

Legislating Race, Grammars of Patriarchy Citizenship, Statelessness, and Velma Demerson's *Incorrigible*

Velma Demerson's *Incorrigible* (2004) offers a point of reflection for thinking about the racialized history of citizenship in Canada. Indeed, The Strengthening Canadian Citizenship Act (Bill C-24), which received Royal Assent on June 19, 2014, calls on us to historicize the language, conceptual limits, and losses of citizenship. Widely criticized for its redefinition of citizenship as a privilege rather than a right and its construction of a second-class category of citizens, Bill C-24 returns us to the historical production of Canadian citizenship and its legacies of disenfranchisement and loss. Demerson's autobiographical narrative, about a young white woman who is incarcerated and experimented on because she has a Chinese fiancé, illuminates the paradoxes of this history. In 1939, Demerson is charged for being "incorrigible" under the Female Refuges Act¹ and eventually incarcerated at the Andrew Mercer Reformatory for Women in Ontario.² When she later marries her fiancé, Demerson loses her Canadian citizenship; twelve years later, struggling with poverty and unemployment, Demerson and her husband lose custody of their son, Harry. The autobiography ultimately reveals Demerson's loss of both her husband and her son, the latter dying at the age of twenty-six. Indeed, Demerson's life is variably bound to and torn from these two family members, as she experiences devastating losses of legal and social identity. The year 2014 also brings Demerson's story full circle: Bill C-24 implemented changes to existing citizenship law in order to grant citizenship to those who lost their citizenship as a result of the 1946 Citizenship Act, which produced the category of Lost Canadians³ that Demerson, too, was a part of until 2004.

And yet, the act also gives new life to categories of exclusion⁴ bearing an eerie resemblance to Demerson's and Harry's peculiar narratives of citizenship. By examining how the frames of citizenship and biopolitics come together in mediating Demerson's relationship with her son Harry, I suggest that these frames ultimately produce conflicting and unanticipated narratives about political subjectivity, racial identity, social death,⁵ and citizenship. Offering insight into the socio-political, medical, and legal regulation of women's bodies in the first half of the twentieth century, *Incorrigible* calls attention to the ways that citizenship and statelessness are racially legislated through the grammar of patriarchy.⁶

Experimental Bodies and Social Conditioning

The conundrum of the medical treatments and experiments conducted on Demerson must be considered precisely in the context of the racialized nature of her pregnancy. In what follows, I thus examine how these practices of medicalization estrange Demerson from her own body, complicating her relationship to her pregnancy and her son. Since Harry is racialized even before birth, the unborn child's ontological status (as half-Asian) calls into question Demerson's access to social legitimacy. And after his birth, Harry becomes a prime target of state regulation and biopolitical control. This status becomes quite clear through the ways in which Demerson and Harry are caught in the matrix of shifting definitions of citizenship at the time. Demerson applies for a passport in 1949 only to discover that she lost her citizenship upon her marriage to a foreigner. Harry, however, retains his citizenship status, and this, paradoxically, enables him to move both within as well as outside of the nation-state.

In the autobiography, Demerson catalogues the different treatments she undergoes during her eleven-month stay at the Mercer. As she explains, "The type of medical procedure we undergo is degrading and none of us knows what the other endures. Only the older women are unafraid to use medical words with their ominous meanings" (105). Later she notes, "Dr. Guest would have had to examine over three hundred Mercer women the year the Belmont girls arrived. It's likely she spent more time on Helga and me than on the others. I underwent weekly treatments for over two months in surgery, injections, and chemical applications" (163). According to the records she later acquires from the Ontario archives, Demerson not only endures a series of painful treatments for gonorrhoea, but after Harry's birth, she is also asked to take pills whose effects were unknown to her, but

which she believes led to Harry's severe eczema (Demerson 91; Backhouse 121). As historian Constance Backhouse explains, Dr. Guest "was committed to studying the Mercer inmates as research subjects for the advancement of medical knowledge" (109). Demerson also notes that when Guest "first became a physician at the Mercer, gonorrhoea statistics for the women there rose to 47 percent from 26 percent in the previous year" (161). This rise in statistics is consistent with the fact that "the treatment and medicalization of women's criminality blossomed as never before" at the Mercer⁷ in the mid-twentieth century (Ruemper 369).⁸

Historicizing her experiences through Dr. Guest's career, Demerson provides invaluable insight into the everyday medical administration of social hygiene. In their account of colonial science, Jordan Goodman, Anthony McElligott, and Lara Marks observe that as the "boundary between science and the state was becoming progressively blurred" in the beginning of the twentieth century, so, too, did "medical science [become] a constitutive force in the creation of a 'knowledge society' built around the functionality of the body" (5). Elaborating further, they explain that the discourse of racial hygiene was not only "invented by medical science," but that modern science's exploration of the human body mimicked the imperial narrative of expansion and "exploration" (5, 2). Demerson's autobiography reveals a similar link between the expansion of colonial science into the lives of young women and the expression of racial hygiene in the workings of colonial science.

Interracial crossing and questions about the viability of the foetus all converge rather startlingly in the fraught sites and moments of experimentation, as well as in their aftermath. In an interview with Backhouse, Demerson speculates that Dr. Guest selects her for the medical treatments because she is pregnant with a mixed-race child: "I'm positive she was conducting experiments. She [may have felt] justified in her experiment because [she thought my] baby was going to be feeble-minded anyway, defective. Was her main objective to kill the baby all along?" (*Carnal* 120-21). Guest's disregard for Demerson's pregnancy, perhaps, explains why she administered sulphanilamide to Demerson, in spite of controversy at the time regarding the drug's harmful effects (355). When Demerson reflects on her 1939 pregnancy, she recalls,

My environment has taken over my entire being. . . . My heaving body has separated me from others. I feel like an animal that needs reprieve from suffering. No one ever told me that I'm carrying a human being inside me and I don't acknowledge its existence. There's a silent conspiracy to undermine that reality since I have antagonized the state by my monstrous behaviour. (17)

In this scenario, Demerson reads her pregnancy as a measure of the state's intrusion into her life, referencing a shifting index of meaning with respect to the pregnant body as a social entity. In these lines, the narrator conveys a number of striking shifts in her sense of bodily habitus, the entire grammar of cognitive and affective dispositions that encompasses her subjection. She tells us that her spatial and social isolation from others denies her access to the longings and loyalties that bound her to her fiancé and that could have, in turn, bound her to her unborn child. Indeed, her "loyalties have dissolved in a sea of turmoil," subsumed by her vulnerability and "lack of access to [her] physical needs" (17). The condition of captivity reconfigures Demerson's relation to her own body as well as her intimate social relations. She maintains that she "was not born in captivity" (17), but the experience of confinement reduces her to her body's physicality, and rewrites her corporeal and affective disposition toward others.

The register of estrangement that the above passage tracks is thus significant because it occurs at the level of the *pregnant* body and shows the extent to which pregnancy is a social process. In another insightful moment, Demerson asserts that the lack of social recognition of her pregnancy facilitates an inability on her part to also acknowledge the impending birth of her child. Indeed, her own mother fails to mention the baby upon her visit to the Mercer: "[My mother] must be aware I'll be going into hospital soon to give birth but this isn't discussed. The word *baby* is never mentioned. I don't think about it either. I don't anticipate the future. I exist only for myself in the present. I have no feelings but fear" (75-76). Demerson attempts to inform her mother of the excruciating pain she experiences during the medical procedures, but her plea for help falls on deaf ears, a sign of her family's complicity in her incarceration: "I'm accustomed to [my mother's] digressions—she acts as though she doesn't hear me. My suffering probably adds to her expectation that I'll have a miscarriage or the baby won't be born alive" (71). Significantly, Demerson connects her mother's deliberate silences on the topic of the unborn child to the hope that the baby will not survive. In this respect, *Incorrigible* is instructive because it reveals how the racialized half-Asian foetus is socially cast as a nonentity, its life and liveability preordained by norms of recognition that place Demerson's pregnant body outside of the dominant social and political order.

In moving metaphorically between the animal, the human, and the monster, Demerson questions how the pregnant body becomes the site where shifting ideas about humanness and the nonhuman come together. It is telling that

Demerson foregrounds the feeling of *feeling like an animal* because, as Lynda Birke indicates, “women have long been denigrated by animal epithets . . . mostly loaded with loathing” (430). The association of women’s bodies with animality is an old one, recycled and repackaged time and again. Unsurprisingly, the animal, also understood as a biological entity, relocates women as biological subjects in patriarchal discourse. In a parallel vein, Margrit Shildrick also observes that monstrosity came to connote morphological difference for both women and racial others (2-6, 12). Demerson, however, introduces an important distinction between animality and monstrosity: she associates her body (a biological entity) with animality, and her actions (“immoral” conduct) with monstrosity. The suggestion in *Incorrigible* is that monstrosity is rooted in conduct, and pregnancy is the sign, the symbolic effect, as it were, of the narrator’s behaviour. Thus, by characterizing her body in animalistic terms and her behaviour as monstrous, the narrator also marks her double displacement from the human.

The racialized relation of Demerson to her child is significant because it also hails Harry into the world, conditioning the formative scenes of his entry into subjecthood. The spectre of disease and physical injury haunts Harry from the very beginning, and the circumstances of his botched circumcision and the severe eczema he develops as an infant can both be traced back to Dr. Guest and the various medical treatments and experiments Demerson undergoes. The language of eugenics recasts his ability to survive and indeed, to live. One doctor asserts that Harry “should never have been born” (135). As a kind of phantom figure in the narrative, whose birth, life, and even death remain shrouded in mystery, Harry thus comes to the fore from within the text most remarkably as the figure without language, the child who is shuttled between parents and institutions and whose narrative emerges from the interstices of the text. He spends his adolescent years in the foster care system and drowns at the age of twenty-six. In the text, this death represents a relation that cannot be recovered and an account that cannot be given: he haunts the pages of the book as an irrecoverable subjectivity.

The Paradoxes of Racially Bound Citizenship

The violent legacies of modern citizenship continue to resurface in debates today about the values of birthright citizenship, belonging, and statelessness. The Canadian conception of citizenship emerged through the colonization and displacement of Indigenous peoples and through the historic exclusion

of racialized minority groups. And yet, this history is not history per se, for the exclusions of citizenship continue to be relegislated today, and debates over the tightening of citizenship law continue to resurface. Bill C-24, introduced in the House of Commons by the government in February 2014, is the most recent incarnation of such debates, and now as a law, it drastically limits individuals' access to citizenship. Its many stipulations include a citizenship revocation clause and stricter language and knowledge tests; these resonate with earlier forms of nationality and citizenship law in Canada, which also legislated citizenship through a similar language of dispossession. Critics contend that Bill C-24 transforms citizenship into a privilege rather than a right, making it harder to get, and easier to lose (Macklin 23). As Audrey Macklin points out, the revocation clause in Bill C-24 is nothing new: "revocation power was used to target foreign-born labour activists for expulsion during the anti-communist crackdown in the early 1930s. Near the end of World War Two, the Liberal government enacted a scheme to 'repatriate' (deport) to Japan thousands of Canadian citizens and non-citizens of Japanese descent. . . . This entailed, among other things, denationalizing citizens by birth and naturalization" (21). Situated in this history, Bill C-24 mobilizes anti-terror rhetoric for the purposes of criminalizing residents through citizenship. A repetition with a difference, the 2014 law is illuminated by a turn to the first decades of the twentieth century and Demerson's narrative about citizenship, dispossession, and loss.

In *Homo Sacer: Sovereign Power and Bare Life*, Giorgio Agamben interrogates the biopolitical processes through which some bodies cease to be politically relevant (139), questioning, "What is the status of the living body that seems no longer to belong to the world of the living?" (97). A limit on who gets to belong, Agamben argues, is the founding principle of modern societies (100). According to Agamben's formulation, nation-states employ the principle of exception to simultaneously ingest and regurgitate those who become its threshold subjects. This regulatory principle brings two categories into being: one designating natural rights, the rights that pertain, properly speaking, to all human beings, and consistent with the simple fact that humans are born and exist; and the second conferring the rights and privileges of belonging to a given place.

And yet, *Incorrigible* revises Agamben's query, posing the following question instead: what is the status of the living body that *returns* to the world of the living—the status of the subject who politically contests and reclaims the rights of citizenship? What does this return illuminate about

the threshold between the politically alive and the politically dead? The trajectory of Demerson's narrative reflects how Agamben's principle of exception is not outside of time or space, but continually adopts new criteria for inclusion and exclusion. In particular, *Incorrigible* allows us to explore the excesses of biopolitics. These excesses are generated when the lines of race intersect with those of gender, producing conflicting narratives about legal and political identity, citizenship, loss, and disenfranchisement. The autobiography's publication, for instance, follows Demerson's legal and political battle for apology, redress, and compensation in a two-year process of negotiation with the Ontario government.⁹ Demerson's story of political agency asks us to look more closely at the racialized logic of citizenship discourse at the time and its production of unlikely and capricious forms of social and political life and death.

Agamben's argument brings to mind the history of Canadian immigration and the state's regulation of its borders through its use of Chinese labour. While feeding its economic need for railway workers, for instance, the Canadian nation-state delimited the Chinese Canadian claim to belonging through a set of legal exclusions. One such measure—the Chinese head tax—adopted under the Chinese Immigration Act in 1885, functioned through the principles of exception described by Agamben. Legislation on Chinese immigration shifted between the years 1885 and 1924, but while the head tax was a pretext for allowing the influx of Chinese labourers it sought to disallow, the 1924 legislation almost completely prohibited Chinese immigration, even as it presumably allowed the entry of “desirable” immigrants. Explaining how the policy shifted over time, Lily Cho notes that the head tax was paid in advance by labour brokers and ship captains. In this system of indenture, labourers were not required to pay the full amount at their initial arrival in Canada; that they were required to repay their labour brokers and ship captains only later meant that, although politicians introduced the head tax as a system that would prevent Chinese immigration, the legislation's outcome was the opposite of its stated intention (72-73): it “facilitate[d] the entry of more Chinese immigrants” (72). In fact, even as the House of Commons increased the head tax first in 1900 and then in 1903, Chinese immigration was on the rise during these years; this statistic is accounted for by a system of indenture that accommodated the need for Chinese labour (73). Interestingly enough, the 1885 legislation contrasts with the 1924 Chinese Immigration Act, which put a stop to virtually all Chinese immigration, but was framed in very different terms: that of permitting

only “desirable Chinese, merchants and students” into the country (73). Supposedly restricting the immigration of only Chinese *labourers*, the 1924 legislation effectively curtailed all Chinese immigration for the next twenty-five years (75): the “head tax functioned as a policy of inclusion under the rhetoric of exclusion, and [eventually] exclusion in 1924 came into legislation under Mackenzie King’s rhetoric of liberal inclusion” (“Rereading Chinese” 76). Changes to Chinese immigration legislation consequently reveal how policies of inclusion and exclusion fold into each other, one becoming the *modus operandi* for the other.

Such acts of legal racialization produced their own states of exception, but what is striking is that a definition of Canadian citizenship first emerged from immigration policy, rather than directly from Canadian citizenship law. Under the Revised Statutes of the 1910 Immigration Act, the term “Canadian citizen” referred to “a person born in Canada who has not become an alien” or “a British subject who has Canadian domicile” (2065); an alien was anyone who was not a British subject (2065). As Sarah Buhler observes, “‘citizenship’ terminology” was used in the 1910 Act to construct the notion of “alien” (95). Along with providing this definition of “citizen,” this statute also outlined the infamous Continuous Journey clause. The passage that follows restricts the landing of immigrants considered “unsuitable” for Canada’s political, socio-cultural, and climatic environment:

The Governor in Council may . . . prohibit or limit . . . the landing in Canada . . . of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation . . . or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational . . . or other requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship. (2083)

The above passage racializes the notion of Canadian citizenship, using the thinly veiled language of “unsuitability” to consolidate the country’s dominant racial identity around whiteness. That citizenship is defined in legislation about *immigration* illustrates the extent to which Canadian citizenship has been based on racialization from its early inception, defined and policed through immigration law.

Prior to 1947, the legal status of Canadian citizenship was based on British citizenship law. It was only when the Citizenship Act of 1946 came into force in 1947 that the nation-state properly conferred citizenship status on Canadian subjects. However, Demerson’s loss of citizenship status highlights

how the 1947 Act put various race- and gender-based exclusions into place. As I have already discussed, Demerson and her unborn child share a connection that vicariously racializes each in relation to the other, a relation from which each is hailed by the medical and legal establishments of the day. This relation is once again reconfigured, however, upon the child's birth and Demerson's subsequent marriage to Harry's father. Legally speaking, the formal union results in the loss of Demerson's citizenship status, adding another layer to her narrative of loss and dispossession. And yet, this family's citizenship status is far more complex than even this articulation of loss might suggest. The 1940s were rife with meaning in this regard. Demerson's case illustrates how these years were a time of incredible flux with respect to who was excluded from citizenship. When Demerson learns of her loss of citizenship a mere two years after the act came into effect, we also discover that she became a stateless person because she married a Chinese man in 1940; she remained stateless until 2004.

The 1947 Citizenship Act belongs to the same pool of legislation that policed racial relations through the grammar of patriarchy. Sandra Chu points out that, "While the *Exclusion Act* was repealed in 1947, racist restrictions on the immigration of Chinese persons continued until the early 1960s. This legislative activity reflected a wider pattern of anti-Asian public policy in Canada" (404). As Chu avers, the intent of these laws was to prevent the reproduction of the Chinese Canadian community. Thus, despite the notable absence of anti-miscegenation laws in Canada, "an informal and extra-legal regime ensured that the social taboo of racial intermixing was [also] kept to a minimum" (Thompson 354). In addition to forms of social policing, interracial relations were regulated indirectly through a whole host of other legislative acts, such as the Female Refuges Act mentioned earlier, and the nationality and citizenship laws that both Demerson and Harry are subjected to.

Demerson's story reflects on the losses that accompany the loss of a legal identity, and the restrictions such a loss imposed on her mobility and her ability to lay claim to her own life. But even more importantly, *Incorrigible* also demonstrates how such losses define and delimit the *multiple* status of family members, and their displacement and disenfranchisement in relation to one another. As Lois Harder and Lyubov Zhyznomirska explain, "[k]inship rules of national membership keep us in our place, they let us know what our place is, and they underscore what it means to be 'out of place'" (313). What is unique to Demerson's story of citizenship is that a set of competing laws comes into play in legislating both Demerson and her

son's citizenship statuses. Harry is born in October 1939 (Demerson 163). Demerson's marriage takes place months later in 1940 (115). The hiatus between Harry's birth and Demerson's marriage generates a set of conflicting meanings about who belongs and when, and according to which law.

Demerson only learns of her loss of citizenship from an RCMP official years later in 1949 when she attempts to procure a Canadian passport. For the purposes of exploring the particulars of nationality law during this time, I thereby focus primarily on the decade beginning with Harry Junior's birth and ending with Demerson's application for a passport in 1949: "because my husband is a Chinese National [I am told] I am a citizen of China by marriage. He writes down 'Chinese citizen.' Then . . . [he] takes my hand and presses my little finger on a pad and moves it to another for imprinting, which he also does with every finger" (139). The officer takes an impression of each of Demerson's fingers, marking the narrator's bodily trace into the identifying papers. In this moment, the officer retrospectively authorizes the 1914 Act respecting British Nationality, Naturalization and Aliens, which classified a woman's citizenship under that of her husband. The wording of the Naturalization Act is as follows: "The expression 'disability' means the status of being a married woman, or a minor, lunatic or idiot" (298). Placing married women under the category of "disability," the statute further defines the national status of a married woman in the following way: "The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien" (292). The officer's claim is based on the fact that Demerson lost her British nationality upon her marriage to a Chinese national, as stipulated by the 1914 Act. Thirty-three years later, this loss of nationality would have been re-codified in law as a *loss of citizenship* by the Citizenship Act. The 1946 bill also stipulated that a person would be taken to be a "natural-born Canadian citizen" if "he" was born in Canada or on a Canadian ship and *has not become an alien at the commencement of this Act* (68). As its language reveals, the Citizenship Act upholds and in fact, re-enacts the precedent established by the earlier statute, re-entrenching the patriarchal logic of the earlier legislation.

To return to *Incorrigible*, the RCMP officer also reinforces the Naturalization Act by closing another legal loophole for Demerson. The official asks Demerson to sign a Declaration of Intention which, she believes, is an application for citizenship (139). This declaration, however, when read alongside the language of both the Naturalization Act and the Citizenship Act, is likely a Declaration for the *renunciation* of Canadian citizenship (293, 73).

The wording of the Citizenship Act suggests that natural-born Canadian citizens may also renounce their citizenship if they become citizens of another country through the laws of that nation:

17. (1) Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he shall thereupon cease to be a Canadian citizen. (73)

The above clause stipulates that an individual who becomes a national of another country through marriage may renounce “his” Canadian citizenship. Following up on the officer’s statement that she is now a Chinese national, Demerson subsequently heads to the Chinese embassy to apply for a Chinese passport. But her request is ignored by an official there as well, who is mainly puzzled by the young woman’s application (139). The embassy’s noncommittal response to the request not only counters the Canadian official’s claim that Demerson became a Chinese national through marriage, but also reflects the production of an entire category of stateless people through the Canadian Citizenship Act. Unable to acquire a passport from either country, the narrator travels to Vancouver to reapply for a Canadian passport under her maiden name (139). In this instance, Demerson’s acts of citizenship indicate a set of practices and counter-practices with respect to the narrator’s personal history of citizenship and disenfranchisement, one that also highlights her resourcefulness in negotiating both the claims of citizenship and the address of the law.¹⁰

Since citizenship is crucially about the sorts of claims and rights we may have as citizens, it also raises questions about how we come to belong (or not belong) as individuals to a designated state. In reading this as a narrative about the paradoxes of racially bound citizenship, I take my cue here from Judith Butler’s discussion of the contingencies of dispossession and her suggestion that “we are not only constituted by our relations but also dispossessed by them” (*Prekarious* 24). For Butler, this means that we are compelled to assert our autonomy in the political sphere, but that the assertion of this autonomy is nevertheless always-already insufficient: “when we hear about ‘rights,’ we understand them as pertaining to individuals. . . . And in that language and in that context, we have to present ourselves as bounded beings—distinct, recognizable, delineated, subjects before the law. . . . But perhaps we make a mistake if we take the definitions of who

we are, legally, to be adequate descriptions of what we are about" (24-25).

The experience of estrangement and defamiliarization, of loss and injury in *Incorrigible* makes this all the more clear. As the text suggests, Demerson becomes mired very quickly in the messiness of the law when she comes under its purview. The important point here is not just that Demerson inherits an affectively charged sense of dispossession, but also that she inherits a rights-based discourse of disenfranchisement that she hadn't been subject to before. This dispossession thus necessitates for Demerson a set of negotiations that would not have been possible, let alone imaginable, prior to her marriage.

By contrast, her son's example offers an even more ambiguous case study. In accordance with the Naturalization Act, he would have been a natural-born Canadian citizen, born on Canadian soil to a Canadian mother. But although Harry is born on Canadian soil, his legal status as a Canadian citizen would have come under contestation from the moment his parents married. According to the Naturalization Act,

Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country. (292-93)

The above clause stipulates that a child would lose his status as a British subject should his responsible parent also lose her status as a British national. Since Harry was born out of wedlock, his responsible parent was Demerson, and upon her marriage to a foreign national, Harry, too, would have become a Chinese national. This clause is reinforced by the 1946 Act:

18. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section sixteen or section seventeen of this Act, the child shall thereupon cease to be a Canadian citizen if he is or thereupon becomes, under the law of any other country, a national or citizen of that country. (73)

Mandating against dual citizenship, the clause dispossesses those who were born in Canada, but who might be considered citizens of another country. Although Chinese citizenship during the first half of the twentieth century was also indefinite, the principle of blood lineage (*jus sanguinis*) was used by the Qing dynasty to determine Chinese nationality in 1909 (Dan 12). Shao Dan observes how the "blood line principle, which transcend[ed] both temporal and spatial boundaries" caused nationality conflicts for Chinese people in the diaspora (21). Although both the Canadian and the Chinese legal definitions of citizenship are consistent when we examine Harry's case,

Incorrigible offers another take on what could otherwise have been a strict application of citizenship law; Demerson explicitly identifies Harry as a Canadian citizen in the autobiography.

To consider this further, it is necessary to examine how Demerson's familial narrative unfolds in the autobiography. In 1942, a series of events initiate Demerson's separation from her husband and son, triggering a pattern of displacement and precarity that unravels her family unit: Finding herself pregnant again, and unable to cope with memories of her previous pregnancy, Demerson turns to her father to pay for an abortion; he asks her to return home in exchange for the money (127). Agreeing to this demand, Demerson moves to New Brunswick to work for her father; informing her husband that she will return, she leaves Harry in an Infants' Home in Toronto (127-128). In the years that follow, Harry is shuttled between Demerson, her husband, and the foster care system. In 1949, we find Demerson living on Church Street in a Chinese laundry in Toronto (135). Lew Yuen, the laundry's owner, offers Demerson and Harry rent-free shelter. Facing acute social alienation and the difficulties of handling Harry's extreme asthma and eczema, Demerson sends Harry to Hong Kong to live with Lew Yuen's sister, believing that this arrangement would both benefit Harry's health and help him learn the Chinese language; Harry's father also signs documents in agreement with Demerson's decision to move Harry (he travels to Hong Kong one month before his tenth birthday) (136-137).

There is public outcry, however, when both Chinese and Canadian reporters learn that Harry had not been received by anyone at the Hong Kong airport (136-37). One newspaper reminds its readers that Harry "is a Canadian despite his mixed-up parentage" (137). Eventually, Harry is united with his caretaker in Hong Kong, and Demerson follows Harry to Hong Kong months later on a Canadian passport in her maiden name. Upon reaching Hong Kong, Demerson proves that she is Harry's mother at the Canadian consulate, another indication that Harry's citizenship status is first defined through Canadian law (144). Harry's example thus suggests how in practice, citizenship was authorized for subjects through conflicting and ad hoc legal interpretations. Such practices can be related to two defining principles of citizenship, *jus soli* (Latin for right of soil, or birthplace) and *jus sanguinis* (Latin for right of blood, or rights granted through parental citizenship).

The 1946 Citizenship Act created a series of elisions that call into question the very principles of citizenship and in particular, highlight the contradictory role that the legal concepts of *jus soli* and *jus sanguinis*

played in shaping these prohibitions. As in many other countries, Canadian citizenship law is based on these twin principles.¹¹ Taken together, these concepts signify how the metaphor of birthright forms an origins-based narrative about civic life. Remnants of ancient notions of citizenship, they continue to play a formative role in contemporary forms of biopower. The two principles frame the concept of birthright, rooting citizenship in a lineage that gets passed on either through “land” or “blood” or both. In this respect, birthright also functions as a structuring myth that reifies citizenship as a dual practice of property rights and patriarchal lineage. In *Cradle of Liberty*, Caroline Levander writes that the child represents a racial narrative that is central to myths about national citizenship and “functions as the point of origin for the human” (6, 3). Like others, Levander stresses that modern citizenship is inaugurated through the birth of the child (7). Demerson and Harry’s respective citizenship statuses highlight the uncanny ways in which this myth of citizenship takes shape and showcase the contradictions of modern citizenship.

Ultimately, *Incorrigible* demonstrates how the principles of *jus soli* and *jus sanguinis* can be applied in racializing ways. Historian Christopher Lee explains that these legal principles “have acquired a central role in understandings of modern citizenship, and they continue to inform criteria for citizenship status in a number of countries” (“Jus Soli and Jus Sanguinis” 507). What especially distinguishes Demerson’s case, however, is that although she is stripped of her citizenship rights, the civic principle of *jus soli* adjudicates her son Harry’s right to citizenship: he becomes a Canadian citizen at birth since he is born on Canadian soil. In Canada, the birth of the child in the form of the citizen is a legal legacy that highlights the ironies of a racialized citizenship, which attempts to mandate against interracial marriages, but is legislated through the grammar of patriarchy. Specifically, this grammar is applied to Demerson, for whom this takes place through a legal regime that either appends women to their husband’s legal identity or else conflates them with his property. Certainly, Harry’s example is perhaps the more intriguing of the two because he retains his citizenship although his mother loses hers: together their examples show how a race-based concept of citizenship ends up sometimes permitting what it seeks to disallow, giving way to the losses and complexities of social, political, and legal identity. What’s more, narratives such as Demerson’s lead us to consider deeply the long-lasting implications of citizenship policy today—and the experiences of loss and dispossession, that the category of citizenship continues to give rise to.

- 1 A provision under the Ontario Female Refuges Act, the charge of incorrigibility (1919-1958) was used to label and punish the behaviour of young women who strayed across colour lines. See historian Joan Sangster's "Incarcerating 'Bad Girls'" for more detail (240, 275).
- 2 While at the Mercer, Demerson gives birth to Harry, a sickly child whose weakened condition was later acknowledged by the Ontario government to be the result of these experiments. As acknowledged in the apology she received from the Government of Ontario in 2001: "the government wishes to apologize for the adverse effects your incarceration undoubtedly had on your son, who was born to you while you were in custody" (*Incorrigible* 165).
- 3 The Lost Canadians were those who either lost or else were denied their citizenship as a result of discriminatory racist and patriarchal state policies. See, for example, Lois Harder's article "In Canada of all places: National Belonging and the Lost Canadians." The case of the Lost Canadians came to public attention in 2007 when the Western Hemisphere Travel Initiative (WHTI) required that Canadians and Americans carry passports when crossing the Canadian-American border (203); this initiative has been a part of the tightening of borders and security in the "war on terror" (204). Harder argues that the Lost Canadians garnered public sympathy because the rules of kinship belonging determine an individual's claim to Canadian citizenship. As Harder outlines, the case of the Lost Canadians not only established a strong connection to White European ancestry, "invok[ing] an organic connection to the nation—a blood tie," but it also set up an implied contrast with racialized non-white residents and citizens and their claims of belonging (204). As he writes, "articulations of national identities work through gendered and racialized dynamics of power to foreground particular identities and struggles and to obscure others" (206).
- 4 As Audrey Macklin points out, the citizenship revocation clause of Bill C-24 must be situated in the context of related practices, "including deprivation of citizenship rights, deportation of non-citizens, historical practices of banishment and exile, and the death penalty" ("Citizenship Revocation, the Privilege to Have Rights" 3). Macklin situates Bill C-24 in the larger context of anti-terror rhetoric, and the impetus to criminalize immigration. Historicizing citizenship revocation as an archaic procedure, she notes that it is analogous to political and civic death, whereby a subject "is no longer recognized as an autonomous legal subject" (8).
- 5 In her important study of cross-racial relations in British Columbia, Renisa Mawani observes that Chinese migration "renewed constitutions of race and racisms" while "physical and discursive proximities, contacts, and encounters produced additional regimes of racial truths and added modes of legal and nonlegal governance" (7, 6). Mawani claims that these geographies of surveillance and violence produced regimes of racial death that were as political as they were cultural. Demerson's *Incorrigible* reveals these regimes to be shifting ones, racializing subjects through capricious forms of social existence and social death.
- 6 To look at racial governance in the first half of the twentieth century, it is necessary to examine how racial relations were legislated through a patriarchal grammar. Indeed, to think about legislation and grammar together is to be attentive to what the term "grammar" signifies. As Christine Kim and Sophie McCall assert, attention to grammar illuminates the unwritten forms of power that code the everyday structures of our lives:

- “[c]ultural imperatives in language evidence assumptions about difference and identity, of self and other, and inevitably produce unstated hierarchies” (9).
- 7 In her history of the Mercer Reformatory, Carolyn Strange points out that it was founded on two ideological principles: “The first was the idea that reformation rather than punishment was the best antidote for crime. The second was the belief that men’s and women’s natures—their sensibilities, their minds, their souls, and hence their ‘proper’ spheres—were distinct” (“Criminal and Fallen” 81). Despite the emphasis on the Mercer as a reform institution and a site for maternal control, Strange points out that it ultimately failed in its mandate, combining the disciplinary and coercive elements of a prison: “The central problem . . . lay in the impossibility of maintaining a prison as an ‘ordinary, well conducted household.’ No matter how motherly the superintendent, she could never transform cells, workrooms, and dungeons into a home. Every inmate who walked through Mercer’s archway knew she had been sentenced to prison, even though the words above her spelled ‘Reformatory’” (“Criminal and Fallen” 92).
 - 8 For more information on the history of the Mercer Reformatory, see Strange’s “The Velvet Glove.” See also Hannah-Moffat, Strange’s *Toronto’s Girl Problem*, and Ruemper. As Joan Sangster points out, “there had been a number of riots at the Mercer [since 1948], often over issues such as food and bad treatment; one involved 100 women and 50 Toronto police, while another was quelled with tear gas” (247). A 1964 Grand Jury report by the Elizabeth Fry institute also condemned the Mercer for its harsh and inhuman treatment of inmates. The report outlined a lack of educational programs and inadequate medical care. The use of solitary confinement cells also revealed the extent to which the Mercer veered away from its “rehabilitation” program (Sangster, “Reforming Women’s Reformatories” 241).
 - 9 The text’s afterword includes the written apology that Demerson receives from Attorney General David Young on behalf of the Province of Ontario, in December of 2002: “I am writing to you on behalf of the Government to apologize to you for your incarceration under the Female Refuges Act in the 1930s. This Act had unfortunate and unjustified consequences for you and other women who were unjustifiably incarcerated under its provisions. In addition, the government wishes to apologize for the adverse effects your incarceration undoubtedly had on your son, who was born to you while you were in custody, and to his father, Harry Yip” (165).
 - 10 As David Chariandy reminds us, it is important to be mindful of how minority subjects serve as active scripters and narrators of citizenship: “we often run the risk of narrating citizenship, in Canada and elsewhere, in ways that automatically figure blacks (and non-whites in general) as either passive or else outright worrisome inheritors of citizenship, and not active and, at times, crucial definers of it” (328).
 - 11 Despite the emphasis on *jus soli* as birthright citizenship, First Nations peoples did not receive citizenship based on right of soil. Legally characterized as wards of the state, Indigenous peoples only received the right to vote in August of 1960 (Robertson 234).

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