of recognizing the crisis as rooted in colonial violence and as requiring action that directly engages those colonial roots, Prime Minister Stephen Harper’s Conservative government tabled a committee report in March 2014 and allocated additional funding to address violence in Indigenous communities in September 2014. Both the report and funding plan refused calls for a national inquiry and reiterated a criminal justice framing of the issue. The Committee’s report described the rates and frequency at which Indigenous women and girls experience violence as “troubling”—an observation that cites both Statistics Canada and NWAC numbers—and noted the challenges posed by underreporting of violence and lack of reliable data of Indigenous identity by police (Canada 2014a, 9-15). While the report named the traumatic legacy of residential schools, poverty, and racism as contributing root causes, it did not connect such effects to the foundational structures of invasion and settler colonization.33 In line with previous state depictions of the crisis, the report’s recommendations focused primarily on criminal justice responses.34

The federal government responded to the Committee’s report with a $25 million spending package, entitled Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls, included in the federal budget tabled on September

33 The sole reference to colonialism in the report is a quotation from Tracey Porteous, Executive Director the Ending Violence Association of BC. Included in a brief section of the report identifying racism as a contributing factor both to violence perpetrated against Indigenous women and to inaction in response, Porteous explains: “I think we stand on a legacy of violence and racism left by colonization and residential schools, but that's not in the past: those attitudes exist today” (Canada 2014a, 20).

34 Recommendations included: a national awareness campaign; improved support for victim’s families; the development of a DNA-based missing persons index; increased community supports to address education, poverty, and frontline services; improved police training and data collection procedures; and taking action to address human trafficking, substance abuse, and prostitution (Canada 2014a, 43-45). Notably, the report’s recommendations did not include a national inquiry.
15, 2014. The five year plan targeted “high risk communities” and allocated the majority of its funding to criminal justice entities (Canada 2014b). The Action Plan cited both the 1,181 figure from the RCMP report and the report’s framing of Indigenous women as victims of family violence. Consistent with the Harper administration’s 2010 policies, the 2014 plan also focused on “high risk” Indigenous communities and thus rendered invisible the fact that Indigenous women are also at risk of violence in urban spaces and in non-Indigenous communities. Additionally, the Action Plan repeated the RCMP report’s characterization of women’s assailants as acquaintances or family members, framing Indigenous families and social relationships as the causes of violence and eliding the crucial role that historical and ongoing colonial policies have played in the crisis. For example, the Action Plan allocates funds to programs addressing intergenerational violence, but, as Krystalline Kraus observes, “the report is careful not lay culpability on the residential school system or colonialism as major causes of said intergenerational trauma” (2014, np). Violence endured by Indigenous women is indeed visible in the Action Plan, but it is a diminished visibility that elides the violence’s key causes.

The Harper government’s continued resistance to Indigenous families’ and activists’ framings of the crisis as colonial in nature indicates the persistent operation of settler colonial ways of seeing. Invested in a political vision of the settler state as “a better polity” (Veracini 2015, 43), these ways of seeing secure settler claims to innocence by obscuring the colonial roots of contemporary violence. By flattening Indigenous lives into the categories of dehumanizing race taxonomies, by obscuring the violence of dispossession with bureaucratic re-presentations, and by registering and counting Indigenous peoples as lives bound for assimilation and elmination, these practices of seeing are deeply invested in what they refuse to see. As with the techniques of documentation discussed in the previous chapters, the settler colonial ways of seeing at

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35 Under the Action Plan, the Ministry of Public Safety and RCMP received $8.6 million to identify “high risk” Indigenous communities and to implement community safety plans; the Ministry of Justice receive $2.5 million to develop programs addressing intergenerational violence and a further $7.5 million for victims’ services; the RCMP and Justice received an additional $1.4 million to continue developing procedures for information sharing across policing agencies; and $5 million was allocated to Status of Women for implementing public awareness and violence prevention programs in “high risk” communities (Canada 2014b).
work in these three numerical frames are productive: they generate a version of the crisis that elides the central role of colonialism and exonerates both settler colonial policies and the society they give form to. In lieu of a violence birthed by the wounds of colonialism, state interpretations of the crisis trace it to the lateral violence of pathologized communities, individual criminal acts, and the tragic missteps of marginalized women.

In his final year in office, Prime Minister Harper gave explicit form to the incredibly limited visibility of the MMIW crisis to his government: “it isn’t really high on our radar, to be honest” (CBC 2014). The stark lack of regard for Indigenous life in Harper’s statement brought into painful relief the continued invisibility of the suffering of Indigenous women, their families, and their communities within the political vision of the Harper administration. With the election of a Liberal majority government in November 2015, Prime Minister Justin Trudeau announced a National Inquiry into Missing and Murdered Indigenous Women and Girls. In its first year, a pre-inquiry team of three Ministers completed a consultative design process, developed its terms of reference, and appointed five commissioners—three of who are Indigenous women. Indigenous activists, researchers, and human rights organizations have already voiced concerns about how the Inquiry’s Terms of Reference will limit its ability “to take a hard look at the programs, practices and policies of governments, which have contributed to, maintained, or exacerbated the violence” (Amnesty 2016).36 Aligned with this concern, Palmater has called for the Inquiry to build its report around a human rights framework that will focus on specific failures of the Canadian state and its agencies rather than reproducing socio-historical accounts of problems in Indigenous communities (CBC 2017). Whether the Inquiry process and its findings will generate a new numerical frame through which the

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36 Endorsed by nineteen other organizations and researchers, Amnesty International’s “Statement on Terms of Reference for the National Inquiry into Missing and Murdered Indigenous Women and Girls in Canada” identifies several concerns with the Inquiry’s Terms of Reference, such as: lack of explicit mandate to review policing policies and processes; absence of a process for reviewing individual cases where the adequacy and impartiality of the original investigation is in question; lack of clarity about the Commissioners’ power to compel witnesses and documents; and uncertain witness and family support provisions.
MMIW crisis becomes visible—or a new form of framing that exceeds numbers—remains to be seen.  

Without Quantification: Documenting the MMIW Crisis in Indigenous Art

In this final section, I analyze Rebecca Belmore’s *Vigil* (2002) and Christi Belcourt’s *Walking With Our Sisters* (2013-2019) as two examples of artwork that take up the challenge of making the MMIW crisis visible. These pieces are only two examples of many different interventions that Indigenous artists, activists, researchers, and communities have made in ongoing efforts to navigate—and resist—the settler colonial state’s limited range of vision and demand for numbers with the necessity of marking the individual identities of Indigenous women and resisting the flattening simplifications of number. Specifically, I examine how Belmore’s and Belcourt’s projects function as artistic documents, which work to make the MMIW crisis visible by providing evidence of the magnitude of loss endured in the wake of women’s disappearances and deaths. While not explicitly practices of documentation, I argue these two works can each be read as works of counter-documentation. That is, they generate evidence of women’s lives and their violation in ways that bring both the crisis of MMIW and its magnitude into being and do so in direct contestation with the documentary techniques of settler colonial ways of seeing. These works do so in ways that make visible the effects of colonial erasure felt by Indigenous bodies, families, and communities. Rather than reproduce claims to objectivity, these works create spaces of potential encounter with the affective dimensions of the violent loss of life. In engaging with magnitude rather than enumeration, these works hold the potential to not only make the MMIW crisis visible, but to make it felt.

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37 At the time of writing the Inquiry is underway and due to be completed by December 31, 2018.

38 To name a few, other examples of such work include Jaime Black’s REDress installation art, documentary films such as *Finding Dawn*, NWAC’s travelling Sisters in Spirit quilt and ongoing faceless dolls project, and Tanya Tagaq’s 2014 Polaris Prize performance, which featured the names of disappeared and missing Indigenous women scrolling on a screen behind her as she performed.
Rebecca Belmore, an Anishinaabae artist, performed *Vigil* at the Talking Stick Indigenous Arts Festival in Vancouver on June 23, 2002.\(^\text{39}\) The performance was filmed and transformed into a video installation, entitled *The Named and the Unnamed*. Surrounded by a small crowd of spectators, Belmore washed the street corner that served as her performance space, lit small candles, read the names of several women, and then donned a long red dress, which she repeatedly nailed and tore free from a telephone pole. The performance ended with Belmore leaving the space in only her underwear, the pieces of her tattered red dress left nailed to the pole. In the curatorial essay that accompanied the first exhibition of the work as a video installation, Charlotte Townsend-Gault describes the aim of the performance:

> [Belmore] wanted to make work about what was troubling her most, the disappearance of more than fifty (the number remains imprecise) women from the streets of Vancouver’s downtown East Side, and the criminally desultory response of the authorities to the horrible plight of the least powerful. She had tried to find a way of “speaking” about the unspeakable, to declaim the secret that had been known but unspoken for an unconscionably long time (2002, np).

*Vigil* was a performative response to both the disappearances of women from the DTES and to the known but unnamed circumstances of their disappearance. The performance was rooted in the key themes of Belmore’s larger artistic project, which is broadly committed to envisioning Indigenous presence in the Americas and negotiating with the aesthetic and cultural conditions of empire (Rickard 2006).

*Vigil* has been the subject of many analyses in the years since the 2002 performance, many of which have focused on the embodied and site-specific nature of Belmore’s performance. Townsend-Gault (2002) describes Belmore’s performance as addressing the public secret of Indigenous women’s disposability under settler colonialism.\(^\text{40}\) By enacting and inscribing traces of the violence endured by disappeared

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\(^\text{39}\) At the time of publication of this dissertation, I have not received express consent from Rebecca Belmore to include video stills from *Vigil*. Please see [http://www.rebeccabelmore.com/video/Vigil.html](http://www.rebeccabelmore.com/video/Vigil.html) to view this work.

\(^\text{40}\) Townsend-Gault draws on Taussig’s formulation of public secrets as things that are “generally known, but cannot be articulated” (1999, 5). The public secret at the heart of political power, Taussig argues,
women on own her raced and gendered body in the performance, Belmore connects the desecrating inattention to the disappearances and murders of these marginalized women to the exercise of settler state power (2002, np). Townsend-Gault and Lauzon (2008) each describe Belmore as presenting her body as a substitute for the impossibility of making violated bodies present.  

The power of this substitution lay in the visibility of Belmore’s body as an Anishinaabe woman—raced and gendered features shared with the disappeared women. Rather than a simplistic claim to an essential Indigeneity and identical experiences of marginalization, Belmore’s performance was comprised of practices: washing, screaming, hammering, shredding. These labours aimed to draw attention to the slow, unfolding processes, symbolizing the ways in which colonial processes make Indigenous women marginal, disposable, and violable in unfolding, ongoing ways (Townsend-Gault 2002).  

As an Indigenous woman, Belmore’s body serves as a point of connection to the bodies of disappeared and murdered women, but her performance also asserted Indigenous presence in the very space from which Indigenous women’s bodies had disappeared. Belmore’s presence commands her audience’s attention, with her voice as well as her performing body. Calling out the names that she had inscribed on her arms with thick black ink, Belmore announced the absence of disappeared women. Naming the dead in order to individuate and make present absent victims is a practice commonly included in memorial events, particularly in cases of mass death or unmarked deaths.  

reveals itself in desecration (7). The public secret of MMIW is revealed in the inattention to the dozens of disappearances from the DTES by the police and the broader settler public.  

Lauzon (2008), Balzer (2014), and Yuen (2014) have each commented on the importance of the specificity of Belmore’s body as that of an Anishinaabe women and the site of the performance as a corner in the DTES.  

This practice is observed at memorial events as diverse as Yom HaShoah (or, Holocaust Rememberence Day) ceremonies, annual memorial ceremonies marking the deaths of homeless persons held in cities across North America, and the annual reading of the Presente! Litany memorializing victims of political repression in Central and South America. Tanya Tagaq incorporated a similar practice in her 2014 Polaris Prize performance, which featured the names of disappeared and missing Indigenous women scrolling across a screen behind her.
Roger Simon argues that naming the dead by a single, staid speaker poses the risk of becoming “a practice that tends to massify” rather than enunciating individual lives (2005, 85). Reading a list of names can become a rote practice that collapses a series of names into a single category, replicating the simplifying tendencies of quantification rather than an establishing a meaningful encounter with loss. However, Simon also suggests that a more visceral practice of calling names that emanates from individual emotion, or a calling between speakers, has the potential for “calling out in turn the gap between one’s own survival and those who are the dead” (86).

The naming portion of Vigil demonstrated this kind of visceral calling out. Belmore screamed women’s names out one at a time—with pained pauses in between as she pulled rose stems through her mouth—but in succession, underscoring the repetition of the violence being marked. During this phase of the performance, it is uncertain how many names Belmore will scream or which name will be next. Coupled with this uncertainty, the names inscribed on Belmore’s arms outnumber those screamed out. This draws attention to the ongoing nature of the violence women endure in the DTES and the uncertainty of which women will be violated next: Robert Pickton was arrested four months prior to Belmore’s performance, but the colonial structures undergirding women’s marginalization were still very much in place. Belmore’s screams—emanating from her female, Indigenous body—called attention to the gap between her survival and presence and the absence of those disappeared.

In marking and making visible the crisis of women being disappeared from the DTES, Vigil provides evidence of disappeared and murdered women’s absences, as well as of Indigenous presence. Vigil is not a work of precise enumeration that generated a statistical picture of the MMIW crisis or its scope. Rather, the screamed names reconstitute absent victims, bringing them into the present space of performance and the preserved video record. The specificity of the names re-present victims as individual women. And yet, these names carry an impenetrable generality. Though Belmore’s screams imbue the names with affective force, Kalbfleisch observes, the names are “the casing of an individual we do not or cannot know” (2010, 294). The pause between each name creates space for spectators to potentially consider the lives and identities of absent
women, but the names themselves do not make these women fully knowable. The calling of names may not confer precise knowledge about individual lives lost, but Belmore’s exhaustive repeated screams can function as evidence of the emotional weight of loss. The called out names are an alternative document to the cumulative number generated by a researched body count: screamed one after another, the names perform the accumulation of suffering endured by violated women as well as the families and communities they are taken from. As a document, Belmore’s performance creates evidence both of disappeared and murdered women as individuals and of the magnitude of loss involved in the MMIW crisis. Unlike statistics, which presume to confer an objective and precise view of the phenomenon they re-present, Vigil reconstitutes the phenomenon of disappeared and missing women through the pain of their absence. By performing an embodied, affective response to loss, Belmore makes that loss present in the very spaces from which Indigenous life has been insistently erased.

Walking With Our Sisters, a collaborative work of installation art organized by Métis artist Christi Belcourt, engages in a similar practice of documenting the magnitude of the MMIW crisis. Walking With Our Sisters is a collection of more than 1,700 moccasin vamps—the top piece of a moccasin—created in memory of disappeared and missing Indigenous women. The project began in July 2012, when Belcourt posted a request for 600 vamps on social media. By July 2013, Belcourt had received more than 1,600 full-sized vamps and 100 children’s vamps. Not a typical art exhibition, Walking With Our Sisters is a memorial ceremony. Each installation of the travelling project observes cultural protocols. To this end, Belcourt and a coordinating collective of 20 artists and curators have been guided by Métis elder, author, and activist Maria Campbell from the inception of the project and by local Indigenous elders during its many installations. Each installation of the project involves smudging the space, placing sage on the floor and covering it with red cloth, and then creating a winding pathway with a piece of grey cloth, upon which the vamps are finally laid (Bear 2014, 224).
Figure 15: Walking With Our Sisters (2012-present). Photograph used in communications materials. Source: walkingwithoursisters.ca. Courtesy of Walking With Our Sisters National Collective
Rather than spectators, visitors to the memorial are also considered ceremony participants and are instructed to remove their shoes and are invited to carry tobacco with them as they move through the paths of vamps (Tabobondung 2014). The smudging, singing, and other ceremonial protocols that constitute the memorial are acts of care, addressed to disappeared and missing Indigenous women and their families (Bear 2014, 226). Since October 2013, the project has travelled to seventeen communities and is scheduled to be installed in several more communities before an official closing ceremony, in spring 2019.

Figure 16: Walking With Our Sisters (2013). Photo of installation at the University of Alberta in Edmonton, AB. Source: walkingwithoursisters.ca. Courtesy Walking With Our Sisters National Collective.

In addition to the healing and honoring work of Walking With Our Sisters, the project also functions as a document of the magnitude of loss endured by Indigenous women, their families, and their communities through multiplicity. Each pair of vamps represents one disappeared or murdered woman, the unfinished moccasins signifying women’s lives as cut short (WWOS, “About”). On one level, the project documents the specificity of women’s lives. Each pair of vamps is handmade in memory of an individual woman or as an act of solidarity and support. Often produced with customary
techniques of beading, birch-biting, quill work, and fish-scale art, the labour invested in the vamps represent the accumulated knowledge, skills, and stories of many different Indigenous communities (Anderson 2016, 94). Rooted in cultural practices, this labour is an embodied act of resurgence that both resists colonial efforts to assimilate or commoditize Indigenous knowledge and enacts Indigenous presence (Doxtator 1995; Wrightson 2015). The localized techniques used in each pair silently enunciate the individual identities of women, connected through their shared experience of colonially-enabled violation. Additionally, the vamps collected for the installation are not material proofs of the crimes to which women have been victim—such as collections of shoes exhibited at Auschwitz-Birkenau or clothing displayed at Rwandan genocide memorials. Rather, they aim to represent women as they lived and as valued. On another level, the accumulation of the 1,700 vamps and their expansive display reconstitute the magnitude of the MMIW crisis. As Stephanie Anderson observes, when Walking With Our Sisters is installed, the work “has an impact which surpasses its constituent parts, arousing an overwhelming sense of the quantity and scale of the tragedies they represent” (2016, 89). Through the accumulation and repetition of uniquely handmade moccasin vamps, the project resists the simplifying commensuration of statistics and instead makes the scope of the MMIW crisis visible through multiple iterations of women’s particularity.

Both Vigil and Walking With Our Sisters document the magnitude of loss emanating from the crisis of disappeared and murdered Indigenous women. These works provide evidence of the MMIW crisis by representing the affective ties between disappeared women and those left behind. Rather than reiterating the details of individual deaths, these works document women’s presences and the affects of their absences in ways that depart from the documentary work of NWAC and human rights organizations. Neither Vigil nor Walking With Our Sisters repeat victimization statistics or end with a list of recommendations. Their meaning is not invested in state or audience responses. Rather, they make meaning through their documentary function. They generate evidence of Indigenous women’s lives as valued and the magnitude of their losses as profoundly felt, and thus bring women’s lives into being as mattering. These works do not move to “re-humanize” women after their deaths, but document how disappeared and murdered Indigenous women’s lives have always been present and mattering to their families and
communities. This mattering has been and continues to be asserted spite of the many ways colonial structures and the wider settler society have refused their visibility and have insistenty failed to count them as lives that matter.

Responding to the violence against Indigenous women as an incursion upon bodies that ought not be violated is an ongoing labour. In a context of the settler state’s resistance to seeing the MMIW crisis as a crisis, the work of healing such violence is a weight carried by Indigenous families and communities. Writing speculatively on the nature of this labour, Sarah Hunt makes visible the magnitude of the crisis of violence Indigenous women endure. In response to Glen Coulthard’s (2014) vision of direct action as a vital practice of Indigenous resurgence, Hunt envisions the direct actions that might be taken if threats to women’s bodies were responded to with the same commitment as threats to Indigenous territory. She writes:

We would see our chiefs and elders, the language speakers, children and networks of kin, all in our regalia, our allies and neighbors all across the generations show up outside the house of a woman who had been hurt to drum and sing her healing songs. What if we looked to the land for berries and to the ocean for fish and herring eggs and seaweed to help her body to heal? What if we put her within a circle of honor and respect to show her that we will not stand for this violence any longer. We would bring her food and song and story, we would truly protect her self-determination and to defend the boundaries of her body which had been trespassed and violated (2015, 9).

Hunt’s vision of a response to the violation of Indigenous women’s bodies illustrates the magnitude of violence and its impacts on women, communities, and relations without quantification. Invoking ceremony, song, story, and caretaking, Hunt articulates the kinds of practices would begin to address women as mattering. These practices constitute a politics centered both on the person and in contestation with structural colonial forces. Hunt invokes an image of expansive, enduring, and ongoing labour. Her speculation documents the magnitude of the crisis by making visible the extent of suffering borne by women and girls, their families, and their communities. “If we did this today, we would constantly be busy with this singular activity,” Hunt observes, “[t]hat’s the extent of violence today” (2015, 9).
Conclusion

We require nothing less than transformation: of the relationship between Aboriginal women and girls and those who are supposed to help and protect them; between Aboriginal peoples and the government, police and justice systems; and of the way that we think about and respond to violence in Canada.

Michèle Audette, President, NWAC (FAFIA, nd).

There is a political and moral imperative to mark the magnitude of the crisis, its reverberations, and its painful legacies. However, if the goal of documenting the MMIW crisis is to make its victims visible as people who matter, then numbers are not the only effective way of doing this. Among families of disappeared and murdered Indigenous women, there is deep concern with the transformation of women’s lives into numbers. The phrases “not just a statistic” or “not just another missing woman” arise frequently when families and friends speak about the loss of their mothers, sisters, daughters, and aunts. The concern behind these expressions point to the simplifications that numbers generate: rather than enunciating individual lives, the numbers generated by reports and databases re-present women as instances of a series characterized by the shared circumstances of violation. As Merry notes, quantification creates truth, not by fictional fabrications, but as “a particular way of dividing up and making known one reality among many possibilities” (Merry 2016, 5). The preference for number and quantitative visibilities within the bureaucratic tradition insists upon truths created through specific techniques of dividing up and making reality known. Such techniques operate in coordination with other settler colonial ways of seeing—namely, the reiteration of the flattening categories of the Indian Act.

The Indian Act and related techniques of documentation aimed to “dis-member” Indigenous communities by rendering Indigenous peoples exclusively visible as individual, governable “Indian” subjects (Milloy 2008, 5). Commenting on contemporary surveillance practices, David Lyon argues that this work involves the “data-dissection of the body and its re-membering in sometimes grotesque data doubles” (Lyon 2010, 331). Similarly, statistics have the capacity to further dis-member and dissect individuals into variable instances of risk or victimization. Statistics-driven documents re-member the dissected bodies of disappeared and murdered Indigenous women in ways that detach
women from the broader relational and colonial contexts of their lives, reconstituting them as solely victims of crime. NWAC’s Sisters in Spirit database and reports incorporate life stories into statistical analyses in order to create a broader context both for memorializing women and for interpreting the colonial structures that conditioned their lives and deaths. In departing from numbers altogether, art works like *Vigil* and *Walking With Our Sisters* make present the relational context of women’s lives and insistently make their lives visible as lives that matter.

None of these projects is a panacea. Indeed, finding a singular technique for making the MMIW crisis visible is not the goal. Taken together, however, these different Indigenous-led practices of documenting the crisis and its magnitude contribute to a more complex image of the crisis. Statistics may indeed be effective in generating accounts of how many women have been disappeared and murdered; however, such accounts can be used to profoundly limit the visibility of the constant threats of violation, degradation, and annihilation that impinge upon Indigenous women’s lives or the impacts of their deaths on families and communities. Responding to the view of reality made accessible by the numerical frames discussed in previous sections of this chapter, *Vigil* and *Walking With Our Sisters* divide up and make known a different reality than the one made visible by settler colonial ways of seeing or even by the documentary work of NWAC and other organizations. These artistic projects each engage the dilemma of numerical representation by making visible the context of individual losses of life as well as the collective magnitude of this violence. Instead of conforming to the distancing aesthetics of austere body counts, these representations of MMIW interrupt numbers with stories, performance, and ceremony to generate a knowledge that resists the narrow limits of bureaucratic personhood reinscribed by statistical re-presentations. These resistive representations assert the violent loss of Indigenous women’s lives as a connected to still ongoing practices of settler colonization and genocide. Rather than calling for further state intervention in the lives of Indigenous peoples, these projects make visible the magnitude of the MMIW crisis while resisting the politics of classification and counting that structures settler colonialism in Canada.
Conclusion

In the process of writing of this dissertation, grammar was a frequent source of frustration. I found myself slipping between verb tenses in describing the claims of legislation and processes of documentation. How does one write about the past in the past tense when it is not only in the past but still active in the present and threatens to remain active in the future? The definition of “Indian” was defined in the 1876 Indian Act, but the narrow frame of Indigenous visibility the Act codified is a frame still active today, it still defines and codifies “Indian” life in the present. The visibility of “Indian” life in the future hinges on the repetition or disruption of the frames deployed in 1876, amended throughout the 20th century, and still active in the first decades of the 21st century. Marking the historical specificity of Indian Act legislation and amendments and the development of documentary techniques deployed to literalize the category of “status Indian” while also emphasizing the continuity of settler colonial efforts to define, categorize, enumerate, and govern Indigenous lives in the interest of their elimination requires constant shifting between pasts and present. The strain of a past that is not yet past returned time and again in the writing process, not only in the repeated violence of historical definitions made present in the documentation of Indigenous life, but in my seeming inability to communicate this process within the basic rules of English grammar.

Settler colonial ways of seeing that structure the visibility of Indigenous life and the authority that the Canadian state and its agents assert over the definition of “Indian” identity are grounded in 19th century legislation and are still active in contemporary Canada. The Canadian federal government’s claimed authority over the frames through which Indigenous life becomes visible is not a vestigial organ of the colonial past waiting to be shed in this so-called time of reconciliation. Today, settler colonial sovereign power is still actively involved in the adjudication of Indigenous identity. In a recent example, agents of Indigenous and Northern Affairs Canada (INAC) sent letters to 10,512 members of the Qaliput First Nation informing them that they had not reached the

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1 I am endlessly grateful to the generous attention Pauline Wakeham has paid to correcting my endless slips and slides between verb tenses through the many drafts she has read.
required threshold for membership and that their registration under the Indian Act and status cards granted in 2008 would be rescinded.\(^2\) A landless Mi’kmaq band in southern Newfoundland recognized under the Indian Act in 2008, the Qaliput First Nation has been subject to a point system devised to adjudicate applications for band membership. Developed by six INAC officials and six representatives of the Federation of Newfoundland Indians, the point system departed from the definition of “Indian” under Section 6 of the Indian Act and included a high threshold for community connection that is nearly impossible to meet for individuals not living in Mi’kmaq communities. As Tanya Talaga (2017) reports, the outcome of the Qaliput membership decisions made by INAC under the new point system has divided families and tends toward the exclusion of young people who have left isolated Mi’kmaq communities to seek education and employment. The Qaliput case demonstrates the flexibility of settler colonial techniques for governing the visibility of Indigenous lives. Developed in order to constrain the frames through which a newly recognized, growing community of “Indians” could become visible, this point system restricts who might become visible and re-asserts the Indian Register as the sole site of authorizing “Indian” identity. While representatives of the Federation of Newfoundland Indians were involved in the negotiation of the point system, leaders in the Qaliput community have critiqued the system and its divisive effects (Talaga 2017, np). While introducing a different technique for registration, the Qaliput point system reiterates the settler colonial state and INAC agents as the source of authority over “Indian” identity and reasserts the task of “community dismemberment” (Milloy 2008, 5).

Over the course of four chapters, this dissertation has developed the argument that agents of settler colonial governance in Canada have rendered Indigenous peoples and nations visible through the narrow, flattening category of “Indian”. The documentary governance of Indigenous life in Canada that was made explicit in the codification of

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\(^2\) The 10,512 Qaliput members who lost status under the point system are part of a larger group of 68,134 rejected applications for registration. Of the 101,000 individuals who applied for membership under the point system—an enrollment drive that began in November 2012 and concluded June 30, 2016—only 18,044 applications were granted registration. My discussion of the Qaliput membership issue draws on Tanya Talaga’s (2017) reporting for the Toronto Star.
“Indian” under the 1876 Indian Act is still active in the 2017 Qaliput registration decisions. The governed visibility of Indigenous life from the mid-19th century to the contemporary moment, I have argued, is a function of settler colonial ways of seeing. While settler colonial ways of seeing are at work in a broad range of bureaucratic representations of Indigenous lands, lives, and nations, I have limited the scope of this dissertation to federal processes of “Indian” identity documentation. The definition and documentation of “Indian” identity, I suggest, is a potent site of settler colonial sovereignty. The study of this process and the many techniques involved yields insight into how settler colonial ways of seeing has repeatedly rendered Indigenous nations and lives visible as so-called “problems” within the political vision for Canada, as a new settler polity. At the heart of these ways of seeing and their related techniques of representation was the aspiration of settler colonial state agents to assert a singular vision of the territory and peoples they claim sovereignty over by insisting on engaging with static, homogenized, governable “Indians”. But, as this dissertation demonstrates, this desire has never successfully erased the presence of Indigenous nations or their claims to self-determination, but has also been met by continuous resistance by Indigenous nations, scholars, and artists.

The techniques of categorizing, counting, and rendering visible Indigenous lives as abstract “Indians” analyzed in each of these four chapters are, nevertheless, incomplete. The codification of “Indian status” in the Indian Act and the techniques that have literalized the Act’s narrow frames have indeed impinged upon Indigenous lives and strained, torqued, and fractured relations between communities and families. And yet, these settler techniques for governing the visibility of Indigenous lives have always been resisted. There are a great many dissertations left to be written which might fully catalogue all techniques of resistance, but this dissertation has engaged the resistance of several Indigenous artists who have created works that counter-document the violence of state practices of documentation and settler colonial ways of seeing. A common thread connecting the six artworks that I have analyzed is the documentation of both the ways that settler techniques of identity documentation aim to constrain and aim to erase the visibility of Indigenous life. Further, these works disrupt the aesthetic vision of settler colonialism. By asserting Indigenous life and Indigenous presence through customary
practices, such as beading, or the marking of relations in the calling of names and the self-authorization of identities, these works disrupt the field of the sensible, the thinkable, and the visible. In a recent essay on Black photography and the relationship between vision and justice, Sarah Lewis argues that artwork can establish opening to new forms of political relations, that their aesthetic force can “create a clear line forward, and an alternate route to choose” (2016, 14). The aesthetic force of the artworks analyzed in the preceding chapters also present clear lines forward, and away from the delimited, eliminationist gaze of the state. They assert ways of seeing that refuse the narrow frames of settler colonial agents and instead mark Indigenous life as fully present, mattering, and self-determining.

By bringing together legislation, paperwork, and art and analyzing each through the lenses of visual studies, sovereignty, and documentary technique, I have developed this dissertation as interdisciplinary in its objects, theoretical framework, and methods. Researching and writing across disciplines is a fraught business: the findings of one mode of scholarship can be schematically represented in the terms of another, the specificity of one discipline’s theories can often be sacrificed in the process of making them converse with the ideas of other modes of though, vast territories of knowledge are abridged into maps that might be intelligible to a diversity of readers. While attempting to preserve historical and theoretical specificity, I have also written this dissertation in a way that I hope will be useful to a range of audiences and political ends.

I hope that my analysis of settler colonial politics and documentary techniques will contribute towards building a bridge between political theory and media studies scholars. The granular work of defining and documenting “Indian” identity is not just the repeated attempt to assert sovereign power over Indigenous nations, but is a process of reproducing settler colonial sovereignty itself. At the granular level of documentation, the settler state both re-presents to itself those peoples it seeks to colonize and re-presents itself as the seeing subject. In making up “Indians”, the Indian Act and other techniques of governance through identity documentation have created the conditions necessary for making up and making visible “Canadians” and “Canada” itself. My analysis of how the settler state sees its objects of colonial government and itself has aimed to make visible
the ways that sovereign power secures its reproduction through documentation, as well as the powerful role that paperwork plays in governing and often strangulating the lives of Indigenous peoples in Canada.

My research did not involve interviews or visits to urban or reserve communities. I was not asked to do this research and thus did not approach Indigenous peoples to elicit their stories of struggle to be recognized under settler colonial law. Such stories are not mine to tell. Focusing my attention on the definitions and documents generated by the Canadian federal bureaucracy, I have sought to make clear the indirect violence of settler colonial governance without trying to extract further stories of individual harm. The harms of—and resistances to—colonial techniques for governing Indigenous identity is well represented in the work of the many Indigenous scholars whose work I have engaged. I hope that settler readers and Canadian citizens will take from this research a clearer sense of how techniques of documenting and governing “Indian” identities contribute to a way of seeing that renders Indigenous peoples invisible as self-determining, sovereign nations with who we are treaty partners. Further, I hope that my theorization of settler colonial ways of seeing—a concept grounded in the work of Indigenous scholars like Audra Simpson—will be a useful tool in identifying and critiquing other techniques enacted to implement and protect the systems of private property, white supremacy, and assimilation and elimination that have contributed to creating the conditions of possibility for Canada, “a racially stratified capitalist economy and colonial state” (Coulthard 2007, 446).

Beyond recognizing the violence of colonial documentary techniques, I hope that Indigenous readers might also find resemblance between the disruptions enacted by the artworks I have included throughout the dissertation and strains of resistance active in their own lives and communities. By refusing the definitions and techniques generated by settler law, these works disrupt the colonial field of the sensible and introduce self-authored and self-authorizing frames of Indigenous identity. These artworks, coupled with the insights of Glen Coulthard, Pamela Palmater, Bonita Lawrence, and other Indigenous scholars that centrally inform my critique of the Canadian settler state, make visible the operations of settler colonial ways of seeing. The Indigenous scholarship and
artwork central to this dissertation illustrate the kinds of “utter opposition to and struggle against the state” that, as Simpson argues, colonial representations have long sought to render imperceptible to settler “terms of even being seen” (2007, 68-9). More than a method for engaging multiple critiques of settler colonial policy, the Indigenous scholarship and artworks central to this dissertation present alternative ways of seeing that make visible self-defining and self-determining nations.

Lastly, the work of this dissertation has been oriented to the practical work of decolonization. Though informed by a commitment to decolonization as a process that centrally involves the massive transfer of land and resources back to Indigenous nations, this dissertation is more involved in the question of reckoning with historical inheritances than of policy prescriptions. Dian Million writes that, “to ‘decolonize’ means to understand as fully as possible the forms colonialism takes in our own times” (2009, 15). In this vein, I have aimed to clarify the many indirect forms of violence embedded in documentary processes that are often buried in the clutter of bureaucratic banality. Tracing the shifting definitions of “Indian” identity, the restrictive frames that disrupt and flatten Indigenous life, and that seek to silence claims to self-determination and sovereign nationhood has not only been a process of making visible settler colonial ways of seeing. It has also been a process of trying to understand as fully as possible how the process of making “Indians” visible and Indigenous nations and their claims invisible continue to be a condition of possibility for reproducing the political vision for settler life in Canada.

Towards the ongoing work of decolonization then, this dissertation has aimed to make visible the historical and contemporary techniques involved in transforming sovereign Indigenous nations into a so-called “Indian problem”—traceable through documentation—and to articulate how this transformation has been and continues to be a condition of possibility for settler colonial Canada. By centering Indigenous scholarship and artwork in this critique, I have tried to model a decolonial approach to settler colonial studies that analyzes state practices in ways that do not exclusively emphasize the work of the state and settler knowledge. Through both their intellectual and affective force, the Indigenous ways of seeing at work in the scholarship and artworks analyzed in this
dissertation create a clear line forward, out of settler colonial ways of seeing and perhaps into new self-authored terms of being seen for Indigenous peoples, nations, and lands.

The line forward, then, must also include further study of ways of seeing and the transformative re-presentations involved in techniques of sight, bureaucratic or otherwise. Seeing and re-presentation can be violent—the violence of administrative paper cuts traced throughout this dissertation—but it can also be affirmative, restorative, and regenerative. Developing new ways of seeing is a crucial challenge to be undertaken at the levels of scholarship, techniques of representation, and even state policy. This will necessarily involve establishing new frames through which Indigenous life can become visible to the Canadian state agents and citizens. As Judith Butler describes, we need “ways of framing that will bring the human into view in its frailty and precariousness, that will allow us to stand for the value and dignity of human life, to react with outrage when lives are degraded or eviscerated without regard for their value as lives” (2009: 77). Such framing work cannot be determined by the settler colonial state or its official and unofficial agents and cannot be a mere extension of multicultural recognition. Rather, the practical work of decolonization sometimes means settlers stepping aside, contributing required resources without asserting settler prerogatives, and accepting that the goals of Indigenous nations will not always align with those of the Canadian state.

To be sure, it is the responsibility of colonial state actors to begin dismantling the frames, techniques, and other functions of ways of seeing that have served the direct and indirect violence of settler colonial governance. However, this dismantling and the work of developing new frames that render Indigenous lives and nations on their own terms—as fully present, fully mattering, and fully sovereign—cannot be established without the central involvement of a wide range of Indigenous peoples. The line forward, then, requires a willingness to look for and engage that which settler colonial governance has long wished to render unseen: the presence, alterity, and sovereignty of Indigenous peoples and nations.


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