A Bitter Irony:

Indigenous People, Societal Perceptions, and Citizenship in Canada

by

Sophie D. Sliwa, B.A. (Honours)

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Abstract

By embracing a more holistic approach to Indigenous – Canadian relations, this thesis first examines the marginalized socio-economic and political location of Indigenous Peoples in Canada from a multi-dimensional perspective that uses the legal and citizenship status of Indigenous Peoples as its point of reference. Central to this project is the impact of societal perceptions generally held by Canadians of Indigenous Peoples. The thesis explores how images of Indigenous Peoples have been constructed throughout Canada's history so as to 'Other' the Original inhabitants of this land and how this has served to assist Canada in creating its own sense of national identity. How the constructed images of Indigenous Peoples have been used in determining the policies and legislations that have immediate and direct impact is also explored. Throughout the thesis run the themes of social, political and structural violence and its use in marginalizing Indigenous Peoples.

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Preface

The closing decades of the twentieth century saw a renaissance in the growth of interest and literature for those interested in issues of concern to Indigenous peoples in Canada and around the world. In Canada, much of this interest was generated by the increasing levels of awareness of Indigenous Peoples wrought by increased activities in natural resource extraction in remote areas of the country in the decades following the Second World War. At the same time, Indigenous peoples were advancing congruent political efforts, building in part on the civil rights movements that were taking place across the Northern Americas.

Coinciding with the growing awareness of Indigenous Peoples during this period was a corresponding effort to make Indigenous philosophies and ways of knowing more accessible. Described often as 'holistic,' these philosophies are designed to remind that all things are interconnected and cannot be reduced to their discrete parts. An equally important principle in Indigenous philosophies is the 'experiential' aspect based on both experience and observation. Thus, holism in this sense means placing experience and observation within their context rather than isolating the experience or observation.

There are a number of writers who, having recognized that advancing Indigenous perspectives in western traditions is not always suitable or appropriate, are now directing their efforts towards a re-creation or re-birth of Indigenous thought. James (Sákéj) Youngblood Henderson is one of these people.

In promoting the necessity for Aboriginal thinkers to recreate their own philosophical and theoretical traditions based on a worldview that is holistic for understanding the world, Youngblood Henderson puts forth the proposition that

Aboriginal thought can be likened to that of an ecosystem. The ecosystem approach to understanding the world accommodates the need to consider interactions between various phenomenon and serves to "reflect the complexity of a state of being within a certain ecology."[1]

The dynamic nature of ecosystems, with their continuously changing structures reflects the Aboriginal way of thinking in a traditional sense. It does this by giving recognition to the fact that nothing exists in isolation and that each factor within the ecosystem impacts upon all others, and often in ways that are not always readily manifest. This method of thinking about the world also recognizes that our current state of knowledge is limited and that the quest for knowledge comes from experience. Experiences, according to Youngblood Henderson, are "focused on helping one understand the nature and structure of a particular realm, on how realms interchange yet remain related..."[2] In this understanding, knowledge "is not a description of reality but an understanding of the processes of ecological change."[3] Others such as James Dumont[4] and Marlene Brant Castellano[5] echo the importance of 'experience' to Aboriginal thought.

The ecosystem method of thinking is 'traditional' in the sense that it is a return to learning about the world "from the ecosystem as our ancestors did, as well as to learn

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[1] James (Sákéj) Youngblood Henderson. Ayukpachi: Empowering Aboriginal Thought Reclaiming Indigenous Voice and Vision ed. Marie Battiste (Vancouver, British Columbia: University of British Columbia Press, 2000) 264.

[2] James (Sákéj) Youngblood Henderson. 265.

[3] James (Sákéj) Youngblood Henderson. 265.

[4] James Dumont. Journey to Daylight-Land: Through Ojibwa Eyes The First Ones: Readings in Indian/Native Studies. Ed. David R. Miller et al. (Saskatchewan, Canada: Saskatchewan Indian Federated College Press, 1992) 75.

[5] Marlene Brant Castellano. Updating Aboriginal Traditions of Knowledge. Indigenous Knowledges in Global Contexts Multiple Readings of Our World. Eds. George J. Sefa Dei, Budd L. Hall, and Dorothy Goldin Rosenburg. (Toronto, Canada: University of Toronto Press Incorporated, 2000) 25, 27 and passim.

from our elder's experiences."[6] Advocating a return does not mean a rejection of

Eurocentric thought and discourse for as Youngblood Henderson recognizes, "we still

have to use the techniques of colonial thought."[7] The additional challenge given to

Aboriginal thinkers is to "have the courage to rise above them [colonial thought] and

follow traditional devices."[8]

The following pages are my efforts to contribute to the return to an Aboriginal

way of thinking about our place in Canadian society. Investigating the place of

Indigenous people in Canadian society today, examining the impacts of how citizenship

in Canada is construed and bestowed, understanding how one segment of society forms

opinions of another, and recognizing how each of these areas impacts on individual lives,

is a daunting task. On the other hand, by keeping the ecosystem approach in mind, by

recognizing that the place of Aboriginal people in Canada today cannot be fully

appreciated in any other way, and by explicitly acknowledging that different aspects of

daily life do interact, whether we are consciously aware of them or not, allowed me to

explore the relationship between Indigenous Peoples and Canada in a manner that made

sense. In keeping with Aboriginal thought which holds that our knowledge is limited by

our experience, and that there cannot be one absolute truth, the following pages represent

only what I believe I now understand of the place of Indigenous Peoples in Canadian

society.

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[6] James (Sákéj) Youngblood Henderson. 253.
[7] James (Sákéj) Youngblood Henderson. 250.
[8] James (Sákéj) Youngblood Henderson. 250.

Introduction

There is a bitter irony in knowing that there are some forms of domination that have become so twisted, and are so subtle as to suggest a loyalty, an obligation, or a responsibility that is 'owed.' Pierre Bourdieu calls this 'symbolic violence' and describes it as being both 'gentle' and 'invisible' and as that "which is never recognized as such, and is not so much undergone as chosen."[1] This "gentle, hidden exploitation is the form taken ... whenever overt, brutal exploitation is impossible."[2] Symbolic violence occurs "whenever the direct application of overt physical or economic violence is negatively sanctioned..."[3]

Even more disconcerting is the fact that this form of violence can become so common and woven into the patterns of everyday life that they are transfigured into socially recognized and accepted forms of domination. Furthermore, once transfigured, symbolic violence gains the strength of "legitimate authority."[4] And yet, violence in this form is a method of domination that holds just as securely as the strongest of chains. Symbolic in the sense that they are often actions that do not necessarily inflict direct 'harm' or physical injury, but violent in that they work to support environments where the dominator is encouraged and justified in their objectification of the recipient(s). For the dominator, symbolic violence is a tool, a means used to reduce the humanity of the recipient.

Symbolic violence takes on such seemingly benign forms as " the collection of vital statistics, registrations of populations, and the creation of legal or quasi-legal ethnic

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[1] Pierre Bourdieu, <u>Outline of a Theory of Practice</u>, trans. Richard Nice (Cambridge: Cambridge University Press, 1977), 192.

[2] Bourdieu, 192.

[3] Bourdieu, 192.

[4] Bourdieu, 192.

statuses."[5] While the practice of such methods of data collection themselves may not be

undertaken with hostile intent, they are nonetheless violent. Derek Smith notes that

employment of symbolic violences though taken for granted activities as the cataloguing

and categorization of target groups is violent "because of their role in the creation and

maintenance of social inequality, ... symbolic because they are imbedded in overtly just,

acceptable, well-intentioned, and benign (euphemized) practices."[6] These seemingly

benign activities are no less damaging to the human psyche as overt brutality.

Of the available examples of structurally embedded, socially accepted symbolic

violence, there is none clearer or more blatant than those which have occurred in the

relationship between Indigenous Peoples[7] and the newcomers to this land now called

Canada.

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[5] Derek G. Smith, "The Emergence of "Eskimo Status": An Examination of the Eskimo Disk List System and its Social Consequences, 1925-1970," in <u>Anthropology, Public Policy and Native Peoples in Canada</u>, eds. Noel Dyck & James B. Waldram (Montreal, Canada: McGill-Queen's University Press, 1993), 44.

[6] Smith, 44.

[7] General note: Naming is a contentious issue and for this reason, it is worth spending some time in addressing. Choosing to use the term 'Indigenous Peoples' to refer to those who occupied this land prior to contact with European explorers and their descendants is deliberate.

Rebecca Adamson of the First Nations Development Institute notes that prior to 1945, the term Indigenous was used "to refer to any nation or peoples subjected to colonial domination". After 1945, the term took on a slightly different meaning in international law and refers to "peoples who live within independent countries, but nonetheless remain marginalized and dominated by alien cultures." A third definition given by Adamson is the one used in the 1983 United Nations *Study of Discrimination Against Indigenous Populations* which defines Indigenous Peoples as "... having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, ... They form at present non-dominant sectors of the societies now prevailing in those territories...". Rebecca Adamson, "Indigenous Peoples: Whose Definition," <u>Native Americas Akwe:kon's Journal of Indigenous Issues</u> Vol. XIV, No. 2. (1997): 14. The Original Peoples in what is now Canada, clearly fall within any of the three definitions given by Adamson.

The term "Indigenous", due in part to how it has come to be used and understood internationally, better reflects those peoples the term is meant to identify. Because a general awareness exists that the term Indigenous encompasses many different nations, the tendency to obscure the very real differences that exist between Indigenous nations is lessened. This is an important consideration in this thesis since there are many Indigenous nations in Canada who may share similar experiences, but at the same time, are distinct Peoples and deserve to be recognized as such. Use of the word "Peoples", rather than people(s), again signifies my recognition of the many different Indigenous Nations that continue to exist. For these reasons, Indigenous Peoples will be used as a general term when discussing their relations with newcomers.

Occasionally, and where appropriate, the term 'First Nation(s)' is used as it is a term that has political and legal significance and is used widely amongst Indigenous Peoples within Canada. The term

The Character of Indigenous – Canadian Relations

The relationship between Indigenous Peoples and Canada is a curious tangle characterized and complicated by a series of unique dichotomies. These dichotomies can be clustered into three broad categories with each directly impacting on Indigenous – Canadian relations either singly, or in concert. First is the blend of paternalistic colonial notions on the part of the Canadian state and its antithesis, self-governance. Canada's brand of colonialism, and the move towards self-governance/ment – purportedly an ostensible goal of both Canada and a percentage of Indigenous Peoples, while being a dichotomy in and of itself, is caught up in a second tangle. The second tangle is comprised of the competing and irreconcilable conceptions of nation and nationhood that are held by Canada and those of Indigenous nations. The third dichotomy is evidenced in the nebulous citizenship and confusing legal status of Indigenous Peoples within Canada where they are perceived as equal citizens in one breath but not in the next.

Each of these dichotomies has developed and is played out through established social structures and institutions which are informed by the intent and objectives of the designers. One result of this tangled web of relations is the severely marginalized social, political, and economic location of Indigenous Peoples.

'Indian' as an identifier is a misnomer, However, I recognize that the term has both legal connotations and is also often used by Indigenous Peoples themselves. Therefore, it will be used in discussions that refer to the legalized identity that has been given to some Indigenous Peoples under Canadian law, where appropriate and in instances of citation. Use of the term 'Native' has been avoided wherever possible as it tends to obscure the fact that there are many nations and is also confusing, as there are many Canadians who consider themselves 'native' to Canada by virtue of citizenship or birth. Similar problems arise in using the term 'Aboriginal.' As noted in RCAP, using the term Aboriginal "obscures very real differences among the various indigenous nations." Royal Commission on Aboriginal Peoples, Looking Forward, Looking Back Vol. 1, (Ottawa, Canada: Minister of Supply and Services Canada, 1996), 46.

The Issue / Problem

For those interested in understanding Indigenous – Canadian relations, these opposing notions create not only confusion, but also present serious challenges for any inquiry into the current state of relations between these two diverse peoples. In an effort to shed some light on the confusion that reigns over this relationship, this thesis proposes to examine one particular aspect of this relationship: the effect of generally held, but shifting societal perceptions of Indigenous Peoples held by the Canadian population. Of particular interest are the kinds and manifestations of violence described by Bourdieu and Smith.

To accomplish this task, this thesis examines prevalent societal perceptions of Indigenous Peoples with respect to the legal and citizenship perceptions and statuses of Indigenous Peoples in Canada as the primary reference points for discussion. Legal and citizenship statuses were selected for several reasons. First, these statuses provide the foundational themes for the construction of individual identity. Second, they give definition to one's sense of nation(al) identification, and finally, these statuses inform the methods used in the regulation of a population. Within Canadian law for example, the *Indian Act* has created a 'colour line' for those who can, and cannot claim 'Indian' status. This 'divide and conquer' strategy in turn, has not only contributed to a weakening of Indigenous identity in law, it has also added to the internal conflict within Indigenous communities and societies. As such, and because there are opposing arguments as to who decides these statuses for Indigenous Peoples, they are important and central issues for both Canada and Indigenous Peoples. These statuses are also central areas of contention in each of the dichotomies noted previously.

The Utility & Purpose of this Research

In proposing to deal with prevalent societal perceptions of Indigenous Peoples in Canada, knowledge in three areas of inquiry will be enhanced. First is an increased understanding of the linkages between the general social perceptions of Indigenous Peoples and the deeply ambivalent schizophrenic love – hate relationship and the deep mistrust that often appears to characterize Indigenous - Canadian relations. Second is recognition of how these dichotomies have contributed to the consistent social, economic, and political marginalization of Indigenous Peoples. Last are the links between Canada's aspirations in creating its national identity and some of the efforts that have gone into the construction of this identity, as well as the impact of these exercises have had on Indigenous – Canadian relations. Of special interest is the role of symbolic violence in both its social and political forms and how it has, and continues to be used in shaping relations in each knowledge area.

Impediments, Difficulties & Biases

Examining a societal perception of this nature requires an investigation that goes to the heart of matters: what citizenship is and what it means to be accepted as a citizen. Conversely, it also means addressing head-on who is included and excluded from the benefits that come from the bestowal of 'full' citizenship status. The question is how these decisions are put into practice. An undertaking of this nature requires that the very assumptions and beliefs a society holds about its conceptions of citizenship be exposed.

There are particular impediments in addressing any general social perception. The most obvious is the need to generalize some findings across a population, which is not is not the same as attributing findings to individuals. This thesis does not intend in

any way to attribute any finding to specific individuals whether Indigenous, Canadian or other. It will, however, attempt to expose some of the underlying assumptions that inform structural relations as they exist in Canadian society generally, and in particular, how citizenship is perceived in Canada.

Inquiring into the beliefs or the assumptions a society holds is bound to be difficult and uncomfortable at times. The research presented in the following pages is no different in this respect. There were questions that needed to be asked and conclusions that were drawn that were difficult to conceive, think of, and write about. Perhaps the greatest challenge was in carrying out the research, presenting the evidence, and the discussions from a perspective that did not see the many issues affecting Indigenous Peoples as separate challenges requiring discrete actions. Instead, the approach I have chosen allows issues and challenges to be brought together along with the assumptions and history that lead to their development. As this is relatively uncharted territory, the first aim of this thesis is to generate avenues of discussion in order that this relationship can be better understood with the secondary aim being to encourage a more holistic approach to examining issues of concern to Indigenous Peoples. Informing the approach used in this thesis is the notion that "All things are related... Everything is connected in some way to everything else. It is therefore possible to understand something only if we can understand how it is connected to everything else."[8]

Accomplishing this task requires putting niceties aside. It requires making a sincere attempt to understand why Canada and Indigenous Peoples have a relationship that appears to be so filled with contradiction and how the economic, social and political

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[8] Judie Bopp et al., The Sacred Tree, (1984: Lethbridge, Alberta: The Four Worlds International Institute for Human and Community Development, 1995), 26.

marginalization of Indigenous Peoples is both a manifestation and a reflection of this relationship. It demands that the assumptions that have informed this relationship be elucidated in order that alternative explanations can be expressed. It is my contention that employing a holistic approach to investigating general societal perceptions of Indigenous Peoples with respect to citizenship and legal statuses and the current social, economic and political location of Indigenous Peoples in Canada will provide a basis for better understanding this relationship.

Another difficulty lies with language itself. In writing about colonialism, its effects and impacts, how Canada is dealing with its colonial heritage and the attempts by both Indigenous Peoples and Canada to come to some agreement on how to live together, the problem of language presents particular challenges. Western languages are privileged – not only in academia, but in everyday life as well. Words, phrases, their definitions and meanings are predetermined and their meanings come imbued with a legitimacy that is relatively unchallenged. Rather than providing a single glossary, I have chosen to deal with this by providing definitions throughout the text where I felt they would provide the most use. I have done so in a way that the meaning and intent assigned to a word, term, or concept is as clear as possible especially since there are times when it is the word, term or concept that is the object of inquiry.

Reasons for carrying out this investigation are many. As one who is affected at the most fundamental levels of daily life by the perceptions of Indigenous Peoples held by Canadians in general, it behooves me to understand why these perceptions prevail. Academically, I believe it is important to understand why the relationship between Indigenous Peoples and Canadians appears to be so contentious, and why this

relationship is grounded in such a negatively charged environment. The findings in this thesis may also have relevance for other contentious relationships either domestically or within the international forum. Finally, this is not a purely academic exercise. People are being subjected to harm in very real ways with much of it unnecessary. Understanding the underlying reasons for why this harm occurs could prove useful in creating effective methods of prevention.

The initial inspiration for this thesis came about through a desire to understand why there appears to be so much confusion, conflict, and the apparent inability to resolve disputes without resorting to confrontation and violence. I also wanted to understand why the social, economic, and political marginalization that Indigenous Peoples experience exists to the extent it does. As a result of my need and desire to understand the relationship between Indigenous Peoples and Canada better, it became clear that to do so, I would need to find a way to use an approach that is both reflective and holistic.

How to Tell the Story

Author Noel Dyck is an exception in how he understands and investigates what he terms the 'Indian 'problem.'' He argues that the commonly used investigative method tends to treat the problem as though it were something that could be 'fixed' or otherwise repaired. According to Dyck, traditional investigative methods fail to recognize that the 'problem' is symptomatic and are born out of a construction created through and by Indigenous – Euro-Canadian relations. In his exploration of the Indian 'problem,' Dyck recognized and described this trend as the "common but mistaken notion that the Indian 'problem' constitutes a discrete, objective phenomenon or 'thing' that can be treated as

though it were a physical disorder or faulty machinery that requires repair."[9] Dyck goes

further by proposing: "the Indian 'problem' is not an inherent condition, but the

underlying premise of a relationship."[10]

Approaching the social location of Indigenous Peoples or the conditions in which

they reside as a 'problem' implies an acceptance of the assumptions that underlie the

social and institutional structures that permit the marginalization of Indigenous Peoples.

The difficulty and limitations with employing traditional academic approaches such as

the use of problem-solving techniques to investigate the social conditions of Indigenous

peoples have been recognized in other disciplines. Robert Cox, for example, suggests

that the traditional problem-solving methodology tends to accept "the world as given (and

on the whole good) and provides guidance to correct dysfunctions or specific problems

that arise within this existing order." [11] There is no apparent desire to question, challenge

or change the existing order. Rather, the intent is to "maintain the existing social

order."[12]

Like Cox, in posing his inquiry, Dyck recognizes that the Indian 'problem' is

something made and not given. For Dyck, there is nothing inherently natural or normal

about the Indian 'problem.' This represents a significant shift not only in perception, but

also in methodology. Dyck opted to consider the relationship from a perspective that

takes as its starting point some of the underlying assumptions that have historically

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[9] Noel Dyck, <u>What is the Indian 'Problem' Tutelage and Resistance in Canadian Indian Administration</u>, (1991: St. John's Newfoundland: Institute of Social and Economic Research, Memorial University of Newfoundland, 1993), 2.

[10] Dyck, 2.

[11] Robert W. Cox, "Critical Political Economy," <u>International Political Economy Understanding Global Disorder</u>, ed. Bjorn Hettne (Halifax, Nova Scotia: Fernwood Publishing, 1995), 31.

[12] Bjorn Hettne, "Introduction: The International Political Economy of Transformation," <u>International Political Economy Understanding Global Disorder</u>, ed. Bjorn Hettne (Halifax, Nova Scotia: Fernwood Publishing, 1995), 22.

informed Indigenous – Canadian relations. He accomplished this by proposing that the question be looked at as a system of relations which includes conflicting and converging interests, 'the superior power and force' of Euro-Canadians as well as the forms of resistance employed by Indigenous Peoples. Dyck does this by including within his method a critique of how the problem has been traditionally been posed. [13]

In approaching Indigenous – Canadian relations as an entity that is constituted, Dyck recognizes that the processes that contribute to the evolution of the relationship are not 'natural,' but have developed instead out of very real motivations. Dyke notes that

> ... tutelage upon Indians has served the material interests of at least some segments of Euro-Canadian society. Tutelage relations have been established in the wake of European colonization that led to the sometimes gradual and sometimes swift alienation of native peoples from their land and resources. [14]

In addition, Dyck further recognizes that "Euro-Canadian attitudes and actions towards Indians are and always have been an essential part of the 'problem.'"[15] Beginning with the premise that both attitude and actions are explanatory factors in Indigenous – Canadian relations, Dyck's work takes into account "the manner in which the contemporary non-Indian views of the Indian 'problem' shape interaction between Indians and other Canadians".[16]

Other critical theorists and writers such as Linda Tuhiwai Smith,[17] John Bodley,[18] Edward Said,[19] and Franz Fanon[20] also employ a similar approach in their writings and

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[13] Dyck, 1-10.
[14] Dyck, 28 – 29.
[15] Dyck, 3.
[16] Dyck, 11.
[17] Linda Tuhiwai Smith, Decolonizing Methodologies Research and Indigenous Peoples, (1999. New York, New York: Zed Books Ltd., 2001).
[18] John H. Bodley, Victims of Progress Fourth Edition, (1982. Mountain View, California: Mayfield Publishing Company, 1999).
[19] Edward Said, Orientalism, (1979. New York, New York: Vintage Books, 1994) and, Culture and Imperialism, (1993. New York, New York: Vintage Books, 1994).
[20] Frantz Fanon, The Wretched of the Earth, (1961. New York, New York, Grove Press, 1963).

research on Indigenous – colonial relations. These writers recognize and acknowledge the importance of how the underlying assumptions and beliefs held by those seeking to colonize played in the formation of Indigenous – colonial relationships. For each of these writers, the roles of these underlying assumptions are primary explanatory factors that need to be taken into account when investigating the more overt manifestations of these relationships.

Among the more common assumptions held by colonizers was the belief that Indigenous Peoples were somehow less than human and therefore exploitable, and that Indigenous Peoples were, for example, 'uncivilized' and that it was up to the Europeans to show them the way to enlightenment and civilization through whatever means. As Dyck notes, there were also motivations that were less than altruistic, in which the economic imperative provided the driving forces of colonization. Perhaps the most damaging was the assumption that Indigenous Peoples had no culture, tradition or social structures worth respecting or preserving. Thus any move to bring western ideas of modernization was both 'inevitable' and 'good.'

Methodology: Describing The Map

Since the overall objective of this thesis is to identify and explore the societal perceptions of Indigenous Peoples held by Canadians in general with the intent of better understanding Indigenous – Canadian relations, accomplishing this task begins with exploring where Indigenous Peoples are currently located socially and economically in Canadian society. It ends with examining where they stand and why with respect to their legal and citizenship statuses and understanding. Intrinsic to this task is employing Bourdieu's understanding of 'symbolic violence' as it is used in the inclusion/exclusion

processes used in defining community,[21] and thus citizenship, as well as other, more mundane social practices.

The method I have chosen for presenting the research that follows is best described as a series of 'layers' with each 'layer' being an information or data set. A layering method was chosen because it allows for examining different elements of the Indigenous – Canadian situation either separately, or in different combinations. Each layer yields specific attributes or information in a particular area and is significant on its own. At the same time, each layer is directly relevant to all other information layers. It is essential to emphasize that no information layer or data set that I have provided has more or less importance than any other. This approach was selected because it can yield results from either separate information layers or in combination, and because it allows for diverse sets of information to be brought together.

The tendency in examining Indigenous – Canadian relations has been to look at singular aspects of relationship in isolation rather than as parts of an interacting whole. It is in this second area that this research will be most useful as the recognition is present from the beginning of the project that while each layer of information is useful on its own, the relevance of both the preceding and succeeding layers is also recognized as well as any findings gleaned when the layers are combined. This method requires assembling a series of information layers with each layer representing research and analysis on a specific aspect of Indigenous – Canadian relations. However, while each layer is presented individually and is capable of standing on its own, it is the cumulative findings that are of special interest.

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[21] Anthony W. Marx, Making Race And Nation A Comparison of the United States, South Africa, and Brazil, (1998. New York, New York: Cambridge University Press, 1999), 5.

Thus each chapter provides a layer of information that examines one aspect or another of Indigenous – Canadian relations. Interweaving and linking the information sets throughout the thesis are the underlying questions relating to the marginalized social, economic, and political location of Indigenous Peoples in Canada. Also incorporated throughout the thesis are considerations on the use of the concept of symbolic violence with respect to findings. With the merging of the information layers, the connections between the discrete layers will become more obvious as will the linkages between the contradictions and dichotomies that characterize Indigenous – Canadian relations.

It is difficult to break loose from the tendency to examine a topic from one aspect only and see the relationship as being composed of its many interconnecting parts with activity in one area reverberating throughout the others. It is equally difficult to be completely cognizant of the full impact of activity in a given area and the resultant effects on the whole. I recognize the limitations presented by this paradox. Thus while I have need to place limits on this inquiry, I believe that by focusing on the general societal perceptions of Indigenous Peoples with respect to legal and citizenship statuses informed by Bourdieu's notions of symbolic violence provides the broadest platform for investigating Indigenous – Canadian relations. A second reason for focusing on general societal perceptions and the legal and citizenship statuses of Indigenous Peoples is because activity and change in this area have the most visible and immediate impact on individuals.

The Format: Mapping Outlines and Linkages

Chapter One is dedicated to looking at some of the efforts made in recent years in understanding both Indigenous – Canadian relations in order to demonstrate the efforts that have been made in understanding this relationship. Chapter two focuses on three issues, and it provides the first three information layers for this project: the current social location of Indigenous Peoples, the supporting roles played by two trends in the occurrence of social and political violence as experienced by Indigenous Peoples, and a discussion on a particular understanding of 'contradiction.' These three elements provide context for this thesis as well as a snapshot of current Indigenous – Canadian relations.

Chapter three examines the meaning of marginalization by presenting two narratives: the shooting death of Connie Jacobs and her nine-year-old son Ty in Alberta in March 1998, and the 1998 Mi'kmaq logging case in New Brunswick. The narratives build on the two forms of violence provided in Chapter Two, and provide layers four and five.

Chapter Four, focusing on the current state of relations between Indigenous peoples and Canada provides the sixth layer. Chapter Five examines citizenship and the inclusion/exclusion processes for determining citizenship, along with perceptions of self-worth and this is the seventh information layer. In examining the inclusion/exclusion processes, the meaning and use of contradiction comes into play. Chapter six delves into Canada's nation building activities and influences and what they mean, and what they continue to mean in terms of Canada's relations with Indigenous Peoples. This chapter summarizes the means by which Canadian nationalism and Canadian nation-building activities has employed various forms of violence with respect to Indigenous – Canadian

relations and provides the eighth and final information layer. The final chapter will present several conclusions and observations.

Chapter One

Understanding the Indian Problem

Considerable efforts have been made in recent years to document the history of relations between Indigenous peoples and Canada. Inquiries into understanding the social and political location of Indigenous Peoples have taken several forms, and there is now a growing interest and acceptance of alternative perspectives. Included among these alternative perspectives on history that take into account "the Aboriginal view"[1] and, in spite of methodological difficulties, there is interest in what is being called "autohistory" where historical accounts are retold by "contemporary descendants of the Aboriginals who were in America at the time of contact with the Europeans."[2] Much of this effort has been directed towards specific facets of the political, social and economic marginalization that Indigenous Peoples routinely experience. Even greater energies and resources have been expended into researching and prescribing remedies to discover and create ways to rectify specific circumstances and situations.

Results from these efforts are twofold. First is the growing body of available literature. Having moved from a state of near invisibility, the politics, economics, philosophies, and cultural mores of Indigenous Peoples are experiencing a renaissance of no small proportion. The second result is the dearth of remedial solutions to the problems, situations, or circumstances of Indigenous Peoples. The following pages look at several of the research trends that have developed in recent years including those in academia, journalism and those initiated by Canada.

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[1] Renée Dupuis, Justice for Canada's Aboriginal Peoples, (2001. Toronto, Canada: James Lorimer and Company Ltd., 2002), 81.

[2] Dupuis, 81.

Research Trends

Colonialism and its effects on the Original inhabitants of this land are beginning

to be re-conceptualized in the analyses offered in both critical and postcolonial writings.

Also undergoing close examinations by both Indigenous Peoples and others are different

aspects of the historical relationship between Canada and Indigenous people including

the filling in of gaps in the literature on the lives and social organization of Indigenous

peoples, by offering alternative perspectives on the various treaties and other agreements

that have been negotiated between Indigenous peoples and Canada, to economic relations

regarding the fur trade and many areas in between.[3] These re-examinations and re-

presentations combined with their inclusion into traditional academic genres have led to

the development of entirely new areas of specialization in academia. Without a doubt,

this 'renaissance' is being felt in nearly all fields of inquiry as everything about

Indigenous Peoples becomes areas of specialized interest, inquiry and study.

The Indigenous Renaissance in Academia & Journalism

In Academia

Numerous re-presentations of the history of Indigenous Peoples and their

relationship are now available. Vic Satzewich & Terry Wotherspoon,[4] Ronald Wright,[5]

Howard Adams,[6] and Boyce Richardson[7] are among the many authors who are presenting

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[3] For example, see: William C. Wicken, Mi'kmaq Treaties on Trial History, Land, and Donald Marshall Junior, (Toronto, Ontario: University of Toronto Press Inc., 2002) and, Ken Coates, The Marshall Decision and Native Rights, (Montreal and Kingston, Canada: McGill-Queen's University Press. 2000).

[4] Vic Satzewich and Terry Wotherspoon, First Nations Race, Class, and Gender Relations, (Scarborough, Ontario: Nelson Canada. 1993).

[5] Ronald Wright, Stolen Continents The "New World" Through Indian Eyes, (1992. Toronto, Canada: Penguin Books. 1993).

[6] Howard Adams, Prison of Grass Canada from a Native Point of View, (1975. Saskatoon, Saskatchewan: Fifth House Publishers. 1989), and A Tortured People The Politics of Colonization, (Penticton, British Columbia: Theytus Books Ltd., 1995).

[7] Boyce Richardson, People of the Terra Nullius Betrayal and Rebirth in Aboriginal Canada, (1993.

more complete versions of the history of colonial conquest, alliance, resistance, and economics. In looking at the strides made in this field, Olive Patricia Dickason[8] deserves special mention.

Dickason has been acknowledged as having 'forever changed' how early Canadian history is viewed, and that because of her, "everything once thought about the early foundations of Canada is under question."[9] Her academic work depicted the Original Peoples "as fully dimensional human individuals and communities who have their own histories and role in the development of what we know as Canada."[10] This is a significant achievement. In taking the history of Indigenous peoples from near ignorance and invisibility to presenting accurate accounts of them as 'fully dimensional human individuals' is no small accomplishment.

Perhaps more importantly, these writers of Indigenous history are detailing and shedding new light into the complex forms of social structure utilized by Indigenous societies. By asking why Indigenous Peoples were invisible in the pages of Canada's history, authors such as Dickason[11] are also incorporating a clearly formulated critique of Canadian Indian policy and its impact on Indigenous - Canadian relations. Further documentation on the changing nature of this relationship and the effects on Indigenous populations can be found in the writings of Sylvia Van Kirk,[12] John Miloy,[13] J. R.

Vancouver, British Columbia: Douglas and McIntyre. 1994).

[8] Olive Patricia Dickason, Canada's First Nations A History of Founding Peoples from the Earliest Times, (1992. Toronto, Ontario: McClelland and Stewart Inc., 1993).

[9] National Aboriginal Achievement Foundation, <http://www.naaf.ca/rec97.html#Olive> (Retrieved April 21, 2002).

[10] National Aboriginal Achievement Foundation.

[11] Olive Patricia Dickason, "Toward a Larger View of Canada's History: The Native Factor," Visions of the Heart Canadian Aboriginal Issues, eds. David Alan Long and Olive Patricia Dickason (Toronto, Ontario: Harcourt Brace and Company, Canada. 1996), 7 – 19.

[12] Sylvia Van Kirk, "Many Tender Ties" Women in Fur-Trade Society, 1670-1870, (1980. Winnipeg, Manitoba: Watson and Dwyer Publishing Ltd., 1993).

Miller,[14] Rick Ponting[15] and Karen Anderson.[16] Each of these writers has contributed to the currently available documentation of the rich and complex relationship between Indigenous Peoples and the newcomers.

The political and legal space Indigenous issues occupies is being addressed through the writings of Menno Boldt,[17] J. Anthony Long, [18] Sidney L. Harring,[19] James Youngblood Henderson,[20] Sharon Helen Venne,[21] and Frank Cassidy & Robert L. Bish[22] among others. Governmental policy has also been subjected to close scrutiny and has been detailed with precision by the likes of Murray Angus,[23] Kathleen Jamieson,[24] and Sally Weaver[25] along with Menno Boldt, [26] J. Anthony Long.[27] Conditions of Indigenous

[13] John Milloy, A National Shame: The Canadian Government and the Residential School System, 1879 – 1986, (Winnipeg, Manitoba: University of Manitoba Press. 1999).

[14] J.R. Miller, Skyscrapers Hide the Heavens A History of Indian-White Relations in Canada, (1989. Toronto, Ontario: University of Toronto Press. 1990).

[15] J. Rick Ponting, ed., Arduous Journey Canadian Indians and decolonization, (Toronto, Ontario: McClelland and Stewart. 1986). Note: Ponting is the author of five articles in the text as well as a co-author of one. A second key text is J. Rick Ponting and Roger Gibbins, Out of Irrelevance A socio-political introduction to Indian affairs in Canada, (Scarborough, Ontario: Butterworth and Company (Canada) Limited. 1980). Out of Irrelevance is an "elementary atlas of the socio-political terrain of Indian affairs" and the relationship between the National Indian Brotherhood and the federal government during the 1970's and 1980's. (xii).

[16] Karen Anderson, Chain Her By One Foot The Subjugation of Native Women in Seventeenth-Century New France, (1991. New York, New York: Routledge Inc., 1993).

[17] Menno Boldt, Surviving As Indians The Challenge of Self-Government, (Toronto, Ontario: University of Toronto Press. 1993).

[18] Menno Boldt and J. Anthony Long, eds., The Quest for Justice Aboriginal Peoples and Aboriginal Rights, (1985. Toronto, Canada: University of Toronto Press. 1992).

[19] Sidney L. Harring, White Man's Law Native People in Nineteenth-Century Jurisprudence, (Toronto, Canada: University of Toronto Press. 1998).

[20] James [sákéj] Youngblood Henderson, "Empowering Treaty Federalism," Saskatchewan Law Review Vol. 58 (1994).

[21] Sharon Helen Venne, Our Elders Understand Our Rights Evolving International Law Regarding Indigenous Rights, (Penticton, British Columbia: Theytus Books Ltd., 1998).

[22] Frank Cassidy and Robert L. Bish, Indian Government: Its Meaning and Practice, (Lantzville, British Columbia and Halifax, Nova Scotia: Oolichan Books and The Institute for Research on Public Policy. 1989).

[23] Murray Angus, And the Last Shall Be First Native Policy in an Era of Cutbacks, (1990. Toronto, Ontario: New Canada Publications. 1991).

[24] Kathleen Jamison, Indian Women and the Law in Canada: Citizens Minus, (Ottawa: Minister of Supply and Services. 1978).

[25] Sally Weaver, Making Canadian Indian Policy The Hidden Agenda 1968-70, (Toronto, Ontario: University of Toronto Press. 1981).

[26] Boldt.

life and the relationship between their marginalized social, political and economic

position and the actions of the Canadian state was brought into the open largely by the

efforts of those who undertook this enormous task in which there was little if anything

available in terms of previous research or academic tradition. Even the briefest reviews

of the literature now available reveals that the relationship between Indigenous Peoples

and newcomers was, and remains, amazingly dynamic and far from static.

Concern over issues that impact Indigenous people and their communities have

proved to be one of the major catalysts for an expanded commitment into action oriented

research in the field of Native/Indian Studies at many academic institutions as well as

non-governmental organizations throughout Canada.[28] This is evidenced in part through

the growth in ethnohistorical narratives[29] as well as in recent documentation of projects

using Traditional Ecological Knowledge (TEK)[30] and in Participatory Action Research

(PAR)[31] initiatives that are now recognized and often funded by schools of higher

learning.

While action-oriented research is, in part, a response by the research community

to make learning and community research and development more relevant, its growth can

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[27] Boldt and Long.

[28] See Joseph Couture, "Native Studies and the Academy," Indigenous Knowledges in Global Contexts, eds. George J. Sefa Dei, Budd L. Hall, and Dorothy Goldin Rosenburg (Toronto, Ontario: University of Toronto Press Incorporated, 2000), 157 – 167.

[29] For examples, see Julie Cruikshank, Life Lived Like a Story, (1990: University of British Columbia Press: Vancouver, British Columbia, 1995) and Dianne Meili, Those Who Know Profiles of Alberta's Native Elders, (1991: Edmonton, Alberta: NeWest Publishers Limited, 1992).

[30] Marlene Brant Castellano, "Updating Aboriginal Traditions of Knowledge," Indigenous Knowledge in Global Contexts, eds. George J. Sefa Dei, Budd L. Hall, and Dorothy Goldin Rosenburg (Toronto, Ontario: University of Toronto Press Incorporated, 2000), 21 – 36. Also see Claudia Notzke, Aboriginal Peoples and Natural Resources in Canada, (North York, Ontario: Aboriginal Management, Education and Training and Captus Press, 1994), and Marie Battiste and James (Sa'ke'j) Youngblood Henderson, Protecting Indigenous Knowledge and Heritage A Global Challenge, (Saskatoon, Saskatchewan: Purich Publishing Ltd., 2000).

[31] See West Kitikmeot Slave Study Society, Final Report, (Yellowknife, Northwest Territories: West Kitikmeot Slave Study Society, 2001). Also available at <www.wkss.nt.ca>.

also be attributed to a two-part recognition of community requirements. First, since much of this kind of research takes place in Indigenous communities, Indigenous Peoples are demanding that research into their lives be respectful, useful and relevant to their communities. Second, in the process of making research projects more relevant to community needs and values, further areas of research and inquiry have been created in ethnohistorical narratives which, in turn, have created a spillover effect into other academic disciplines such as law, political theory, political economy and geography.[32]

In PAR initiatives, community insistence coupled with modern ethical standards for community-based research, demands a level of respect for the knowledge held within communities where the research is undertaken. In the West Kitikmeot Slave Study for example, along with providing strict guidelines and principles for all authorized and funded research projects, the utility of the project to the community is emphasized.[33]

The influence of Indigenous Peoples is also affecting how traditional academic disciplines conduct and utilize their research. Nowhere is this more evident than in the field of anthropology beginning with the highly influential works of Diamond Jeness[34] early in the twentieth century. The influence of their work can be seen today through the

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[32] See Duncan Ivison, Paul Patton, and Will Saunders, eds., Political Theory and the Rights of Indigenous Peoples, (Cambridge, United Kingdom: Cambridge University Press, 2000), Dickason, "Toward a Larger View of Canada's History: The Native Factor," 7 – 19, and Noel Dyck and James B. Waldram, "Anthropology, Public Policy, and Native Peoples: An Introduction to the Issues," Anthropology, Public Policy and Native Peoples in Canada, eds. Noel Dyck and James B. Waldram (Montreal, Canada: McGill-Queen's University Press, 1993), 6.

[33] Conditions for research undertaken within the study site includes the following: "The WKSS is a partnership of aboriginal (sic) and environmental organizations, government and industry. These partners joined together as a society in late 1995 to make sure the effects of development on the environment, wildlife and people of the WKSS area are minimal and that northern people get the maximum benefits." West Kitikmeot Slave Study Society, < http://www.wkss.nt.ca/html/about_wkss.html >, (Retrieved April 21, 2002).
Also see West Kitikmeot Slave Study Society, Final Report, Passim.

[34] Diamond Jeness, "The Indian's Interpretation of Man and Nature," Sweet Promises A Reader on Indian-White Relations, ed., J. R. Miller (Toronto, Ontario: University of Toronto Press, 1991), 441 – 446. Also see Stuart E. Jeness, ed., Artic Odyssey The Diary of Diamond Jenesss 1913 – 1916, (Hull, Quebec: Canadian Museum of Civilization. 1991).

likes of Edward Hedican,[35] Wayne Warry[36] and James B. Waldram and Noel Dyck[37] with

respect to their attention to detail and methodology. While both Hedican and Warry take

great pains to document and validate the Indigenous experience rather than attempting to

objectify, dismiss their experiences, or rationalize them as being singular occurrences,[38]

Waldram and Dyck have raised discussion on the changing nature of some

anthropological endeavors.[39]

Changes in anthropological methods are not limited to their accounting and

reporting techniques. As Warry notes, the nature of how anthropologists work with

Indigenous communities is also changing out of necessity if nothing else:

> If anthropology is to become a ghost ship, it will be because access to Native communities is denied as a result of our failure to contribute to the objectives and priorities that communities have set. Increasingly, Aboriginal peoples argue that much of the study of anthropologists have been involved in is largely irrelevant to the needs of the communities. There is a need for research that directly bears on the needs of Aboriginal people.[40]

One result of this shift in thinking is that Warry and other anthropologists are now

working towards advancing 'advocacy anthropology' where the objective of the research

takes primacy, with the research agenda and objectives being set by the community in

consultation and co-operation with anthropologists. Warry further recognizes that:

> ... the time has long past when anthropologists could 'speak on behalf of' Aboriginal communities and clients. Aboriginal people are perfectly capable of putting forward their own positions, arguments, and research agendas. But we must continue to offer our methods, theories, and perspectives to Aboriginal communities in the hopes that, as outsiders, we can be of some assistance.[41]

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[35] Edward J. Hedican, Applied Anthropology in Canada Understanding Aboriginal Issues, (1995. Toronto, Canada: University of Toronto Press Incorporated, 1997).
[36] Wayne Warry, Unfinished Dreams Community Healing and the Reality of Aboriginal Self-Government, (Toronto, Canada: University of Toronto Press Incorporated, 1998).
[37] Dyck and Waldram, 3 – 38.
[38] See Hedican, 191-219 for an exemplary discussion on racism in northern Ontario.
[39] Dyck and Waldram, 3 – 38.
[40] Warry, 12.
[41] Warry, 248.

Within the field of anthropology, there have also been attempts to respond, rightly or

wrongly, to the critiques levied against their discipline by Indigenous Peoples.[42]

With the increasing enrollment of Indigenous Peoples in institutions of higher

learning, their very presence is undoubtedly impacting how research into their lives and

history is being carried out. From being the objects of study to becoming the authors of

their own histories, Indigenous Peoples are challenging the boundaries and structure of

the very forum where research occurs. Furthermore, their presence is forcing greater

levels of accountability from those who profess to research and write about Indigenous

Peoples.

Linda Tuhiwai Smith for example, a self-identified Indigenous researcher uses her

research skills as a way of addressing "social issues within the wider framework of self-

determination, decolonization and social justice."[43] Tuhiwai Smith seeks to go beyond

traditional academic approaches in understanding the social and political location of

Indigenous Peoples and is working with others towards developing research protocols for

inquiries into Indigenous issues in a manner that is acceptable to Indigenous Peoples.[44]

She is critical of how academic research into Indigenous cultures and conditions

has been conducted in the past. Her views on how traditional academic research has been

informed and conducted is worth citing at length:

> Many researchers, academics and project workers may see the benefits of their particular
> research projects as serving a greater good 'for mankind', or serving a specific emancipatory
> goal for an oppressed community. But belief in the ideal that benefiting mankind is indeed a
> primary outcome of scientific research is as much a reflection of ideology as it is of academic
> training. It becomes so taken for granted that many researchers simply assume that they as
> individuals embody this ideal and are natural representatives of it when they work with other

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[42] See Thomas Biolsi and Larry J. Zimmerman, eds., <u>Indians & Anthropologists Vine Deloria Jr. and the Critique of Anthropology</u>, (Tucson, Arizona: University of Arizona Press, 1997).
[43] Linda Tuhiwai Smith, <u>Decolonizing Methodologies Research and Indigenous Peoples</u>, (1999. New York, New York: Zed Books Ltd., 2001), 4.
[44] Tuhiwai Smith, 4.

communities. *Indigenous peoples across the world have other stories to tell which not only question the assumed nature of those ideals and the practices that they generate, but also serve to tell an alternative story: the history of Western research through the eyes of the colonized.*[45] *(emphasis added)*

Tuhiwai Smith argues that the one of the major difficulties Indigenous communities face from traditional academic research methodologies is the "constant efforts by governments, states, societies and institutions to deny the historical formations of such conditions have simultaneously denied our [Indigenous Peoples] claims to humanity, to having a history, and to all sense of hope."[46] In denying the historical formations, in refusing to recognize Indigenous perspectives, traditional academic researchers continue to practice a form of what Said refers to as Orientalism[47] but with Indigenous Peoples being the ones discussed, analyzed and codified.

In recognizing that the underlying historical relationships, assumptions and beliefs tend not to be acknowledged, Tuhiwai Smith identifies two issues of concern. First is the regular breaching of cultural protocols, negated values, and the ignoring of key people,[48] while the second is "the creeping policies that intruded into every aspect of our lives, legitimated by research, informed more often than not by ideology."[49] Tuhiwai Smith further notes that within Indigenous communities,

… research was talked about both in terms of its absolute worthlessness to us, the indigenous world, and its absolute usefulness to those who wield it as an instrument. It told us things we already knew, suggested things that would not work, and made careers for people who already had jobs.[50]

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[45] Tuhiwai Smith, 2.
[46] Tuhiwai Smith, 4.
[47] Edward W. Said, <u>Orientalism</u>, (1978. New York, New York: Vintage Books, 1994). Said refers to Orientalism as being the 'corporate institution' developed by the West in order to deal with the Orient and the West does this by "making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient." 3.
[48] Tuhiwai Smith, 3.
[49] Tuhiwai Smith, 3.
[50] Tuhiwai Smith, 3.

Tuhiwai Smith's observations on the role of researchers and other investigators into the lives of Indigenous Peoples employs deconstruction methodologies as a foundation, which she believes is a necessary plank in the decolonizing process.[51] Advocating such a methodology within a decolonizing framework requires the investigator to look beyond the overt manifestations of a problem to the underlying histories and begin the process of resistance and retrieval so that "our communities, cultures, languages and social practices [become] spaces of resistance and hope."[52] In advocating a return by Indigenous Peoples to their own communities, cultures and languages, Tuhiwai Smith presents an alternative to the current Indigenous condition by acknowledging that so long as Indigenous Peoples are "fed messages about their worthlessness, laziness, dependence and lack of 'higher' order human qualities"[53] that they will believe them and will live them.

In amongst the texts now available that detail Indigenous life, there are those that could be perceived as polemical. These texts, however, are often well researched and well written, and as such they are valuable contributions to the literature. One text that falls into this category takes its name from the deliberate distribution to Indigenous Nations of blankets infected with smallpox: The Infested Blanket by Eric Robinson & Henry Bird Quinney, for example, explores the thesis that Canada has never ceased in its program of colonialism and assimilation. Their text focuses on, and outlines how the

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[51] Tuhiwai Smith, 3.
[52] Tuhiwai Smith, 4.
[53] Tuhiwai Smith, 4.

Canadian Constitution, and the debates around its repatriation during the 1980s, was employed in this on-going effort.[54]

Another in this vein is Georges Sioui, a self-admitted polemical writer. His interest lies not only in re-conceptualizing the history of the Americas from an 'Amerindian' point of view, but who also calls for greater dialogue between Indigenous Peoples and 'Euroamericans' so as to finally put to rest and then "forget about the Indian problem."[55]

With respect to prescriptions and diagnostic analyses to remedy both the Indian 'problem' and the resultant marginalization experienced by Indigenous Peoples, writers such as Menno Boldt[56] and Murray Angus,[57] have frequently and relentlessly offered courses of action. Each of these writers has presented extensive analysis on the effects of Indian policy in Canada in Indigenous communities and has also advocated courses of action that, had they been implemented, may have been able to mediate some of the problems they examined.

Journalistic Inquiries

Journalism is another field that has played a significant role in the growing literature in this area. This form of 'popular writing' has some of the most easily accessible contributions in this field. Amongst those who have contributed in this field

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[54] Eric Robinson and Henry Bird Quinney, The Infested Blanket Canada's Constitution – Genocide of Indian Nations, (Winnipeg, Manitoba: Queenston House Publishing Co. Ltd., 1985), xix – xxiv, and passim.
[55] Georges E. Sioui, For An Amerindian Autohistory, trans. by Sheila Fischman (Kingston, Canada: McGill-Queen's University Press:, 1992), 112.
[56] Boldt.
[57] Angus.

are Heather Robertson,[58] John Goddard,[59] Geoffrey York[60] and Pauline Comeau & Aldo Santin.[61]

Beginning her investigation under the influence of the civil rights movement of the mid-1960's, Heather Robertson quickly discovered the "invisible limbo in which Indians exist."[62] In visiting both Indian Reserves and Métis communities, she was 'shocked' by the conditions she found. Robertson was also forced to confront and reconcile early on in her investigation two of the contradictions that characterize Canadian social life regarding the place of Indigenous Peoples. As her awareness of Indigenous – Canadian relations grew, Robertson was forced to grapple with the realization that she "could no longer believe ... [Canadian] society to be benevolent, nor ... believe the [Canadian] government to be just."[63] Perhaps one of the most powerful observations Robertson made was that "Once you have stepped outside your society to look at it, you can never really get comfortably in again. You begin to understand what Indians feel like."[64]

While admitting that she began her investigations with a prejudiced view, and that she had a fear of Indians, Robertson attributed her prejudice and beliefs as a result of the "mythologies of Indians"[65] being woven in the mid 1960s by Indian Affairs and other

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[58] Heather Robertson, <u>Reservations Are For Indians A Tough, detailed study of what is really going on in Indian communities and reserves in Canada,</u> (Toronto, Canada: James, Lewis and Samuel, Publishers, 1970).

[59] John Goddard, <u>Last Stand of the Lubicon Cree,</u> (1991. Vancouver, British Columbia: Douglas and McIntyre Ltd., 1992).

[60] Geoffrey York, <u>The Dispossessed Life and Death in Native Canada,</u> (1989. London, United Kingdom: Vintage U. K. 1990).

[61] Pauline Comeau and Aldo Santin, <u>The First Canadians A Profile of Canada's Native People Today Second Edition,</u> (1990. Toronto, Ontario: James Lorimer and Company Ltd., Publishers, 1995).

[62] Robertson, 7.

[63] Robertson, 7.

[64] Robertson, 7.

[65] Robertson, 6.

'Indian experts."[66] Included amongst the 'mythologies' that Robertson learned were

reports that stated: "Indians beat up white people on impulse, that they are a silent

uncommunicative race, [and] that they are intrinsically different".[67] Robertson wrote that

"So utterly fallacious, misleading and mischievous is the information given out by white

people about Indians, that it is impossible for Canadians not to be racist in their

attitudes."[68]

Using an investigative approach, journalist John Goddard set out to try and

uncover the reasons for what he calls "one of the great riddles of modern Canadian life"[69]

which asks: "how is it that native people throughout the country are sunk in a deep social

malaise?"[70] This riddle was something of a paradox for Goddard as he noted that the

same people who were so competent and 'skilled on the land' were the same people "who

turned out to have lives troubled by drinking and family violence."[71] This 'riddle' posed

by Goddard in the early 1990's eerily echoes those of Robertson in 1966 – 67. In

focusing on the Lubicon Cree and their struggle for the recognition of their land rights,

Goddard began a project that resulted in "the first book to deal in any depth with the

Lessor Slave interior of Northern Alberta."[72] In the process of doing so, he came to

understand and learn first hand about Indian – government relations and of the

determination of a people that refused to give up or give in.

Comeau & Santin, in the course of their inquiry into issues of concern to

Indigenous Peoples, discovered that the issues and difficulties they were attempting to

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[66] Robertson, 6.
[67] Robertson, 6.
[68] Robertson, 6.
[69] Goddard, ix.
[70] Goddard, ix.
[71] Goddard, ix.
[72] Goddard, 217.

report on were far more extensive and complex than they first thought or even imagined. Beginning as an assignment intended to explore "twenty years of native issues in Canada using the plight of Manitoba's aboriginal people to highlight the problems"[73] resulted in not only the planned newspaper supplement, but the publication two years later of The First Canadians A Profile of Canada's Native People Today. Like Robertson and Goddard, Comeau & Santin found themselves confronted by the extreme differences that exist in Canadian society when looking at issues of concern to Indigenous Peoples.[74] One of the findings they reported on was the sub-standard living conditions for many registered Indians which they describe as "conditions that other Canadians imagine exist only in the Third World."[75]

From journalistic inquiries such as those mentioned, three observations can be made. First is the very real existence of blatant contradictions that prevail in Canadian social life with respect to Indigenous communities and the extent to which these contradictions tend to permeate relations between Indigenous Peoples and Canada. This is particularly evident in the realm of socio-economics (levels of poverty in Indigenous communities for example as compared to non-Indigenous communities) and in highly circumscribed and tightly controlled levels of bureaucratization in Indian communities. From almost the onset of their investigations, both Robertson and Goddard in particular, were forced to grapple with what they had believed to be true of Canadian society and what they were discovering about Indigenous life during their investigations. Also evident is the turmoil and confusion some of these individuals experienced when confronted by the socio-economic conditions of Indigenous peoples as they conducted

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[73] Comeau and Santin, v.
[74] Comeau and Santin, viii - xii.
[75] Comeau and Santin, ix.

their research especially the unfairness and inequality Indigenous people tend to experience compared to other Canadians.

The second observation is that it would appear that the majority of the non-Indigenous population in Canada hold something of a distorted perception of Indigenous Peoples[76] and are lacking in awareness and understanding of the issues of concern to Indigenous Peoples.[77] Finally, there is the observation that the living and social conditions Indigenous Peoples experience can be largely attributable to the morass that is the state of Indigenous - Canadian relations. This is evidenced not only by the statistical accounting and investigation results offered by Comeau and Satin, but also by the highly structured and bureaucratic nature of Indian – government relations that the journalists encountered throughout their investigations.

An obvious conclusion that can be derived from journalistic inquiries is that not much changed from when Robertson was researching and writing in the late 1960s to Comeau & Santin's accounting of Indigenous daily life in Canada in 1995. A second conclusion that can be drawn is that the three observations made above have become, in effect, 'facts of life'. These 'facts' are now so deeply embedded within the fabric of Canadian society that the desire to probe 'why this is so' is rare. Instead, the tendency has been to focus on specific imbalances and the formulation of prescriptive actions.

Robertson provides several examples of this in her text with one being particularly exemplary, the first Indian protests in Alberta in 1965. In this instance, one hundred and eleven men from the Hay Lake Reserve in Northern Alberta arrived in Edmonton to protest the deplorable living conditions in their community. After a flurry

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[76] See Robertson's description of her encounters with Indian Affairs people and other 'experts,' 5 – 6. And Goddard, xi, and passim.

[77] Goddard, Passim.

of activity by government officials (both federal and provincial), including the arrival of

an investigation team into the community, and the firing of the Indian agent in charge at

the time, "a sawmill, diesel power units, a tractor and seven pre-fabricated cottages were

sent to Hay River."[78] The demand being made by the protesters was for meaningful

employment. What they got, was more welfare,[79] and "their important requests, the ones

affecting their own freedom and future development were ignored."[80] They also got a

new Indian agent who continued to operate on the same principles as the one who had

been dismissed.

I imagine that the delivery of the equipment was seen by officials as a means of at

least beginning to rectify some of the living conditions. The sawmill, for example could

be used to produce materials for building. On the other hand, access to resources such as

trees, and materials and accoutrements for the running and maintenance of the sawmill

were also required but not provided. The appearance of the sawmill by itself would not

make a difference in the community. What the community wanted was empowerment so

that they could make decisions for their own futures based on their own needs and

desires.

John Goddard's investigation into the Lubicon Cree – government relations is one

example of the bureaucratized nature of Indian – government relations. In his text, <u>The

Last Stand of the Lubicon Cree</u>, Goddard traces and documents the struggle of the

Lubicon to obtain recognition of their land rights during the 1980's. Goddard details not

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[78] Robertson, 15.
[79] Robertson, 15.
[80] Robertson, 15.

only the Lubicon Cree efforts, but also the resistance on the part of both federal and provincial governments to stymie the Lubicon efforts.[81]

As will be demonstrated in further chapters of this thesis, something more than a piecemeal approach to Indigenous social conditions will be required to rectify imbalances. A further observation is that in those instances where there is the desire to know why the disparate conditions exist, or why there is such a deep 'social malaise', some of the journalists experienced something of a crisis as they tried to reconcile and understand what they once believed with what they discovered not only about Indigenous social life, but about Canadian society in general, and what Canadian society stands for in particular. Goddard, for example, went "from thinking of aboriginal rights as historical baggage … to appreciating how essential the recognition of such rights is to the well-being of Canadian native peoples, and to the general prosperity of the country"[82] while Robertson "could no longer believe [Canadian] society to be benevolent."[83]

Canada's Contribution

Perhaps the greatest level of effort expended into solving the Indian 'problem' has been from various levels of government in Canada. Over the years there have been numerous state sponsored reports, inquiries, and commissions initiated by one level of government or another. Given the number of government initiatives, it is likely that Indigenous Peoples have been the most investigated, surveyed, and analyzed group within Canada. In reviewing some of the reports and the timings of their appearance, it seems that Indians, and the Indian 'problem' have been the target of periodic bursts of governmental attention at different times for different reasons over the past two centuries.

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[81] Goddard, Passim.

[82] Goddard, xi.

[83] Robertson, 7.

It would also seem that over the years, incredible efforts have been expended on the part of various governments to resolve one aspect or another of Indigenous social life including how to best erase them completely from the Canadian landscape. The various assimilation policies that have been enacted during Canada's history, designed as they were to make Indigenous peoples "culturally indistinguishable"[84] or, by the enfranchisement of many Indian women and their children between the years 1869 – 1985 who chose to 'marry out' thereby losing their rights as legal Indians[85] are but two examples of these efforts. Strangely enough, this kind of investigative activity is particularly evident in times of either relative peace and prosperity for the general population when Indigenous Peoples could hardly be seen as representing any sort of challenge to the existing Canadian social order, or when the living and social conditions of Indigenous Peoples received exposure to the point that they could not be ignored. For these reasons, it is worth naming a few of the commissions and inquiries that have been undertaken in the nineteenth and the twentieth centuries in particular.

While inquires into Indigenous issues often appear to be a twentieth century phenomena, Sidney L. Harring notes that "Problems in Indian policy in the nineteenth century produced a thoroughly documented historical record through formal commissions of inquiry."[86] During the early years of the nineteenth century for example, between 1812 and 1856, in a period of just 44 years, there were no less than six comprehensive state sponsored commissions into Indian policy in Upper Canada that dealt with issues of

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[84] Satzewich and Wotherspoon, 28.
[85] Richardson, 62.
[86] Harring, 29.

a 'legal nature',[87] as well as several others that investigated matters that were not entirely

restricted to legal issues.

Of all the governmental activities Harring refers to, *The Gradual Civilization Act*

of 1857 is one of the most significant. Proclaimed as Britain's "final imperial Indian

policy,"[88] it provided, and continues to provide, the legislative and legal basis for the

formulation of all of Canada's attempts to regulate Indigenous Peoples. It was this piece

of legislation that provided the foundation for the *Indian Act* to be introduced by the

Dominion of Canada 1876. The *Indian Act* consolidated all legislations concerning

Indians into one document. It remains in force today and provides the locus for much of

Indigenous - Canadian relations.

The *Indian Act* is pivotal legislation and is worth spending a few moments on for

several reasons. First of all, because the *Indian Act* is a consolidation of all existing laws

regarding Indians, it serves to define the parameters of discussion between Indigenous

Peoples and Canada by setting into Canadian law what the Crown will, and will not act

upon. Second, the *Indian Act* being the legal creature that it is, and because it is the

single largest statute, outside of constitutional documents, in Canadian law, it continues

to provide the foundation for all contemporary Indian policy and its influence is felt

throughout all facets of Indigenous life. Third, the *Indian Act* defines for the Crown who

is, and who is not considered to be an Indian for the purposes of Canada's government.

Finally, since it continues to be informed by the assumptions that allowed for its

formation, and as it is currently the primary mechanism for the legal regulation of Indian

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[87] Harring, 29 - 32.
[88] Harring, 32.

people as defined in Canadian law, it has alternatively been seen as both the bane and the balm of Indigenous – Canadian relations, both by Canada and First Nations.

The *Indian Act* has negative connotations in part because it was built upon *The Gradual Civilization Act of 1857* which was touted as 'Britain's final imperial policy' and because it was designed with the intention of putting into practice civilizing mechanisms that would make Indians "culturally indistinguishable' from other Canadians."[89] It is legislation based on a concept of wardship that defines Indians as being much like children. This means that they are not considered as being capable of handling their own affairs and are therefore in need of protection by the state until such point that they are civilized enough to function without this added protection. In spite of several revisions since its enactment, most notably in 1959,[90] 1960,[91] and 1985,[92] and 1988,[93] the *Indian Act* continues to be rife with these kinds of assumptions. The document continues to encourage a relationship of wardship of Indian people by the Canadian state. On the other hand, the *Indian Act* is evidence of Canada's historic recognition that there is a particular, or special relationship between some Indigenous

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[89] Satzewich and Wotherspoon, 28.

[90] In 1951, the 'consolidated *Indian Act*' was passed and legislations "prohibiting potlatches and the pursuit of land claims" were repealed. Indian Affairs and Northern Development, "Milestones in Aboriginal History," Aboriginal Workforce Participation Initiative AWPI Employer Toolkit. (Ottawa, Canada: Public Works and Government Services, 1998), Section 5, 38.

[91] Status Indians were now allowed to be a fully enfranchised Canadian and retain their status as Indians under the *Indian Act*. On July 1st 1960, status Indians were given the right to vote in federal elections. Indian Affairs and Northern Development, "Milestones in Aboriginal History," Section 5, 38.

[92] Bill C-31, an amendment to the *Indian Act*, was passed in the House of Commons. The amendments contained in Bill C-31 removed discriminatory practices of the *Indian Act*, most notably the loss of Indian status to women who married non-Indian status men, and brought the *Act* in line with the Canadian Charter of Human Rights and Freedoms. Indian Affairs and Northern Development, "Milestones in Aboriginal History," Section 5, 41.

[93] Bill C-115 was passed by the federal government, which allowed Indian Band administrations to pass by-laws and levy property taxes on leased reserve lands. Indian Affairs and Northern Development, "Milestones in Aboriginal History," Section 5, 41.

Peoples and Canada. With this being the case, the Indian – Crown relationship cannot be easily dismissed.

More recent commissions and inquiries include the 1966-67 Hawthorn Report entitled *A Survey of Contemporary Indians in Canada. A Report on the Economic, Political, Educational Needs and Policies,* which examined the economic and social conditions of Indigenous Peoples in Canada. In 1969, there was a culmination of a consultation process initiated by the newly elected Liberal government under the leadership of Pierre Elliot Trudeau and the introduction of the infamous document *The Statement of the Government of Canada on Indian Policy, 1969.* The "'69 White Paper," as *The Statement of the Government of Canada on Indian Policy, 1969* has become known, and the debates that surrounded the proposed policy from its introduction until its eventual repeal, signified a turning point in Indigenous – Canadian relations. The significance of the '69 White Paper is discussed more fully in Chapter Four.

In 1976, there was the release of *Northern Frontier, Northern Homeland. The Report of the Mackenzie Valley Pipeline Inquiry* headed by Thomas Berger, who investigated the construction of a proposed gas and oil pipeline through Déné territory. More commonly known as the Berger Inquiry, this inquiry was particularly significant for two reasons. Not only was it the first time oral histories were accepted as evidence, but it also called for the inclusion of the Traditional Knowledge held by Indigenous Peoples. Jack Beaver's 1979 *What is One's Own* focused on the economic development potentials in Indigenous communities, while 1983 saw John Penner present *Indian self-government in Canada. Report of the Special Committee* (also known as the Penner Report) to Parliament. The Penner Report recommended that the federal government

fully support, and work towards enabling "expansive version[s] of Indian self-

government."[94] 1985 saw the Coolican Report, *Living Treaties, Lasting Agreements,*

Report of the Task Force to Review Comprehensive Land Claims, which recommended:

> ...that the federal government revamp its comprehensive claims policy to recognize and affirm
> aboriginal rights in claims agreements. It was opposed to extinguishment as a condition of
> settlement, and urged the federal government to view comprehensive claims as a social contract in
> which the needs and rights of Aboriginal people were balanced with those of government.[95]

Finally, the lengthy, and possibly the most comprehensive inquiry to date, is the five-year

Royal Commission on Aboriginal Peoples (RCAP). Released in 1996, RCAP explored

just about every aspect of the relationship between Indigenous Peoples and Canada and

came complete with 440 recommendations.[96]

In the 29-year period from 1967 to 1996, there have been at least seven major

investigations initiated by the federal government into various areas concerning

Indigenous Peoples. Furthermore, each inquiry or commission – with the exception of

RCAP – was designed to not only acknowledge and address particular specific concerns

of Indigenous Peoples, but also recommended courses of action to either mediate or

rectify the issues being investigated. Many of these inquiries contained not only the

comments of the Indigenous Peoples consulted, but also indications of their support. In

each instance, Indigenous People consistently demonstrated that they were willing to be

active in the shaping of their future with Canada and that they were willing to work with

Canada to achieve political, social, and economic parity.

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[94] Miller, 240 – 241.

[95] Ed Weick, Native Claims, <http://members.eisa.com/~ec086636/native_claims.htm> (Retrieved 21
April 2002). Note: the document was under revision at the time of retrieval.

[96] Mary C. Hurley, and Jill Wherrett, Parliamentary Research Branch, Government of Canada. The Report
of The Royal Commission on Aboriginal Peoples. 4 October 1999, Revised 2 August 2000,
<http://www.parl.gc.ca/information/library/PRBpubs/prb9924-e.htm> (Retreived 17 January 2003).

Observations on Research Trends

This review on the directions of research trends in recent years, while brief, demonstrates the heightened level of interest held by various parties on Indigenous issues. This interest has been particularly evident over the last few decades as demonstrated by the exponential growth in the available literature with nearly every aspect of Indigenous social life researched, investigated, and documented. Each writer mentioned, along with many others, has worked towards attaining a greater understanding of Indigenous – Canadian relations. The explosive growth in the literature that is now available compared to a generation ago indicates not only a genuine and serious interest for understanding contemporary Indigenous issues, but also serves as a reminder that much work remains to be done. It is clear that Indigenous Peoples, the issues they are concerned with, along with their place in Canada's social ordering generate particular, but rarely concerted interest.

The Knowledge Gap

While there has been significant progress in the last three decades into Indigenous – Canadian relations, the research methodology employed to date in investigating issues of concern to Indigenous People – as noted by Tuhiwai Smith, tends to reflect, and is rooted in traditional academic approaches. Thus more often than not, issues of concern to Indigenous Peoples tend to be perceived as problems to be solved and often ignore the "historical formations of such conditions."[97] Furthermore, the problems themselves are often defined by the non-Indigenous community, as are the tools and remedies.

The problem-solving approach is not necessarily a negative as there are many social, economic, and political conditions of Indigenous life that require immediate

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[97] Tuhiwai Smith, 4.

attention and action. The difficulty with this approach is that it often tends to define source populations as problems and others as solvers – a relation saturated with connotations of power. At the same time however, to create an environment where lasting change can occur and not just knee-jerk, reactive tendencies, we need to start seeing the social location of Indigenous Peoples in Canada as something more than a series of problems that need solving.

Consideration needs to be directed towards the nature and the influence of history, the societal attitudes held by Canada towards Indigenous Peoples, and the assumptions that have informed this relationship. It is in these spheres of life in which the environment that permits the current conditions to prevail are replicated and thus perpetuated. Unless and until we begin to direct our inquiries into these hidden areas of Indigenous – Canadian relations, it is likely that lasting change that is mutually beneficial will be a long time in coming. Change can start with how the 'problem' is perceived.

An Alternative to 'Problem-Solving'

Noted in the Introduction was the proposition advanced by Robert Cox in which ascribing the label 'problem' to a situation implies a basic acceptance of the assumptions that underlie the social and institutional structures we live in. The simple acceptance of the supporting social and institutional structural assumptions 'permit' or 'allow' existing marginalizations to occur, and re-occur. Cox suggests that problem-solving methods accept "the world as given (and on the whole good) and provides guidance to correct dysfunctions or specific problems that arise within this existing order."[98] Thus without the desire to question, challenge or change the existing order, the methods employed in

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[98] Robert W. Cox, "Critical Political Economy," International Political Economy Understanding Global Disorder, ed. Bjorn Hettne (Halifax, Nova Scotia: Fernwood Publishing, 1995), 31.

problem-solving techniques tend to support the 'the existing social order.' These

techniques rarely, if ever go beyond examining the superficial manifestations of a

problem or situation to take into account underlying assumptions or motivations involved

in the creation and / or maintenance of the problem or situation. It is, in effect, a tacit

acceptance of 'the way things are.'

Also noted in the introductory chapter, was the approach employed by Noel Dyck

who investigates the Indian 'problem' by employing a more substantive method. He

acknowledges that the traditional approach most commonly used is the problem-solving

technique where the difficulties Indigenous Peoples experience are treated as though they

are 'repairable' or as if by tinkering, things can somehow be mended. One of the greater

contributions Dyck makes is in recognizing that the marginalized conditions of

Indigenous life are but *'symptoms'* of the real 'problems' which go much deeper than the

outward manifestations that many writers and researchers tend to focus on. Dyck

suggests "the Indian 'problem' is not an inherent condition, but the underlying premise of

a relationship."[99]

Recognizing that the Indian 'problem' is made and not given represents a

significant shift and is a major breakthrough in how the social location of Indigenous

Peoples can be investigated. In looking at social location, for example, the approach

offered by Dyck, alters radically how the social condition of Indigenous peoples in

Canada can be understood and perceived. More to the point, by taking into account that

the social structures that govern Indigenous – Canadian relations are informed by human

activity and motivation, allowed Dyck to consider reasons why the result has been a

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[99] Noel Dyck, What is the Indian 'Problem' Tutelage and Resistance in Canadian Indian Administration, (1991. St. John's Newfoundland: Institute of Social and Economic Research, Memorial University of Newfoundland, 1993), 2.

relationship lacking in equality. In beginning with the premise that both attitudes and actions are explanatory factors, Dyck takes into account "the manner in which contemporary non-Indian views of the Indian 'problem' shape interaction between Indians and other Canadians."[100]

While Dyck addresses the Indian 'problem' in a manner that goes beyond the commonly accepted assumptions that inform traditional academic approaches, questions remain unanswered. 'White tutelage', a term used by many anthropologists, including Dyck, in referring to wardship and its "implicit understanding of the unequal status and power of the two parties,"[101] does much to explain how the Indian 'problem' came to be constituted. However, it does not fully explain why the problem exists. While Dyck correctly identifies the economic imperatives, for example were, and continue to be, a vital factor in this relationship, there is still more to consider. The pursuit of economic interests alone in the development of the Dominion of Canada does not explain the kind of colonialism that came to be practiced in Canada. Superior European military strength, economic power, and the sheer population of the newcomers could have easily controlled the Indigenous population, decimated as they were through disease and poverty, without any need for pretense at institutional accommodation. One theme Dyck does not explicitly consider are the assumptions inherent in European nation-building as a rationale to inform the relations of tutelage that have relegated Indigenous Peoples to the margins of Canadian society.

In Linda Tuhiwai Smith's critique of current research methodologies, she refers to "research projects as serving a greater good 'for mankind,' or serving a specific

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[100] Dyck, 11.
[101] Dyck, 24.

emancipatory goal for an oppressed community." [102] Tuhiwai Smith also notes the

egocentricity of researchers by stating, "belief in the ideal that benefiting mankind is

indeed a primary outcome of scientific research is as much a reflection of ideology as it is

of academic training."[103] She notes that this belief has become so entrenched "that many

researchers simply assume that they as individuals embody this ideal and are natural

representatives of it."[104] Tuhiwai Smith further recognizes that "research is not an

innocent or distant academic exercise but an activity that has something at stake and that

it occurs in a set of political and social conditions."[105] For Tuhiwai Smith, part of what is

at stake is the 'messaging' that Indigenous Peoples receive. She recognizes this by

noting that so long as Indigenous Peoples are continuously being "fed messages about

their worthlessness, laziness, dependence and lack of 'higher' order human qualities"[106]

that they will believe them and will live them – almost like a self-fulfilling prophecy.

Moreover, others, meaning non-Indigenous people, will also believe them and will form

their opinions and values about Indigenous Peoples around those beliefs. Thus the

negatively charged cycle is replicated and reinforced.

    In conducting inquiries into issues of concern for Indigenous Peoples, Tuhiwai-

Smith acknowledges one further challenge to overcome aside from those identified. In

challenging traditional academic methodologies, there is some resentment towards

Indigenous Peoples who raise or ask questions about how research is being used and how

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[102] Tuhiwai Smith, 2.
[103] Tuhiwai Smith, 2.
[104] Tuhiwai Smith, 2.
[105] Tuhiwai Smith, 5.
[106] Tuhiwai Smith, 4.

"research paradigms constantly permit them [researchers] to exploit indigenous peoples and their knowledges."[107]

One possible explanation for this resentment is that Indigenous Peoples are forcing researchers to 'justify' their activities, their methods, and the findings that are being generated. Indigenous Peoples are no longer silent about having their histories, knowledges, or experiences used out of context or in support of objectives that are detrimental to their well-being. In the same way that Bourdieu's concept of symbolic violence can become so commonplace that it becomes transfigured into socially recognized, and accepted forms of domination, thus gaining "legitimate authority,"[108] so can research methods, findings and applications.

A second plausible explanation is much more basic. As greater numbers of Indigenous people enter academia, they are becoming the researchers instead of being the subjects of others. They are issuing challenges into how inquiry and research is being conducted and questioning accepted ways of knowing. The authority and territory of traditional academics are being challenged and the implications of these challenges may be nothing short of revolutionary. The outcomes will no doubt make their impact felt in academia as Indigenous scholars begin to promote their perspectives and worldviews.

Concluding Comments

To recognize and define the assumptions that underlie Indigenous – Canadian relations, Noel Dyck and Linda Tuhiwai Smith among others, and to a lesser extent, journalists such as John Goddard and Heather Robertson have made a crucial distinction in how they define, and thus, approach the problem. Each of these writers explicitly

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[107] Tuhiwai Smith, 17.
[108] Pierre Bourdieu, Outline of a Theory of Practice, trans. by Richard Nice (Cambridge: Cambridge University Press, 1977), 192.

recognizes that Indigenous – Canadian relations have been, and continue to be constituted through the actions of individuals.

Recognizing that the Indian 'problem' is one that is made and that the manifestations of this problem are 'symptoms' cannot be stressed enough. Human agency is an active ingredient in Indigenous – Canadian relations. How and why human actions are carried out is just as relevant as are the manifestations we tend to concentrate on.

Chapter Two

The Context of Current Relations

This chapter consists of a discussion of three elements that define the context of this thesis and the nature of Indigenous – Canadian relations. These elements in turn, are made up of several components and together they form the first foundational layer of this thesis. The elements of interest are as follows: the current social location of Indigenous peoples, two forms of violence experienced by Indigenous Peoples (individual/private and group/public), and the meaning and relevance of 'contradiction' as related to Indigenous – Canadian relations. The sole purpose of this chapter is to prepare the groundwork for the chapters that follow which deal in much greater depth with the general societal perceptions of Indigenous Peoples in Canada.

Examining the conditions that many Indigenous people and communities are struggling with also provides the background necessary for discussing the private and public forms of violence they tend to experience. A knowledge of the social location and conditions of Indigenous peoples, along with an understanding of the forms of violence they routinely experience, will in turn assist in explicating how contradiction ends up characterizing so much of Indigenous – Canadian social life.

The Impact of Social Location

Because one can expect to find a wide range of social and living standards in any social ordering, care needs to be exercised in demonstrating just how Indigenous ways of life differs from that of Canadians in general. For this reason, wherever possible reliable statistical comparisons are used in comparing the living and social conditions for Indigenous Peoples and those of the Canadian population in general. A minor drawback

to this is that census information for the off-reserve Indigenous population is not nearly as complete as that for on-reserve or for the population as a whole.

The overview details the social location of Indigenous Peoples in Canada today. The overview is not intended to generate sensationalism or inspire feelings of obligation. The purpose, aside from situating Indigenous Peoples, is to provide some definition to the current state of the 'special relationship' that is said to exist between Indigenous Peoples and the Canadian state. Thus the evidence given to illustrate the disadvantaged social location of Indigenous Peoples is presented with a minimum of interpretation for, while a consideration and interpretation of the prevalent socio-economic factors demonstrates a meaningful case, the facts themselves can demonstrate the same case and the danger of 'qualifying' or otherwise 'explaining away' the evidence is reduced. A second reason for not becoming immediately involved with interpretation of the data is to prevent this project from becoming just another problem-solving exercise. As mentioned, there is a tendency to examine Indigenous issues in isolation rather than as being one aspect of an interacting whole.

The objective of this section is to demonstrate where, and how deeply socio-economic disadvantages Indigenous peoples contend with permeate their everyday life, and how one area of disadvantage is intimately related to other forms of the same. This allows for a more complete understanding of what Indigenous communities are coping with as they struggle to deal with multiple crises simultaneously with insufficient resources.

Nothing Short of a Tragedy

In 1998, the United Nations released a report that ranked Canada as one of the best countries in the world to live for the sixth year in a row.[1] In the same year, a study commissioned by the Department of Indian Affairs and Northern Development (DIAND) applied the same criteria revealing that living conditions for Indigenous Peoples on reserves in Canada were "worse than countries such as Mexico and Thailand."[2] DIAND's study provided rankings for the living conditions of Indigenous people who live both on, and off reserve. In their report, living conditions of Indigenous Peoples off-Reserve "come in about 35th,"[3] while conditions for those living on reserve "rank about 63rd,"[4] when compared to other countries.

Not long after the DIAND study was made public, the Canadian Human Rights Commission (CHRC) issued one of its periodic reports on the status of Indigenous Peoples. The CHRC report included the following commentary on the DIAND study:

> The Human Development Index measures real gross domestic product per capita, educational attainment, and life expectancy, in order to calculate a global measure of quality of life. According to the Canadian study, carried out by the Department of Indian Affairs and Northern Development, the quality of life for registered Indians living on reserves would place them about 60th of the 170 countries studies by the United Nations. The situation is somewhat better for status Indians living off reserve.
>
> The Department's study did not calculate scores for Métis, Inuit and non-status Indians living off-reserves, but there is no reason to believe that their quality of life is significantly higher than that of status Indians.[5]

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[1] Erin Anderssen, "Canada's squalid secret: life on native reserves Income, education, life expectancy worse than in 62 countries," The Globe and Mail, 12 October 1998, A1.
[2] Anderssen, A1.
[3] Anderssen, A1.
[4] Anderssen, A1.
[5] Canadian Human Rights Commission, Canadian Human Rights Annual Report 1996 Issues in Human Rights Aboriginal Peoples, 26 March 1999, <http://www.chrc-ccdp.ca/ar-ra/ar98-ra98/abor-auto.asp?l=e> (Retrieved: 23 April 2002).

Everyday Life

Recognition and awareness of the socio-political location of Indigenous Peoples within Canada is not limited to the observations of external bodies such as the United Nations or Canadian governmental departments such as DIAND. Perhaps the hardest evidence is that provided through the lived realities of Indigenous Peoples who have found themselves entangled within a social construction not entirely of their own making.

Peter L. Berger & Thomas Luckmann define everyday life as: "... as a reality interpreted by men *(sic)* and subjectively meaningful to them as a coherent world". [6] Berger & Luckmann further state that:

> The world of everyday life is not only taken for granted as reality by the ordinary members of society in the subjectively meaningful conduct of their lives. It is a world that originates in their thoughts and actions, and is maintained as real by these. [7]

For Berger & Luckmann, everyday life is a world where social relations are reified daily meaning we are born into a reality that contains institutions, social structures and relations as well as social, economic, political and cultural conditions and perceptions. That these elements of social life precede our entrance into the world does not imply any sense of determinism. Instead, it is the simple recognition that many social conditions exist prior to our births as individuals. For Indigenous Peoples in Canada, this has particular significance as their lives are played out within a cultural, political, and economic societal formation in which poverty, conflict with the law, substance abuse, and violence is the norm more often than not.

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[6] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality A Treatise in the Sociology of Knowledge, (New York, New York: Anchor Books, 1967), 19.
[7] Berger and Luckmann, 19-20.

Mortality and Life Expectancy

In 1986, the infant mortality rate for the Registered Indian population was 17.5

per 1,000 live births compared to 7.9 infant deaths per 1,000 live births for Canada as a

whole.[8] Over the next five years, infant mortality rates decreased by nearly 50% from

18.2 in 1985 to 9.9 infant deaths per 1,000 live births in 1989 while between the years

1991 – 1994, the mortality rate remained relatively constant at 11.9 per 1,000 live births.[9]

Between 1995 and 1996, the infant mortality rate for Registered Indians jumped

significantly to 15.0 before decreasing to 13.8 infant deaths per 1,000 live births.[10] In the

same period, (between 1995–1996) infant mortality rates for Canada as a whole went

from 6.4 to 6.1.[11] Infant mortality amongst First Nations peoples consistently remains at

nearly twice the national average.[12]

In 1996, the average life expectancy at birth for Canada as a whole, stood at 78.6

years.[13] Of 136 health regions in Canada, there are 12 where people are not expected to

live for more than 75.7 years. This is similar to the average life expectancy for Mexico in

1996 and for Canada 25 years ago.[14] Health regions that have longer life expectancies for

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[8] Tim Schouls, John Olthuis and Diane Engelstad, "The Basic Dilemma: Sovereignty or Assimilation," Nation to Nation Aboriginal Sovereignty and the Future of Canada, eds. Diane Engelstad and John Bird (Concord, Ontario: House of Anansi Press Limited, 1992), 12. That infant mortality rates for on reserve Registered Indians in 1994 was twice the national rate is also noted in Indian and Northern Affairs Canada and Canadian Polar Commission 1999 - 2000 Estimates Report on plans and Priorities (Ottawa, Canada: Department of Indian Affairs and Northern Development, March, 1999), 9.

[9] Department of Indian Affairs and Northern Development, Basic Departmental Data 1997 (Ottawa, Canada: Minister of Public Works and Government Services Canada, March 1998), 24.

[10] Department of Indian Affairs and Northern Development, Basic Departmental Data 1998 (Ottawa, Canada: Department of Indian Affairs and Northern Development, March 1999), 23.

[11] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 Registered Indians, Registered Indians living On Reserve and the Total Population of Canada (Ottawa, Canada: Minister of Public Works and Government Services Canada, 2000), 5.

[12] Statistics Canada, Health Reports, Winter 1999 Vol. 11, No. 3. Statistics Canada, Catalogue 82-003, 13.

[13] Statistics Canada, Health Reports, Winter 1999 10.

[14] Statistics Canada, Health Reports, Winter 1999 11.

men and / or women have several common characteristics, including lower rates of

unemployment and higher levels of educational attainment.[15]

Of the 12 health regions in Canada with the lowest life expectancy,[16] Aboriginal

peoples make up 48% of the population in at least nine of these regions with similar

patterns of mortality for both males and females.[17] Statistics show that in health regions

with a 20% or higher Aboriginal population, infant mortality rates were 1.3 to 2.8 times

the Canadian rate.[18] For Région du Nunavik and Nunavut, areas with significant Inuit

and Innu populations, infant mortality rates are even higher at over 3.1 times the

Canadian rate.[19]

Unintentional injuries are a main cause of death among Aboriginal peoples. For

Aboriginal infants, "the rate of death due to injury is almost four times the Canadian rate;

for preschoolers, it is five times higher; and among teenagers, it is three times higher."[20]

And finally, "in all nine Aboriginal-populated health regions with low life expectancy at

birth, the unintentional injury death rates were over two times the Canadian rate."[21]

Suicide is also a major cause of death among Aboriginal peoples as well as non-

Aboriginals who live in northern and remote communities. With just two exceptions,

health regions with low life expectancy and more than 20% Aboriginal population, had

suicide rates that were at least 1.5 to 2.9 times the Canadian rate.[22]

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[15] Statistics Canada, Health Reports, Winter 1999 15.
[16] Low life expectancy, according to Statistics Canada means an average of less than 75.5 years for males and females combined. Included in the twelve health regions with lower life expectancies are: the Yukon Territory, Nunavut, and some of the northern regions of Québec, Ontario, Manitoba, and Saskatchewan. From: Statistics Canada, Health Reports, Winter 1999 11.
[17] Statistics Canada, Health Reports, Winter 1999 11.
[18] Statistics Canada, Health Reports, Winter 1999 13.
[19] Statistics Canada, Health Reports, Winter 1999 13.
[20] Statistics Canada, Health Reports, Winter 1999 13.
[21] Statistics Canada, Health Reports, Winter 1999 13.
[22] Statistics Canada, Health Reports, Winter 1999 13 – 14.

Housing

The 1991 Canadian Census, Statistics Canada reported that housing conditions[23]

on reserve had "eroded slightly, with the percent of houses with more than one person per

room increasing from 29 percent to 31 percent."[24] The same census indicated, "that 50%

of native Canadians live in crowded conditions …and 20 percent of native homes are in

need of repair compared with 8 per cent of the country as a whole."[25] Overcrowding

decreased slightly between 1991 and 1996 with the percentage dropping from 20.9% to

18.6%.[26]

An analysis compiled by the Royal Bank of Canada for presentation in 1998

referenced a report issued by Canada Mortgage and Housing Corporation that stated:

"aboriginal *(sic)* housing conditions are below acceptable standards for 65% of on-

reserve households and 49% of off-reserve aboriginal house- holds. The corresponding

figure for the non-aboriginal population is about 30%."[27] This is an improvement from

1988/89 when 68% of dwellings on reserve required renovation or replacement[28] but a

worsening from 1996/97 when 47.9% of dwellings on reserve required renovations or

replacement.[29]

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[23] Adequate housing is defined as the number of housing units that do not require any minor or major renovations or replacement. Department of Indian Affairs and Northern Development, Basic Departmental Data – 1997 47.

[24] Statistics Canada, Rural and Small Town Canada Analysis Bulletin Geographic Patterns of Socio-Economic Well-Being of First Nations Communities Vol. 1, No. 8. (Ottawa, Canada: Statistics Canada, June 1999), 6.

[25] Pauline Comeau and Aldo Santin, The First Canadians A Profile of Canada's Native People Today Second Edition, (Toronto, Ontario: James Lorimer and Company, 1995), 108.

[26] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 8.

[27] John McCallum, "Aboriginal economic development Overview," Royal Bank of Canada, Current Analysis Vol. 2, No. 6. (June 1998), 4.

[28] Department of Indian Affairs and Northern Development, Basic Departmental Data – 1997 47.

[29] Department of Indian Affairs and Northern Development, Basic Departmental Data – 1997 47.

Education

While great strides have been taken by Aboriginal Peoples in recent years in

obtaining higher secondary and post-secondary education levels, significant gaps remain

in comparison with Canada as a whole. In 1991, 2% of the Registered Indian population

managed to obtain a university degree compared with 11.4% of Canada as a whole.[30] In

1996, just 3% of Aboriginal people had a university degree compared with 13.3% of the

non-Aboriginal population.[31] In real numbers, this translates into 3.5 million Canadian

university graduates who have a certificate, bachelor's degree or higher[32] while the 3% of

Registered Indians who have a university degree is approximately 9,372.[33]

The 46% secondary school completion rate for Registered Indians in 1996 is a

positive increase over 1991 statistics which showed the same population having a

secondary school attainment rate of 36% with nearly 28% having less than a grade 9

education.[34] Five years previously in 1986, approximately 37% of Registered Indians

had less than a grade nine education.[35] In 1996, that number dropped to about 17%.[36]

For Canada as a whole, approximately 17% of Canadians had less than grade nine in

1986 while in 1996, that number was further reduced to less than 11%.[37] In 1986, 40% of

Registered Indians completed secondary school and 1996 saw that percentage increase to

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[30] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada: A Statistical Profile (Ottawa, Canada: Statistics Canada, June 2001), 5.

[31] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[32] Statistics Canada, "1996 Census: Education, mobility and migration." The Daily Tuesday April 14 1998 <http://www.statcan.ca/Daily/English/980414/d980414.htm> (Retrieved 29 April 2002).

[33] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 3.

[34] Department of Indian Affairs and Northern Development, 1991 Census Highlights on Registered Indians Annotated Tables (Ottawa, Canada: Department of Indian Affairs and Northern Development, October 1995), viii.

[35] Jeremy Hull for Department of Indian Affairs and Northern Development, Aboriginal Post-Secondary Education and Labour Market Outcomes Canada, 1996 (Ottawa, Canada: Department of Indian Affairs and Northern Development. 1996), 8.

[36] Hull, 8.

[37] Hull, 8.

42%.[38] For Canada as a whole, 40% of the population had a secondary school education

in 1986 – a figure that dropped to about 37% in 1996.[39]

Employment, Unemployment and Income

A report released by the Caledon Institute of Social Policy stated that "25% of the

aboriginal populations was unemployed in both the 1991 and 1996 census years

compared with 10 per cent of the general population."[40] The Department of Indian

Affairs and Northern Development reported that unemployment rates for Aboriginal

people was twice the national average at 18% in 1996 and was even higher for those

living on reserve at 29%.[41]

Of those Registered Indians living on reserve, 48.5% indicated they were not part

of the labour force.[42] For those who are included in the labour force, unemployment

stood at 28.7% in 1996 signifying a slight decrease of 2.3% from the 1991 rate of 31%.[43]

Also reported were the unemployment rates for on reserve Registered Indian men and

women. In 1996, 22.1% of women on reserve were unemployed while men had an

unemployment rate of 33.7%.[44] 1991 unemployment rates for women and men living on

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[38] Hull, 8.

[39] Hull, 8.

[40] Leanne Yohemas-Hayes, "Jobless rate among natives needs attention, report says," The Globe and Mail, 17 June 1999, A3.

[41] Department of Indian Affairs and Northern Development, The Indian and Northern Affairs Canada and Canadian Polar Commission 1999 - 2000 Estimates 9.

[42] Excluded from 'Labour force' counts are all those "Persons not in the labour force are those who ... were unwilling or unable to offer or supply labour services under conditions existing in their labour markets, that is, they were neither employed nor unemployed. From Statistics Canada, Guide to the Labour Force Survey Revised February 2001 (Ottawa, Canada: Statistics Canada, 2001), Catalogue no. 71-543-GIE, 5.

[43] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 6.

[44] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 6.

reserve were 26.1% and 34.3% respectively.[45] Young Aboriginal adults aged 15 to 24

have the hardest time in obtaining employment. In 1996, while young Aboriginal adults

had an unemployment rate of 32%, the rate for young Aboriginal men stood at 35%.[46]

Higher rates of unemployment for Aboriginal people are not restricted to those

living on reserve. As a whole, Aboriginal people are less likely than their non-Aboriginal

counterparts to be participants in the paid workforce. In 1996, just 48% of Aboriginal

men aged 15 and over were employed compared to 66% of non-Aboriginal people.[47] The

situation is similar for Aboriginal women who have a workforce participation rate of 41%

in the same year versus 53% of non-Aboriginal women.[48] Of all Aboriginal people, the

Métis have the best employment rate at 52% in 1996 while the figures for the overall

North American Indian population stood at 41% and 47% for Inuit.[49]

While overall unemployment rates for all Aboriginal people are high, those who

identify themselves as North American Indians have the highest rates of all. In 1996,

26% of North American Indian labour force participants were unemployed, as was 20%

of Métis and 22% of Inuit.[50]

Given the lower levels of educational attainment and lower employment rates, it

is hardly surprising that annual incomes of Aboriginal people are considerably lower than

that of Canada as a whole. For the Aboriginal population overall, 46% had incomes

below $10,000 in 1995 compared with 27% of non-Aboriginal people.[51] Average income

in 1995 for Aboriginal people was $15,700 or 62% of the $25,400 annual income of non-

[45] Department of Indian Affairs and Northern Development, Comparison of Social Conditions, 1991 and 1996 6.

[46] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[47] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[48] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[49] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[50] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 5.

[51] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.

Aboriginals.[52] Among Aboriginal people, North American Indians are the most likely to have a low income: "In 1995, 48% of North American Indians, versus 46% of Inuit and 41% of Métis, had incomes below $10,000."[53]

These figures represent an increase over 1986 and 1991 levels. For Registered Indians living on reserve in 1986 and 1991, 36.7 % and 38.7 of income respectively, was derived from employment.[54] The balance of income was derived from government sources: "Along with the Inuit, Indians on reserve were the only group to experience a relative increase in government income as a total component of income between 1986 and 1991."[55] For Registered Indians living off reserve, "50.7 percent of income in 1991 came from employment, an increase from 43.1% in 1986.[56] Highlights from the 1991Canadian census notes that the "average income for the total registered Indian population [in 1991] was $12,800, which is approximately half that of the reference population, at $24,100."[57] Of the Aboriginal population in 1995, the Métis had the highest average incomes at $17,600 with Inuit averaging $16,800 and North American Indians with the lowest average annual income at $14,900.[58]

Personal & Family Violence

Reported cases of domestic violence are growing in Aboriginal homes. The *General Social Survey* (GSS) conducted in 1999 noted "Aboriginal peoples were more

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[52] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.
[53] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.
[54] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.
[55] Department of Indian Affairs and Northern Development, Highlights of Aboriginal Conditions 1991, 1986 Demographic, Social, and Economic Characteristics (Ottawa, Canada: Department of Indian Affairs and Northern Development, October 1995), 98.
[56] Department of Indian Affairs and Northern Development, Highlights of Aboriginal Conditions 1991, 1986 98.
[57] Department of Indian Affairs and Northern Development, 1991 Census Highlights on Registered Indians Annotated Tables 21.
[58] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.

likely than other Canadians to report being assaulted by a spouse in a five-year period"[59]

and that "approximately 20% of Aboriginal peoples reported being assaulted by a spouse

as compared with 7% of the non-Aboriginal population."[60] Considering the hesitancy to

report instances of family violence, it is quite likely that the figures given in the GSS are

less than accurate and represent only a fraction of the domestic violence that occurs.

When examining patterns of violence by current and ex-spouses, the rate of

occurrence for Aboriginal people is more than double that of the population as a whole in

both categories. In the 1993–1998 reference period, the GSS reported that "11% of

Aboriginal persons were assaulted by a current spouse compared to 4% of non-

Aboriginal women and men"[61] and that "among those in contact with former spouses,

45% of Aboriginals and 25% of non-Aboriginals were assaulted by that ex-partner during

the five-year reference period."[62] Aboriginal women are at far greater risk of spousal

violence from either current, or ex-spouses when compared with Aboriginal men and

non-Aboriginal women and men.[63]

Not only does the rate of spousal violence exceed that of their non-Aboriginal

counterparts, but also the severity of violence experienced.[64] In Aboriginal spousal

assault cases, the violence was considered 'severe' or 'life threatening' in 48% of all

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[59] Canadian Centre for Justice Statistics, Family Violence in Canada: A Statistical Profile 2001 (Ottawa, Canada: Statistics Canada, June 2001). 28. Catalogue no. 85-224. Note: With respect to the General Social Survey results, the report cautions the "GSS results exclude data from the Northwest Territories, Yukon, and Nunavut in which high concentrations of Aboriginal peoples reside. Furthermore, the GSS uses random digit dialing, a telephone sampling method which includes both on/reserve and off/reserve Aboriginal populations, yet does not distinguish between them. This method also excludes those without their own telephones." 28.

[60] Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[61] Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[62] Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[63] "Twenty-five percent of Aboriginal women were assaulted by a current or former spouse during the five-year period, twice the rate for Aboriginal men (13%) and three times the rate for non-Aboriginal women and men." Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[64] 'Severe" or 'life-threatening' types of violence include: "being beaten, choked, threatened with a gun or knife, or sexually assaulted." Canadian Centre for Justice Statistics, Family Violence in Canada 29.

cases in contrast with the 31% reported by non-Aboriginals.[65] Rates of physical injury also exceed that of non-Aboriginals who report spousal violence.[66] As can be expected in cases of family violence, children often find themselves witnesses. This is no different in Aboriginal families where in well over 50% cases of spousal assault, a child had observed the violence with most observations involving female victims.[67]

Emotional abuse has many forms and includes "insults, jealousy, and the regular attempt to control and limit the activities and social relationships of one's partner."[68] This form of abuse is experienced by both Aboriginal women and men at 37% and 30% respectively – a rate which is nearly double the average for non-Aboriginal women and men who reported that 18% experienced some form of emotional abuse.[69] Among Aboriginal people who experience emotional abuse, there is a much greater likelihood of suffering physical violence than non-Aboriginal people.[70]

Spousal Homicide Among Aboriginal Peoples

Incidence of spousal homicide among Aboriginal women is more than eight times higher at 47.2 per million than for non-Aboriginal women with 5.8 per million.[71] For men, the differences were even more pronounced. Aboriginal men had rates of spousal

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[65] Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[66] 41% of Aboriginal victims reporting physical injury, 18% requiring medical attention and 32% fearing for their lives. For non-Aboriginals, 28% reported physical injury, 9% required medical attention and 24% feared for their lives. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[67] 57% of Aboriginal women reported that their children had observed spousal assaults against them while 46% of non-Aboriginal women reported child observation. Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[68] Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[69] Canadian Centre for Justice Statistics, Family Violence in Canada 29.

[70] 52% of Aboriginal people and 32% of non-Aboriginal people also experienced physical violence. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[71] 47.2 per million compared with 5.8 per million. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

homicide 18 times greater than non-Aboriginal men,[72] and more than four times greater than non-Aboriginal women.[73]

Spousal homicide for both the Aboriginal and non-Aboriginal populations is even higher in common-law relationships. Homicide rates were nearly eight times higher for Aboriginal women in these relationships than those in legal marriages.[74] Aboriginal men living common-law had rates of spousal homicide six times greater than did those living with legal spouses.[75]

Personal Violence & Substance Abuse

The Department of Indian Affairs and Northern Development reported that "between 1985 and 1994, injury and poisoning were the leading causes of death among Registered Indians."[76] The same report states that the most "frequent causes of death within the injury and poisoning category included motor vehicle accidents, suicide, and drowning."[77] Figures for 1991 given by the Canadian Research Institute report that:

> accidents, poisonings, and violence accounted for more that 33 per cent of aboriginal deaths compared with 9 per cent for the Canadian population as a whole. ... *aboriginal people die primarily from injuries and poisonings, causes that are clearly related to socio-economic conditions and, hence, preventable.* ... in 1984, the suicide rate stood at 43.5 per 100,000 compared with 13.7 per 100,000 for the Canadian population as a whole ... [these rates] show a substantial decline from the 64 per 100,000 recorded in 1981.[78] (emphasis added)

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[72] 27.6 per million compared with 1.5 per million. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[73] Canadian Centre for Justice Statistics, Family Violence in Canada 31–32.

[74] 111.0 per million compared with 13.9 per million. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[75] 60.7 per million compared with 10.5 per million. Canadian Centre for Justice Statistics, Family Violence in Canada 30.

[76] Department of Indian Affairs and Northern Development, Basic Departmental Data 1997 25.

[77] Department of Indian Affairs and Northern Development, Basic Departmental Data 1997 25.

[78] Comeau and Santin, 107.

The Department of Indian Affairs and Northern Development reported that in 1993, "the suicide rates for Registered Indian youth (ages 15 to 24) are nine times the national rates for females and five times higher for males."[79]

Incarceration

A fact of Indigenous life is exemplified in the extraordinarily high rates of incarceration. Recent statistics given on the rate of incarceration of Indigenous Peoples were provided by Canada's Supreme Court in rendering its judgment in the appeal hearing of the Gladue case.[80] The court referred to the "grossly disproportionate numbers"[81] of imprisoned Indigenous Peoples and noted that "A male treaty Indian is 25 times as likely to be admitted to a provincial jail than a non-native, and a female treaty Indian is 131 times as likely."[82] The court noted that while 12% of the prison population currently in federal penitentiaries are Aboriginal, they comprise only 3% of the national population.[83] In both Manitoba and Saskatchewan, Aboriginals make up approximately 6 or 7% of the general population and constitute 72% of the prison population in Manitoba and 55% in Saskatchewan.[84]

Nationally, Aboriginal people are over-represented in correctional institutions relative to their population. While they comprised 2% of the general adult population in 1997/98, they accounted for 15% of the individuals placed in custody in provincial and

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[79] Department of Indian and Northern Affairs and Northern Development, Indian and Northern Affairs Canada and Canadian Polar Commission 1999 - 2000 Estimates 9.

[80] Kirk Makin, "Top Court appalled as Natives fill Canada's jails Judges must stop sending so many aboriginals to prison, court declares," The Globe and Mail, 24 April 1999, A1, and A4.

[81] Makin, A1, and A4.

[82] Makin, A1, and A4.

[83] Makin, A1, and A4.

[84] Makin, A1, and A4.

territorial institutions during the same time period.[85] It was noted that this represented a

decline from 18% incarceration rate in 1993/94.[86] Aboriginal people accounted for 17%

of offenders placed in federal prisons in 1997/98 - an increase from 12% in 1993/94.[87] In

1996, Aboriginal peoples accounted for 17% of all inmates in Canada with "18% in

provincial/territorial facilities, and 14% in federal facilities."[88] In both provincial and

federal institutions, Aboriginal inmates were seen as being more likely to re-offend than

non-Aboriginal inmates.[89] Of the unlawful activity Aboriginal people are more likely to

be involved with, violent crimes top the list at nearly three times the rates of non-

Aboriginal people while rates for theft of personal property were about the same for both

populations.[90]

Police Contact & Involvement

With 35% of the Aboriginal population reporting having been the victim of at

least one crime in 1998/99, compared to the 26% of the non-Aboriginal population[91] and

19% having been victimized more than once compared to 10% of non-Aboriginals,[92] it is

hardly surprising that they have more contact with police for 'serious reasons'[93] than non-

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[85] Statistics Canada, The Daily Tuesday, April 6, 1999, <http://www.statcan.ca/Daily/English/990406/d990406.htm> (Retrieved 23 April 2002).
[86] Statistics Canada, The Daily Tuesday, April 6, 1999.
[87] Statistics Canada, The Daily Thursday, June 4, 1998, <http://www.statcan.ca/Daily/English/980604/d980604.htm#ART2> (Retrieved 23 April 2002).
[88] Statistics Canada, The Daily Thursday, June 4, 1998.
[89] "57% of Aboriginal inmates in provincial and territorial facilities were classified as high risk to re-offend, as compared to 44% of non-Aboriginal inmates. Similarly, 69% of Aboriginal inmates in federal facilities were classified as high risk, as compared to 57% of non-Aboriginal inmates." Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 11.
[90] "307 versus 110 incidents per 1,000 population." Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 7.
[91] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 6.
[92] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 7.
[93] 'Serious reasons' meaning: as a victim of crime, as a witness to a crime, or by being arrested. Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 8.

Aboriginal people. Contact and involvement with police is far more likely to concern

criminal activity and investigation as compared to the population as a whole.[94]

Aboriginal people are less likely to be satisfied with the services provided by

police than the population as a whole. Findings from the 1999 GSS reveal that

Aboriginal people:

> ... were less likely to rate the police as doing a good job with the following: being
> approachable and easy to talk to (58% versus 67%), ensuring the safety of citizens (55%
> versus 63%), enforcing the laws (48% versus 61%), supplying information on ways to reduce
> crime (46% versus 55%) and responding promptly to calls (43% versus 50%).[95]

Concluding Remarks on Social Location

The socio-economic overview was meant to illustrate the many ways in which

Indigenous people generally tend to experience life and to elucidate the differences in life

experiences as compared to Canada as a whole. In talking about the current state of the

Indigenous socio-economic condition, Rick Hill has noted that if the non-Native

population faced the same conditions that Aboriginal people are forced to cope with,

there would be rioting in the streets.[96] But the fact is, it is not the non-Native population

who is dealing with these conditions. The question of what makes their social location

different than that experienced by other groups in Canada is well worth asking.

Understanding Trends in Violence

This section examines two trends of violence. While one trend often appears as

being individualized and therefore a 'private' matter, the other is more overt and more

'public' in both appearance and expression. Both forms can be understood in part as

reflections of, in this case, Indigenous social and political life. As different forms of

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[94] Examples of Aboriginal contact with police include: as victims of a crime (17% versus 13%), as witnesses to a crime (11% versus 6%) and by being arrested (4% versus 1%)." Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 8.

[95] Canadian Centre for Justice Statistics, Aboriginal Peoples in Canada 8.

[96] Rick Hill, Personal Communication, April 2002.

violence have such a significant role in many aspects of Indigenous life, understanding it better will contribute much towards appreciating the current state of Indigenous – Canadian relations.

In keeping with the holistic approach I have adopted, I have chosen to follow Johan Galtung in choosing to look at what he calls 'structural violence' in terms of trends. Galtung reasons that "choosing trends rather than just one point in time is the need for a dynamic image"[97] which encourages us to see how events evolve. As Galtung notes, "It is not enough to know where we are, we must also know in which direction we are moving, although that will not predict where we shall arrive."[98] In attempting to understand the place of violence in Indigenous lives, seeing violence as a trend, or trends, rather than as singular experiences will allow conclusions to be drawn as to why it exists, and the role it plays in Indigenous lives. Looking at violence in terms of trends also provides a basis for examining, and understanding the broader underlying assumptions of the social structures in Canada that permits the perpetuation of the disadvantaged socio-economic conditions of many Indigenous peoples to occur.

Defining Violence

Violence, as it is intended here, has a particular meaning. It can be either subtle or overt, or a combination. Violence can be in the *symbolic* form noted by Bourdieu which he described as being both 'gentle' and 'invisible' and as that "which is never recognized as such …".[99] And as Smith demonstrated, symbolic violence can be applied through such benign manifestations as 'identification systems,' which are forms of

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[97] Johan Galtung, The True Worlds A Transnational Perspective, (New York, New York: The Free Press, 1980), 4.

[98] Galtung, 4.

[99] Pierre Bourdieu, Outline of a Theory of Practice, trans. Richard Nice (Cambridge, United Kingdom: Cambridge University Press, 1977), 192.

violence used as they are for 'creating and maintaining social inequality.'[100] Knowing

how violence can be sublimated into everyday life demonstrates how insidious and

benign its use can be, but does little to assist in understanding why it is employed for

such purposes beyond supporting unequal power relations.

de Vries and Weber suggest, violence can be understood as "a means through

which the self, whether individual or collective, is constituted and maintained."[101] In this

understanding, violence comes about as a result of the "very attempt to delineate the

borders that separate self *from* other."[102] (emphasis in the original). Violence, in this

context takes on deeper connotations in how and why it is constituted and evidenced. It

becomes more than the overt activities normally associated with the term and

encompasses the broader underlying motivations and assumptions that allow violence in

either its subtle or overt manifestations to occur. Thus the concept of violence now has

the invisibility and subtleness that Bourdieu & Smith refer to, and an underlying purpose

which de Vries & Weber elucidate.

Galtung provides a further dimension to the meaning violence can hold. He states

that violence is "*any avoidable impediment to self-realization*" (emphasis in the

original).[103] For Galtung, violence "is anything avoidable that impedes personal growth.

It may take the form of infliction of 'bads' such as those that occur in natural tragedies

like an earthquake, but it may equally take the form of deprivation."[104] Avoidable

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[100] Derek G. Smith, "The Emergence of "Eskimo Status": An Examination of the Eskimo Disk List System and its Social Consequences, 1925-1970," Anthropology, Public Policy and Native Peoples in Canada eds. Noel Dyke and James B. Waldram, (Montreal, Canada: McGill-Queen's University Press, 1993), 44.

[101] Hent de Vries and Samuel Weber, "Introduction," Violence, Identity, and Self-Determination, eds. Hent de Vries and Samuel Weber (Stanford, California: Stanford University Press, 1997), 2.

[102] de Vries and Weber, 2.

[103] Galtung, 67.

[104] Galtung, 67.

deprivation means not only the denial of basic needs for the body, but is also the

deprivation of necessities for the purposes of motivating and encouraging individual

development, such as cultural stimuli.[105]

Galtung also refers to two sets of views concerning violence: 'actor-oriented

views' and 'structure-oriented views.' The actor-oriented view, according to Galtung,

"relates action to the intentions and capabilities of the actors."[106] In this view, violence

or evil is the result of violent or evil intentions.[107] In the second view, that of structure,

action is "a function of the position of the actor"[108] with violence or evil being the result

of a bad structure. Galtung attributes the first form of violence as 'person-to-person' or

as 'direct violence,' and the second form as 'structure to person' or 'indirect violence.'[109]

In the first instance, "violence is something one actor does to others" where the intent to

do harm is clear and evident while in the second, "violence is built into the system"[110]

and it " 'just happens' without any specific actor behind it ..."[111] According to Galtung,

"The violence is built into the structure, usually derived from some fundamental inequity

that then generates, and is reinforced by, inequity and injustice."[112]

This distinction, as Galtung is quick to point out does not deny that there may be a

causal or dialectical relationship between personal – structural violence,[113] because in the

end, it is the actions of the individual(s) that perpetuate a system of violence, but at the

same time the distinction is necessary as it forces us to distinguish between individual

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[105] Galtung, 67.
[106] Galtung, 43.
[107] Galtung, 43.
[108] Galtung, 43.
[109] Galtung, 67.
[110] Galtung, 67.
[111] Galtung, 68.
[112] Galtung, 68.
[113] Galtung, 68.

action and our acquiescence to a system of structures where intention is not presupposed. For my purposes, the fundamental addition that Galtung brings is that we tend to accept violence in its structural form as natural, or normal. Violence in this socially embedded form 'just happens,' it is not 'intentional' in the person-to-person sense. It is this combined understanding of violence that this section addresses.

Violence now has four dimensions. First, it is evidenced by actions that can be either subtle or overt, or a combination. It is driven by a need to differentiate – either self from other, or the desire to create and/or maintain social inequality. Violence has a specified, if often, unintended *telos*, or end purpose which is the prevention or hindering of self-actualization. And finally, there is the structural aspect or the structure-to-person, which can have a person-to-person component.

Defining Social & Political Violence

While Galtung makes the distinction between direct, individualized violence and indirect or structural violence, a further distinction needs to be made between social forms of structural violence and political forms. While social and political violence are closely related to the structural violence defined by Galtung, how they are carried out differs in significant ways, thus making the distinction between the two necessary. Social violence, as intended here, refers to the forms of symbolic violence Indigenous Peoples experience that result in structural violence as Galtung defines it and it refers to symbolic violence both before and after they have gained the strength of "legitimate authority"[114] that is lent by social institutions such as government. Thus social violence includes those forms of violence that have gained a level of social acceptance by Canada as a whole, and

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[114] Bourdieu, 192.

those which have the strength of legitimate, institutional authority. In both cases, they encourage or support 'avoidable impediments to self-actualization.'[115]

Political violence has two faces and is similar to social violence with respect to results it is intended to achieve. On the part of the population, it is the overstepping of "the limits placed upon the lawful pursuit of political purposes"[116] and may involve the breaking of laws, civil disobedience and so on. When used by the population, or any part of it, political violence is meant as a challenge to the state to enforce its laws. For the state, political violence can include the use of 'state terrorism' that can be legitimized through changes in law. However we must keep in mind that changes in law or not, state terrorism retains the "criminal character of terrorism, since 'unjust law is not law'."[117] While one role of the state is to regulate its citizenry, the line between regulation and forcing the population or any segment into 'submission' can sometimes be a blurry one.

Political violence, for the purposes of this thesis, is similar to social violence with respect to results but also contains a further element. Political violence includes the intentional and willful actions of the state that serve to assist in the creation and / or maintenance of social inequality.

Trend One: Individual, Private Violence

The first trend of violence to be distinguished is that which affects individuals in their private lives and has two primary characteristics. First, individual violence is just that: it is a phenomenon experienced at a personal level and generally appears to be restricted to individualized circumstance. The second characteristic only becomes apparent when the various indicators that measure socio-economic well-being for a

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[115] Galtung, 67.
[116] Xrefer, Violence, Political, <http://www.xrefer.com/entry/553822> (Retrieved 23 August 2001).
[117] Xrefer, Violence, Political, <http://www.xrefer.com/entry/553822> (Retrieved 23 August 2001).

population's well-being are brought together. Once assembled, the indicators reveal a more complete picture. It is at this point that perceptible trends can be established that lead to the conclusion that Indigenous Peoples as a group tend to exist in conditions of severe marginalization, especially when compared to the indicators of Canada as a whole. Thus, the individualized forms of violence that are being experienced become something more as its systemic, structural nature is revealed.

Private violence evidenced in an individual's life is comprised of negative factors that are individually experienced and which affect one on a personal level. Included in this is any circumstance or restriction such as lack of employment, lack of education, physical or substance abuse within the home and so on, that prevents an individual from self-actualizing or from reaching comparable equality of condition with others in the same population. These violences are considered personal because they are seen first and foremost as having an adverse impact on an individual's social growth. While they may be seen in part as an individual condition, it may also be part of a wider trend especially if one group within a larger population is particularly plagued by social or economic disadvantages. If this is the case, then perhaps these privately experienced violences are not strictly due to personal deficiencies.

All of the socio-economic indicators given in the previous section are ones that affect people on an individual level. In this sense, they are both personal and private experiences. I think it is fair to say that most people will experience one or more of the disadvantages listed at some point in their lives.

On the other hand, and as the overview demonstrates, Indigenous people as a whole, tend to experience socio-economic disadvantage to an extreme degree as

compared to Canadians in general. These extreme levels of material disadvantage (such as unemployment, poverty and inadequate housing) combined with high levels of social disadvantage (spousal and substance abuse, and suicide for example) create and perpetuate negatively charged environments. For many Indigenous people, these negative environments have almost become 'facts of life' and are almost 'expectations.' To refer back to Tuhiwai Smith, the greater danger for Indigenous Peoples is that so long as there are "messages about their worthlessness, laziness, dependence and lack of 'higher' order human qualities,"[118] these messages will be believed – by Indigenous Peoples who will live the messages and also by non-Indigenous people whose image of Indigenous Peoples is informed by these messages. Thus the likelihood of this situation continuing exists.

The extent of the social and economic disadvantages that Indigenous people experience, as demonstrated by the overview, are experiences occurring on a collective scale. So while they are not unique individual experiences per se, they are unique in the sense that they are experiences that have applicability to a significant portion of Indigenous Peoples. The facts presented in the overview provide more than enough support for the contention that as a whole, they tend to experience greater levels of social and economic violence as compared to Canadians as a whole. They do not enjoy access to similar levels of equality of condition that are necessary to take advantage of opportunities that are supposedly available to Canadians as a whole.

That the individualized violences experienced by Indigenous peoples are structural is evidenced by how it affects them on a collective scale to the degree

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[118] Linda Tuhiwai Smith, Decolonizing Methodologies Research and Indigenous Peoples, (1999. New York, New York: Zed Books Ltd., 2001), 4.

demonstrated in the overview given earlier. If it were merely an individual experience, then an individual's disadvantage would be an exception rather than the norm. Furthermore, their socio-economic condition would be more comparable to that of Canada as a whole. This is clearly not the case. If we agree that Indigenous people have a lower standard of living, lower life expectancies, a greater likelihood of becoming involved in physical violence, and once incarcerated, that they are seen as being more likely to re-offend than the Canadian population as a whole, then there must be something else other than their individual selves at play.

Trend Two: Overt, Confrontational Public Violence & the Pattern of Relations

While individualized forms of violence rarely attract public attention, the same cannot be said of the second form. This second form is overt, more likely to occur in the public domain, generally involves groups of Indigenous Peoples, one or more levels of government, and is usually the result of some kind of conflict. It also has a way of capturing public attention and awareness in a dramatic fashion while generating considerable discussion, debate and fascination.

This second trend begins with some kind of conflict that has its genesis in frustration over a real, or a perceived lack of progress in an issue area. The conflict develops to the point of physical confrontation and is accompanied by either the threat, or the actual use of force/violence. In instances where a confrontation has taken place, either with or without the actual use of physical force/violence, there is usually some connection to a tangible asset such as land or resources and/or argument over control or jurisdiction. Some of the more obvious examples of this, (a few of which are discussed

elsewhere), during the 1990s include the Oka crisis at Kanesatake, tree harvesting on both the east and west coasts, and the fishing industry throughout the Maritimes.

There seems to be a pattern in Indigenous relations with the Canadian state that is characterized by tensions that develop then increase over time. Increasing tensions are often accompanied by a corresponding increase in state activity including the use of social, political, and threats of, or use of physical violence. Tensions, and a corresponding increase in state activity tend to culminate in an explosive event where the 'sensibilities' of the general population is shocked by the nature of the violence.

The violent or explosive event is then followed by a period where both the state and Indigenous people attempt to mediate or rectify the situation through institutional means. As often as not, attempts to address or correct the use of violence and/or the cause of the event are less than completely successful.

In Bourdieu's construction of symbolic violence, it is quiet and unassuming and can become so entrenched that it is transfigured to the point that it gains the strength of "legitimate authority."[119] Smith pointed out that activities carried out by institutions such as government can be violent – even if unintentional "because of their role in the creation and maintenance of social inequality."[120] Combined with the elements of structural violence as seen via trends, and the use of violence for the purposes of differentiation from Galtung and de Vries and Hent respectively, the role and applicability of violence as an explanatory factor in understanding Indigenous socio-economic conditions becomes evident. Chapters three and four will apply this line of thought to two narratives that

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[119] Bourdieu, 192.
[120] Smith, 44.

occurred during the late 1990s and a series of events that took place between Indigenous

people and Canada during the last three decades of the 21st century.

Meanings of Contradiction

There are two understandings of contradiction with one being far more common

than the other. Both understandings are important to this project and are therefore worth

discussing briefly. This third and final section will focus on the meaning and relevance

of contradiction as related to Indigenous – Canadian relations. I begin with the more

common usage of the term as a negation of other possible truths while the second

considers the life-giving – life-taking duality of the concept. Discussion here will be

limited as its applicability to Indigenous – Canadian relations will be examined more

closely later in this thesis along with citizenship and nationalism.

The most common understanding of contradiction is that of negation where, if one

position is held as being the 'truth,' then its opposite or other positions on the same

subject cannot be true as well. Generally speaking, it is not logical or rational to hold two

competing views on a particular issue. If one believes that something is black for

example, then one cannot argue that it is white at the same time and believe that to be

true as well. It is either one or the other as one position negates or contradicts the other.

Strangely enough, this rationality is often suspended when it comes to Indigenous

Peoples or the issues that are of concern to them. There are many instances where two,

or more competing views are held at the same time with the competing view(s) being

held with equal fervor. For example, on one hand, Indigenous Peoples as individuals or

as a whole, are not perceived as being any different than any other member of Canadian

society and as such, they are 'just like everyone else'.[121] Many believe, therefore, that

just like everyone else, they should not be treated any differently nor should they receive,

or be entitled to any other rights or considerations that the rest of Canadian society does

not enjoy. On the other hand, while Indigenous Peoples are considered to be part of

Canadian society just like everyone else, there is also the recognition that they have been

treated unjustly. Thus they have popular support from the population in general in their

quest to change their condition.[122] A variation on this position is that while Indigenous

Peoples are seen as being equal to everyone else, they are also entitled to additional

rights.

Then there is a third position where Indigenous Peoples are considered as being

somehow 'separate' or 'apart' from the rest of Canadian society. This position comes

complete with generalizations – usually negative. In this instance, Indigenous Peoples

can, and often are perceived as being either an exception to common stereotypes, or as

being exemplary of the same stereotypes.

The Other Contradiction

There is a second, less common understanding of contradiction that may have

significant relevance for Indigenous Peoples. This understanding is based upon the life-

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[121] The Canadian Human Rights Commission, in its 1996 Annual Report, noted the following:
That some Canadian are not immediately sympathetic to the claims of the Aboriginal peoples is unfortunately a fact. An opinion poll carried out near the beginning of 1996 showed that almost half of all Canadians believed that the standard of living for native people in this country was the same as, or better than, that of other Canadians. That this belief is patently false was again borne out by the research carried out by the Royal Commission. It must be said that, by almost any measure one cares to name, Aboriginal people are, collectively, quite simply the most disadvantaged community in Canada.
Excerpt taken from Canadian Human Rights Annual Report 1996 Issues in Human Rights Aboriginal Peoples, < http://www.chrc-ccdp.ca/ar-ra/ar1996/indian.html > (Retrieved 13 April 2000).

[122] Among the results that were announced, a majority of Canadians " 69%, believe that the Federal government has a legal responsibility to work with First Nations people to resolve their social and economic problems." 78% "believe that the federal government should support measures to promote self-sufficiency among First Nations." Assembly of First Nations, First Nations Issues Executive Summary, <http://www.afn.ca/press/first_nations_issues_study_execu.htm> (Retrieved 3 March 1999).

giving/life-taking duality of contradiction, where "any situation which allows the satisfaction of one end only at the cost of another."[123] In this sense, it is a "double-bind or self-constraint." [124] As this form appears to characterize so much of Indigenous – Canadian relations, it has created what I term as a 'double-edged sword' to describe the relationship between these two peoples. The double-edge of the sword signifies how contradiction forms one aspect of Canadian – Indigenous relations where responses by the Canadian state to Indigenous issues are needed, yet at the same time, they are destructive, making the action both life-giving as well as life-taking.

There are two particular areas in which this form of contradiction has been manifested in Indigenous life. First are the various institutional attempts to eradicate cultural differences through the destruction of communal and kinship ties of which the most evident method was the use of the residential school system and laws enacted to ban or restrict cultural practices. A second example of this can be found in government solution based programs such as the introduction of western foods and the resulting increases in 'poverty-related' health problems for Indigenous people including rising rates of tuberculosis, heart disease, Type 2 or 'adult onset' diabetes, and an HIV/AIDS infection rate described as 'a rising epidemic,'[125]

The second, and perhaps indicative form of contradiction that Indigenous peoples in Canada are likely to encounter is the 'catch-22' or 'double-binds' they (and any other protest movement) become embroiled in when attempting to undertake any meaningful

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[123] Tom Bottomore, A Dictionary of Marxist Thought Second Edition, ((1983. Oxford, United Kingdom: Blackwell Publishers Inc., 1998), 109.
[124] Bottomore, 109.
[125] Grand Council of the Crees (Eeyou Istchee), Pushed to the Edge of Extinction Racism Against Indigenous Peoples in Canada, (Nemaska, Canada: Grand Council of the Crees (Eeyou Istchee), 2001), 21, and Passim.

activist stance. Mark Kingwell in discussing the role of citizenship in an increasingly

global marketplace and the anti-globalization protest movement captures this double bind

in a succinct manner:

> Should they engage in violent protests? If they did, they would be condemned as thugs and
> anarchists; but if they did not, their protest movement would be dismissed as insignificant and
> minor. Should they accept an invitation to come to talk...? If they did, they would be tacitly
> granting those bodies a legitimacy they actually wished to deny; but if they did not, they
> would be accused of not wanting to negotiate, not being serious. Should they agree to
> proposals to reform...? If they did they would undermine their own claim that the
> [institutions] are tainted all through... if they did not, they would be dismissed once more,
> now as unreasonable extremists.[126]

It is not difficult to see how these same double-binds affect any move in creating avenues

of political action that would result in an improvement of the socio-economic conditions

of Indigenous peoples as outlined previously. For Indigenous groups in Canada, the

situation is further complicated by the role of government. For example, the Department

of Indian Affairs and Northern Development provides funding to organizations such as

the Assembly of First Nations. While this is a good thing as it provides a venue for some

Indigenous Peoples, it limits what these organizations can and cannot do. The Oka crisis

at Kanesatake (discussed elsewhere) is another example. In this instance, violent protest

was employed and each of the double-binds Kingwell describes came into play.

Mohawks, who were at the centre of incident, were at one and the same time seen as

thugs bent on disregarding the laws of the land and as warriors protecting their rights.

Another example stemming from this situation was the negotiations that took place

throughout the crisis. Individuals in the affected communities were cast as both

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[126] Mark Kingwell, The World We Want Virtue, Vice, and the Good Citizen, (2000. Toronto, Canada: Penguin Books Canada Ltd., 2001), xv.

extremists and as victims, while the negotiations were portrayed as being both a farce and as deadly serious at the same time.[127]

Within the life-taking – life-giving nature of contradiction, actions that are undertaken by governing institutions through its various mechanisms and apparatuses that are initially designed to assist in the rectification of particular conditions often result in the perpetuation of the condition. These actions are both needed and necessary, and they are life giving in the sense that they create hope, the appearance of opportunity, and the impression that issues and concerns are being taken seriously by government. At the same time, the very implementation of many of these policy initiatives carry with them the seeds of their own self-destruction as it is within the very nature of these initiatives to create, or contribute to existing dependencies. Thus the issue or concern that an initiative was designed to address is instead supported, perpetuated and encouraged. In this sense, they are life taking as they depend upon and thrive on the existence of inequality and the social, economic, and political marginalization of those the initiative was designed to address. Contradiction is both life-giving and life-taking. In examining the social condition of Aboriginal People in Canada, Russel Lawrence Barsh noted the following which effectively sums up how government interventions are perceived by both Indigenous people and Canadians:

> Many government programs simply exacerbate the vicious circle of self-rejection and further social disruption. Aboriginal peoples see public expenditures on their communities grow, frequently accompanied by the resentment of other Canadians. At the same time they witness deterioration in the quality and meaningfulness of their lives. They blame government, and they also blame themselves. The experience is fundamentally disempowering because it instils *(sic)* dependency, feelings of inferiority, and a sense of perpetual and inevitable powerlessness.[128]

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[127] See Donna Goodleaf, Entering The War Zone A Mohawk Perspective on Resisting Invasions, (Penticton, British Columbia: Theytus Books Ltd., 1995).

[128] Russel Lawrence Barsh, "Canada's Aboriginal Peoples: Social Integration or Disintegration," The Canadian Journal of Native Studies Vol. 14., No. 1. (1994): 35.

Concluding Remarks

This chapter was intended to provide three things. First, a fairly extensive review of the socio-economic location that many Indigenous people and their communities are facing daily. Second, was an expanded understanding of violence and third was to introduce and to develop the meaning of contradiction. The review was given in order to provide a basic framework for what follows while the expanded understandings of violence and contradiction are intended to lay the groundwork for the analysis in the balance of this thesis.

Chapter Three

Introduction

In this chapter, I present two narratives followed by a discussion and analysis. The first concerns the shooting deaths of Connie Jacobs and her nine-year old son Ty in March 1998. The second concerns a dispute over tree harvesting in New Brunswick in April 1998. The narratives were selected for two reasons. First, they are each able to illustrate to varying degrees, the social location that Indigenous Peoples are facing in Canada today and illustrate how the different forms of violence Indigenous people experience is played out. Second, the narratives chosen to illustrate this experience are exemplary in that they demonstrate the three elements as given in the previous chapter. The narratives are appropriate for not only are they reflective of the current social location of Indigenous Peoples but they also capture succinctly many of the social and political challenges facing Indigenous Peoples today.

In the second half of this chapter, I probe below the surface of the two narratives (the facts as they were reported) in order to expose some of the violence that is so much a part of everyday Indigenous life. By exposing the various roles of violence and by examining some of the interactions between Indigenous people and Canada, both the social and political contexts will be shown to have more than a little influence in creating the conditions for like events to occur. Just as social condition and location dominated the previous chapter, violence in its many guises will provide the focal point for the discussion that follows the narratives.

Newspaper reports were chosen to provide information and details about the narratives, as they are the most easily accessible forms of information for the general

public. Most of the news reports I chose to use are from *The Globe and Mail* as it is a 'national newspaper' and is available throughout Canada both in paper and electronic (internet) form. My reasoning for this is that if the population in general had knowledge of either of these two narratives, or an interest in following either of these two stories as they were played out, then news accounts would be one of the most likely sources of information.

As newspapers and other media are the most common methods of accessing information by the public, the information as given in the narratives was available to anyone. I make note of this specifically because this thesis is concerned with the general perceptions of Indigenous people in Canada. How the events as described in the narratives transpired, how they were reported, which facts were presented for public consumption and who said what, all have an effect on the perceptions of those on the receiving end of the reporting. In other words, reports not only present the news, they help shape our views on events.

The Meaning of Marginalization

Connie & Ty

On March 24 1998, one of the headlines on the front page of *The Globe and Mail* read: *"Mother, son dead in RCMP shootout"*.[1] The subtitle for the news item located the incident on a Calgary reserve and noted that it was an *"Ugly situation."* The news item went on to describe how Connie Jacobs, a 36-year old woman and Ty, her nine-year old son had been shot and were left unattended for several hours after a confrontation with Royal Canadian Mounted Police (RCMP). According to the report given in *The Globe*

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[1] Alana Mitchell, "Mother, son dead in RCMP shootout," The Globe and Mail, 24 March 1998, A1.

and Mail, officials from the Tsuu T'ina Reserve near Calgary Alberta had called in the RCMP after an earlier attempt led by Reserve officials to remove several children had been unsuccessful. Reinforced by one RCMP officer, gunfire was exchanged with Ms. Jacobs before officials retreated for the second time that day and another call was placed for further backup. Connie Jacobs and her son Ty died sometime during the estimated four hour period between the first confrontation with the RCMP officer and the later, second approach by RCMP officers to the Jacobs' residence.

At the time of reporting, the sequence of events was not entirely clear. Facts given in the newspapers were few. However, news accounts had reported that the Tsuu T'ina Reserve police had been called to the home in response to a domestic violence call. Later in the day, accompanied by Tsuu T'ina social workers, Reserve police returned to the home to try and remove several children. Ms. Jacobs was said to have refused to co-operate. Reserve police then requested backup from the Okotoks RCMP detachment. One officer was sent. When the RCMP officer along with the Tsuu T'ina constable approached the residence, "a woman emerged armed with a rifle and began firing."[2] The RCMP officer fired back.

A second call for backup was issued and officers from four detachments including Okotoks, responded. Approximately four hours later, the residence was approached for the fourth time. It was only then that the dead bodies of Connie Jacobs and her son were discovered. Apparently, the boy had been outside with his mother during the initial confrontation with the RCMP and had been standing beside her when the officer had returned fire. No mention was made in the immediate or subsequent newspaper reports

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[2] Mitchell, A2.

or television coverage of the incident if attempts at crisis negotiation or mediation had been made during any of the approaches to the residence.

Reports indicated that five other children ranging in age from nine months to nine years had been in the house at the time of the shooting and were 'not hurt.' Subsequent to the discovery of the two bodies, the Tsuu T'ina Nation Family and Social Services immediately took all of the children into care. The constable involved in the shooting is said to have received support from peers and "professionals trained to deal with such incidents."[3] No mention was made if the children, who may have been witnesses to the shooting, would be provided with counseling nor was there any mention if counseling or support would be provided for members of Ms. Jacobs' family and community.

Three inquiries were immediately launched following the shooting. The first was by the Tsuu T'ina Reserve itself to investigate the role of reserve officials. The second inquiry, according to standards, was called for by the provincial medical examiner's office. The major crimes unit of the RCMP in Calgary and Edmonton initiated the third. A provincial fatalities investigation into the deaths was also called for by order of the Alberta government.[4]

In a follow-up story on March 31 1998, the *Ottawa Citizen* reported that then National Chief, Phil Fontaine was attempting to negotiate a separate, independent inquiry to be led by the Assembly of First Nations despite the fact that one had already been

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[3] Mitchell, A2.
[4] The first three inquiries are noted in the news report given by Alana Mitchell (A2). The first was to be led by the Tsuu T'ina Nation into the role played by its officials; the second and third inquiries are to be held by the provincial medical examiner's office and by the major crimes unit of the RCMP. The fourth inquiry is the provincial fatalities inquiry by order of the Alberta government was noted by Sheldon Alberts "Top native group wants own inquiry into shooting," Ottawa Citizen, 31 March 1998, A7.

ordered by Alberta's provincial government.[5] Fontaine wanted an inquiry modeled on

principles similar to that of the South African *'Truth and Reconciliation Commission'*

which had been established to probe "government-sanctioned actions under apartheid."[6]

While the request was purported to be under consideration by Federal Solicitor General

Andy Scott, a spokesman for the Minister made it known that the Minister preferred to

wait until the provincial inquiry finalized its details before deciding on the necessity of

another investigation. Dan Brien, press secretary for Mr. Scott, said that the Minister was

"hopeful" that the provincial inquiry would be able to respond to the concerns of the

Tsuu T'ina Nation.[7] In a report given in *The Globe and Mail*, it was noted that "Alberta's

first native *(sic)* judge, Thomas Goodson, will preside over the inquiry and Alberta's

justice minister has asked that native elders *(sic)* be invited to take part."[8]

Commenting on the provincial inquiry and why he felt there was a need for a

separate investigation headed by the Assembly of First Nations, Fontaine stated that "We

need to get to the truth and the limited criminal investigation and the limited public

inquiry will not give us the answers that the family and community need."[9] Fontaine

went further by saying, "the inquiry should examine the history of race relations between

natives and the RCMP, and in particular the force's treatment of aboriginal *(sic)*

women."[10] Mr. Fontaine was referring to the history of relations between the RCMP and

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[5] Alberts, A7.
[6] Alberts, A7.
[7] Alberts, A7.
[8] Alberts, A7.
[9] Alberts, A7.
[10] Alberts, A7.

women, and Indigenous women in particular which Fontaine characterized as not being 'healthy' or positive.[11]

Three Trees

On April 23rd 1998, *The Globe and Mail* had as one of its lead stories a dispute regarding Indigenous Peoples, their rights and tree harvesting.[12] The news item, *"N.B. natives lose logging rights"*, subtitled *"Province orders halt to cutting on Crown land; Indians say they're not going to leave"*[13] defined the dispute as one between Indigenous people in New Brunswick and the provincial government over logging rights on Crown land. In this instance, the story reported that a recent "landmark decision giving them [Indigenous Peoples] unfettered access to the forests"[14] had been overturned by the New Brunswick Court of Appeal. Commenting on the Court of Appeal decision, New Brunswick's premier, Ray Frenette stated that he "will give native loggers 'days, not months' to vacate Crown property."[15] Indigenous people in the region, on the other hand, made it equally clear that they had no intention of abandoning their harvesting activities and vowed "to ignore the court ruling and keep cutting."[16] Roger Augustine, a former president of the Union of New Brunswick Indians, said that "[native people] are not going to walk away. The story on the street is, we're not going to leave. We don't care what the province does."[17]

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[11] Alberts, A7.

[12] For a more detailed accounting of the Paul case, see Ken Coates, The Marshall Decision and Native Rights (Montreal and Kingston, Canada: McGill-Queen's University Press. 2000), 94 – 126.

[13] Erin Anderssen, "N.B. natives lose logging rights," The Globe and Mail, 23 April 1998, A1.

[14] Anderssen, "N.B. natives lose logging rights," A1.

[15] Anderssen, "N.B. natives lose logging rights," A9.

[16] Anderssen, "N.B. natives lose logging rights," A1.

[17] Anderssen, "N.B. natives lose logging rights," A1.

This story originally started with the arrest of Thomas Peter Paul, a Mi'kmaq who was charged with the theft of three bird's-eye maple logs in May 1995 from an area licensed to Stone Consolidated (Canada) Inc., a major logging company. A lower ruling by the Queen's Court Bench in the fall of 1998, informed by the independent research of the presiding judge, agreed that the 18th century treaties "gave New Brunswick natives the right to harvest Crown land commercially."[18] The appeal court not only overturned the decision of the lower court but "directed the provincial court to find Micmac logger Peter Paul guilty of illegally taking provincial trees."[19] The appeal court also criticized the lower court judge for using independent research saying that key documents used in the original finding "did not apply to New Brunswick."[20] The decision was expected to go before the Supreme Court of Canada. Indigenous leaders are confident and anticipate a win pointing to the recent Delgam Uukw decision given in December of 1997 where the court found that "native people have a constitutional right to ancestral lands and can use them almost entirely as they wish."[21]

While waiting for the case to go before the Supreme Court, the province appealed for 'reason' and stated that it had hopes of reaching a 'negotiated settlement.' One of the first offers made by the New Brunswick government was a deal where Native loggers would receive "a small share of the fees charged to companies that cut Crown forests."[22] An option to extend harvesting rights or licenses to Indigenous Peoples was not included in this particular offer.

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[18] Anderssen, "N.B. natives lose logging rights," A1.
[19] Anderssen, "N.B. natives lose logging rights," A1.
[20] Anderssen, "N.B. natives lose logging rights," A1.
[21] Anderssen, "N.B. natives lose logging rights," A1.
[22] Anderssen, "N.B. natives lose logging rights," A1.

The Premier, Mr. Frenette, made a number of interesting comments at the time the offer was being made by his government. Frenette expressed hope that the dispute could be resolved in a 'friendly manner' and that his *"first approach is with the carrot."*[23] (emphasis added) He then went further by stating that "We've put quite a bit on the table to get them to work with us."[24] Indigenous leaders refused to settle on the province's terms because they believed that any agreement reached with the province would be far from what they stood to gain in a favourable Supreme Court decision. At the time of the dispute, the province was collecting $46 million each year in harvest fees.[25]

Loggers such as Tim Paul stated that they had no intention of leaving the forests and said that: "We're just going there to work. ... We're not going there to fight. But if we have to defend ourselves, we won't lay down dead."[26] Other Aboriginal loggers have also said they will not leave until Canada's Supreme Court has rendered a decision.[27]

Within days of his initial comments, Premier Frenette changed his mind about ordering a halt to Aboriginal logging, and was instead urging 'peaceful talks' saying "there is pride and honour in a negotiated solution."[28] The offer to negotiate came just as 'hundreds of Natives' were gathering near the provincial capital in protest to the lower court ruling.[29] Several observers including Roger Augustine and activist Diane Ward believed that violent confrontations would occur between the province and Native People

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[23] Anderssen, "N.B. natives lose logging rights," A1.
[24] Anderssen, "N.B. natives lose logging rights," A1.
[25] Anderssen, "N.B. natives lose logging rights," A9.
[26] Anderssen, "N.B. natives lose logging rights," A9.
[27] David Stonehouse and Gary Dimmock, "N.B. premier urges natives to accept logging deal Frenette fears violence as hundreds gather to protest ruling," Ottawa Citizen, 25 April 1998, A4.
[28] Stonehouse and Dimmock, A4.
[29] Stonehouse and Dimmock, A4.

over harvesting rights.[30] Phil Fontaine gave public support to the Native loggers who had decided to continue harvesting by stating, "They're prepared to stand their ground ...and I can't blame them."[31]

Analysis and Discussion: Introduction

In Chapter two, three elements that I believe characterize Indigenous life were introduced. While the social and economic conditions of Indigenous Peoples and their communities was detailed at some length, the elements of violence and contradiction were only presented and had not been fully fleshed out. Using the narratives, the balance of this chapter will focus on just how imbedded violence is not only in Indigenous life, but also in how Canada interacts with Indigenous Peoples.

The two kinds of news reports, while dramatic, are not particularly unique – and similar occurrences – whether broadcast through the public media or via the moccasin telegraph,[32] are relatively common for Indigenous Peoples. As the overview of the social location of Indigenous Peoples demonstrates, they tend to experience higher than average levels of personal, or individualized forms of violence for example, than do Canadians in general. The evidence given in the overview also indicates that Indigenous people are much more likely to die as a result of preventable circumstances and preventable violence. Confrontations with officials including police, high levels of domestic violence, extreme poverty and inadequate housing are conditions have all become the 'norm' in many Indigenous communities and are often accepted as 'facts of life' by both Indigenous and non-Indigenous peoples.

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[30] Alan White and Luiza Chwialkowska, "Natives forecast 'hot' summer," Ottawa Citizen, 23 April 1998, A4. Also reported in The Globe and Mail, 23 April 1998, A1, and A9.
[31] Anderssen, "N.B. natives lose logging rights," A9.

The 'tolerance' of these existing social conditions has further negative consequences in that they both influence and aggravate social relations and structures to no small degree. It is difficult to create an environment that can facilitate, let alone foster positive change when energies and dialogue are continuously focused on simply coping with the many challenges facing Indigenous communities. Furthermore, Indigenous Peoples and their communities, along with dealing with the social issues discussed in the previous chapter, also face a greater likelihood of becoming embroiled in particular kinds of legal disputes concerning rights that other Canadians do not have to worry about.

Reasons why harvesting disputes such as the Paul case in New Brunswick take place or why there is such a negative relationship with societal institutions as in the Jacobs case are many and none are easily explainable. Difficulties in explanation aside, several issues are evident and common in both narratives when looking at the conditions that surround, and contributed to each event. The harvesting dispute did not erupt overnight. Connie and Ty Jacobs did not die simply as a result of a confrontation with the RCMP that went horribly wrong. In both instances, other factors were at play including the social location of Indigenous Peoples within Canada, political and public perceptions of the place of Indigenous Peoples as well as their legal positioning and status within Canadian law. Each instance also had its own history.

The Message: Understanding the News

News reports concerning Indigenous peoples often focus on either court decisions that have some element of controversy or are presented in terms of tragedy or violence.

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[32] Note: The term 'moccasin telegraph' refers to the informal method of sharing news between Aboriginal people and communities.

Furthermore, they often reflect the oppositional nature of relations between Indigenous Peoples and the various arms of the Canadian state.

In court challenges dealing with Aboriginal rights, and especially ones concerned with resource use, the one issue that consistently arises is the legal and political identity of Indigenous people in Canada. The Paul case is exemplary of this as demonstrated by the reactions by both sides in the dispute. Each side in the dispute appears determined to define and assert an Indigenous legal and political identity. The reactions by both the province and Indigenous people to the 1998 New Brunswick Court of Appeal's decision demonstrate the determination of both in this respect.

As Premier Frenette's statements made clear, the province is resolute that Native loggers will follow the letter of the New Brunswick Court of Appeal's decision one way or the other. By insisting that Native loggers obey the law, Frenette is making it clear that there is only one set of rules for playing out the struggle in the exercise of harvesting rights. Furthermore, in attempting to settle with Native loggers, the province "offered a small share of the $46-million it collects each year in harvesting fees"[33] the province is in effect playing a game of duplicity by depriving Indigenous Peoples of the means of gaining economic self-sufficiency necessary, not only to cope in current Canadian society, but to be self-sufficient. The initial offer from the Frenette government was for "200 acres of cutting land"[34] which was later amended to "5 per cent of the total

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[33] Anderssen, "N.B. natives lose logging rights," A9. Additional Note: David Stonehouse and Gary Dimmock reported in "N.B. premier urges natives to accept logging deal," Ottawa Citizen, on 25 April 1998 that "no specific figures had been put on the table." A4.

[34] Coates, 100.

permissible timber harvest for the province" in negotiated settlements between individual

First Nations and the province."[35]

If the province were to succeed in concluding a settlement such as the one first

offered, the province would once again be successful in contributing to the ongoing

marginalization of Indigenous Peoples while filling provincial coffers and the pockets of

logging giants.

Two further themes can be discerned from the provincial reaction to the court

decision. The first is the threat of the 'legitimate' sanctioned use of violence should

Native loggers refuse to remove themselves from Crown land. Frenette, in stating that

his government's *"first approach is with the carrot"* (emphasis added)[36] contains the

unspoken message that can only lead one to surmise that if this approach does not yield

the desired results, the second approach would be with a stick. The second theme that

runs through this narrative is the assumption that Indigenous Peoples are legally and

politically citizens of the province of New Brunswick and therefore, are subject to the

dictates and laws of the Crown.

With respect to the idea of a legal and political identity, Indigenous Peoples

appear to be refusing to accept quietly or passively, the dictates of decisions and policies

that seem to be designed to pacify and subjugate their aims and desires to be self-

determining and self-sufficient.[37] They are determined to protect and exercise what they

see as their inherent rights. On the other side, there seems to be an equal determination

on the part of the Canadian state that Indigenous Peoples will comply and submit to the

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[35] Coates, 112.

[36] Anderssen, "N.B. natives lose logging rights," A1.

[37] See Coates, 94 – 126.

dictates of the state such as those prescribed by Canadian law and other governmental edicts. The threat of state sanctioned violence as implied in Frenette's comments coupled with an unwillingness to address the kinds of individualized conflicts that have risen out of the logging dispute remain in the background as a tool for enforcing submission and compliance.

A second, not so positive outcome is the re-awaking of 'old social wounds.' Nowhere is this more evident than in an incident that took place in Big Cove, New Brunswick in late May 1998 when Stephanie Simon, a fifteen-year-old girl whose hand was broken, allegedly in a confrontation with four non-Indigenous adult men. Apparently, the anger of the four men at several young people including Stephanie was in part a result over the harvesting rights in the forests of New Brunswick. Her father believes that Stephanie "is a casualty of the increasingly tense battle over who will control the woods."[38]

In speaking about the altercation between the young people and the four men, the investigating officer, Constable Steve Dunn of the RCMP referred to Stephanie, her younger brother and a cousin as 'young offenders' even though they are the alleged victims of assault by the men and "are not known as troublemakers."[39] Constable Dunn expressed his doubts that Stephanie's hand was broken in the alleged confrontation and even went so far as to state that he doubted the allegations of the young people.[40] The officer made his comments to reporters for *The Toronto Star* before even interviewing the suspects who were given the option of coming in on their own to provide statements to

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[38] Kelly Toughill, "Chain-saw Tensions Rising Hatred and broken bones in the backwoods of N.B.," The Toronto Star, 31 May 1998, F6.

[39] Toughill, F6.

the police.[41] Stephanie and her father do not expect charges will be laid and neither do

the RCMP[42] – albeit for different reasons. Stephanie's father stated: "that's just not the

way it works around here."[43] As for Constable Dunn, he told reporters that the police

station had received calls earlier in the day about kids "hanging around the area" and that

"[t]his happened in broad daylight and it was adults. It doesn't seem reasonable that it

could escalate to the point that they described under the circumstances they described."[44]

With this being but one example of the reopening of social wounds, it is no

wonder that Indigenous people feel unprotected by those sworn to uphold the law and

that further potential for overt violence exists. By casting the children involved as

'young offenders,' by doubting the facts of the incident as reported, and by not actively

pursuing the assault by conducting a pro-active investigation through questioning the four

adult men involved in the altercation, police are leaving little doubt about who is worthy

of protection. In such situations, the objectivity that law enforcement officers of the

Crown must exhibit in the carrying out of their duties is seriously called into question. It

is their job to investigate, not to pass judgment. It is little wonder that Indigenous people,

as noted in the overview, are unwilling or hesitant to report violations.

First Nations Chief Robert Levy of Big Cove, New Brunswick in an interview

with *The Globe and Mail* noted that with the lower court ruling that supported Indigenous

rights to tree harvesting, the good news on his reserve was that "[i]n the past six months,

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[40] Toughill, F6.
[41] Toughill, F6.
[42] Toughill, F6.
[43] Toughill, F6.
[44] Toughill, F6.

[since the lower court ruling] only one person has committed suicide."[45] He went on

further to state that prior to the decision, it was "no exaggeration to say that someone

attempts suicide every 24 hours,"[46] that unemployment on the Reserve was often at

85%[47] and that domestic violence and substance abuse were equally common.[48] In a

country judged to have one of the highest standards of living in terms of quality of life by

the United Nations,[49] for the conditions in Big Cove to be as Chief Levy describes,

something must be really out of whack.

With the October 1997 court ruling that decided Indigenous Peoples had the right

to use crown lands, the most noticeable change in communities such as in Big Cove New

Brunswick was 'psychological.' As Millie Augustine observed, "How would you feel if

you were on welfare your whole life and for the first time you've got the opportunity to

go make a living for your family?"[50] For many, the ruling created an opportunity to

become self-sufficient and was seen as a route that would lead to an ending of their

dependence on the state. In describing the transformation that was occurring in her

community, Alma Brooks, an Elder on the St. Mary's Reserve said that the money

coming in from tree harvesting had "empowered people"[51] and that "they've started

talking about economic independence, about stronger government that may be possible

when people don't have to beg for a job from the band council."[52]

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[45] Erin Anderssen, "Why the N.B. Micmacs won't give up the trees," The Globe and Mail, 27 April 1998, A1.

[46] Anderssen, "Why the N.B. Micmacs won't give up the trees," A1.

[47] Anderssen, "Why the N.B. Micmacs won't give up the trees," A1.

[48] Anderssen, "Why the N.B. Micmacs won't give up the trees," A1.

[49] Erin Anderssen. "Canada's squalid secret: life on native reserves Income, education, life expectancy worse than in 62 countries," The Globe and Mail, 12 October 1998, A1.

[50] Anderssen, "Logging money brings new hope to N.B. natives," A4.

[51] Anderssen, "Logging money brings new hope to N.B. natives," A4.

[52] Anderssen, "Logging money brings new hope to N.B. natives," A4.

Life prior to the lower court decision was described by Ms. Brooks as being "like

a prison"[53] and that "as long as we keep our mouths shut and kill ourselves, everybody is

happy."[54] Everybody – meaning "the province and the federal Indian Affairs Department

and non-native New Brunswickers who think "natives just want to sit at home and collect

welfare".[55] These statements are very revealing. Firstly, the statements given by Alma

Brooks with such certainty demonstrate the existence of a less than positive attitude

towards the lives of Indigenous Peoples and the calm acceptance of the levels of suicide

and social harms being perpetrated in Indigenous communities. Secondly, it

demonstrates just how their non-Indigenous neighbours perceive Indigenous people in the

Maritimes. This is nothing short of a tragedy and a shame.

It could easily be argued that the conflictual relationship being played out is due

to a continuing failure to recognize the 'new' colonialism. However, it is more than that.

These incidents are also about how the interests of one group are being pursued at the

expense of another. The fight in New Brunswick is more than about the cutting of a few

trees. It is also about survival and the maintenance of interests. The shooting deaths of

Connie Jacobs and her son are more than an isolated incident on some Indian Reserve. It

is also about how policing on reserves is carried out.

It is not acceptable to maintain a siege mentality as was played out in New

Brunswick. The Oka crisis at Kanesatake, Gustafsen Lake and Ipperwash are only a few

of the more recent reminders of how events can and do escalate when they are treated in a

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[53] Anderssen, "Logging money brings new hope to N.B. natives," A4.
[54] Anderssen, "Logging money brings new hope to N.B. natives," A4.
[55] Anderssen, "Logging money brings new hope to N.B. natives," A4.

confrontational manner. Stating that the "province has the upper hand"[56] in the dispute

over logging in New Brunswick serves to contribute to an atmosphere of confrontation,

mistrust and uncertainty. The beliefs and assumptions that inform the adversarial

position of the government of New Brunswick, which can be attributed in part to the

perception of the place Indigenous people occupy within Canadian society, need to be

examined and exposed for what they are.

In the shooting deaths of Connie and Ty Jacobs, it is not enough to investigate and

inquire into the circumstances and then make recommendations that are unlikely to be

acted upon as in other inquiries. Recommendations in and of themselves are not nearly

enough. While investigations and inquiries of the kind undertaken in the deaths of

Connie and Ty Jacobs can be used to increase awareness and understanding of the

conditions Indigenous Peoples experience, surely there are more effective and efficient

methods for accomplishing this goal that would not require such tragedies to occur.

Furthermore, recommendations mean nothing unless they are implemented.

The resistance expressed by the province of New Brunswick towards self-

sufficient Indigenous communities is surprising and disheartening. While the expressed

goal of Canada is to have viable communities and works quite diligently at creating

opportunities to accomplish this objective, it comes as more than a bit of a surprise for

New Brunswick to appear to be so vehemently opposed to Indigenous logging, especially

since they had been in negotiations with Indigenous organizations prior to the province's

Court of Appeal ruling. Further exacerbating the situation in New Brunswick were the

charges levied by the province along with several logging companies that accused

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[56] Anderssen, "N.B. natives lose logging rights," A9.

Indigenous loggers of decimating forest resources and ignoring good forestry practices.[57]

Throwing about these kinds of statements could not help but inflame existing hatreds.

Living with Hostility

The hostility generated by the 1997 harvesting decision, encouraged as it was by

the reaction of the New Brunswick government, affected many living in local Indigenous

communities. Members of these communities, including children were subjected to

harassment to the point of broken bones at the hands of non-Aboriginals.[58] With so many

livelihoods dependent on the logging industry, one could have almost predicted that

incidents involving violence would occur over harvesting rights. The reaction of the

province to the court ruling however, brought to light an even more serious problem for

New Brunswick: how Indigenous Peoples and their rights are viewed by the elected

provincial government and, by extension, other New Brunswickers. Nowhere is this

more evident than in the comments voiced by Premier Frenette.

Premier Frenette's comments as they were reported in *The Globe and Mail* and

repeated in the narratives, are disturbing for several reasons. First, he made it clear that

the full force of his government would be used to impose Canadian law upon the

Mi'kmaq – treaty or no treaty. Second, his initial comments on the court's decision were

not related in any way to the basis of the court's decision and as such cannot be

considered as an expression of legitimate concerns. And finally, Frenette's comments

were reported in a national newspaper which gave his views a wide audience.

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[57] Erin Anderssen, "N.B. Trees cast shadow of Oka Tensions and profits running high as native logging continues despite province's call to stop," The Globe and Mail, 18 May 1998, A4. Also see Coates, 94 – 126.

[58] For example, Kelly Toughill's "Chain-saw Tensions Rising," had a photo caption that read: "Casualty of War: Stephanie Simon, 15, says her hand was broken in a confrontation with four men on a bridge. Her father sees her as a casualty in an escalating timber battle." F6.

With respect to the first and third issue, the public statements given by Mr. Frenette indicated that the province was willing to consider the use of force before there was any real reason to do so. This is cause for concern. At the time of comment, which was shortly after the appeal decision was made known, it is highly unlikely that there were any real or significant indications that Indigenous loggers would not comply with the decision. That is something that only time would have been able to tell. The statements given by the Premier could do nothing less than create an immediate environment of hostility and adversity. With that being the case, which was proven to be so with the responding statements given by Indigenous loggers, it can hardly be a surprise that the non-Indigenous population felt freer to harass and threaten Indigenous peoples. The incident with Stephanie Simon, and the police response as detailed earlier, is evidence of this.

When political leaders espouse the use of physical force, or to even threaten its use especially when there is a contentious issue being debated, it cannot help but encourage intolerance. That Frenette's comments were framed in a way that can be interpreted at best as being coercive, when his comments did not have the appearance of being related to the basis of the court's decision, further contributes to an environment of hostility. Furthermore, Frenette's comments sound almost vengeful – hardly the image a politician would want to create unless secure in the knowledge that the voting public was open to this kind of stance.

Explaining the death of Connie Jacobs and her son is more complex. It would be altogether too easy to attribute their deaths to a combination of alcohol use, poverty, domestic violence and to the confusion and inappropriate actions on the part of both the

Tsuu T'ina Reserve officials and the RCMP. Resolving a situation that involves any one of these elements would be challenging. A situation that contains all of these elements could only be dangerous and life threatening to those involved.

For the Jacobs' case, a deeper and more fundamental question would be to ask how this situation could occur in the first place. What factors contributed to the creation of this environment of alcohol abuse, poverty and violence? In answering such questions, one must look beyond the deaths of Connie and Ty to search out the conditions in which they lived their lives and the conditions that their deaths occurred. This requires and forces a recognition of the social conditions in which this family lived and the role these conditions played in the deaths of Connie and Ty Jacobs. Questions that at least attempt to probe social location allow space for inquiry into why these conditions existed in the first place and how social location contributes to the creation of environments that permits people to die the way these two did. In trying to understand how this situation occurred, questions surrounding the inclusion/exclusion processes in defining community – in its broadest sense, come into play. Chapters five and six deal further with this notion.

While news reports detailing incidents like the tragic shooting deaths of Connie Jacobs and her son are not everyday occurrences, the violence in terms of social condition and that which ended the two lives is still altogether too common among Indigenous People in Canada. Reports of this kind have a particularly sickening ring because they indicate the continuation of a particular kind of environment that assists in the perpetuation of preventable and avoidable tragedies. Connie Jacobs and her nine-year

old son Ty will no doubt be added to the already long list of names of those who have

met similarly violent fates or misrepresentations of justice.

The rapid escalation of violence – from a relatively simple domestic dispute to

one of exchanged gunfire resulting in multiple deaths, highlights and reveals more than

the horrific tragedies that are often wrought by substance abuse and poverty stricken

living conditions. Implicit in the story of Connie and Ty Jacobs and in the stories of the

other names listed, lies the notion that these are people who are somehow not worthy of

the kind of treatment by Canada's social system, police or justice that is readily available

to other Canadians.

That Indigenous people receive differential treatment by law enforcers is further

evidenced in the comments made by Phil Fontaine who, in referring to the Tsuu T'ina

incident, noted that relations between the RCMP and Indigenous Peoples are not the best

and that:

> ... the Jacobs shootings ... follow a pattern. In the last 20 years in Canada, more than half of
> all people who died violently at the hands of RCMP officers have been Aboriginal, yet we
> represent only about 2% of the population.[59]

Again, this comes back to the 'acceptability' of comments such as those made by

Premier Frenette in New Brunswick by Canadians as a whole. Indigenous peoples are

perceived in the eyes of the law as being a certain 'kind' of individual who must be

approached, treated, and handled in a 'particular' way. In confrontations with the law,

they are seen through a lens tainted by the images held of them constructed and believed

by others who refuse to see or believe their innocence, demands for justice or

desperation. This lens, informed by the attitudes, beliefs and values of a hegemonic

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[59] Assembly of First Nations, Tsuu T'ina Investigation National Chief Deeply Concerned With Decision
Not to Prosecute RCMP Officer, 21 October 1998, <http://www.afn.ca/press/TyJacobs.htm> (Retrieved: 3

conception of Canadian society is engrained into the very social fabric to the extent that it cannot see or appreciate that its treatment of Indigenous Peoples is detrimental to the well-being of all.

The Role of Treaties

In the logging situation for example, the question of Aboriginal rights, existing or otherwise, is an uncertain area for Canada in both its law and Constitution. It often appears that for Canada, the treaties between Indigenous Peoples and the Crown do not offer much in the way of direction. While the actual wording of many treaties is far from specific, modern interpretations can be made in either a very narrow sense or quite broadly depending on whether one chooses to read the treaties literally, or more broadly with 'the spirit and intent' of the treaty in mind. It has not helped that the utility of the treaties is further bound by their history of non-fulfillment.

Added to the complexity of the treaty situation and what rights they were designed to ensure where they do exist has been the tendency of the Canadian state historically to ignore or otherwise limit the application of the terms contained in the treaties. The ambiguity of Aboriginal rights for Indigenous Peoples however, is not nearly as problematic. As noted by Gibbons and Ponting,

> To Indians, the treaties were "the beginning of a contractual relationship whereby the representatives of the Queen would have lasting responsibilities to the Indian people in return for valuable lands that were ceded to them." [60]

The same could not be said for the Crown, which felt that:

March 1999).
[60] Howard Cardinal as cited by Roger Gibbins and J. Rick Ponting, "Historical Overview and Background." Arduous Journey canadian indians and decolonization, (Toronto, Canada: McClelland and Stewart Limited, 1986), 31.

> ... the treaties were more important for what the Indians gave up than for the concessions given to Indians. Government officials also viewed the treaties as a means of providing transitional protection of an indigenous people who were faced with eventual assimilation or extinction.[61]

On the other hand, even in cases where treaties do not exist, recent court decisions, have not only validated and supported Indigenous demands for consultation in their traditional territories as in the Delgam Uukw decision, but also recognized that Indigenous rights continue to exist where extinguishment has not been negotiated. It is vital to recognize that the implications of court decisions such as Delgam Uukw do not apply solely to individual cases. They set precedent in Canadian law. As such, they have consequences for the traditional territories of other Indigenous nations whether a treaty exists or not.

In Delgam Uukw for example, the decision rendered extends further than the obligation to consult. The decision in fact, assists in developing non-essentialist views of Aboriginal rights by noting that:

> Aboriginal rights were held to be those activities which are integral to the distinctive culture of an aboriginal *(sic)* society (and were integral since prior to 1864). Aboriginal rights are site - and fact - specific and vary from context to context in accordance with distinct patterns of historical occupancy and use of land.[62]

In the Calder case, while the Supreme Court was split in its decision, acknowledged the existence of 'Aboriginal right' with respect to land occupancy and that "aboriginal *(sic)* title is rooted in the "long-time occupation, possession and use "of traditional territories ... regardless of whether or not Europeans recognized it."[63] While neither case defined explicitly just what 'Aboriginal rights' are, court challenges such as Calder and Delgam

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[61] Gibbins and Ponting, 31.

[62] Ministry of Aboriginal Affairs, Province of British Columbia, <u>Crown Land Activities and Aboriginal Rights Policy Framework</u>, 29 January 1997, <<u>http://www.aaf.gov.bc.ca/aaf/pubs/crown.htm</u>> (Retrieved 16 December 1999).

[63] Ministry of Aboriginal Affairs, Province of British Columbia, <u>Landmark Court Cases</u>, January 1997, <<u>http://www.aaf.gov.bc.ca/aaf/pubs/courtcas.htm</u>> (Retrieved 16 December 1999).

Uukw provided the impetus for legal challenges as in the Paul case. The decisions being made by Canadian courts are beginning to force Canadian governments to recognize and negotiate how treaty terms, provisions, and rights will be recognized and exercised. Furthermore, no longer is it the sole duty of Aboriginal claimants to evidence historical use to land and resources.

In instances where treaties do exist, one could be forgiven for thinking that their existence would simplify matters. As the Paul case demonstrates, this is clearly not so. Instead, the existence of a treaty may actually contribute to the creation of the hostile environment simply because provisions on land use for example, were not explicitly defined nor were provisions made in the treaty for changing economic circumstances. On the other hand, had the provisions of the 1725 Treaty of Boston (also known as Dummer's Treaty) and Mascarene's Treaty of 1726 that were relevant to the Paul case been defined and refined through a mechanism of negotiation by both parties from the time of signing, it is unlikely that the Paul case would have ever come before the courts.[64] At the same time, however, the treaties continue to remain legal and valid documents. Until Aboriginal rights come to have some accepted understanding and definition in Canadian law or until an acceptable process of negotiation is determined, it is likely that confrontations over their exercise will continue and will continue to be argued in courtrooms.

It is unfortunate that it often requires court action to encourage the negotiation of Aboriginal rights. In the current system, quite often a Canadian law must be 'broken' and a charge levied before the negotiation process for defining an Aboriginal right can

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[64] The number of court cases being waged evidences that the treaties in the Maritimes do not have

begin. Even having a charge levied is not always an easy task. Tim Paul[65] recalls having

to make several attempts to get arrested. He and his Aboriginal loggers "kept pressing to

get the police to lay charges."[66]

Because the process of defining an Aboriginal right begins in this manner,

(through the courts), hostile environments are created from the onset. This is further

aggravated by the adversarial nature of the court system that requires oppositional

positions to be taken. And since the courts move slowly, communities and individuals

are affected and live in the limbo that is created until cases are presented, arguments

made, decisions rendered and appeals are exhausted. This kind of hostility promoted by

oppositional views over an issue as in New Brunswick for example was quite evident in

both the communities and the daily lives of both Indigenous and non-Indigenous people

while the case wound its way through the various levels of courts.

Something Isn't Working

As noted in chapters one and two, there is widespread recognition throughout the

various levels of government that there are some serious problems with respect to

Indigenous Peoples, Aboriginal rights, justice issues, criminality and policing along with

the socio-economic issues. The commissions, inquiries, and reports generated at the level

of governments particularly over the past several decades are evidence of this. Writing in

1995, Howard Adams notes that: "since 1966, there have been 900 Royal Commissions

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negotiation mechanisms. See Coates, 104, and passim.

[65] Note: While Tim Paul was the one who was originally arrested, it was Thomas Peter Paul who was ultimately charged: "... government officials often avoid charging First Nations people who have self-selected for a confrontation on legal issues." Coates, 95.

[66] Coates, 95.

and other government studies on Aboriginal peoples, which amounts to at least 34 studies

per year."[67]

While reports on justice issues for example first started appearing in the 1750s,

Patricia A. Monture-Angus, in referring to the 1996 Alberta Cawsey commission,

observed that:

> The real proliferation of reports began in the mid-1980's.... Seventeen of the twenty-two
> reports were released between 1984 and 1990.... In 1988 and 1989, alone, eleven reports were
> published. This suggests that, in the last five to six years, something has occurred to make all
> levels of Government acutely aware and concerned with Native involvement in the Criminal
> Justice System. Considering the repetition of recommendations it could be speculated that
> this "something" is an awareness that earlier recommendations were not implemented, or that
> the current strategies are not effective (but that perhaps more of the same might be).[68]

The scale of inquiry into the social and political location of Indigenous Peoples reached

its apex with the Royal Commission on Aboriginal Peoples, which was empowered in

1991 and its final report released in 1996. RCAP reviewed no less than "eight major

justice reports".[69]

Reports and inquires are beneficial in that they may lead to an increased

understanding and appreciation of the difficulties and obstacles Indigenous Peoples are

confronted with in Canadian society. On the other hand, it is disconcerting to realize that

few of the numerous recommendations given in all of the reports and inquiries have been

implemented.[70] It is disheartening to be confronted with evidence that demonstrates that

in spite of the recognition of the problems and difficulties facing Indigenous

communities, any improvement in the social condition or location of Indigenous Peoples

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[67] Howard Adams, <u>A Tortured People The Politics of Colonization</u>, (Penticton, British Columbia: Theytus Books, 1995), 83.

[68] Patricia A. Monture-Angus, "Lessons in Decolonization: Aboriginal Overrepresentation in Canadian Criminal Justice," <u>Visions of the Heart Canadian Aboriginal Issues</u>, eds. David Allen Long and Olive Patricia Dickason (Toronto, Canada: Harcourt Brace and Company Canada, Ltd., 1996), 337.

[69] Monture-Angus, 337.

[70] Monture-Angus, 338.

in Canada has been marginal or nonexistent compared to that of Canada as a whole. At the current pace, any hope of Indigenous Peoples reaching parity at all in any of the socio-economic indicators, if left to the state, will take considerable time. It is also discouraging to know that despite the many hundreds of recommendations that have been made and the increased spending by some government departments, the marginalization continues and in some areas such as addictions, suicide and incarceration particularly among young people, is increasing, as described in Chapter two.

One of the more striking observations about the various royal commissions, investigations and inquiries into the condition of Indigenous Peoples is that even while there is a heightened recognition that something is not working, at the same time there is a clear reluctance to engage in the kind of substantive dialogue that would lead to actions that are necessary to rectify the problem.[71] Reasons why efforts to engage in actions and dialogue have not resulted in the kind of change that is necessary can only be speculated upon and I suspect are related to an unwillingness to engage in what Roland Chrisjohn and Sherri Young call "radical reformulation"[72] which they say means "exactly that."[73] In my interpretation of Chrisjohn and Young's use of the term, radical reformation, requires looking beyond the surface to the roots of the issue, understanding what is there and why, then developing strategies for action. This follows closely what Noel Dyck and Robert Cox advocate: it means not taking the world as given. Ultimately, it means recognizing that the socio-economic location of Indigenous people in Canada was created and that its perpetuation is somehow acceptable and supported.

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[71] Monture-Angus, 338.
[72] Roland Chrisjohn and Sherri Young with Michael Maraun, "Preface," The Circle Game Shadows and Substance in the Indian Residential School Experience in Canada, (Penticton, British Columbia: Theytus

In the meantime, one cannot escape the conclusion that the reluctance to engage stems in part from a refusal to acknowledge that perhaps the unjust treatment of Indigenous Peoples is reflective of a deep-seated belief that they are not 'us', meaning that they are not like 'other Canadians'. An alternative conclusion is that given by the Cawsey Report which points out that there seems to be some kind of belief that "the current strategies are not effective (but that perhaps more of the same might be)."[74] Neither conclusion is entirely palatable.

Patricia A. Monture-Angus reaches a different conclusion. She posits the idea that perhaps it is time to research 'government responses.'[75] She notes, "There are two sides to the justice problems aboriginal people face, and the truth is that very little is known about why the knowledge we have has not been fully implemented."[76]

The alternative, which seems to have been the approach taken by the Canadian government, is the one noted in the Cawsey Report which supports the idea of trying to affect change through an application 'of more of the same' with the hope of achieving a greater semblance of perceived equality. A 'more of the same' approach, while easier, will not, as history demonstrates, affect the desired results – providing of course, that the desired result is to have a society where Indigenous Peoples will, at the very least, have parity with other Canadians. A 'more of the same approach' for Indigenous Peoples, means exactly that, more of the same. Somehow, I do not think this is acceptable for Indigenous people or their communities.

Books Ltd., 1997).
[73] Chrisjohn, Young and Maraun, "Preface."
[74] Monture-Angus, 338.
[75] Monture-Angus, 337.
[76] Monture-Angus, 337.

Concluding Remarks

The intent of this chapter was to explore the role of violence in Indigenous lives through the use of narratives, to understand what it means for individuals, and to demonstrate how it affects the lives of individuals. Conflicts that involve Indigenous Peoples such as the harvesting dispute in New Brunswick show just how quickly a legal challenge can turn violent in social, political and physical terms. The second purpose of this chapter was to demonstrate how events containing violence are reported and how the reporting of these events can influence the public perception of Indigenous people in Canada. By focusing on the comments given by the New Brunswick premier as a legitimate voice of provincial authority, I demonstrated how the perception of Indigenous Peoples by the public in general could be negatively reinforced.

With respect to the Jacobs' case, I tried to demonstrate how the underlying social conditions and history of police relations with the community that faced Tsuu T'ina officials and the RCMP had more than a passive role in Connie and Ty's deaths. They are symptomatic of something much deeper. Not only do they need to be recognized as such, but they must also be acknowledged as directly contributing factors that worked to create an environment of potential violence and confrontation.

To understand better some of the underlying tensions that exist between Indigenous Peoples and the Canadian state and to increase understanding of how conflict and violence have become so much a part of the current relationship, the following chapter will explore a number of events that have taken place over the past thirty years. Again, the focus is on confrontation and violence but with the inclusion of marginalization and contradiction. The intent is to demonstrate that the playing out of

events such as those examined in the Jacobs and Paul narratives are not individualized

instances. Instead, they are markers in the much broader state of relations that exists

between Indigenous Peoples, Canada and Canadians.

Chapter Four

The Current State of Relations

In reflecting on Indigenous – Canadian relations over the past few decades, a particular pattern involving conflict seems to be emerging. This chapter will review a number or events involving both Indigenous people and confrontation that have taken place over the past several decades and the changes in relations that have occurred as a result. I am not claiming that Indigenous – Canadian relations have been entirely confrontational. However, I do believe that there is a trend in the sense defined by Galtung[1] in Indigenous – Canadian relations that involves conflict between the two peoples and that it tends to unfold in a particular manner and encourages particular outcomes.

In this chapter, I will delve into a layer below the outward manifestations of the relationship between Indigenous people and Canada in order to get a sense of why conflict and confrontation follows the path it does. For the sake of brevity, I have elected to concentrate on only a few events that I feel are of significance from the last three decades of the twentieth century. There are many events that I have not considered in this chapter – not because they lack of importance, but because of space considerations. I do not consider events prior to the late 1960s for the same reasons. The following begins with a description of how I see and understand conflict between Indigenous people and the federal government being played out and will then move to examining a few of the events I believe have some significance for Indigenous – Canadian relations. With

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[1] Johan Galtung, The True Worlds A Transnational Perspective, (New York, New York: The Free Press, 1980), 4.

respect to the events, in some instances, the cause of the conflict or confrontation will be examined while in others the focus is on outcomes.

Reflections Reveal ... A Cycle of Conflict and Violence

Reflections on the course of Indigenous – Euro-Canadian relations, particularly over the past several decades, reveal a relationship marked by increasing levels of adversity. Each instance, the adversity begins with an issue for which there has not been a mutually acceptable agreement. Over time, and if there is no resolution, the issue festers. Sometimes, when circumstances and conditions come together, the situation explodes into confrontation. This pattern is cyclical and has four distinct phases.

The cycle begins with a tension over an unresolved issue. The tension increases over time if there is no resolution. Rising tension is accompanied by increases in the threat, and/or use of violence by one side or the other. In some instances, conditions escalate to the point where a violent, explosive event takes place and the 'sensibilities' of the general population is shocked. The violent or explosive event is then followed by a period where efforts are undertaken by both sides to mediate or rectify relations through institutional means.

This pattern appears to be particularly evident in Indigenous – Canadian relations over the last few decades. A second observation is that since the late 1960s – early 1970s, confrontations between Indigenous Peoples and the Canadian government have become more public, meaning that the general public is neither immune nor insulated from the conflicts that are taking place between Indigenous Peoples and Canada. This spilling over is combined with the growth of a renewed and enhanced militancy in Indigenous Peoples.

To reiterate, the form of conflict this chapter is concerned with occurs when attempts by both Indigenous Peoples and the Canadian government to reach agreement over an issue have failed, and for Indigenous Peoples, when available avenues for advancing demands for recognition are exhausted. These are not the same kind of violent instances where the reaction is simply a 'knee-jerk response' to an incident. The episodes of interest have therefore been limited to those that have resulted after numerous attempts to resolve an issue have failed, and where after its occurrence, a significant alteration or modification took place in Indigenous – Canadian relations. And like a pebble dropped into a pond, each event has a way of building on the effects of those that occurred previously and contributing to those yet to happen and occasionally, impacting on each other in unforeseeable ways.

The Three R's: Resistance, Renaissance, and Revitalization

In the period this chapter is concerned with, there have been many significant events in Indigenous – Canadian relations. While I have selected only a few, they exemplify the pattern described above and are listed chronologically. The purpose of the chronology is threefold. First, is to illustrate the pattern identified; second, to give an indication of the scope of activity that Indigenous Peoples have been engaged in during this period; and third, to provide some indication of how this activity has been greeted by the Canadian government as expressed through successive federal governments since the Trudeau regime of the 1960s.

Activities surrounding two federal initiatives receive particularly close attention. First is *The Statement of the Government of Canada on Indian Policy, 1969* (also known as the *'69 White* Paper), and the second is *Gathering Strength Canada's Aboriginal*

Action Plan of 1998 (also known as *Gathering Strength*). The *'69 White Paper*, and the

response it generated, is widely recognized as having been one of the primary catalysts in

initiating the most recent shift in Indigenous – Canadian relations[2] while *Gathering*

Strength, is one of the most comprehensive federal responses to date designed to address

the Indian 'problem' in Canada. The initiatives themselves are not of interest so much as

the state of relations between Indigenous people and the Canadian government at the time

they were introduced.

A Brief Chronology

During the early 1960s, a number of other things took place that signified a

heightening awareness of the place of Indigenous Peoples in Canada. For example, after

years of being shuffled from one federal department to another, the first Cabinet Minister

was appointed to the newly created Department of Indian and Northern Affairs in 1966.

The mid-1960s also saw the beginnings of a movement to redress land claims[3] while

public opinion with respect to Indigenous Peoples experienced a dramatic upsurge as

Canadians 'discovered Indians.'[4] It was also about this time that some of the more

comprehensive government reports were being prepared.

Started in 1963, the first volume of the *Hawthorn Report* was released in 1967,

with volume 2 following in the spring of 1969. The report, initiated under the direction

of Colonel M. Jones, director of the Indian Affairs Branch, was the "first full-scale

national survey of the conditions of Indians in Canada."[5] This document has further

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[2] Menno Boldt, <u>Surviving As Indians The Challenge of Self-Government</u>, (Toronto, Ontario: University of Toronto Press. 1993), 66, 85 – 87.
[3] Sally Weaver, <u>Making Canadian Indian Policy The Hidden Agenda 1968-70</u>, (Toronto, Ontario: University of Toronto Press. 1981), 32.
[4] Weaver, 13.
[5] Weaver, 21.

significance as it addressed specifically the status of Indigenous People in Canada.

Hawthorn argued that Indigenous Peoples should be considered as 'citizens plus'[6]

meaning that: "... in addition to the normal rights and duties of citizenship, Indians

possess certain additional rights as charter members of the Canadian community."[7] The

status captured by the term was not a call for the bestowing of formal equality. Rather, it

was intended to promote a more substantive vision of equality by recognizing that social

conditions were as important as opportunity. Alan Cairns, who co-authored the report,

argued "The equal treatment in law and services of a people who at the present time do

not have equal competitive capacities will not suffice for the attainment of substantive

socio-economic equality."[8]

The *Hawthorn Report* was one element of a larger initiative being undertaken in

the mid-1960s that was intended to "assess the effectiveness of current programs, and ...

design new ones which would provide provincially based services to Indians and lessen

their dependence on the federal government."[9] By the early 1960s, the marginalized

social location of Indigenous Peoples was becoming not only an area of heightened

attention, but also grave concern. Comparisons of socio-economic indicators between

Indigenous Peoples and the general population revealed disturbing trends particularly

with respect to welfare dependence and general living conditions. Equally alarming was

evidence that "Indians were dying of diseases that were not only curable but

preventable."[10] In 1963 for example, the average life expectancy for an Indian woman

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[6] Weaver, 21.
[7] Indian Chiefs of Alberta, Citizens Plus, (Edmonton, Alberta: Indian Association of Alberta, 1970), 18.
[8] Alan Cairns as cited by Weaver, 4.
[9] Weaver, 20.
[10] Weaver, 26.

was 34.71 years as compared to the national average of 64.1 years. The life expectancy

for an Indian man was 33.31 compared to the national average of 60.5 years.[11]

Along with effects of the post-war boom, the 1960s also saw intense social

activism as a result of the civil rights movements taking place south of the border spilling

over into Canada. This social activism was occurring at the same time as Canada was

undergoing changes in its economic focus towards intensive resource development and

extraction because of rapid expansion and population growth. Thus while the economic

and social security of Canadians in general was increasing, so was public awareness of

the inequities embedded in Canadian society in general, and Canada's Indian policy in

particular. Resource exploitation which included hydroelectric projects, gas and oil

exploration, forestry and logging operations as well as mining ventures were taking place

in geographic locations where many Indigenous Peoples were still following their

traditional way of life by living from the land. One result of the different activities

surrounding rural or remote resource extraction was an enhanced awareness of the plight

of Indigenous Peoples as contact and interactions became more common and routine.[12] It

was against this backdrop that Pierre Trudeau and the Liberal party were elected into

power.

The Statement of the Government of Canada on Indian Policy, 1969

One of the first items on the agenda for the Trudeau government was the desire to

design a new Indian policy for Canada partly in response to the just released, first volume

of the Hawthorn Report. Before the second volume of the Hawthorn Report could be

released, the federal government instituted a consultation process with the 'Indian people'

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[11] Walter Rudnicki as cited by Weaver, 26.
[12] J. R. Miller, Skyscrapers Hide the Heavens A History of Indian-White Relations in Canada, (1989. University of Toronto Press: Toronto, Canada 1990), 222 - 223.

who fell under the Indian Act. The process that was established for Indian consultation by the Liberal government was to be part of a larger shift in the methods used for governing. The federal government under the Trudeau regime wanted to be seen as more responsive and more accessible[13] and would do this by opening the doors to a form of 'participatory democracy' although what that was supposed to mean was never really defined.[14] The consultation process with 'Indian peoples' as mandated by the Liberal government was one variation of the new approach to designing policy.[15]

Participation by the public in policy making under the Trudeau regime was informed by "the idea that it was time for fairer treatment of a variety of disadvantaged groups."[16] What better way to ensure their participation than to involve them through consultation and to have policy reflect their input and desires?

Sally Weaver notes that the consultative approach had already started under the Pearson government in 1966 with Arthur Laing as the Minister responsible for the Department of Indian Affairs and Northern Development. It continued under the Trudeau government and the minister-ship of Jean Chrétien. Under both governments, "Indians were encouraged to contribute"[17] and certain expectations were generated on the part of Indigenous Peoples. However as Weaver notes, there were questions on how the bureaucracy understood and encouraged consultation:

> Statements by the ministers to Indians during the consultation meetings (July 1968 - May 1969) raised certain expectations about the nature of the new policy, including the amount of influence Indians should and could have in the policy process itself.[18]

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[13] Weaver, 8.
[14] Weaver, 8.
[15] Weaver, 8.
[16] Miller, 223.
[17] Weaver, 10.
[18] Weaver, 10.

Politicians were not alone in defining how the consultation process would take place and in some areas of the bureaucracy that is Indian Affairs, there was a less than enthusiastic willingness to fully embrace the consultative process. They did however, "at least make a show of consulting native groups."[19] In the end, "[p]articipation was said to have taken place, but in fact, it did not occur; Indians were not party to the deliberations that produced the '69 White Paper."[20] J. R. Miller refers to the consultation process that preceded the new policy as a "dialogue of the deaf."[21]

The release of *The Statement of the Government of Canada on Indian Policy, 1969* was presented as the culmination of the federal government's "extensive consultations with the Indian people, and on the knowledge and experience of many people both in and out of government."[22] The '69 White Paper was to be the official response to "things said by Indian people,"[23] and had the stated objective of establishing 'formal equality' through the eventual removal and elimination of all the "legislative and constitutional bases of discrimination"[24] in spite of the recommendations contained in the recently released first volume of the *Hawthorn Report*. The objective of establishing formal equality was also made in spite of what Indigenous Peoples had said they wanted in the consultations.

In proposing to remove the legal basis for discrimination, the federal government was in fact proposing to remove the basis from which all Indian benefits and entitlements

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[19] Miller, 224 and 228.

[20] Weaver, 10.

[21] Miller, 224.

[22] Department of Indian Affairs and Northern Development, <u>Statement of the Government of Canada on Indian Policy, 1969</u> 1st Session, 28th Parliament. Ottawa: Government of Canada, 1969. 6.

[23] Department of Indian Affairs and Northern Development., <u>Statement of the Government of Canada on Indian Policy, 1969</u> 6.

[24] Department of Indian Affairs and Northern Development. <u>Statement of the Government of Canada on Indian Policy, 1969</u> 6.

stem including those 'positive' forms of discrimination such as hunting and fishing rights, education assistance, health care and so on. The end result could only be assimilation and further marginalization for the proposals made in the *'69 White Paper* did nothing to rectify the disadvantaged social location of Indigenous Peoples. By removing what few positive attributes there were in retaining Indian status, the *'69 White Paper* proposals, had they been acted upon, would only worsen the already desperate and deplorable social conditions of Indian communities, according to many Indigenous groups.[25]

While the ultimate goal for getting rid of the "legislative and constitutional basis of discrimination"[26] was to remove differences and thus have Indigenous people take their place in Canadian society 'just like everyone else', clearly, the elimination of 'Indian status' would not have accomplished this. Instead, the existing situation would be further aggravated as even the minimum assistance they received for housing, education and medical care would be taken away, making them just "another faceless group within the poverty subculture – identified statistically rather than racially."[27]

Another *Tableau Rasa* Approach to History

While the *'69 White Paper* recognized the deplorable living and social condition of Indigenous Peoples, it did little to recognize the reasons why this was so. Instead, the *'69 White Paper* merely blamed history by stating that: "[a]ll these conditions of the Indians are a product of history and have nothing to do with their abilities and

[25] Boldt, 66, 85 – 87. Also Harold Cardinal, The Unjust Society, (1969. Vancouver, British Columbia: Douglas McIntyre, 1999), Passim, and, Indian Chiefs of Alberta, Passim.
[26] Department of Indian Affairs and Northern Development. Statement of the Government of Canada on Indian Policy, 1969 6.
[27] James Burke, Paper Tomahawks From Red Tape to Red Power, (Winnipeg, Canada: Queenston House Publishing, Inc., 1976), 8.

capacities."[28] Within the context of the '69 White Paper, making this kind of statement is nothing short of dismissive. Stating that the conditions of Indian people 'are a product of history' while true, is only a partial truth. It fails to recognize the intentional individual and institutional actions that allowed this history to take place. It fails to take into account and explicitly acknowledge for example, the role of government and the activities it permitted to take place such as restrictive economic development policies and the Residential School operation as well as the reasons behind these actions. While the '69 White Paper recognizing that the 'abilities and capacities' of Indians are not at fault for their deplorable living and social conditions is also true, once again, the statement gives no acknowledgement as to why the abilities and capacities of Indians had not flourished.

Furthermore, there was abundant evidence available that demonstrated that the marginalized living and social conditions that Indian people were coping with were not solely the result of legal forms of discrimination. James Burke noted the difficulties faced by those of non-Status or Métis that had not been lessened by not having access to "legislative and constitutional basis of discrimination."[29] If anything, their social condition was even more difficult than that of Status Indians. Clearly, if the historical legal discrimination of Indian people had been the problem, then the non-Status and Métis people should be better than that of their status contemporaries. Some other factor(s) must have been at play. Finally, in dismissing the conditions of Indian people as

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[28] Department of Indian Affairs and Northern Development, <u>Statement of the Government of Canada on Indian Policy, 1969</u> 3.

[29] Department of Indian Affairs and Northern Development, <u>Statement of the Government of Canada on Indian Policy, 1969</u> 6.

a product of history, the underlying message implies that the past can be erased and we can simply start over again with a clean slate.

Perhaps the Trudeau government truly believed that removing the basis for legal difference would permit Indigenous Peoples to become full and actively participating citizens in Canada. Then again, perhaps it was only a re-formulation of the policies enacted in the time of Sir John A. McDonald whose stated policy was "to wean them [from their uncivilized state] by slow degrees."[30]

It was mentioned that Indigenous Peoples who participated in the consultations leading up to the '69 White Paper had certain expectations about the outcomes of the process. Amongst their expectations were the following:

> ... their special rights honoured and their historical grievances, particularly over lands and treaties, recognized and dealt with in an equitable fashion. Equally important, they wanted direct and meaningful participation in the making of policies that affected their future.[31]

The '69 White Paper stated that its contents were the result of a "wide range of opinions on how the [Indian] Act should be revised"[32] and "an unmistakable consensus on certain priorities".[33] Throughout the consultation process, Indigenous Peoples had been clear in what they wanted to see happen and what they expected. Removal of their legal status was not among them nor was dismissing the historical relationship they had with the Crown.

Reactions to the '69 White Paper were 'spontaneous' and the resistance it generated was equally unprompted. Wide-scale demonstrations and protests were mounted across Canada by both Indigenous Peoples and Canadians who opposed the

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[30] Vic Satzewich and Terry Wotherspoon, First Nations Race, Class, and Gender Relations, (Nelson Canada: Scarborough, Ontario. 1993), 28.
[31] Weaver, 5.
[32] Weaver, 5.
[33] Weaver, 5.

recommendations contained in the new policy from its announcement in 1969 until its

repeal in the spring of 1971 in an address by Jean Chrétien at Queen's University.

Reaction & Resistance

Results of the consultation process leading up to the *'69 White Paper* were not all

negative and there were some positive outcomes. Amongst these was that the

organizational capacity of Indigenous groups had been strengthened and was solidified

by the early 1970s in spite of federal resistance. The federal government, in the period

leading up to the *'69 White Paper* consultations had encouraged Status Indians to develop

some form of structure and organization. It has been speculated that the federal

government wanted to deal with "a select group of cooperative Indian representatives

whose commitments would be binding on Indians on a nation-wide basis"[34] instead of

the several hundred disparate reserve communities. The tactics employed by the federal

government in its efforts to force into being a particular 'kind' of Indian organization[35]

that the state was willing to deal with, not only failed, it backfired badly.[36] The

frustration, anger and betrayal that Indigenous Peoples felt when the *'69 White Paper* was

released was expressed in very public ways including protests, demonstrations,

blockades, and the armed occupation of Anicinabe Park in Kenora Ontario in 1974.[37]

One of the most traumatic and bloodiest public episodes of protest undertaken by

Indigenous Peoples during this period is that of the Native People's Caravan in 1974.

The Caravan, which was months in the planning and organizing, was intended to be a

nationwide awareness and mobilization campaign to increase awareness, and to protest

the social and living conditions of Indigenous Peoples across Canada. Moving slowly

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[34] Burke, 9.
[35] Burke, 9 – 10.
[36] Robert Hunter and Robert Calihoo, Occupied Canada A Young White man Discovers His Unsuspected Past, (Toronto, Ontario: McClelland and Stewart Inc., 1991), 232 - 233
[37] Weaver, 202. Also see Hunter and Calihoo, 232 - 234; Burke, 353 – 396, and, Peter McFarlane, Brotherhood to Nationhood George Manuel and the Making of the Modern Indian Movement, (Toronto, Ontario: Between the Lines, 1993), Passim.

over the course of the summer from the west coast to Ottawa, the Caravan made many

stops along the way to "hold press conferences and recruit participants."[38] It was hardly a

secret. The reception the caravaners received was nothing less than shocking. Hunter &

Calihoo tell of the Caravan's arrival on Parliament Hill and the ensuing confrontation:

> The Native People's Caravan traveled from Vancouver to Ottawa to present demands on the
> opening day of Parliament. Insisting that "hereditary and treaty rights of all Native People in
> Canada including Indian, Métis, Non-Status and Inuit must be recognized and respected in the
> Constitution of Canada," the Indians arrived on Parliament Hill to find it barricaded, as though
> this was much too radical a favour they were asking. The Mounties saw their presence as an
> excuse to try out their brand-new tactical squad, which worked very nicely. It cleared the hill
> in record time.[39]

In an interview with James Burke in 1974, Louis Cameron, one of the organizers of the

Native People's Caravan, described the confrontation with the Royal Canadian Mounted

Police on Parliament Hill in the following terms:

> The people at the time were not armed. The police had the arms. They had the guns. They had
> the clubs. They had the bayonets and everything: bombs. They had tear-gas bombs. They
> charged on the people, started hitting people, men.
>
> You know, the men were still fighting the R. C. M. P. but they [the police] started hitting the
> women and the kids. The kids started crying...[40]

While estimates of how many participated in the Caravan range wildly from the

800 to 900 as reported by Louis Cameron[41] to the "two hundred Caravanners" noted by

Peter McFarlane in his autobiography of George Manuel and the National Indian

Brotherhood,[42] there is no doubt about the outcome of the summer of 1974. The National

Indian Brotherhood (NIB) was able to use the events of that summer to their advantage

by raising "the specter of Indian political violence."[43] George Manuel, then leader of the

NIB found that government officials "were suddenly receptive ... when he walked into

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[38] J. Rick Ponting and Roger Gibbons, Out of Irrelevance A socio-political introduction to Indian Affairs in Canada, (Scarborough, Ontario: Butterworth and Company (Canada) Limited, 1980), 206.

[39] Hunter and Calihoo, 233 - 234.

[40] Burke, 392.

[41] Burke, 391.

[42] McFarlane, 191.

[43] McFarlane, 192.

their offices and told them it was time to deal with him or face the *deluge* of the young

radicals on the streets."[44] (emphasis in the original)

Out of the protests, demonstrations and blockades that occurred throughout that

fateful summer, and especially the images that were broadcast throughout the country of

the beatings received by the Caravanners in September 1974, a new bureaucratic creature

was established to deal with relations between the federal government and 'Indian'

people. This new creature was the Joint Cabinet – National Indian Brotherhood

Committee. Its purpose was to establish a "process designed to yield agreements

between governments and the representatives of the Indian people on major policy

issues."[45] With cabinet access assured, an institutionalized process was established for

channeling Indigenous concerns and thus, one cycle in the pattern came to a close.

Starting with the consultations in 1968, ostensibly at the behest of the federal

government's desire to be more responsive to the needs of Indigenous Peoples, through to

the announcement and negative reception of *The Statement of the Government of Canada*

on Indian Policy, 1969 before ending with the creation of the Joint Cabinet – National

Indian Brotherhood Committee, the relationship between Indigenous Peoples and the

Crown had been transformed.

A situation that had started with seemingly good intentions quickly deteriorated

into a series of conflicts and confrontations as the federal government first tried to ignore

the situation and its later attempt to dismiss Indigenous demands. In the past, the federal

government had simply unilaterally imposed their will when it came to Indian Policy. By

inviting Indigenous People to become involved and active in creating the policies and

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[44] McFarlane, 192.
[45] Weaver, 202.

initiatives that impacted on their lives, and by creating the mechanisms to do so, brought

Indigenous people and their leaders together in solidarity and they were strengthened.

With the announcement of the *'69 White Paper*, instead of the usual fatalistic

acquiescence, the response from Indigenous Peoples was a very vocal and very public

rejection of the initiative. Indigenous leaders capitalized on the negative response and

used it as a means to generate and mobilize widespread demonstrations and other forms

of public pressure and resistance.

The federal government had shown itself to be receptive to offers of resolution

only after a series of violent episodes had occurred where the state was seen to employ

increasing amounts of force. Furthermore, the federal government was pushed into

creating the Joint Cabinet – National Indian Brotherhood Committee as a way of

addressing the issues and the unending waves of protest since the introduction of the *'69*

White Paper. However, it was the heavy-handed use of violence by the federal

government, especially in the confrontation on Parliament Hill and the reactions by the

Canadian public in general, that finally prompted the government to action. The federal

government was forced to acknowledge that they might have been wrong in how they

intended to approach the 'Indian problem'[46] and that the magnitude and depth of

Indigenous resistance were far greater than anyone had anticipated. The 1974

confrontation on Parliament Hill also forced a general recognition by both the state and

Indigenous leaders that the violence and resistance of the early 1970s was not going to

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[46] In discussing the " *'69 White Paper*," in June 1970, Prime Minister Trudeau said "perhaps we were a bit too theoretical, we were a bit to abstract, we were not ... perhaps pragmatic enough or understanding enough." Trudeau also acknowledged that "the policy may have been shortsighted or misguided" but that this had not been the intention of the policy. Prime Minister Pierre Elliot Trudeau as cited by Weaver, 185.

dissipate on its own and that formal institutionalized arrangements such as the Joint Committee were going to be needed to facilitate relations.

As far as the establishment of the Joint Committee is concerned, it is likely that there were other obvious, more political motivations to set up such a process to negotiate relations between Indigenous Peoples and the federal government. The Trudeau government for example, was finally able to have the defined national organization it wanted in which to conduct its negotiations through[47] instead of having to deal with each Indian Reserve and situation individually. The National Indian Brotherhood was also able to use the event to establish itself as a recognized political entity.[48]

The Ripple Effects of the *'69 White Paper*

The assumptions behind the creation of the *1969 White Paper* were clear in what the intent of federal government was with respect to Indian policy in Canada. It was a policy designed to extinguish forever the idea of co-existing nations within Canada through the complete erasure of the legal and political identity of Indigenous Peoples. The rejection of the '69 federal initiative, coupled with the resistance and suspicion it generated, has contributed to the development of conflictual and adversarial relations.[49] At the same time, the reaction generated by the *'69 White Paper* served as a 'wake-up call' to its designers by letting governments know that unilateral decisions could no longer be imposed.

Perhaps one of the greatest effects of the whole *'69 White Paper* exercise is the legacy of suspicion and mistrust that has greeted most governmental action since then. This suspicion and mistrust echoes even to this day in many Indigenous communities and

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[47] Burke, 8 - 10.
[48] McFarlane, 192.
[49] Weaver, 5.

organizations. The '69 White Paper has became the "benchmark against which every initiative or proposal was measured."[50] The distrust generated by the betrayal of the consultative process "embitter[ed] Indian - government relations during the 1970's"[51] and these results too, have lingered on.

On the other hand, the '69 White Paper assisted in creating an environment for Indigenous Peoples to solidify and unify themselves both politically and socially.[52] No longer isolated or fragmented, they pulled themselves together to speak with a cohesive and united voice. This ability to be unified and able to place their concerns into the public sphere also served to educate a Canadian public that up until then had been relatively ignorant.

In the same time period, two other pebbles had been dropped into the pond: the landmark Supreme Court decision in the Calder case and the legal actions undertaken during the building of the James Bay hydroelectric project. The impact of the Calder case will be examined, followed by the James Bay case.

Calder

The 1973 Calder case has particular significance in Indigenous – Canadian relations since Canada's Supreme Court ruled in January 1973 that there is such a thing as 'Aboriginal title' in Canadian law. The case was not a clear victory in support of Aboriginal title because the justices who heard the case were tied in their decision.

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[50] Miller, 232.
[51] Miller, 232.
[52] Boldt, 66, and 85.

Justice Pigeon, who voted to dismiss the appeal on a technicality, cast the deciding vote as Calder's legal team had made a conscious decision not to file a *fiat*.[53]

At the time of hearing and unlike the other Canadian provinces, in British Columbia no citizen had the right to "commence an action to have his rights vis-à-vis the Crown determined"[54] unless a *fiat* was filed which would allow a case to proceed. Calder's legal team argued that Calder was not a 'citizen' of the province and therefore did not need to file the *fiat*. In the end, the court disagreed and sided with the province. The court's agreement with the province on this issue allowed for the reasoning given for the tie-breaking vote that lead to the dismissal of the case. The split decision however, rendered the case a landmark in Canadian legal history as "all of the justices excluding Pigeon, [who ruled on the issue of the *fiat*] who did not express and opinion on the matter, believed that Aboriginal title existed in law"[55] and "where it was not extinguished, continued to have force."[56] The ruling handed down by Supreme Court of Canada on Calder was the motivating factor that led the federal government to begin negotiating comprehensive claims where Aboriginal title had not been extinguished.[57]

The decision is also significant because it demonstrated the willingness of the courts to side with Indigenous Peoples in having their 'title' recognized in Canadian law. Had the Court's decision not been affected by the technicality brought about by the Calder team not registering the *fiat*, it is entirely possible that the basis for Canada's legal

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[53] Justice Pigeon, in giving his decision said: "I have to hold that the preliminary objection that the declaration prayed for, being a claim of title against the Crown in the right of the Province of British Columbia, the court has no jurisdiction to make it in the absence of a fiat of the Lieutenant-Governor of that Province." Pigeon as cited by Peter Kulchyski, Unjust Relations: Aboriginal Rights in Canadian Courts, (Toronto, Ontario: Oxford University Press, 1994), 62.
[54] Kulchyski, 124.
[55] Kulchyski, 61.
[56] Kulchyski, 62.
[57] Kulchyski, 62.

jurisdiction and exercise of authority would be undermined or limited in geographic

locations where Aboriginal title had not been extinguished. Considering the area Canada

claims as its own, and the relatively few tracts of land that had been ceded to the Crown

through treaty at the time of the Calder hearing, the consequences of a positive ruling in

favour of Aboriginal title had enormous jurisdictional and legal implications for Canada.

The decision given in the Calder ruling, while not a complete victory, made it clear that

the Court was prepared to give a 'large and liberal reading' of Canadian law with respect

to Aboriginal title when it could.

A secondary observation can be made as a result of the Calder case and in other

instances where Indigenous demands were vigorously pursued: the federal government

refused or, at least delayed acting until forced to do so. Prompted largely by the Supreme

Court's decision, and faced with the prospect of lengthy and costly court battles where

the 'winability' of Aboriginal title was more assured than previously believed, the federal

government acted to establish a process that would not only extinguish Aboriginal title,

but would avoid raising issues regarding its own exercise of jurisdiction and authority.

Thus, the Calder decision became the catalyst for implementing a new institutionalized

process for the extinguishment of Aboriginal title through the federal agreement to

establish the Comprehensive Land Claim Process.[58] In 1974, the Office of Native Claims

was created to "implement a formal process to settle Native land claims."[59] Three years

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[58] "The land claims process in Canada can be traced directly to the *Calder* decision." Ken Coates, The Marshall Decision and Native Rights, (Montreal and Kingston, Canada: McGill-Queen's University Press. 2000), 84 – 86. Also see Dara Culhane, The Pleasure of the Crown Anthropology, Law and First Nations, (Burnaby, British Columbia: Talon Books Ltd., 1998), 79 – 83.

[59] Indian and Northern Affairs Canada, "Milestones in Aboriginal History," Aboriginal Workforce Participation Initiative (Ottawa, Canada: Minister of Public Works and Government Services Canada, 1998), Section 5.7, 5 – 39.

later in 1977, a second type of land claim was introduced to address 'specific'

provision(s) and breaches within already existing agreements.

James Bay

In the early 1970s, the James Bay Cree in Northern Quebec, in an effort to protect

their homeland and assert their rights, undertook a series of protests, blockades, and

demonstrations including threats to employ the use of force to halt the construction of a

hydroelectric dam until their concerns were addressed. These acts were the final means

at their disposal to bring attention to Hydro Quebec's plans to flood 3,400 square miles of

their traditional territories. The Cree – Quebec conflict was eventually resolved, at least

officially, with the signing of the *James Bay and Northern Quebec Agreement* in 1975.

While smaller in both scale and scope than either the *'69 White Paper* event or the

Calder decision due to the localized nature of the dispute, the James Bay Cree conflict

had long-lasting and wide ranging implications for the future of relations between

Indigenous Peoples and Canada. While the conflict was primarily with the province of

Quebec, the federal government was also implicated due to the question of fiduciary

responsibility.

Initially, the province of Quebec saw no reason to involve through consultation,

or otherwise consider the Cree Nation living in Northern Quebec in its hydro generating

plans.[60] The James Bay Cree disagreed and their first action was to pass a resolution

requesting the Minister of Indian and Northern Affairs to intervene on their behalf with

the province of Quebec. Federal efforts to persuade Quebec to address the concerns of

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[60] Billy Diamond, "The James Bay Experience," The Quest for Justice Aboriginal Peoples and Aboriginal Rights, eds. Menno Boldt and J. Anthony Long in association with Leroy Little Bear (1985. Toronto, Canada: University of Toronto Press, 1992), 267. Also see Miller, 252.

the Cree were unsuccessful as Quebec was of the view that the Cree "had no aboriginal rights."[61]

The Cree then launched a legal action asking for, and winning an injunction that ordered Hydro-Quebec, the James Bay Energy Corporation, the James Bay Development Corporation and their contractors to:

1. To immediately cease, desist, and refrain from carrying out works, operations and projects in the territory described...
2. To immediately cease, desist, and refrain from interfering in any way with the rights of the Cree and Inuit petitioners, from trespassing in the said territory, and from causing damage to the environment and the natural resources of the said territory.[62]

The interlocutory hearing, lasting nearly three months, was one of the longest in Canadian legal history. The court heard from over 150 witnesses. Deliberations lasted more than five months, and the ruling was over 170 pages in length.[63] The province appealed the lower court ruling. The Quebec Court of Appeal ruled that the interests of the province outweighed the interests of those living in area. The judgment rendered by the lower court was overturned one week later.[64]

Even though the injunction was overturned, the judgment "confounded developers and government, and made the Bourassa cabinet anxious to negotiate a settlement that would permit the work to continue legally."[65] The judgment handed down in the original ruling cast into doubt the legitimacy of Quebec's 'right' and authority in Cree territory. Through both court action and threats of civil disobedience,[66] the Cree were able to affect the financial viability of the project.

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[61] Diamond, 267.
[62] Diamond, 270.
[63] Diamond, 270.
[64] Diamond, 277.
[65] Miller, 253.
[66] Boyce Richardson, People of the Terra Nullius Betrayal and Rebirth in Aboriginal Canada, (1993. Vancouver, British Columbia: Douglas and McIntyre, 1994), 338 – 339.

The Cree had stated their demands through other, more political means before resorting to court action. However, it was not until the Quebec lower court had granted the favourable ruling, and perhaps when threats of violence were shown to be more than mere words, that negotiation between the James Bay Cree and the Province of Quebec began. Even then, the federal government, rather than become involved, ordered the two parties to hammer out an agreement within six months. *The James Bay and Northern Agreement* was hastily written and signed in 1975. At of the close of the 20th century, there are issues within the agreement that remain unresolved for both parties with respect to jurisdiction, the elements necessary for co-management and so on. The true victory in this instance was the establishment of a process, or forum for the resolution of Cree – Quebec issues.

Re-Traditionalization

In the 1970s, there was one further event that had both symbolic and significant consequences for the future of Indigenous – Canadian relations. Earlier, it was stated that Indigenous Peoples are compelled to construct their arguments within western terms and understandings. Trying to find an appropriate fit in another language for a cultural concept is difficult and it is rare for a cultural concept to be fully translatable. Every once in a while however, adopting a foreign term can serve to capture a concept and does so in a way that there can be no misunderstanding on either side: such was the case with the Dene Declaration.

The Berger Inquiry into the construction of the McKenzie Valley pipeline that took place from 1973-75 was one of the first fully televised public inquiries in Canada. Justice Thomas Berger decided that in order to make the best possible recommendations

on the construction of the pipeline, the social impact of construction needed to be investigated. The best way to do this, in Berger's mind, would be to discuss and consult with those who lived where the proposed construction would occur. Night after night, for nearly a year and a half, the Canadian public watched and listened to articulate arguments being presented by Dene Elders, Dene chiefs and members of Dene communities. The media images and the powerful arguments being presented by Indigenous Peoples of the north were crucial in educating the Canadian population on Indigenous issues and concerns.

Throughout the hearings, not only did the Dene talk about the impact the construction of a pipeline would have on their traditional way of living, they also made clear and eloquent statements "that their struggle is for the most universal of human rights, the right to be a self-determining people."[67]

In the summer of 1975, at their Annual General Assembly, the Dene announced to themselves and the world that they were a nation. The Assembly passed a resolution that began with the statement: "We the Dene of the Northwest Territories insist on the right to be regarded by ourselves and the world as a nation."[68] Not only did the declaration announce that the Dene considered themselves a nation, but they also recognized that part of their struggle would be to garner "the recognition of the Dene Nation by the Government and peoples of Canada."[69]

With this statement, the first public affirmation to the Canadian public was made that an Indigenous People within Canada considered themselves a 'nation' and that they

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[67] Mel Watkins, ed. Dene Nation the colony within, (1977. Toronto, Canada: University of Toronto Press, 1980), xi.
[68] "Dene Declaration" in Watkins, 3.
[69] "Dene Declaration" in Watkins, 3.

international mechanisms,[70] it was not until 1978 that Indigenous leaders began a

sustained effort for inclusion in Canada's constitution through lobbying efforts in both

Canada and abroad.[71]

The 1980s and the Failure of Institutionalized Approaches

When the decision was made by the Trudeau government in 1978 - 1980 to 'bring

the constitution home,' the federal government undertook a series of consultations with

the provinces. Indigenous Peoples were not included nor were their views sought despite

the willingness of Indigenous Peoples to negotiate and participate in the process.[72] In the

first draft of the proposed constitution, which was approved by all the provinces with the

exception of Quebec, Indigenous Peoples did not even warrant a mention. Indigenous

leaders began to mount media and public relations campaigns both in Canada and abroad.

In 1980, several Chiefs went so far as to petition backbenchers in Britain's parliament for

assistance in stopping Canada from repatriating the constitution.[73]

Part one of the Canadian compromise on the matter was the inclusion of sections

25 and 35 into the constitution.[74] Section 25[75] means that insofar as individual rights are

defined in the Canadian Charter of Rights and Freedoms, none can be interpreted in a

way that would diminish Aboriginal rights while Section 35 'recognizes and affirms'

Aboriginal rights.[76] A further section was added, 57, that gave the federal government

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[70] See Deskaheh, The Redmans Appeal For Justice The Position of the Six Nations that they Constitute an Independent State, (The Six Nations: March 1924).
[71] See Eric Robinson and Henry Bird Quinney. The Infested Blanket Canada's Constitution – Genocide of Indian Nations, (Winnipeg, Manitoba: Queenston House Publishing Co. Ltd., 1985).
[72] Robinson and Bird Quinney, xx.
[73] Robinson and Bird Quinney, 40 - 49 and passim.
[74] Constitution Act, 1982, being Schedule B of the Canada Act 1982 (U.K.) 1982
[75] Constitution Act, 1982, being Schedule B of the Canada Act 1982 (U.K.) 1982
[76] Constitution Act, 1982, being Schedule B of the Canada Act 1982 (U.K.) 1982

were a 'people.' From this time on, Indigenous Peoples started to talk about themselves as 'nations.' Within a few short years of the Dene Declaration, the federal government, who had derided the Dene for their boastful claims at nationhood, started to talk about self-government. Indigenous groups across Canada started to refer to themselves as First Nations and the language of nationhood and self-government became a prominent aspect of Indigenous – Canadian discourse. And so another pebble, a few more ripples in the water, changed yet again the configuration of the pond that epitomizes this relationship.

The decade that was the 1970s was tumultuous and often violent. The 1970s were also a decade of reclamation that saw the rebirth and revitalization of Indigenous Peoples throughout Canada. In the ten years following the consultation process that produced the *'69 White Paper*, Indigenous Peoples went from being a relatively unknown quantity to a position of public prominence in Canadian politics, law, and public awareness. From obscurity to recognition within ten short years is no small feat especially when considering the lack of resources available to Indigenous activists. If Indigenous – Canadian relations in the 1960s was characterized by the renewed demands for involvement and consultation, and if the 1970s was a decade of protest and recognition, then the 1980s are surely a period best characterized by the institutionalization and the failure of institutional practices for Indigenous politics and concerns.

The closing years of the 1970s and early 1980s also witnessed a dramatic shift in the assertion of Indigenous rights and demands. From barricades and demonstrations, Indigenous leaders moved into boardrooms and courtrooms as they sought to establish their place in both the domestic and international political realm. While there had been several attempts earlier in the century to push for Indigenous rights through the use of

one year to identify and define the 'existing rights' of Aboriginal People.[77] The second

part of the Canadian compromise was to hold a First Ministers conference to fulfill the

Section 57 requirement.

With the First Ministers conference of 1983, one agreement was reached: to hold

a series of three more First Ministers conferences by 1987 to identify and define the

'existing rights' of Aboriginal People.[78] The only agreement that stemmed from the three

conferences was that Aboriginal rights would be granted equally to both males and

females. Aboriginal rights were not identified and thus, could not be defined.

Clearly, a major shift occurred in the position of the federal government in 1982

from its stated position in 1969. By 1982, Canada was prepared to 'recognize and affirm'

Aboriginal rights, but in 1969 the same government was attempting to erase 'the

legislative and constitutional basis' for Aboriginal rights. It is unfortunate that the shift

did not go any further and extend to at least a partial identification and definition of

Aboriginal rights.

Proactive Resistance

The lack of progress on constitutional issues beyond the initial inclusion of

Sections 25 and 35 coupled with the attempts by then Deputy Minister for DIAND in

1986 – Eric Neilson, to implement cutbacks similar to those first proposed in the *'69*

White Paper exacerbated Indigenous feelings of disillusionment. These two events led

Indigenous Peoples to employ a different method of protest: 'proactive resistance.'

Instead of reacting, Indigenous Peoples started to be active and disruptive in areas of

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[77] Constitution Act, 1982, being Schedule B of the Canada Act 1982 (U.K.) 1982
[78] The three First Ministers conferences were held in 1984, 1985, and1987.

concern to them. Georges Erasmus, who was National Chief of the Assembly of First

Nations at the time, explained the reasoning for this development in the following terms:

> Frustrated by the racist double-standards being applied to our people across Canada, our assembly decided that the time had come to move to direct action. This was not an idle threat, but a solemn decision to create the kind of pressures that we hope will bring Canadian governments back to the negotiating table.[79]

Erasmus also recognized the 'cost' of being proactive:

> Our people have not undertaken these extreme measures lightly. They have faced hostility from competing interested, arrest, imprisonment, and hardship. They would much rather be engaged in honest negotiations with governments than be standing there for weeks and months at road blockades at great hardship to themselves and inconvenience to the public. But their patience is exhausted.[80]

The move to proactive resistance did not stem solely from the failed constitutional

talks of the 1980s. Rather, it was the failure of many institutional measures to meet the

demands of Indigenous Peoples. And yet, how the story of the constitutional inclusion of

Indigenous Peoples unfolded is reflective of the pattern of relations that so often

characterizes Indigenous – Canadian relations. Rarely have Indigenous Peoples been

able to initiate real debate with the Canadian state on substantive issues without first

encountering and overcoming the obstinate resistance and ignorance of the state. Up

until the late 1980s, any inclusions gained by Indigenous Peoples in federal initiatives

that impacted directly on their lives, only came after a decision had been made by the

state. This required Indigenous Peoples to be reactive in how they responded to

governmental initiatives. As in the constitutional debates demonstrated, Indigenous

Peoples were regularly placed in a position where they had to justify their reasons for

inclusion on issues that had very real implications for their lives and in their relationship

with Canada.

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[79] Georges Erasmus, "Introduction," <u>Drumbeat Anger and Renewal in Indian Country</u>, ed. Boyce Richardson (1989. Toronto, Canada: Summerhill Press Ltd., 1992), 7.
[80] Erasmus, 7.

With the lack of progress in areas like the constitutional debates, the reactive

methods that Indigenous Peoples employed that had characterized their responses in the

two previous decades, became replaced by more proactive measures. Indigenous

Peoples, as Georges Erasmus notes, realized that one way to force their issues to the top

of the political agenda in Canada was through the deliberate employment of actions that

were designed to be disruptive.[81] Instead of waiting to be invited to the table, or reacting

afterwards, Indigenous Peoples started to force their issues onto the agendas.

Several groups, either individually or collectively, took it upon themselves to

bring their concerns into the public sphere. The "Shame of the Flame" campaign that

was initiated by the Lubicon Cree is one example. Chief Bernard Ominayak, nine

months before the Calgary Olympic Winter Games of 1988, attended the third annual

congress of the European Support Groups for North American Indians and explained the

Lubicon situation by telling delegates:

> The Lubicon people have survived off the land all these years, but since the oil companies
> have come in, they've destroyed the whole environment, therefore destroying our way of life,
> which is hunting and trapping, ... Today 95 per cent of the people are living on welfare. We
> had our first suicide within the past year. That never happened before. We're going to get to
> a stage where even if we win, we would have lost because of the social problems beginning
> now. We've tried to deal with the courts and through the political process and we haven't
> reached a solution, and now our backs are against the wall. When you have such strong
> enemies, your only power base is the public at large, and that's why we have to appeal to the
> public as often and as far away as possible.[82]

Other instances of proactivity include the Innu near Goose Bay Labrador who

protested low-level NATO flights by blockading runways among other things[83]; the

Teme-Augama Anishnabai who defended their traditional territories with blockades that

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[81] Erasmus, 7.

[82] John Goddard. Last Stand of the Lubicon Cree, (1991: Vancouver, Canada: Douglas and McIntyre, 1992), 152.

[83] Daniel Ashini, "David Confronts Goliath: The Innu of Ungava verses the NATO Alliance," Drumbeat Anger and Renewal in Indian Country, ed. Boyce Richardson (1989. Toronto, Canada: Summerhill Press Ltd., 1992). 45 – 70.

halted logging operations[84] along with the Gitksan and Wet'suwet'en and their

'marshmallow wars'[85] as well as many others. Along with these sustained actions, there

have been numerous other protests and demonstrations across Canada designed to inform

the Canadian public, assert Indigenous rights or support the struggle of other Indigenous

groups.[86] Indigenous – Canadian relations in the 1980s while being defined by

institutional practices, were also becoming characterized by deliberate and proactive

movements as a tactic to highlight Indigenous concerns. As Georges Erasmus

acknowledged, these actions were not without cost. Nowhere was this more evident than

the Oka crisis at Kanesatake.

Dropping Boulders in the Pond: Oka, RCAP, and *Gathering Strength*

The Oka crisis at Kanesatake presents a unique opportunity to explore the state of

Indigenous – Canadian relations at the close of the twentieth century. The cyclical

pattern of conflict and adversity is clear and each of the three phases of the pattern is

equally well defined. This particular event holds further interest because of the totalizing

nature of the conflict: it was as if the drama of the actual crisis along with the state's

response had somehow captured the very nature of what Indigenous – Canadian relations

were in 1990. In reflection, it was as if the Kanesatake - Oka tragedy crystallized what

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[84] Chief Jean-Maurice Matchewan, "Mitchikanibikonginik Algonquins of Barrier Lake: Our Battle to Create a Sustainable Future," Drumbeat Anger and Renewal in Indian Country, ed. Boyce Richardson (1989. Toronto, Canada: Summerhill Press Ltd., 1992), 139 – 166.

[85] N.J. Sterritt, "Unflinching Resistance to an Implacable Invader," Drumbeat Anger and Renewal in Indian Country, ed. Boyce Richardson (1989. Toronto, Canada: Summerhill Press Ltd., 1992), 267 – 294.

[86] One example of this is the actions taken by students when the federal government in 1989 capped post-secondary education funding. While the protests, demonstrations, sit-ins etc. were in part 'reactive', they were also proactive in the sense that the actions of these students were being undertaken in part not for themselves, but on behalf of other , potential Indigenous post-secondary students as well. The students used this opportunity to further increase awareness and gained support from various quarters of the Canadian public. See Erasmus, 36 - 37.

the relationship between Indigenous Peoples and Canada had become and just how bad relations between the two were.

As described earlier, each adversarial or crisis period in Indigenous – Canadian relations has three distinct phases. The first is conflict leading to confrontation over an unresolved issue and is often underscored by violence. The second phase includes a period of inquiry, reflection and the preparation of plans for proposed action while the third is a period of institutional implementation where the action plan is translated into practice.

Of the various enactments of this crisis trilogy, the Oka crisis at Kanesatake in 1990 was certainly one of the most dramatic. With the Oka crisis at Kanesatake representing the deteriorated state of Indigenous – Canadian relations, the Royal Commission on Aboriginal Peoples was announced to investigate, reflect, and recommend a course of action for Canada. Recommendations from the Royal Commission were eventually embodied in *Gathering Strength Canada's Action Plan.*

Gathering Strength was released on January 7th 1998, fourteen months after the conclusion of the exhausting five-year long inquiry into the lives and history of Indigenous Peoples in Canada. It was presented as the Canadian federal government's official response to the Royal Commission on Aboriginal Peoples. In the Action Plan is the "Statement of Renewal" which focuses on 'reconciliation' whereby the Government of Canada:

> ... agrees with the Commission's conclusion that Aboriginal and non-Aboriginal people must work together, using a non-adversarial approach, to shape a new vision of their relationship and to make that vision a reality. In that spirit, Canada is undertaking to build a renewed partnership with Aboriginal people and governments.[87]

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[87] Department of Indian and Northern Affairs, Gathering Strength Canada's Aboriginal Action Plan (Ottawa, Canada: Minister of Public Works and Government Services Canada, Minister of Indian Affairs and Northern Development. 1997).

Gathering Strength is a comprehensive plan on the part of the Government of Canada to "build a renewed partnership" with Indigenous Peoples in Canada. It is multi-sectoral in the sense that it addresses a series of issues identified in the Royal Commission from education to health to natural resources and self-government among others. It requires the Department of Indian Affairs and Northern Development to work with other federal departments, other levels of government, and both rural and urban Aboriginal communities in meeting the four objectives set out in the Action Plan.

The Royal Commission on Aboriginal People, (RCAP) begun in 1991was spurred largely by the growing "anger and upheaval"[88] of Indigenous Peoples that was taking place throughout Canada which had culminated in the Oka crisis at Kanesatake in 1990. The 'anger and upheaval' that the Commission refers to is attributable to several factors. These factors include sub-standard living and social conditions of Indigenous Peoples as compared to Canadians; stalled negotiations with respect to issues concerning land and treaty rights;[89] and increasing levels of frustration experienced by Indigenous Peoples on the lack of progress on these and other issues.

The scope and mandate given to RCAP was unprecedented, and it was charged with directing its consultations towards one overarching question: "What are the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal people of Canada?"[90] To answer that question, RCAP commissioners embarked on what is likely the most comprehensive inquiry into the socio-economic

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[88] Royal Commission on Aboriginal People, People to People, Nation to Nation Highlights from the Royal Commission on Aboriginal People, (Ottawa, Canada: Minister of Supply and Services Canada, 1996), ix.
[89] Royal Commission on Aboriginal People, ix.
[90] Royal Commission on Aboriginal People, x.

status of Indigenous people in Canada to date. Numerous reports, studies and consultations were commissioned; 178 days of hearings open to the public were held; and hundreds of presentations were made over the five year period it took the commission to complete its task. The entire history of Indigenous – Euro-Canadian relations were re-examined from the time of contact up to the time of the Commission's hearing; policies that were implemented that affected Indigenous people were analyzed anew; previous commissions, reports and studies were also re-examined. The failings of the federal government in fulfilling its fiduciary responsibilities were minutely detailed. Finally, the Commission presented its findings in a five-volume report. 440 recommendations were made and the Commission came in at a cost of 50 million dollars, making it one of the most expensive royal commissions in Canadian history. Of the things that mark the RCAP report as unusual is the scale and scope of inquiry. Previous investigations into issues of concern to Indigenous people in Canada were usually single-issue inquiries and were limited in both scope and mandate.

If RCAP was unusual by virtue of its scale, the same sentiment can be echoed on the less than positive state of relations between Indigenous Peoples and the Canadian state at the time RCAP was empowered in 1991. The Oka crisis of 1990 involved a seventy-eight day armed confrontation between the residents of Kanesatake and Canada. During the Oka crisis at Kanesatake, a shorter blockade and confrontation at Kahnawake, just outside Montreal also took place. Both instances involved the Quebec Sûreté and the Canadian Armed Forces. Tensions in both Kanesatake and Kahnawake remained high throughout the confrontations and had spread wherever supporting barricades had been erected and protests carried out.

These three events: the Oka crisis at Kanesatake, the supporting barricades at Kahnawake and elsewhere in the summer of 1990; the Royal Commission on Aboriginal People started August 1991 and concluded in November 1996; and, *Gathering Strength Canada's Aboriginal Action Plan* released in 1998, were each momentous moments in Indigenous – Canadian relations. All in all, the Oka crisis at Kanesatake coupled with RCAP and the *Gathering Strength* policy initiative capture an extraordinary period in the ongoing relationship between Indigenous peoples and Canada. Taken together, these moments are reflective of something much deeper than what each event could ever symbolize on its own. Nonetheless, while the scale of each moment is unprecedented in Indigenous – Canadian history, as we have mentioned, the pattern of relations these three moments capture is not.

The scale captured by these three moments offers another, equally revealing observation. When the Oka crisis at Kanesatake reached the point where the police had to be reinforced by the military, this indicates that the level and kind of violence that the state is willing to employ is increasing. In the same way that the scope of confrontations seem to be more encompassing, the amount of force and coercion being employed also appears to be increasing as well. Prior to 1990 and all that the Oka crisis at Kanesatake came to symbolize, there had not been any similar confrontations between Indigenous Peoples and the Canadian state on the same scope or scale in living memory and likely not since the Riel Rebellions of 1869 and 1884. As with the Native People's Caravan in 1974, with Oka, the pendulum had swung beyond the bounds of expectable state behaviour.

The Oka situation was also unique in one other aspect: it is the only time in recent Canadian history where the military played a role in a domestic situation. Prior to Oka, the only times Canada's military has been publicly called upon to establish or provide domestic order – other than in humanitarian situations or in its capacity of 'aide to the civil power,' was during the 'October Crisis' in 1970 and at the Montreal Olympics in 1976.[91] Both the October Crisis and the Montreal Olympics operations, however, differed in significant ways from the events of Oka. Oka was not an internal security operation as were the October Crisis and the Montreal Olympics: Oka was an armed confrontation taking place between two defined domestic entities. In both Kahnawake and Kanesatake, for Canada's military, "From the onset ... it was clear that this would not be a "routine" IS [internal security] operation."[92]

Evident since the move 'out of irrelevance', Indigenous – Canadian crisis periods have three phases: the confrontations underscored by violence; the period of inquiry and proposed action; and the third phase of institutional implementation. Prior to the actual confrontation or use of violence, there is usually a long drawn-out period where Indigenous Peoples have made repeated attempts to seek solutions to the issue. It is only when these attempts result in failure that confrontations are sparked.

The events that culminated at Oka in the summer of 1990 had been developing over an extended period of time. They did not occur overnight, or even over the course

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[91] David A. Charters, "From October to Oka: Peacekeeping in Canada, 1970-1990," Canadian Military History Selected Readings, ed. Marc Milner (Concord, Ontario: Irwin Publishing, 1998), 368-393. Charters notes that "Only three operations required the deployment of large numbers of armed troops (i.e. formations consisting of more than a single battalion)." 374.
[92] Charters, 383. For a more complete analysis of how the 1990 standoff differed from the two other internal security operations undertaken by the Canadian Armed Forces, see Charters, 384 - 387.

of a few months. In fact, the issue had been simmering since at least 1945.[93]

Furthermore, notwithstanding the historical context of the issues that were at stake for

Kanesatake along with the efforts that had been made to seek resolution over many

decades, it was only after many attempts had been made to deal with the current issue of

land appropriation through established channels that the situation escalated to barricades

and confrontation first with the Quebec Sûreté and then the Canadian military.

It appears that even in instances like the Oka example, where development issues

are not only being opposed, but contested, there is the assumption that non-Indigenous

development plans can go ahead anyway with attempts at resolution or appeasement

sought afterwards. As the Oka crisis at Kanesatake indicates, Indigenous Peoples are no

longer prepared to accept offers of appeasement.

For the Mohawks and others who were involved in the Oka crisis at Kanesatake,

it was also made clear that they would not accept offers of appeasement *during*

confrontation either and particularly if the offer did not address the underlying issues at

stake. One of the difficulties with attempts at mediation or rectification is that the

original issue often becomes distorted or is only addressed in part. The result is often

inappropriate or incomplete action. During the Oka situation, negotiations included

offers and later the actual purchase of some of the disputed lands by the federal

government.[94] The land purchase was clearly an act of appeasement rather than a

rectification of the dispute because for the Mohawks, it was not merely a question of land

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[93] Donna Goodleaf, Entering the War Zone A Mohawk Perspective on Resisting Invasions, (Penticton, British Columbia: Theytus Books Ltd., 1995), 54. Chapter three of Goodleaf's book provides a detailed accounting of the events leading to the summer of 1990. She provides a dual perspective: first, the historical context is given followed by events of the years immediately preceding the crisis.

[94] Goodleaf, 84. Goodleaf notes that the Montreal Gazette reported on the federal government's purchase of part of the disputed lands from private landowners and was prepared to acquire the rest from the town of Oka. The federal government's offer included amounts for compensation.

ownership. Furthermore, this attempt at appeasement by the federal government was driven more by non-Indigenous domestic and international pressures rather than any real desire to resolve the crisis.[95]

A second difficulty that often arises from attempts to mediate or rectify relations can be attributed to the time lag that occurs before any policy initiative or state programs are actualized. When RCAP was announced in August 1991, it took the Commission just over five years to complete its investigations and a further fourteen months before the federal government was able to formulate its response to the recommendations made by the Commission. While some action was undertaken by both the state and Indigenous groups during this period, they could only be interim measures, short term or tentative in nature, until receiving formal sanction. The time lag, combined with interim and/or short-term action further confuses the original issues and contributes to a growing body of piecemeal and inappropriate state intervention that has no lasting impacts.

Concluding Remarks

In the process of examining a few of the events that have transpired during the last three decades of the 20th century, the adversarial pattern in Indigenous – Canadian relations is clearly discernible. Recognizing this pattern has importance because the results of this cycle plays a significant role in re-creating or re-producing the basis of Indigenous – Canadian relations. The willingness of the state to employ sanctioned violences for the purposes of maintaining a position of dominance vis-à-vis Indigenous peoples perpetuates and maintains not only a hostile environment, but also further encourages an environment of suspicion and mistrust. Furthermore, the initial piecemeal/interim attempts at mediating relations while awaiting decisions on the

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[95] Goodleaf, 84.

institutionalization phase of the cycle, rather than resolving issues of concern, tend to exacerbate and further complicate existing contradictions. Both of these results are important for they are significant factors in the perpetuation of the cycle as neither the issues underlying the employment of violence or those that permit the continued marginalization of Indigenous Peoples to occur are addressed in ways that would lead to full resolution.

Attempts at normalizing relations following periods of crisis also tend to result in increases in the level of direct state intervention. Part of this is due to the processes currently required to institutionalize the mechanisms agreed to in order to normalize relations. On the other hand, it can be suggested that one purpose of institutionalization processes is to create areas of commonality and/or recognition. Unfortunately, this same process can also be used to re-produce existing conditions where the forms of symbolic violences are only altered and not eliminated. If attempts at institutionalization follow the same path as in previous endeavours, then similar results can be expected. Attempts at normalizing relations in this manner are unable to alter the balance of relative strengths and are inappropriate vehicles for increasing integration. Thus the essential antagonism remains unless a concerted effort is initiated at the onset of the mediation and institutionalization phases in the cycle to affect results that are acceptable to both parties. This would require radically new and different ways of thinking.

This chapter dwelt upon the current era of relations for two main reasons: first, to give an indication of the scope of activity that Indigenous Peoples have been engaged in during the three decades in question; and secondly, to outline how this activity has been received by Canada. The following chapter examines the concepts of citizenship, nation

and nation-building in Canada with respect to the place of Indigenous Peoples and delves

one level deeper into Indigenous – Canadian relations.

Chapter Five

Explaining: Citizenship and Perceptions of Worth

Throughout this thesis, information layers that describe and define the current Indigenous condition have been presented and analyzed. The first chapter looked at a sampling of the literature now available on the Indigenous socio-economic condition, their history and culture as well as what the current trends are in this area of research. The chapter, while acknowledging the wealth of contributions now available, recognized that several gaps exist. In preparing this chapter, I felt it was important to go a step further and recognize the quandaries some (non-Indigenous) writers experience when they investigate the social location of Indigenous Peoples. In giving a measure of recognition to the experiences of these writers, the differences between the Indigenous and non-Indigenous worlds become evident in ways that pure 'facts' cannot demonstrate in and of themselves.

Chapter two looked at several elements that define Indigenous life including an overview of the current social location of Indigenous Peoples, the kinds of violence they experience and also included a brief discussion on the meanings and relevance of contradiction. The objective of the chapter was to present the social reality many Indigenous Peoples experience and the obstacles they face in daily life. Chapter three brought together both social and political violences together with daily life through two narratives. The narratives were given to provide a human face and context to the facts presented in the overview and to illustrate the ways marginalization affects people. With all of this in mind, it is time to turn our attention towards understanding some of the reasons why this is so.

The social location of Indigenous Peoples within Canada as detailed in chapter two is not a recent phenomenon, nor is it a 'natural' occurrence. The move into marginalization, or to what Ponting and Gibbons call 'irrelevance,' occurred in a way that was both intentional and methodical in the years leading up to the implementation of the Indian Act in 1876.[1] Indigenous peoples continued to be relegated to the periphery of Canadian society until at least the late 1960s. Writers including Ponting & Gibbons and Satzewich & Wotherspoon have detailed the methods that were employed by the Crown in this respect. Further evidence of the intentional measures employed by the Crown is contained in Canada's legislative history. And while there has been an improvement in areas such as education, longevity and employment over the last few decades, the fact remains that in all aspects of social, economic, political, and cultural health and well-being of Indigenous Peoples vis-à-vis that of Canadians in general remains consistently lower.

There is no doubt that Canada is indeed one of the better places in the world in which to live as acknowledged in the United Nations study.[2] It has the benefits that come with having a mixed economy where individual enterprise is combined with a relatively secure commitment to providing a common social safety net. The result is an overall better than average standard of living in comparison to those found to be less fortunate using similar criteria.

On the other hand, there can be no denying the peripheral social location that Indigenous peoples occupy. Their overwhelming presence in Canada's jails, the extreme

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[1] J. Rick Ponting and Roger Gibbons, Out of Irrelevance A socio-political introduction to Indian affairs in Canada, (Scarborough, Ontario: Butterworth and Company (Canada) Limited, 1980), xvi.
[2] Erin Anderssen, "Canada's squalid secret: life on native reserves Income, education, life expectancy worse than in 62 countries," The Globe and Mail, 12 October 1998, A1.

unemployment rates, the higher than average rates of poverty, housing shortages and the lack of an adequate and appropriate skill base, along with insufficient or inappropriate education in comparison to Canadian society in general, is evidence that this is so. As the narratives suggest, the ramifications of the marginalized socio-economic political location of Indigenous people are serious and come with a high cost in human terms of health, quality of life, and safety and security of the person. The lives affected are nothing less than a tragedy.

Included in the consequences of marginalization is the cost to Indigenous communities as a whole. Many of these communities are small, with less than 1500 hundred residents. The allocation of thin human and financial resources to deal with the social costs of marginalization tax these communities to the point where there is little left over for anything else, to say nothing of the psychological and emotional effects on community members. A further unmentioned cost is that to Canada as a whole. It is unknown what contributions could have been made by Indigenous Peoples had they been active in the creation of Canada as a multi-national country. Considering some of the contributions that were adopted by Euro-colonizers in the early years of Indigenous – Canadian relations, we can only imagine how Canada might have developed.

It would be tempting to suggest that Indigenous Peoples within Canada exist on the margins of society through some kind crippling historical misfortune or because of differences so great, that no common or substantive method of measure are available. A historical misfortune or incomparable differences that would account for the extreme divergences in living conditions would, at the very least, provide a modicum of explanation. Unfortunately the differences that now exist between Indigenous Peoples

and Canadians cannot be explained in this way, since both peoples share in a similar

economy, are supposedly represented by the same political forms of governance and

share life in the same geographical locations.

Since many Indigenous communities are remote or rural, there is the temptation to

suggest geographical locations as explanatory factors. However, that would be grossly

misleading to say the least. The socio-economic indicator statistics given by the

Department of Indian and Northern Affairs covering the period 1971-1991 demonstrated

that when similar non-Indigenous communities in similar geographic locations were

compared to Indigenous communities, the indicators for socio-economic well being of

Indigenous communities were consistently lower. Perhaps even more disturbing was the

inability of the Department of Indian and Northern Affairs to fully explain the gaps.[3]

While enumerating the many ways Indigenous Peoples are marginalized is a

relatively simple task, explanations for this are not so easy. Making the task even more

challenging are the forms and exceptionally high levels of violence experienced by

Indigenous Peoples and their communities. When looking at the evidence as a whole, it

is clear that the location of Indigenous Peoples in Canada cannot be attributed to, or

described as mere malaise. Nor can it be attributed to geographic location or differences

too great to measure. There must be something deeper. The marginalization, the

violence, and the manner in which they are manifested runs deeper than their mere

expression. This chapter takes on the task of providing avenues of inquiry into why

Indigenous Peoples within Canada exist in marginalized and violent conditions when

they live in one of the best countries in the world.

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[3] Department of Indian Affairs and Northern Development, <u>Socio-Economic Indicators in Indian Reserves and Comparable Communities 1971-1991</u> (Ottawa, Canada: Department of Indian Affairs and Northern Development, 1997), vii - viii.

To accomplish this task, I propose to take up the challenge offered by Monture-Angus who posits the idea that it is perhaps time to research the other side of the equation[4] for as she notes, "there are two sides to the ... problems aboriginal people face."[5] Instead of looking to see what problems exist in Indigenous communities and what can be done about them, I propose to look at the other side of the equation by examining three aspects of Canadian society: citizenship, nationalism, and nation-building. An examination of this type will assist in understanding how these features have coloured the perceptions and attitudes of Canadians in general towards Indigenous Peoples. Contradiction and the resulting confusion will provide the primary focal points for discussion.

In bringing in these three aspects to bear on the Indigenous condition, I am not proposing a full and complete inquiry into citizenship, nationalism or nation-building. There is a significant body of literature that already exists on each of these areas and it is not my intent to add to it. Instead, I am proposing is to present a sufficient understanding of each aspect as it relates to this thesis, which is to better understand the social condition and location of Indigenous Peoples in Canada. By examining the assumptions behind concepts such as citizenship, nationalism and nation-building, I believe we can explain, or at least open new avenues of inquiry into Indigenous – Canadian relations and how generally held societal perceptions towards Indigenous people are shaped. It is my hope that this will in turn lead to a greater understanding of the peripheral social location occupied by the majority of Indigenous people within Canada. If we can understand this

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[4] Patricia A. Monture-Angus, "Lessons in Decolonization: Aboriginal Overrepresentation in Canadian Criminal Justice," Visions of the Heart Canadian Aboriginal Issues, eds. David Allen Long and Olive Patricia Dickason (Toronto, Canada: Harcourt Brace & Company Canada, Ltd., 1996), 337.

[5] Monture-Angus, 337.

hidden, underside of Indigenous – Canadian relations better, then we can find ways for working towards the development of a more equitable relationship.

This chapter will first discuss how Indigenous Peoples are currently viewed with respect to citizenship and will then move to a brief review of how expectations of citizens and citizenship developed in Canada with particular attention given to external influences. The discussion will then address two principles that have had a significant impact on the development of social policy in Canada and thus on the attitudes of society in general towards citizens and citizenship. The first principle is that of 'less eligibility' and the second is 'perception of need.' The next chapter will look at two forms of nationalism and will discuss several aspects of nation-building. Woven throughout this and the next chapter are references to the impact and effect each aspect has played on Indigenous – Canadian relations.

Perceptions of Indigenous Peoples and Citizenship

Notions of 'difference' with respect to Indigenous Peoples are currently being played out in a discourse that is often quite contradictory. Indigenous Peoples are at the same time citizens of Canada but not; nations in their own right but not; self-governing but not. Nowhere is this notion of 'same yet different' played out more clearly than in discussions of citizenship. Indigenous Peoples are supposedly accorded the rights, benefits and privileges of being citizens of Canada. Yet at the same time, they are also subject to differentiated treatment by the state through the use of specific regulative tools aimed solely at Indigenous Peoples. These regulative tools are in the form of direct

impact legislations such as the Indian Act as well as specific mentions in other legislations such as the Criminal Code of Canada.[6]

The *Indian Act* for example, not only defines who is and who is not entitled to be registered as an 'Indian,' but is also a set of laws that apply only to those registered as Indians under the terms and provisions of the Act. No other population in Canada is separated out or governed by specific legislations in the way registered Indigenous people are. As James Burke notes:

> The Indian Act is unique as it is administered solely on racial grounds. While other Canadians share a common constitution, registered Indians must comply not only with the law of the land but also with that of the Department of Indian Affairs.[7]

Thus, those who come under the auspices of the Indian Act are required by Canadian law to adhere to its terms and provisions as well as the body of laws and regulations enacted for the purposes of regulating and controlling the general population of Canada.

Perception

As noted in chapter two, there are several commonly held perceptions about the status of Indigenous Peoples in Canada. Because 'perceptions', especially those held by Canadians as a whole towards Indigenous Peoples, are central to this thesis, and are key to understanding their socio-economic condition, it is important to spend time looking at how Indigenous People have been thought of in Canada. To this end, a number of views, both past and current, will be presented. These perceptions are of interest because of the contradictions they contain, which allow for the holding of divergent views.

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[6] No other segment of the population other than Indigenous Peoples is singled out for specific mention in legislations such as Canada's Criminal Code. Section 718.2(e), for example, instructs sentencing judges to consider "all available sanctions other than imprisonment that are reasonable in the circumstances for all offenders, with particular attention to the circumstances of aboriginal offenders."

[7] James Burke, Paper Tomahawks From Red Tape to Red Power, (Winnipeg, Canada: Queenston House Publishing, Inc., 1976), 2.

I have suggested that there are instances where two or even more competing views are held at the same time with the competing view(s) being held with equal fervour.' The example given was that 'Indigenous Peoples as individuals, or as a whole, are not seen as being any different than any other member of Canadian society and as such, they are 'just like everyone else'. Thus, just like everyone else, they should not be treated any differently nor should they receive or be entitled to any other rights or considerations that the rest of Canadian society does not enjoy. It was perhaps Trudeau, who in referring to *The Statement of the Government on Indian Policy, 1969*, captured this sentiment best when he said: "It's inconceivable I think that in a given society, one section of the society have a treaty with the other section of society. We must all be equal under the laws and we must not sign treaties amongst ourselves."[8]

Perhaps one of the most detrimental views of Indigenous people is the one often applied in individual circumstance. An Indigenous person can be seen as exemplary of all the negative stereotypes – i.e. drunk and lazy, and the non-Indigenous person is therefore justified in believing that they are 'all like that.' The opposite applies as well. An Indigenous person can be perceived as somehow having risen above the drunkenness and laziness associated with 'the rest of them' and then are held as examples of how 'they could be like us' if 'they would only apply themselves.'[9] This particular line of thinking has been around since Major-General H.C. Darling prepared the first official report on the state of 'Indian conditions' in Canada in 1826.[10] Boyce Richardson reports that during the period 1820 to least 1880, official statements continued to conclude:

[8] Pierre Elliot Trudeau as cited by Sally Weaver, Making Canadian Indian Policy The Hidden Agenda 1968-70, (Toronto, Ontario: University of Toronto Press. 1981), 179.
[9] Boyce Richardson, People of the Terra Nullius Betrayal and Rebirth in Aboriginal Canada, (1993: Vancouver, British Columbia: Douglas and McIntyre, 1994), 58.
[10] Richardson, 53.

"aboriginal people were considered praiseworthy only to the extent that they adopted European values, beliefs and habits."[11] Colonists in the 1800s believed that "Indians with whom they had contact with were degenerate, corrupt and untrustworthy" while at the same time believing that "only those [Indians] whom they had never met were admirable."[12] In the 1960s, Indians remained something to be feared, as they were "peculiar, irrational, violent, immoral."[13] During the same period, from the 1960s and into the 1970s, perhaps because of the uncertainties of the world, many non-Indigenous people found themselves 'playing Indian' (pretending to be Indians by dressing like them, living in tipis and so on) in order to "find reassuring identities in a world out of control."[14]

The notion of same yet different is also carried through in the implementation of parallel and/or differentiated social programs sponsored by the state. The implications of being the targets of separate social programs serve to place Indigenous Peoples in a 'Catch-22' position vis-à-vis the general population. Specific programming recognizes the particular circumstances, difficulties and hardship position of Indigenous Peoples and further recognizes that Indigenous Peoples need to be recognized partners in these efforts and involved in their administration.[15] At the same time, they also tend to convey the impression and the message that they are in receipt of different treatment and that they

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[11] Richardson, 54.

[12] Richardson, 58.

[13] Heather Robertson, Reservations Are For Indians A Tough, detailed study of what is really going on in Indian communities and reserves in Canada, (Toronto, Canada: James, Lewis & Samuel, Publishers, 1970), 6.

[14] Philip J. Deloria, Playing Indian, (New Haven: Yale University Press, 1998), 158.

[15] An example of this is the Aboriginal Human Resources Development Agreements where employment and related programs originally maintained by Human Resources Development Canada have been negotiated with various Aboriginal groups. The purpose of the agreements is to enable Aboriginal communities to have responsibility for skills development and employment initiatives. The agreements are a recognition that "Aboriginal peoples best understand their own needs and are best at designing and implementing their own programs and services." Aboriginal Resources Office, <http://www17.hrdc-drch.gc.ca/ARO-BRA.cfm> (Retrieved 13 April 2003).

continue to need special 'protections.' Added is a third confusion brought about by the

self-government negotiations that have been taking place where agreements have been

reached that allow some Aboriginal communities to direct their own efforts in these

negotiated areas such as education and health care.

Existing perceptions about the place of Indigenous Peoples in Canada did not

arise from nothing. For the most part, they can instead be attributed in part to an even

deeper, almost unconscious level of perception of who and what 'Indians' in Canada are.

This deeper level of perception is one that is not spoken of so much as it is imagined.

These fantasized images of Indigenous people are not 'real' and generally speaking, have

very little to do with any past or present reality. They are impressions that have been

passed on to the public through a variety of means of who and what Indians are (or

should be or have been). There are a number of writers who have expounded on this

theme. Among them are Daniel Francis,[16] Philip Deloria,[17] Ward Churchill,[18] Janice

Acoose,[19] Fergus M. Bordewich,[20] and Robert F. Berkhoffer, Jr.[21] Each of these writers

has detailed a variety of images of Indigenous peoples that have been held over the years.

Pointing out and being conscious of these constructed images is imperative as affect how

seriously Canada and Canadians believe that Indigenous people need to be taken – I think

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[16] Daniel Francis, The Imaginary Indian The Image of the Indian in Canadian Culture, (1992, Vancouver, British Columbia: Arsenal Pulp Press, 1995).
[17] Deloria.
[18] Ward Churchill, Indians Are Us? Culture and Genocide in Native North America, (Toronto, Ontario: Between The Lines, 1994).
[19] Janice Acoose, Iskwewak Kah' Ki Yaw Ni Neither Indian Princess Nor Easy Squaws, (Toronto, Ontario: Women's Press, 1995).
[20] Fergus M. Bordewich, Killing the White Man's Indian Reinventing Native Americans at the End of the Twentieth Century, (New York, New York: Anchor Books, 1997).
[21] Robert F. Berkhofer, The White Man's Indian Images of the American Indian from Columbus to the Present, (1978. New York, New York: Vintage Books, 1979).

it would be difficult to take Indigenous people seriously if one has an image of the mascot for the Cleveland Indians baseball team doing the 'tomahawk chop.'

Of all the images of Indians presented to the general public, such as the "*bon sauvage* or Noble Savage"[22] who provided "a convention for enunciating the hopes and desires of European authors, or in criticizing the institutions and customs of their own society..."[23] to the portrayal of "'Indians' as a generic group with no distinguishable cultural differences,"[24] to the appropriation of "native names, images, and symbols as sports team mascots"[25] and accompanying accoutrements like the 'tomahawk chop' and 'Indian Chant'[26] there have been an abundance of images to choose from. However, there is one other that has received relatively little attention. This is the Indian as a 'possession.'[27]

Indians as 'possessions' is a particularly important image to be aware of as it is an image that receives continuous reinforcement. Phrases such as 'Canada's Aboriginal Peoples' for example, or 'our Aboriginal peoples', or 'our Indians' tend to unconsciously (or consciously) objectify Indigenous people by giving the impression that they 'belong' to something – such as Canada. Thus, they are thought of as possessions or belongings, and as possessions, they can be owned, used and discarded.

The importance of acknowledging the 'Indian as possession' cannot be stressed enough. It is this image that contributes in one way or another to every other image or perception held by Canadians of what and who Indians are. As possessions, Indians

[22] Berkhofer, 73.
[23] Berkhofer, 74.
[24] Acoose, 90.
[25] Churchill, 66.
[26] Churchill, 66.
[27] Note: The concept of 'Indian as possession' is my own.

become 'things' in the sense that they can be controlled, molded, shaped or otherwise manipulated as though they have no identity other than what is ascribed. Thus they can become in our imaginations 'the noble savages' or the 'generic Indians' described earlier. As possessions, they can only ever be what the 'owner' allows meaning that in society, they can be cast into, and play whatever role has been dreamed up. It is the concept of Indian as possession that has one of the greatest impacts on Indigenous ways of life.

The reason why this particular construct, Indian as possession, is important is because the images of Indians that have been created not only influence public perceptions, but also how governmental policy is conceived and implemented. Images can have subconscious meanings. The word 'Indian' is no different in this respect.

Isabella Bakker in her analyses of gender relations in the field of political economy understands the importance of the meanings that are attached to words. She recognizes that words can become 'imbued' with meaning to the point that it is taken for granted, and assumed to be 'neutral.'[28] Bakker refers to D. Elson, another in the same field, who argues that "the supposedly gender-neutral terms "worker", "farmer", "entrepreneur", are imbued with gender implications."[29] She argues that these gender implications exist because there is a taken-for-granted assumption that the worker, farmer or entrepreneur is a man. This creates bias because policies, employment terms and conditions and so on are constructed around the ideas we hold in our minds about who the workers, farmers and entrepreneurs are.

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[28] Isabella Bakker, "Deconstructing Macro-economics Through a Feminist Lens," Women and Canadian Public Policy, ed. Janine Brodie (Toronto, Ontario: Harcourt Brace & Company, Canada, 1996), 31 – 56.
[29] D. Elson as cited by Bakker, 39.

In many ways, Berkhofer, Acoose, Francis and others have captured this same idea when it comes to the meanings that have been attached to the word 'Indian". Berkhofer notes that 'White policy'[30] was formulated within the first century of contact and that "European policy makers ... not only presumed that the various ends and desires of Whites were or ought to be compatible but that they were also assumed that what was good for the Europeans must be equally good for the Indians."[31] Berkhofer also notes that it is only "within the limits imposed by White attitudes and government" that the Aboriginal leadership in the United States currently operates.[32] Francis describes a similar situation in Canada with what he calls "the Official Indian of law and regulation."[33] While Canada's official Indian was the one for whom government policy was designed around,[34] it was also much more than that. In the same way that 'White policy' allows Native leadership in the United States to operate, the same applies in Canada. This is evidenced by 'whom' government – whether federal or provincial, will recognize as authorities. In the tree harvesting issue in New Brunswick for example, the provincial government would only negotiate with the Chiefs and Councils in the province.[35]

As discussed in Chapter two, de Vries and Weber state that violence can be understood as "a means through which the self, whether individual or collective, is

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[30] Note: While Berkhofer does not define 'White policy,' it can be assumed that he means imported, European policy-making as he refers to "Whites [advancing] toward their goals as imperial powers in the New World." 115.
[31] Berkhofer, 118.
[32] Berkhofer, 191.
[33] Francis, 199.
[34] Francis, 196 – 218.
[35] See Ken Coates, The Marshall Decision and Native Rights, (Montreal & Kingston, Canada: McGill-Queen's University Press. 2000), 109 – 110.

constituted and maintained"[36] and that it is a result of the "very attempt to delineate the

borders that separate self *from* other."[37] (emphasis in the original). As the colonists

began to craft an identity for themselves, "the image of the Other, the Indian, was integral

to this process."[38] The utility of the various images of Indians by non-Indigenous people

was an important element in assisting Canadians in defining their identity. With this in

mind, I turn now to examining how the role of citizenship, the associated expectations,

and the inclusion/exclusion principles that Canada has employed in its discourse of

'worthy citizens.'

Expectations & Citizenship in Canada

Notions of citizenship, and the 'worthiness' of individuals to the right to full

citizenship in Canada have been greatly influenced by the historical perceptions of what

Canadian citizenship should mean and what it should be composed of. The 'ideal' citizen

was one who was both independent and self-reliant and who required little or no

involvement from government.

The designing of Canada's citizenship model was greatly influenced by the liberal

philosophy as it was being practiced in both sixteenth century Britain and France during

Canada's formative period.[39] During this time, and particularly while the *British North*

America Act of 1867 (the *BNA Act*) was in the midst of being framed and the division of

powers between the provinces and the dominion government was being decided upon, the

idea of less government being better was at its height and the popularity of laissez-faire

was also enjoying considerable support in Britain. The laissez-faire model was designed

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[36] Hent de Vries & Samuel Weber, "Introduction," Violence, Identity, and Self-Determination, eds. Hent de Vries and Samuel Weber (Stanford, California: Stanford University Press, 1997), 2.
[37] de Vries & Weber, 2.
[38] Francis, 8.
[39] Guest, 11 –19.

to reflect and promote free enterprise, individualism and self-reliance. This philosophy

was transferred pretty much intact to Canada. Dennis Guest observed that:

> ... the 1860's, at least for colonial legislators, marked the high tide of laissez-faire philosophy
> in government, which restricted its role to that of preserving law and protecting the rights of
> property. 'Within this framework of order provided by public authority, individuals were
> expected to work out their own destiny unrestrained and unassisted by governments. There
> was a general conviction, widely confirmed by contemporary example, that Providence helps
> those who help themselves.' In this respect, the British North America Act was 'in harmony
> with current British precept and example.[40]

With Canada following closely the British example in terms of what was being

expected of its citizenry and what the role of government should be, the *BNA Act* proved

to be a reflection of this laissez-faire thinking. One result of this was the division of

powers between Canada's federal and provincial authorities, which placed social

responsibility (health and welfare) on the provinces while giving the federal government

jurisdiction "over certain classes of individuals and institutions"[41] including Indigenous

peoples. This model, intended and informed as it was by an industrialized and urbanized

European social ordering, was not designed to accommodate the multi-national, treaty

arrangements being negotiated in British North America, or colonial relationships, or the

primarily rural dominion of Canada.

Inherent within laissez-faire forms of social order is the stress on self-reliance,

individualism and free enterprise.[42] Such personal attributes were considered to be

amongst the most socially valued and as such, were encouraged and "applying for

'relief,' ... was a demeaning and stigmatizing experience"[43] as it indicated "personal

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[40] Dennis Guest, The Emergence of Social Security in Canada Third Edition, (1985. Vancouver, British Columbia: University of British Columbia Press, 1999), 8 – 9.
[41] Guest, 8.
[42] Dennis Guest notes that the laissez-faire theory of government is "supported by those values of an individualistic, free enterprise philosophy that stress self-reliance, the duty incumbent upon families to care for their own, and the threat to freedom inherent in the extension of government activities, particularly where these directly affect the lives of individuals and families." 4.
[43] Guest, 3.

incompetence and failure."[44] Conversely, perceived weaknesses in these same

characteristics of independence and self-reliance were seen as something that must be

eradicated.[45] The level of social responsibility the levels of government were prepared to

accept and provide its citizens was to be the absolute minimum, the bare minimum level

of support and only after it had been demonstrated that all other avenues had been

exhausted.[46] It was thus that the role of official social responsibility, which rested with

the provincial authorities, came to be defined in Canada's early years.

It is worth noting that while the *BNA Act* placed the social responsibility for the

health and welfare concerns of the newly developing Dominion of Canada squarely

within the provincial realm, the same *Act* placed Indigenous peoples and all matters

relating to them including their health and welfare firmly within the federal purview.

Thus while the federal government had no authority over how social responsibility was

managed at the more local provincial level, those who remained under federal jurisdiction

continued to be subject to the general perception as a social responsibility. This view was

encouraged by provincial authorities who wanted to discourage federal involvement in

the daily social lives of people.

The thinking of the day was "the less government the better" and the emphasis on

self-reliance and individualism, but at the same time, Indigenous populations found

themselves with fewer and fewer means to become or remain self-reliant as the

profoundly restrictive instruments and governing mechanisms came into effect.[47] So as

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[44] Guest, 3.
[45] Guest, 12.
[46] Guest, 4.
[47] See Terry Wotherspoon and Vic Satzewich, First Nations Race, Class, and Gender Relations, (Nelson Canada, 1993), 15 – 41, 219 – 243 and passim. Also see The Report of the Royal Commission on Aboriginal Peoples, Looking Forward, Looking Back Volume 1, (Ottawa, Canada: Canada Communications Group – Publishing, 1996), 255 – 318.

the colonial population came to enjoy greater degrees of freedom, Indigenous Peoples

were becoming more and more confined and less able to act in their own interests. This

is one of the contradictions Indigenous Peoples found themselves in. On the one hand,

they were to be admired only so long as they adopted European values and beliefs, yet

they were being prevented from doing so by a variety of legislation that had been enacted

– many of which remained in effect until the 1980s.[48]

Citizenship, Equality & Commonality

Addressing explicitly some of the assumptions that inform citizenship in Canada

and what citizenship means requires that their antitheses be explored as well. In other

words, along with exploring conceptions of citizenship and what it means, actions that do

not contribute or those that detract from citizenship projects warrant acknowledgement

and exploration. As noted, those who exhibit traits such as individualism and self-

reliance are valued and held as examples to be emulated while those lacking these same

traits are seen as weak and who must be encouraged to develop more desirable attributes.

Recognizing and rewarding acceptable behaviours and traits while punishing undesirable

ones is one means of constructing a social ordering. Thus citizenship is necessarily about

inclusion and exclusion as well as coercion.

The inclusion/exclusionary practices of most populations is defined through the

establishment and acceptance of a process of selection. As Anthony Marx notes, the

process of selection is:

> ... a key institutional mechanism for establishing boundaries of inclusion or exclusion in the
> nation-state. It selectively allocates distinct civil, political, and economic rights, reinforcing a
> sense of commonality and loyalty among those included. But by specifying to whom
> citizenship applies, states also define those outside the community of citizens, who then live

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[48] See Wotherspoon and Satzewich, 15 – 41, and Boyce Richardson, 144 – 145, 204 – 205 and passim.

within the state as objects of domination. Even in formal democracies, some are not included nor have their interests served.[49]

Thus within any social ordering, it is clear that inclusion and exclusionary practices are intentionally decided upon. It is also equally clear that not all those who live within a state are necessarily citizens.

There has been a long-standing tendency to link citizenship to the nation-state, a concept explored more fully later in the next chapter, through the employment of a 'unifying' factor. Miroslav Hroch for example, while recognizing that 'the nation' is not an "eternal category"[50] but is instead constituted through long processes, nonetheless advocates the use of unifying factors to nation-building.[51] He postulates that several elements are involved in establishing relationships that lead to the development of a nation. Included among the elements from which to draw upon are "economic, political, linguistic, cultural, religious, geographical [and] historical".[52] Hroch argues that while any combination of these elements can be used to form integration for the purposes of establishing the basis for a nation, there are three that have particular importance:

> (1) a 'memory' of some common past, treated as a 'destiny' of the group - or at least the core of its constituents; (2) a destiny of linguistic or cultural ties enabling a higher degree of social communication within the group than beyond it; (3) a conception of the equality of all members of the group organized as civil society.[53]

Each of three qualities are designed to create a sense of common ground amongst those who wish to create an entity – such as a nation, that can capture their past, present and future aspirations. There had been some sense of a common past, even if it was a relatively short one, between Indigenous Peoples and the Euro-colonizers when the first

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[49] Anthony W. Marx, Making Race And Nation A Comparison of the United States, South Africa, and Brazil, (1998. New York, New York: Cambridge University Press, 1999), 5.

[50] Miroslav Hroch, "From National Movement to the Fully Formed Nation: The Nation-Building Process in Europe," Mapping the Nation, ed. Gopal Balakrishnan (Great Britain: Verso, 1996), 79.

[51] Hroch, 79.

[52] Hroch, 79.

[53] Hroch, 79.

moves were being made towards making Canada a nation, and there were some linguistic and cultural ties that had developed from various interactions.[54] However, the third feature, that of extending equality, was severely lacking.[55] Boyce Richardson notes that between the years 1820 – 1850 while colonial public policy towards Indians was being hotly debated, the British and colonial authorities engaged in this debate were "contemptuous of aboriginals, and determined that they should not interfere with the process of European settlement."[56]

Both the conception of citizenship and that of nation, require a citizenry that believes there are commonalties amongst themselves, and that there exists some systematic view or belief of an existent and categorical equality. To subject any portion of a citizenry to any form of differentiated treatment or to deny similar political standing is to qualify their citizenship. A qualified citizenship status that undermines the belief in a categorical equality leads to 'difference', thereby going against the requirements for both nation-building and full citizenship.

The Pillars of Social Welfare in Canada

Amongst the ideas that Canada borrowed from Great Britain were two principles that have consistently informed not only the development, but also the implementation of social responsibility and policy in Canada. The first principle is that of 'less eligibility' while the second is 'perception of need.' Less eligibility was intended so that:

> The assistance provided for people in need must be of such as to cause their condition to be less desirable, less satisfactory ... less eligible than the condition of the lowest paid labourer who was not in receipt of welfare.[57]

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[54] See the Report of the Royal Commission on Aboriginal Peoples, 36 – 41.
[55] Wotherspoon and Satzewich discuss the denial of the civil and social rights of Indians. 220 – 225.
[56] Richardson, 53.
[57] Joanne C. Turner, "The Historical Base of Canadian Social Welfare," Canadian Social Welfare Fourth Edition, eds. Joanne C. Turner and Francis Turner (Toronto, Ontario: Pearson Education Canada Inc., 2001), 81.

Thus the principle of 'less eligibility' was clear in its intent: those who could not, or would not provide for themselves were not as socially acceptable as those who were independent and self-reliant. The principle permitted the designing and designating of different treatment, which resulted in the development of a second, lesser level of citizenship. Those who required governmental state assistance were less worthy, less than equal and were not deserving of full and complete citizenship until becoming independent and self-reliant.

Perception of need, the second pillar of influence on Canada's position on social responsibility is also closely linked to desirable attributes of individuals. "People are in need because of their own personal failure, or because of the failures of society and its economic system."[58] The first view, that people are in need because of their own personal failure stems from the thinking that defines success in the private market with its "rough kind of justice by rewarding work, foresight, and thrift."[59] According to this line of thought, an individual lacking in these traits deserves to be 'punished.'[60] If assistance is required of a public agency, the assistance is provided in a manner that "stigmatizes and degrades the recipient"[61] thereby continuing the punishment. The intent is to make any request for public assistance the option of last resort and encourage self-reliance and independence to the fullest.

The second view of need recognizes that there are "universal risks to human welfare that characterize life in an industrial society."[62] In this view, society has a duty to

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[58] Turner, 82.
[59] Guest, 5.
[60] Guest, 18.
[61] Guest, 5.
[62] Guest, 5.

ensure that the "costs and benefits of industrial progress are shared by all and that the

protection of the most vulnerable members of the community ... are first priorities in

policy and programming."[63]

While there have been swings in public sentiment about the causes of need and

how they should be perceived and handled, there has been a historical tendency to lean

more towards individual self-sufficiency and self-reliance.[64] Yet throughout Canada's

history, there does exist a distinct recognition between those who are considered as being

amongst the 'worthy' poor and those who are 'unworthy.' Among the worthy are the

aged, children, the disabled, war veterans and so on.[65] Generally speaking, within the

two competing perceptions of need, there is little or no argument about extending support

to society's vulnerable or worthy poor.

While this understanding and perception of social responsibility might be

considered workable in a social ordering where equality of both opportunity and

condition exists, it denigrates, chastises and shuns those who are prevented from being

self-sufficient. There is no space within this understanding of the federal obligation and

duty towards those who have come under the direct control, authority and jurisdiction of

the state. What this means is that even when an individual desires to be self-reliant and is

prevented from doing so by the direct interventions of the state, and who is brought to a

state of dependency as a result of those interventions, and does not fall into the category

of the 'worthy' poor, they are to be chastised and are relegated to the ranks of second

class citizenship. With Indigenous peoples falling under the restrictive measures of the

federal government – particularly during the years leading up to the implementation of

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[63] Guest, 5.
[64] See Guest, 5, and Turner, 81 – 87.
[65] Guest, 12, and, 16.

the *Indian Act* in 1876 until at least the 1960s, they were subject not only to the authority and restrictions imposed by successive federal governments, but were further hindered by the fact that they were not considered as citizens of Canada. Instead, they were wards of the state with few of the personal freedoms that Canadians in general took for granted.[66] All of these factors have contributed to one extent or another, to the 'dependency based' relationship that has characterized Indigenous – Canadian interactions since the mid-1800s.

At this point, the 'dependency' aspect of Indigenous life must be addressed as it differs from a dependency wrought by vulnerability due to illness, age and so on as described earlier. The forms of dependency Indigenous peoples experienced, and continue to experience to some degree was/is 'created,' and was/is not a result of some attribute or characteristic that all Indigenous people are afflicted by.

The 'civilization' efforts implemented by both government and church, involved the segregation of Indigenous Peoples within the reserve system so they would be 'protected'[67] and resocialized.[68] There they were destined to remain until they either attained a level of civility where they could be integrated into the general population through enfranchisement or they died. The reserve system, coupled with various pass procedures designed to control the movement of reserve residents,[69] became the primary mechanism for conducting a variety of social experiments designed to civilize. Unable to remain self-reliant, prevented from controlling even the basest level of their own economies, subject to incredibly restrictive segregation practices and combined with the

[66] Wotherspoon and Satzewich, 220 – 225.
[67] Wotherspoon and Satzewich, 29.
[68] Wotherspoon and Satzewich, 28.
[69] Richardson, 144 – 145, and Wotherspoon and Satzewich, 222.

wardship mentality of the federal government towards Indigenous peoples, the result was

the wide-ranging dependency that remains evident in many Indigenous communities.

Nancy Fraser and Linda Gordon give four "registers in which the meanings of

dependency reverberate"[70]

> The first is an economic register, in which one depends on some other person(s) or institution for subsistence. The second register denotes a socio-legal status, the lack of a separate legal or political identity ... The third register is political: dependency means subjection to an external ruling power and may be predicated of a colony or subject case of noncitizen residents. The fourth register ... [is] the moral/psychological; dependency in this sense is an individual character trait similar to lack of will power or excessive emotional neediness.[71]

Dependency in the manner defined, along with dependency environments are

powerful social constructs. As such, the creation of a dependency motivated mode of life

activated through various policies and legislations has had a profound impact on

Indigenous life in Canada. The impact of this created dependency continues to

reverberate in Indigenous communities today. As well as the impact of dependency on

daily life, affected also is the perception of Indigenous Peoples with respect to citizenship

and citizenship status.

As noted by Fraser and Gordon, dependency is not exclusively an economic

condition. It is also a perception attributed to the belief that it is caused by individual

deficiency. In affecting the socio-legal status of individuals, an individual's private, legal

or political identity is thus diminished resulting in a less than complete form of

citizenship status. The third register noted in Fraser & Gordon's definition, which is

reflective of the process of inclusion/exclusion given by Anthony Marx, is political and

refers to 'subjection to an external ruling power.' The wardship legacy, which demands

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[70] Nancy Fraser and Linda Gordon, " "Dependency" Demystified: Inscriptions of Power in a Keyword of the Welfare State," <u>Contemporary Political Philosophy An Anthology</u>, (Oxford, United Kingdom: Blackwell Publishers Ltd., 1997), 619.
[71] Fraser and Gordon, 619.

the subjection of Indigenous Peoples to an 'external ruling power' (DIAND), combined

with renewed Indigenous efforts for a nation-to-nation relationship demonstrates just how

important equal stature is in constructing relations based on some form of autonomy.

The current reliance of Indigenous communities on external sources for developing the

capacities and abilities needed to invoke nation-to-nation, government-to-government

relations is a hindrance. It is a hindrance in the sense that external sources often dictate,

or otherwise control which capacities and which abilities energies are directed towards.

Thus dependency is still very much an issue not only in economic and social terms, but in

determining political status as well.

Each register of dependency described by Fraser and Gordon serves to negate the

right to full citizenship status and participation for Indigenous Peoples in Canada. The

disadvantaged social location of Indigenous Peoples in Canada documented in chapter

two demonstrates the current degree of dependency Indigenous Peoples experience in

each of the registers noted by Fraser and Gordon. With the various levels of government

having such high degrees of direct involvement and control in Indigenous communities,

the parallel and differentiated social programs that have been instituted to meet the needs

of Indigenous Peoples have been shown to possess a double-edge.

They exaggerate the degree of economic dependency, the reasons for dependency,

as well as the perception of the separateness of Indigenous Peoples who have

involuntarily become reliant on the institutions of government in so many aspects of life.

The destruction of their traditional ways of life and the implementation of policies and

legislations that denied Indigenous Peoples participation in the general Canadian

economy are major factors in the marginalization of Indigenous communities. The re-

location of Indigenous Peoples away from their traditional territories and the vast quantities of exploitable resources were often intentional policies that fostered dependency and poverty rather than independence and wealth. The continuing wardship approach to 'Indian monies' for example, further exacerbates the economic dependence of Indigenous peoples, as current policy under the *Indian Act* requires the authorization of DIAND for any expenditure of these funds derived from resource exploitation on reserve lands.

The struggle for the recognition of Indigenous political identities has also been influenced by the dependent status of Indigenous Peoples. Current demands for recognition and promotion of Indigenous political identities are hampered by the legacy wrought by the continuation of the wardship relationship and are not easily cast aside. Yet it is in the fourth register given by Fraser and Gordon, the moral/psychological dependency that is perhaps the most detrimental to Indigenous struggles conflated as it is with a 'lack of will power' thus allowing their forms of dependency to be seen as though they were/are individual deficiencies. To return again to one of the two general perceptions of need given earlier: that "people are in need because of their own personal failure"[72] coupled with the 'desirable' attributes of self-reliance and individualism then compounded by how Fraser and Gordon have defined dependency, we can now see the impossible landscape Indigenous Peoples were placed in. Further exacerbating the problem was the lack of a recognized Indigenous political voice. Thus the very people affected had no say in how their future was to be designed.[73]

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[72] Turner, 82.
[73] See Wotherspoon and Satzewich, 220 – 243.

Concluding Remarks

To review, full access to the benefits of citizenship, and to have an individual's right to full citizenship status recognized by the wider social body is largely influenced by the degree of independence an individual is able to maintain. Those unable to maintain independence and who become a burden on society because of their supposed inability to maintain their independence and who thereby require state assistance, are perceived as being second-class and as deserving less than full citizenship. Given that the common understanding of dependency and especially economic dependency is a condition brought about through the fault or deficiency of a person's character, the challenge for Indigenous Peoples is truly a daunting task. That the dependency of Indigenous communities was brought about through a long government inspired process, and as such cannot be attributable to Indigenous Peoples themselves, has been recognized time and time again. Yet because of the level and the kind of assistance currently being extended to Indigenous communities/reserves, they do not enjoy acceptance of their right to full citizenship status from the wider Canadian social body. If they did, their social location would not be what it is today.

There is a bitter irony in knowing that even today there is a belief that Indigenous Peoples represent a significant burden on the state in terms of welfare assistance. It would no doubt come as something of a surprise for Canadians to realize that the welfare burden of Indigenous people per person is significantly lower, in general than that of other Canadians per person. Russell Barsh, in his investigations, found the following:

> In 1990-91 an estimated 40 percent of Registered Indians received low-income assistance, averaging $2,400 per person (INAC, 1992a: 55-57). The total cost of this to the Canadian government was $502.1 million. This compares with the 7 percent of all Canadians receiving

low-income assistance in 1990, at an average of $3,700 per person, and total cost of $7,146.3 million (Statistics Canada, 1991:235).[74]

Thus this chapter, which examined a few of the perceptions on the subject of Indigenous citizenship in Canada: how several aspects and social perceptions of citizenship have impacted on the construction of citizenship in Canada, and the process of establishing citizenship, is concluded. The following chapter focuses on nationalism and nation-building with the intent of demonstrating how these factors affect citizenship through inclusion/exclusion practices and some of the impacts this has had on Indigenous – Canadian relations.

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[74] Russel Lawrence Barsh, "Canada's Aboriginal Peoples: Social Integration or Disintegration," The Canadian Journal of Native Studies Vol. 14., No. 1. (1994): 33.

Chapter Six

Nationalism & Nation-Building

Closely tied to notions of citizenship are the concepts of nation and national

identity. A nation, as we understand the term today, is closely tied to the idea of a 'state,'

with neither concept being a natural phenomenon for social organization. National

identity is a second concept that is just as deliberately created and is meant to capture the

ideas, dreams and aspirations of a people.

There are mechanisms that assist in the creation and development of both nation

and national identity. Among the available mechanisms are nation-building activities that

range from the composition of anthems, to the design of flags and other symbols, to acts

of war whether as aggressor or as defender, and many things in between. Contained

within these activities are the very hopes, ideals, dreams and aspirations of a people who

have chosen to be bound together on some basis. Just as the ideals, dreams and

aspirations play a significant role in the crafting and building of a nation, so does the

creation and use of inclusion/exclusion processes described by Anthony Marx[1] in the

previous chapter. This process is the means by which civil, political, and economic rights

are selectively allocated thus ensuring a sense of equality amongst those in receipt of

these rights. This allocation process serves to reinforce "a sense of commonality and

loyalty among those included."[2] Needless to say, those who are not in receipt of these

rights are not seen as being a part of the community.[3] This practice of rights allocation

more than any other defines how 'we' are distinguished from 'them.'

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[1] Anthony W. Marx, <u>Making Race And Nation A Comparison of the United States, South Africa, and Brazil</u>, (1998. New York, New York: Cambridge University Press, 1999), 5.
[2] Marx, 5.
[3] Marx, 5.

This chapter will examine a number of concepts that are integral to how nation and nationhood are currently understood. First to be addressed is how nation is defined within the framework of the modern state system. The second is that of nationalism and how it is currently understood. The discussion will then move on to explore the 'glue' of nationalism and how it is used to hold a nation and a people together. Finally, the chapter will conclude with the two concepts of national identity and nation-building with reference to how these processes are taking place in Canada. As such, this chapter differs significantly in both content and style as it concentrates almost exclusively on concepts that have been developed and employed by the west. However, I deem them important for two reasons. First, it is the intent of this inquiry to go beyond the surface of Indigenous – Canadian relations and to look to the assumptions, including those of the colonizers, which have informed this relationship. Secondly, the development of the modern state system was taking place at near the same time as European exploration into the 'new world.'

I do not intend to provide a full and complete inquiry into these concepts as others address them more fully than I am able to here.[4] The purpose of addressing these elements is to present a sufficient understanding of each concept as it relates to this thesis, which is to better understand the social condition and location of Indigenous Peoples in Canada. As in chapter five, which addressed citizenship, I will continue to take up Monture-Angus's challenge by looking at the other side of the equation by

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[4] For examples, see Gopal Balakrishnan, Mapping the Nation, (London, England: Verso, 1996); Anthony D. Smith, The Ethnic Origins of Nations, (1986. Oxford, United Kingdom: Blackwell Publishers Ltd., 1999); David Held et al. eds. States and Societies, (Oxford, United Kingdom: Basil Blackwell Ltd., 1985); and Ernest Gellner, Nations and Nationalism, (Ithaca, New York: Cornell University Press, 1983).

examining the history of the colonizers to see how these concepts came to be applied in the 'new world.'

The Modern State System and Defining 'Nation'

The Modern State System

While 'nation' and 'state' are conceptually separate and distinct from each other and do not necessarily require the presence of the other to exist, the two concepts are often closely bound in the modern world. This seems especially true when both are situated within geographically defined areas. Therefore prior to defining nation, a brief understanding of what the modern-state system entails is required, as many of the fundamental assumptions of the state system have had a profound impact on what a nation is understood to be.

Before proceeding, it would be useful to provide a working understanding of what a state is. A state, according to Ernest Gellner, begins with an acknowledgement that it is "that agency within society which possesses the monopoly of legitimate violence"[5] where "violence can only be applied by a central political authority." The state has the right to 'delegate' this authority to the police or military for example.[6] The state also has a particular 'social division of labour' where the state "is that institution or set of institutions specifically concerned with the enforcement of order."[7] With this working definition of what a state is and what it does, I now turn to the origins and development of the modern state system.

Benjamin Barber describes the medieval world that existed prior to the development of the modern state system as one where "princes and kings had very little

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[5] Gellner, 3.
[6] Gellner, 3.

real power until they conceived the ideology of nationalism."[8] According to Barber, the medieval world was one "where local tribes and ambitious emperors together ruled the world entire"[9] and where "women and men [were] united by the universal abstraction of Christianity even as they lived out isolated lives in warring fiefdoms defined by involuntary (ascriptive) forms of identity."[10] The creation of nationalism permitted an intermediate form of social organization to develop that allowed for the "establishment of government on a scale greater than the tribe yet less cosmopolitan than the universal church."[11] Over time, these intermediate forms of social organization "gave birth to ... [what] would come to constitute the nation-state."[12]

Robert Cox marks the year 1648 and the *Peace of Westphalia* as the birth of the modern state system[13] and thus, the beginnings of nationalism as a form of social cohesion. In accounting for the rise of the nation-state, Cox attributes its growth in part to the gradually intensifying interclass struggles between the peasants and nobility coupled with increasing levels of conflict between the nobility during the fourteenth and fifteenth centuries which were gradually brought under control over the course of the sixteenth century by 'national monarchies' in both the western and northern regions of Europe.[14] These monarchies "formed the nuclei of the modern states. In them lay the origins of the state and state system as we know it."[15]

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[7] Gellner, 4.
[8] Benjamin R. Barber, Jihad Vs. McWorld How Globalism and Tribalism are Reshaping the World, (1995. New York, New York: Random House, Inc., 1996), 7.
[9] Barber, 7.
[10] Barber, 7.
[11] Barber, 7.
[12] Barber, 7.
[13] Robert W. Cox, Production, Power, and World Order Social Forces in the Making of History, (New York, New York: Columbia University Press, 1987), 112.
[14] Cox, 112.
[15] Cox, 112.

The Peace of Westphalia holds further significance as it reiterated the "doctrine of *cujus regio, ejus religio*" ... first enunciated in the Peace of Augsburg of 1555."[16] When translated, this Latin phrase means "whose the region, his the religion".[17] In practice, the doctrine meant that: "the religion of the region would be determined by the religion of the ruler."[18] This Roman doctrine coupled with the absolute status of the ruler over a geographically bounded region came to define the primary political unit in Europe and the territory under the rule of a sovereign authority was elevated above all else including that of the church. David Ziegler notes that "The year 1648 marks an important step towards transforming the state into the most important object of people's loyalties"[19] while Cox states that the Peace of Westphalia, along with "the revival of Roman law consecrated the authority of the state".[20]

With the recognition of the nation-state informed by the doctrine of *cujus regio, ejus religio* as the primary unit of political identification came what is likely the single most important political and social impetus – *raison d'état*. It became the driving force in both promoting and maintaining the state. As Cox explains,

> ... the unified expression of the state was *raison d'état*, a concept that came into existence with the state itself. *Raison d'état* was understood as a political logic that dictated what specific acts were necessary to create and maintain the state internally in the face of threats to the unity and strength of the state and also to defend and advance the interests of the state externally. ... The specific interests of particular states superseded universalist notions of natural and divine law as the ultimate criteria of action."[21]

While religion no longer plays a role as overtly as in medieval times, belief systems such as democracy and its corresponding values continue to inform the actions

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[16] Cox, 112.
[17] David W. Ziegler, War Peace and International Politics Fourth Edition, (Toronto, Canada: Little, Brown and Company (Canada) Limited: Canada. 1987), 95.
[18] Ziegler, 95.
[19] Ziegler, 95.
[20] Cox, 112.
[21] Cox, 112 - 113.

undertaken by western nations. Thus in analyses of current actions such as the

citizenship process and the promotion of desirable traits discussed in chapter four,

undertaken by western states including Canada, it is clear that belief systems must be

recognized as playing a significant role in informing state activities. It is also clear that

current activities sanctioned by the state are those that advance the general interest of the

state.

Benedict Anderson provides further definition to the initial foundations that were

laid for nationalism and state formation by suggesting that nationalism can be "aligned"

with "the large cultural systems that preceded it, out of which – as well as against which

– it came along."[22] The two cultural systems Anderson refers to are the religious

community[23] and the dynastic realm.[24] The religious community in Europe, up until the

1500s, had held the monopoly on writing and teaching, which was primarily in Latin –

the language of the few and privileged. With the advent of print-capitalism, this changed

at a rapid pace and within seventy-five years, Latin lost its hegemonic position and

vernaculars came to dominate print material.[25] With this came the 'standardization' and

fixity of languages.[26]

The decline of the dynastic realm revolutionized notions of sovereignty and cast

into doubt the legitimacy of the rulers over the ruled. In the dynastic system, monarchs

ruled by divine right, and "states were defined by centres, and borders were porous and

indistinct"[27] and tended to fade into one another. However, during the seventeenth and

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[22] Benedict Anderson, Imagined Communities Reflections on the Origin and Spread of Nationalism, (1983. London, England: Verso, 1991), 12.
[23] Anderson, 12 – 19.
[24] Anderson, 19 – 22.
[25] Anderson, 18.
[26] Anderson, 44.
[27] Anderson, 19.

eighteenth centuries, the legitimacy of the monarchy's divine right to rule was being challenged throughout the known (western) world.[28]

Defining Nation

There is no simple way to define what constitutes a nation. In the modern state system however there are several characteristics that are generally accorded to all nations that are states. Anthony Giddens for example, contends that the nation is a "power-container" and is characterized by four attributes: "allocation, delimitation, demarcation and administration."[29] Allocation refers to the distribution of territory that occurs through a process of collaboration meaning that there is agreement between states about who has authority over which territories. Delimitation "concerns the identification of specific border sites" while demarcation is the actual marking of borders in the physical environment. The fourth characteristic noted by Giddens, administration, is the actual surveillance of borders either directly or through indirect means.

For Giddens, referring to the state as the "pre-eminent power-container of the modern era", allows a territorial entity to be defined as that which "while it exists in a complex of other nation-states"[30] is also

> ... a set of institutional forms of governance maintaining an administrative monopoly over a territory with demarcated boundaries (borders), its rule being sanctioned by law and direct control of the means of internal and external violence.[31]

David Ziegler adds to the physical characterizing of the nation-state by listing two additional criteria aside from those given by Giddens. First, a state must be "an association of people" and second, that any such association "must be politically

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[28] Anderson, 21.
[29] Anthony Giddens, "The Nation as Power-Container," Nationalism, eds. John Hutchinson and Anthony D. Smith (Great Britain: Oxford University Press, 1994), 34.
[30] Giddens, 35.
[31] Giddens, 35.

organized."[32] This follows closely to the conditions specified by Hroch earlier which includes drawing upon "economic, political, linguistic, cultural, religious, geographical [and] historical"[33] and three additional elements which consists of "a 'memory' of some common past, ... a destiny of linguistic or cultural ties ... and a conception of the equality of all members of the group."[34] Hroch argued that while any combination of these elements could be employed for the purposes of establishing the basis of a nation, it was the last three he considered particularly important.

Gellner crystallizes the requirements of both Zeigler and Hroch by proposing that nations need be characterized by a 'shared culture.' He clarifies his meaning of culture by stating that it is "a system of ideas and signs and associations and ways of behaving and communicating."[35] Members of a nation, according to Gellner, must also "recognize each other as belonging to the same nation."[36] Thus inter-subjective recognition amongst a nation's membership is essential.

The emphasis on defining nation-states by way of territorial boundaries and their administration is crucial to both modern understandings of the state-system and how this has affected Indigenous Peoples in countries like Canada. The western modern state system has been conceived and accepted as being relatively static, territorially and geographically bound, combined with a re-constituted doctrine of *cujus regio, ejus religio* and *raison d'état* as a means of giving internal definition. This has provided the basis for the development of international norms. These international norms include a definitive understanding of sovereignty that is encapsulated in precise terms through an accepted

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[32] Ziegler, 96.
[33] Miroslav Hroch, "From National Movement to the Fully Formed Nation: The Nation-Building Process in Europe," <u>Mapping the Nation</u>, ed. Gopal Balakrishnan (London, Great Britain: Verso, 1996), 79.
[34] Hroch, 79.

policy of non-interference in the internal workings of nation-states except in very limited instances.[37] The state, by allowing itself to be informed by the notion contained in the re-constituted doctrine of *cujus regio, ejus religio* provides a rationale for pacification of the population within its borders for the idea of 'whose the region, his the religion' is about more than mere religious orientation. It is also about the holding of power and having a legitimate authority to control the internal workings of a state in order to allow it to pursue its interests.[38] With the tacit agreement between nation-states to uphold certain accepted norms, each 'legitimate government'[39] is able to manage its domestic workings without worry of external or undue interference.

Nation & Loyalty – the Ties That Bind

Clifford Geertz, with reference to Emerson, offers a definition and understanding of the nation that takes into account the concept of loyalty. Geertz does this by attributing to the state the means for social cohesion through the establishment of a sense of community. Establishing a sense of belonging to a community in Emerson's view is to be able to generate and command the loyalty of its population over any other tie. Emerson explains the strength of the nation as a community by saying the nation can be likened to a:

> ... terminal community -- the largest community that, when the chips are down, effectively commands men's loyalty, overriding the claims both of the lessor communities within it and those that cut across it or potentially enfold it within a still greater society ..."[40]

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[35] Gellner, 7.

[36] Gelner, 7.

[37] See Mervyn Frost, Ethics in International Relations A Constitutive Theory, (Great Britain: Cambridge University Press, 1996), 106 - 112.

[38] Cox, 112 - 113.

[39] Note: Here legitimate government is that which has been accepted and recognized as such by not only its domestic population, but also by the international community. See Frost, 107, 108.

[40] Emerson as cited by Clifford Geertz, "Primordial and Civic Ties," Nationalism, eds. John Hutchinson and Anthony D. Smith (Great Britain: Oxford University Press, 1994), 29.

While Geertz does not entirely agree with Emerson's definition of the state, he does accept it as one of "two powerful, thoroughly independent, yet distinct and often actually opposed motives".[41] The two opposing motives for Geertz are "the desire to be recognized as responsible agents whose wishes, acts, hopes, and opinions 'matter' and the desire to build an efficient, dynamic modern state."[42] The first of these motives is based on the 'primordial ties' of a people who see themselves as distinct while the second, 'the desire to build an efficient, dynamic modern state', is founded more on pragmatism.

As Geertz points out, the two motives often conflict and at times, one may take primacy over the other. This is especially true in newer states where modernity or, the civil and political ordering have a shorter history than those areas where the sense of primal primordial ties have been long-established. The need to protect and defend what one sees as the determining factor in the definition of the self, in this case the self is the nation-state, as a separate and distinct people, is especially strong in both new and newly independent states.[43] Geertz's argument, in this sense, it is not so different from Emerson's understanding of loyalty based on community. Canada as a relatively new nation-state is no different either in this respect and will do what its leaders believe they must in order to defend, protect and promote itself. As Canada struggles to maintain itself as a separate and distinct people, at the same time, it is also striving to create its own vision of an 'efficient, dynamic modern state.'

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[41] Emerson as cited by Clifford Geertz, 30.
[42] Emerson as cited by Clifford Geertz, 30.
[43] See Edward Said, "Nationalism, Human Rights, and Interpretation," Raritan V. 13 (1993): 42 - 43. Also, Franz Fanon, Wretched of the Earth, (New York, New York: Grove Press, 1963), 316; Geertz, passim; and Barber, 158 - 168.

Within the basic definitions given above, the internationally accepted physical characteristics of what constitutes a state and a nation were given, as well as the underlying stimulus that work towards the actualization of these manifestations. Giddens and Ziegler considered the logistical attributes of nation-states while Geertz and Hroch consider psychological elements such as loyalty, 'the desire to be recognized as responsible agents,' 'a 'memory' of some common past,' a perception of equality applicable to all, etc.

Both the physical and psychological components are essential to the creation and sustenance of the nation-state. While Giddens acknowledges the potential for the use of violence by the state in its formation and maintenance, Geertz recognizes the increased likelihood of conflict in the two driving forces of newly emerging states. Both writers fail to give enough attention firstly to the role of hegemony in the formation of the nation-state, and secondly to the intentional use of violence and repression in nation-state formation including nation-states that are democracies. Howard Adams is one of the few who explicitly recognizes that "contrary to popular belief, state repression is the norm in 'liberal democracies' such as Canada's"[44] in its efforts to force cohesion amongst its population.

I have established that the modern nation-state is a territorially defined entity; that it has a central authority; and that the central authority maintains the sole right to the legitimate use of force both internally for the pacification of its population and externally to protect, or otherwise advance its interests. The link between the re-constituted doctrine of *cujus regio, ejus religio* and *raison d'état* as being two significant factors that continue to inform the nation-state as it has since its inception was also presented.

Finally and perhaps most importantly, the cultural effect of loyalty based on senses of community, shared commonalties and equalities were introduced as necessary unifying factors. The cultural elements of nation-building activities cannot be stressed enough, because they are the foundations upon which nationalism is created.

The above discussion of the modern state system and nation did not account for the existence of states that do not represent a nation with the most well known example being the former Soviet Union. Nor did it address the fact that nations can exist without being geographically defined. This last situation is often the case for Indigenous populations throughout the world as well as other populations such as the Palestinians. One reason I did not include the fact that nations can exist without being geographically defined in the discussion thus far is because I am more concerned at this time with presenting how the modern state system is currently understood with respect to nation-states as this is the system in which Canada operates. Secondly, the purpose here is to provide an understanding of the thinking that has influenced Canada's development into a modern nation state within the wider modern state system.

The characteristics of a modern nation state that we have noted aids in our understanding of the methods available to states in their management of its domestic workings, which includes the administration and organization of populations. The characteristics described also define who the legitimate authorities are.

Understanding Nationalism

How nationalism is understood requires particular attention, because it can be a contentious issue – particularly for Canada, where nationalism is not a quality normally

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[44] Howard Adams, <u>A Tortured People</u>, (Penticton, British Columbia: Theytus Books Ltd., 1995), 82.

associated with the Canadian identity. Discussing nationalism also brings some particular difficulties including the lack of definition. Of nationalism, Benedict Anderson states, "…it is hard to think of any political phenomenon which remains so puzzling and about which there is less analytical consensus. No widely accepted definition exists."[45] Rather than try and attempt to provide a working definition, I have chosen to examine some of its most common 'expressions' as they apply to this thesis.

Benedict Anderson, in tracing the development of nationalism, presents several expressions of nationalism, beginning with 'linguistic nationalism,' which refers to language gaining a new 'fixity'[46] with this new fixity to language having two results. First, it "helped to build that image of antiquity so central to the subjective idea of the nation,"[47] which is similar to Hroch's 'common memory' requirement, mentioned earlier. Secondly, it reinforced the 'destiny of linguistic or cultural ties' requirement that Hroch deemed necessary for a nation, which enables "a higher degree of social communication within the group than beyond it."[48] Anderson notes in Europe, there existed the 'conviction' that "languages were, … the personal property of quite specific groups."[49]

'Official nationalism,' whose purpose was to "stretch the short, tight, skin of the nation over the gigantic body of the empire"[50] is another form Benedict notes. It is one that developed out of reactions to 'popular national movements'[51] that took place in Europe during the early 1800s. Its purpose was to weld together the new concept of nation with the old dynastic realms / empires. Rulers capitalizing on the popular national

[45] Benedict Anderson, "Introduction," Mapping the Nation, ed. Gopal Balakrishnan (London, England: Verso, 1996), 1.
[46] Anderson, 44.
[47] Anderson, 44.
[48] Hroch, 79.
[49] Anderson, 84.
[50] Anderson, 86.

movements used official nationalism as a means of some semblance of a unity of people.[52]

Colonial nationalism is another expression of nationalism Benedict discusses. This brand of nationalism arose as a result of the shared experiences, communication and contact between cadres of Creole administrators who connected during their 'colonial pilgrimages' as they progressed in their careers as colonial administrators.[53] With large numbers of these new administrators coming from the 'territories,' and shut out of the administrative centres, there came a growing consciousness amongst the colonized Creoles of 'communality.' Out of this communality, "came that subtle, half-concealed transformation, step-by-step, of the colonial-state into the national-state."[54] For the purposes here, this particular expression of nationalism is of importance as it was these territory administrators who were instrumental in forming the new nation-states as the reach and control of European imperial empires broke apart. As Anderson notes, "successful revolutionaries [or successions] also inherit the wiring of the old state"[55] and that it should come as no surprise that the 'new' leaderships come to resemble the old.[56]

Michael Ignatieff describes nationalism as having three elements. The first is as a 'political doctrine' where "nationalism is the belief that the world's peoples are divided into nations, and that each of these nations has the right of self-determination."[57] The second element is as a 'cultural ideal' meaning that the nation provides individuals with

[51] Anderson, 86.
[52] Anderson, 83 – 111.
[53] Anderson, 113 – 140.
[54] Anderson, 115.
[55] Anderson, 160.
[56] Anderson, 160.
[57] Michael Ignatieff, Blood and Belonging Journeys into the New Nationalism, (1993. Toronto, Ontario: Penguin Books, 1994), 5.

"their primary form of belonging."[58] Finally, for Ignatieff, there is the third ideal, which belongs in the moral realm where "nationalism is an ethic of heroic sacrifice, justifying the use of violence in defense of one's nation."[59] In this conception of nationalism, while each element may be contestable, they tend to support, or 'underwrite' the others.[60]

Within this understanding, Ignatieff describes two means by which nationalism is expressed. The first is 'civic nationalism' and is close to how Gellner defines the inter-subjective recognition that members of a nation accord each other. For Ignatieff, civic nationalism is where the nation is "a community of equal, rights-bearing citizens united in patriotic attachment to a shared set of political practices and values."[61] Thus nationalism in this sense is rooted in 'shared citizenship' and an adherence to law[62] that is independent of ethnicity.[63]

Ignatieff's second expression of nationalism is the 'ethnic variety.' In this vision, the nation 'creates' the state,[64] it is the "people's preexisting ethnic characteristics: their language, religion, customs, and traditions."[65] Again, this has similarities with Gellner's definition of what a state is, however, there is the added 'inherited' element of "passionate attachment."[66] In this understanding, it is "the community that defines the individual" rather than vice versa as in civic nationalism.[67]

Michael Billig looks at nationalism in two of its most common expressions. The first is the more commonly known and understood form of nationalism and nationalist

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[58] Ignatieff, 5.
[59] Ignatieff, 5.
[60] Ignatieff, 5 – 6.
[61] Ignatieff, 6
[62] Ignatieff, 7
[63] Ignatieff, 7.
[64] Ignatieff, 7.
[65] Ignatieff, 7.
[66] Ignatieff, 8.

expression dependent on its emotional appeal and highly political and galvanizing nature. This is what Billig calls 'hot' nationalism. This form is often perceived along the lines of intense 'social movements'[68] more than anything else. The second type of nationalism "banal nationalism"[69] appears tamer, and is thus a more insidious version.

Hot nationalism can, and often is, defined as a movement that is "extraordinary, politically charged and emotionally driven."[70] In referring to Ignatieff for example, Billig writes that nationalist aspirations (the 'irrational forces of ethnic nationalism'[71]) are often portrayed as a quality that belongs to those who are struggling with repression.[72] When Ignatieff writes that "the repressed has returned, and its name is nationalism,"[73] it appears that nationalism is a force linked with repression. It serves as a rallying call for 'unity' and 'common purpose' for a people who are in the midst of a struggle. Returning to the inclusion/exclusion process of defining citizenship discussed previously, it is this practice that defines those who end up bound by such calls to unity and common purpose. Those who have been excluded desire the rights bestowed upon the included citizenry.

By defining ethnic nationalism in this manner, Ignatieff recognizes how "blood loyalty"[74] can be invoked. Within locations where ethnic nationalism is prominent, and where repression exists, nationalism could easily be seen as a social force that envelops only those who are linked only through blood ties. Also stemming from this definition, ethnic nationalism is the notion that nationalism is something that 'returns' or is 'resurrected' from time to time by particular groups. There are several dangers in

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[67] Ignatieff, 8.
[68] Michael Billig, Banal Nationalism, (1995. London, England: Sage Publications Inc., 1997) 6.
[69] Billig, 6.
[70] Billig, 44.
[71] Billig, 46.
[72] Billig, .46.
[73] Ignatieff, 5.

conceiving ethnic nationalism in this fashion. First and foremost is that it can lead one to think that nationalism and nationalist aspirations are temporary phenomena. Second, because they are temporary phenomena, any eruption will eventually dissipate or disappear. Nationalism, and nationalist aspirations of this form are rarely, if ever associated with locations outside of hot spots or high political, racial or ethnic tensions. Finally, it ignores quiet ethnic nationalisms such as those practiced by Indigenous peoples who, as in Canada for example, exist as 'nations within nations.'[75]

An understanding of ethnic, or hot nationalism such as that given above is misleading. Billig notes that defining ethnic nationalism in this manner tends to portray it as phenomena that exist only temporarily, and more importantly, as something that happens elsewhere. Billig argues "it always seems to locate nationalism on the periphery"[76] in places where:

> Separatists are often to be found in the outer regions of states; the extremists lurk on the margins of political life in established democracies, usually shunned by the sensible politicians of the centre. The guerrilla figures, seeking to establish their new homelands, operate in conditions where existing structures of state have collapsed, typically at a distance from the established centres of the West. ... All of these factors combine to make nationalism not merely an exotic force, but a peripheral one.[77]

Describing and attributing nationalism in this manner is misleading because it does not recognize the quiet, more insidious forms. As Billig argues, referring to, and believing that bouts of nationalism occur elsewhere on the periphery of the civilized and democratic world is false because "those in established nations ... are led to see nationalism as the property of others, not of 'us'."[78] Referring to nationalism as a

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[74] Ignatieff, 9.

[75] One example of this can be found in the Déné Declaration which begins "We the Dene of the Northwest Territories insist on the right to be regarded by ourselves and the world as a nation." Mel Watkins, ed. <u>Dene Nation the colony within</u>, (1977. Toronto, Ontario: University of Toronto Press, 1980), 3.

[76] Billig, 5.

[77] Billig, 5.

[78] Billig, 5.

phenomenon that is both foreign and temporary creates obstacles in linking the maintenance of both citizenship and social ordering to some sense of national 'feeling'. The linkages between these elements are clouded and appear non-existent.

The second form of nationalism Billig discusses is nearly invisible for it is not 'extraordinary', 'politically charged', nor 'emotionally driven'. It is quite ordinary and, while it may be politically motivated, it is manifest calmly and usually without any emotional overtones. This form is quite mundane and is composed of "the ideological habits which enable the established nations of the West to be reproduced". Billig calls this form 'banal nationalism', and argues that is the process whereby:

> ... daily, the nation is indicated, or 'flagged', in the lives of its citizenry. Nationalism, far from being an intermittent mood in established nations, is the endemic condition.[79]

Central to this understanding of nationalism is that it is appears as 'natural' and 'normal' thereby making deviations appear extraordinary. When understood in its banal form, it becomes obvious that nationalism, when expressed in this manner, is deeply rooted in the actions, language and symbols of its citizenry as well as social structures and governing institutions. When understood in this manner, we can see how nationalism underpins everyday life.

Banal nationalism differs from the 'civic nationalism' described by Ignatieff in several ways. As noted earlier, civic nationalism sees society as "a community of equal, rights-bearing citizens united in patriotic attachment to a set of shared set of political practices and values"[80] rooted in law. It is a nationalism based on citizenship and the extension of civil rights to all within the society and is democratic.[81] While, like banal

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[79] Billig, 6.
[80] Ignatieff, 6
[81] Ignatieff, 6 – 7.

nationalism, there is a shared attachment to institutions, practices and values, at the same

time, the 'daily flagging of the nation' that banal nationalism captures is not explicitly

recognized within the civic version.

Banal nationalism reinforces inclusion/exclusion constructs for a nation's

citizenry. It does this by employing the actions, language and symbols that provides a

citizenry with definition of 'who they are' and provides a sense of 'where their place' is

in the world. Anderson recognizes the unifying power of both language and signs

particularly when they are employed in a nation's vernacular. Languages become "the

personal property of quite specific groups"[82] while signs perform the role of inter-

subjectively recognized symbols.[83] These same actions, language and symbols that serve

to inform everyday life also serve to inform our social structures and governing

institutions. Thus the language of inclusion/exclusion is reinforced daily through actions

and symbols. The banality of everyday nationalist expression is reinforced daily. As

Billig notes:

> In so many little ways, the citizenry are daily reminded of their national place in a world of
> nations. However, this reminding is so familiar, so continual, that it is not consciously
> registered as reminding. The metonymic image of banal nationalism is not a flag which is
> being consciously waved with fervent passion; it is the flag hanging unnoticed on the public
> building.[84]

Tied closely to this form of nationalism is the sense of recognition and, perhaps more

importantly, self-identification with certain symbols by the populace. It is here that the

notion of identity comes into play.

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[82] Anderson, 84.
[83] Anderson comments on the role of 'signs' in that they become universally recognized within given
communities. Thus they work to assist in 'creating' and reinforcing communities. 15, and passim.
[84] Billig, 8.

Nationalism as a Nation Building Exercise

Nationalism, as Barber observed, allowed for the development of intermediate forms of social organization that permitted the "establishment of government on a scale greater than the tribe yet less cosmopolitan than the universal church."[85] He also observed that these intermediate forms of social organization, over time "gave birth to ... what would come to constitute the nation-state."[86] While ethnic nationalism can provide an initial source of social cohesion, as Ignatieff claims, it can provide a motivating source in creating the basis for intense 'social movements' thus providing a quick unifying factor. However, this form, particularly in its initial phases as a 'rallying call,' is not self-sustaining. Other conditions are required.

The move towards the modern state system in Europe provides a good example for understanding the psychological conditions required for nationalism to be used as a unifying tool. The following is a minor assessment of the psycho-cultural conditions present in Europe that permitted the transformation from feudal forms of social organization to the modern state system and the consequent growth of nationalism as a unifying factor.

<u>The European Experience</u>

The European Renaissance period signaled the start of modern individualism[87] and as such, holds particular significance for the development of Western thought. While the break from feudal systems of organization meant greater levels of freedom for the individual, at the same time it lead to the creation of a kind of anxiety brought about by the lack of any sense of larger community. Erich Fromm believes that this anxiety

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[85] Barber, 7.
[86] Barber, 7.

manifested itself within European society in a form of 'aloneness.' He partially attributes

this new kind of anxiety to the way the move from feudalistic mode of life to one of

individualism was accomplished. While the limitations on individuals were being

removed and the ability to exercise greater levels of freedom was increasing, the new

found freedom also brought "an increased isolation, doubt and skepticism, and – resulting

from all of these – anxiety."[88]

Fromm offers some insight for this phenomenon. He suggests that the process of

individuation conflicts with one of the most basic of human needs, which is the need to

belong and to have a clearly recognizable unit of identification. This need to belong is

rooted "in the very essence of the human mode and practice of life"[89] and it is as vital to

survival as food and water. It is central to psychological well-being. Fromm states that:

> ... to feel completely alone and isolated leads to mental disintegration just as physical
> starvation leads to death. This relatedness to others is not identical to physical contact. An
> individual may be alone in a physical sense for many years and yet he may be related to ideas,
> values, or at least social patterns that give him a feeling of communion and "belonging". On
> the other hand, he may live among people and yet be overcome with an utter feeling of
> isolation which, if it transcends a certain limit, is the state of insanity ... This lack of
> relatedness to values, symbols, patterns, we may call moral aloneness ... [and] that physical
> aloneness becomes unbearable only if it implies also moral aloneness.[90]

The break from feudal forms of social organization created a rupture in European identity

formation. The one hundred and eighty degree reversal away from the highly structured

and ordered social system that feudalism provided to the emphasis on individualism

demanded by the new liberal, capitalist oriented framework that was the new social order,

gave not only new freedom but also a new isolation.

The failure to adequately replace feudalism with a system that could supply a

similar degree of relatedness between values, symbols and patterns had the effect of

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[87] Erich Fromm, Escape From Freedom, (1941. New York, New York: Avon Books, 1969), 68.
[88] Fromm, 65.

increasing the experience of personal isolation. The new form of social organization

coming to the fore did not immediately provide recognizable units of identification nor

did it inform society in terms of a unified vision or understanding of the world. The

desire to reinvent some kind of unifying belief system opened western societies to entities

that gave the appearance of vision as well as a means of identification that otherwise

would not have been necessary. Capitalism and the historical nature of liberalism[91] are

two such entities that sought to fill the void left by the erasure of the feudal mode.[92]

Nationalism is a third source of cohesion that became available to inform, and unite

capitalism and liberalism.[93] Barbar, in citing Walter Russell Mead, notes that nationalism

is the "most powerful political force on earth today"[94] thus making it the preeminent form

of social cohesion.

There are clear linkages between the brief accounting given of Fromm's

discussion on the affects of isolation and aloneness, the loss of values, symbols and

patterns central to the feudal system, and the drive to create new forms of identification

as Europe underwent transition, and Geertz's discussion of the primordial ties associated

with new, or newly independent nations. There are further parallels between the advent

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[89] Fromm, 34.

[90] Fromm, 34.

[91] See Alison Jagger's _Feminist Politics and Human Nature_, (1983. United States of America: Roman and Littlefield Publishers, Inc., 1988). Jagger points out that "liberal theory rests on the assumption that all persons, at all times and in all places, have a common essence or nature" and "Because of the assumption that human nature is essentially changeless, liberalism is sometimes described as being ahistorical; that is, it does not place any philosophical importance on such "accidental" differences between human individuals as the historical period in which they live, their rank or their class position, their race or their sex. Human beings are defined in the abstract by the universal and "essential" capacity to reason." 32.

[92] For a more complete discussion of the role played by capitalism in the new social ordering of medieval western Europe see Fromm, especially Chapter III "Freedom in the Age of Reformation," 56 - 122.

[93] See Barber, 158 – 168.

[94] Barber, 158.

of capitalism informed by liberal ideology and the second motive given by Geertz – the desire to build an efficient, dynamic modern state commonly ascribed to new nations.

This discussion is important and relevant for Indigenous – Euro-Canadian relations for two reasons. First, being aware of what was influencing social organization in Europe during their colonizing and settlement period does much to explain the colonial attitude and practices. As Anderson notes, the Creole nationalism that arose in the colonies did bear more than a passing resemblance to the imperial administrative centre.[95] There is a clear link between the new emphasis on self-reliance and individualism and the development of Canada's citizenship inclusion/exclusion process, desirable traits and social responsibility, as demonstrated in Chapter four. The second reason this discussion is relevant is because of the time periods involved. The European transitions were occurring at more-or-less at the same time they were beginning to intrude into the 'new-world.' The identity crisis that was taking place in Europe could not help but have some impact on how Indigenous – European relations were being informed.

Nation-Building & the Use of Violence

Nationalism does not just 'happen.' The internal cohesion of a nation-state requires a certain amount of deliberate social construction just as the simple act of bringing disparate peoples together does not create an automatic sense of unity. Violence in its many forms has been a method of choice since Machiavellian times for creating unity within the modern conception of the nation-state. The internal use of force has, and continues to be an easily accessible tool for the purposes of securing the loyalty of the individual to the nation-state through the development and use of social violences geared towards the suppression and subordination of difference.

Jean Elshtain discusses how different forms of social violence were applied during the European state-building process as a method of initiating and instilling ideas of nationalism.[96] She argues that through careful use, social and political violences were employed as a method of creating and establishing an environment where the individual's loyalty and whose primary unit of identity was tightly bound to the state.

Elshtain refers to a broad range of violences from the disruption of 'traditional' and collective forms of community and the breakdown of kinship ties to how overt forms of violence including war were tools in accomplishing this objective. Also examined by Elshtain were the more constructive and complicated uses of violence for creating social roles for individuals within society and how the construction of these roles assisted in creating 'sameness' or 'commonalities' amongst the populace. What becomes amazingly clear is that the construction of the modern state and the senses of nationalism it inspires are in many ways, artificial in both creation and maintenance.

It was noted above that creating internal cohesion within a state requires a certain amount of intentional social construction and that bringing disparate peoples together does not automatically create unity. Elshtain gives a provocative account of how violence has been used throughout recorded history as a means of furthering these two goals. Among the results that can be reaped through the constructive use of violence includes the creation of social roles for individuals within society as well as a sense of national unity through sameness.

Creating social roles can be accomplished in several ways. The methods chosen are intended to contribute towards not only individual identification with the nation-state,

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[95] Anderson, 47 – 82.

but also in a way that contributes or furthers the interests of the state, the – *raison d'état*.

An example Elshtain considers is the construction of gender and how men and women

come to embody a set of expectations geared towards the enhancement of a particular

social ordering. Elshtain demonstrates how personal sacrifice is one means of creating

not only a sense of community but also loyalty to the state while enhancing the interests

of the state.[97]

War and its appeal to the emotion of the individual to aid the nation in its 'hour of

need' has a way of creating bonds between people that are not otherwise attainable. Here

again is the loyalty connection Emerson identifies. War, battle and personal sacrifice all

contribute to the creation of a shared history. As Elshtain notes, "War transcends

material values. The individual reaches for a common end. War-constituted solidarity is

immanent within the state form."[98]

Internal suppression of difference through pacification is another means that

assists in the process of state reification and involves a concerted use of force and/or

violence in order to obtain a measure of sameness. As the modern nation-state requires

its subjects to have their first loyalty to the nation, there is no better way to establish

loyalty than through the promotion of a unit of identification that appears to take into

account the cares and concerns of its population. While the outward appearance of care

and concern acts as a catalyst for individual support for the nation-state, at the same time

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[96] Jean Elshtain, "The Discourse of War and Politics: From the Greeks to Today," Women and War, (New York, New York: Basic Books, 1987), 47 - 91, and 260 - 264.

[97] "In the beginning, politics gave birth to war. Better; in the beginning, politics *was* war. The story of politics and war in the Western tradition does not unfold as a fall from grace, a tale of sordid decent from a bucolic age when people peacefully went about their business and let their neighbours go peacefully about theirs. Instead it is a tale of arms and the men. Long before there were Just Warriors and Beautiful Souls - a construction that emerges with the triumph of Christianity -- larger-than-life exemplars of brutality and revenge, of marital and maternal honor and civic peace, bestrode the pages of tragedies, formed the stuff of myth, and congealed into durable legacies." Elshtain, 47.

it also provides the state with a rationale to suppress anything that threatens the loyalty it demands of the populace. The state can always claim to be acting in the best interests of its citizens and that part of its purpose is to promote and defend the interests of its citizens. Seldom are questions asked about how the interests of the citizen, and thus the state, come to be defined. Instead the focus is on the potential damage of "how a particular interest might block the general interest or will, driving a wedge between the citizen and the wider social body."[99]

Elshtain outlines several methods that are available to the state to assist in accomplishing the suppression of difference. Compulsory military service is one method whereby disparate peoples can be molded into a specified identity. Traditional ties of community and kinship throughout Europe were broken in this way. In describing French compulsory military service and the "will of the nation," Elshtain explains

> That this "will" could be brought to bear successfully on any recalcitrant wills becomes clear as one considers the violent and poignant wrenchings of compulsory military service, the chief "process which drew men out of their regional *pays* and compelled them to be conscious of belonging to a wider community" ... Its enforcement, and that of subsequent conscription ordinances, brought into being an organization "serving a new, vast entity" as "the men of Normandy, Languedoc, Picardy, Franche-Comté, Auvergne, Limousin, Provence, were hauled away and turned into *Frenchmen.*[100]

Other means of attaining this same end include the national education systems where identity can be imposed while pressure is exerted to subordinate difference.

Social violences such as those described by Elshtain are useful in understanding several aspects of nationalism (such as the creation of gendered roles) as well as sources of loyalty. Elshtain is correct in identifying the strength of unity that comes from bonds forged in battle and how compulsory military service is a method of fabricating a national

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[98] Elshtain, 74.
[99] Elshtain, 60.
[100] Elshtain, 63 - 64.

identity through the forced entry and fraternity within a wider community, but of particular interest and significance is how the wrenching of individuals from smaller communities affects kinship and other communal ties. The assumptions behind initiatives such as military service entails more than the composing of a unified and obedient armed force. Also involved are sustained efforts at creating the national identity and unity through shared experiences and history. Again, the link is made to the primordial ties noted by Geertz[101] and the idea of there being a shared history that Hroch[102] believed important. As Elshtain notes, the men who were wrenched from the rural regions of France were returned as Frenchmen.

The breaking of localized, communal ties in Europe through such mechanics as military service and the assumptions that are inherent to creating an environment where sameness can be established was a process that was transferred to the new world. While the methodologies might have differed in significant ways, the intent was the same. The Indigenous – colonial experience was not one of forging new bonds in unity as occurred in the European experiment. Instead, the Indigenous – colonial experience was intended to accomplish the reverse, meaning that while Indigenous communal and kinship ties were destroyed, no replacement sense of community combining the colonists and Indigenous populations was offered. While the colonists developed their inclusion processes and practices to create a new sense of community in Canada characterized by the traits they found desirable, they were also carrying out more exclusion practices than inclusion practices.

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[101] Emerson as cited by Geertz, 30.
[102] Hroch, 79.

In the years leading up to 1830, the colonial population grew and their settlements took on a sense of permanency and Indigenous Peoples came to be seen as "an irreclaimable race, and as inconvenient neighbours whom it was desirable ultimately wholly to remove".[103] The breaking of the various Indigenous ties is further evident in the re-socialization practices advocated by Canada with one of the most evident of these practices being the establishment of the residential/industrial school system.

Nation-Building and the Canadian Identity

Prior to the late 1960s, Canada was relatively successful in its efforts to build a unified national identity. Francophone aspirations notwithstanding,[104] a Canadian 'identity' had been more-or-less superimposed upon those of all others. And indeed, the anglo – francophone debates were, and remain as much a part of the modern Canadian identity as the maple leaf, the bright red uniforms of the Royal Canadian Mounted Police and the image created under the tutelage of Lester Pearson of Canada as a 'peacekeeping' nation.

Until the late 1960s, Canada had been relatively successful in suppressing Indigenous identities as nations and was able to present an image of itself as a nation co-founded, settled by two peoples – the French and the English, and as being deeply concerned by the anglo-franco divide. The history of Canada that was taught and promoted was that of the two 'founding nations.' If there was any obsession with respect to national identity in the 1960s, it was taking place in much the same manner as at the time of Confederation with the over-riding concern being how to meet and accommodate

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[103] Boyce Richardson, People of the Terra Nullius Betrayal and Rebirth in Aboriginal Canada, (1993. Vancouver, British Columbia: Douglas and McIntyre, 1994), 54.
[104] General note: Canada's image has for so long been marked by the debates between English and French Canada that it almost certainly constitutes one of the defining characteristics of the Canadian identity. This

the political needs of French and English Canadians. Meanwhile the quiet, ongoing

practice of re-socializing Indigenous Peoples continued through the mechanisms

instituted and maintained by Canada such as the residential school system, restrictive

policies and legislations, and the inclusion/exclusion processes of attaining citizenship.

Then, in a move said to be in the interests of creating a 'just society,' Trudeau's Liberal

government in 1969 introduced *The Statement of the Government of Canada on Indian

Policy, 1969.*

Since then, debates surrounding Canada's image as a unified nation with common

aspirations, ideals and beliefs have hardly ceased. For Indigenous Peoples, these debates

are of more than a passing interest, for their place, politically, legally and socially, is very

much dependent on how their relationship to Canada is defined and how this relationship

is perceived and understood by the government of Canada and Canadians. Thus, for

Indigenous Peoples, the inclusion/exclusion practices they are subject to is of extreme

importance both domestically and internationally and has become one of the major

thrusts in Indigenous politicking.

There can be no question that the current debates, particularly the ones that

involve the social location of Indigenous Peoples today, ask difficult questions about how

Canada functions as a society and as a nation. Any inquiry into the issues affecting

Indigenous people – whether it be justice, education or any of the other social indicators

that measure well-being, is to force admissions that the institutions and structures

designed by Canada for Canadians either do not work for Indigenous Peoples, or that

these institutions had not really been accessible to them to begin with. Considering what

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is the main reason for making no distinction between Anglophone and Francophone nationalisms as it is
my contention that they both contribute to the constitution of the current Canadian identity.

we know about Canada's historical, and not so distant past forces an admission that there has been, and that there continues to be a particular kind of inequality being practiced within Canada's borders.

A number of concepts were introduced in this chapter that relate to how a country becomes defined and recognized internationally as an independent nation-state. From the tangible qualities and attributes that a country requires to be recognized in the modern state system, to the not so tangible qualities and traits that bind a people together, to the processes and methods employed to ensure internal unity. What becomes clear is that in nation-building, there is a tremendous importance attached to the inclusion/exclusion processes that get established and they should neither be ignored nor underestimated. Equally clear is the importance of violence in its various forms and uses for both inclusion and exclusion purposes. The history attached to the establishment of a nation-state, the processes and mechanisms used along with the assumptions that inform and influence these processes and mechanisms have long lasting implications for a country's population whether Indigenous or not. Their implementation and the tacit agreement of a populace to abide by these processes and mechanisms contribute to the overall identity of those who employ them. The following concluding chapter will begin the process of pulling together all of the information layers presented.

Conclusion

Pulling It All Together

The goal of this thesis was to explore societal perceptions of Indigenous Peoples generally held by the Canadian population. I chose to present the research as a series of 'layers', with each 'layer' providing an information or data set. Opting for this method allowed me to present diverse layers of information that have relevance to Indigenous – Canadian relations that would not normally be considered had a traditional academic methodology been employed. The purpose in doing this was twofold. First, I wanted to open new avenues for discussion in Indigenous – Canadian relations. Secondly, I felt that to better understand the relationship that Indigenous peoples have with Canada and Canadians, it was necessary to investigate how Canada defined itself as a society and how that construction conflicted with its relationship with Indigenous peoples.

To accomplish this task, I selected a number of elements that I felt had particular relevance to Indigenous – Canadian relations. In the first half of this thesis, I presented a series of information layers that both describe and define the current Indigenous condition. In the second half of the thesis, information layers relevant to Canadian society were given, while weaving in their impact on Indigenous peoples.

Chapter one looked at a sampling of the literature now available on the Indigenous socio-economic condition, their history and culture as well as what the current trends are in this area of research. While acknowledging the wealth of contributions made by both Indigenous and non-Indigenous writers, it became clear that gaps existed in the literature and there are areas that have not yet been fully explored. Among the areas that currently lack analysis is the role of 'violence' in constructing the

Canadian identity with respect to Indigenous people in Canada. Also lacking in the literature are analyses that examine how generally held societal perceptions of Indigenous Peoples are affected by the shared values held by Canadians such as individualism and self-reliance.

A key to better understanding Indigenous – Canadian relations came from Noel Dyck who argues that traditionally, there has been a tendency to approach the place of Indigenous people in Canada as a 'problem.'[1] From this perspective, the "Indian 'problem'" has been treated as though it is something that can be repaired or fixed with tinkering.[2] This is a narrow view that tends to focus on particular aspects of Indigenous – Canadian relations. Dyck recognizes that there exists an overwhelming acceptance of the fact that there is an "Indian 'problem'" which has contributed to the problem.[3] In arguing that the "Indian 'problem'" is "not an inherent or a 'thing,' but the underlying premise of a relationship," Dyck changes the focus away from a 'problem' that requires solving and moves to an approach that seeks to understand "the Indian 'question' *as a question*."[4] In beginning by recognizing the Euro-Canadian belief that a problem exists, Dyck goes on to examine how this 'belief' impacted on past and present Indigenous – Canadian relations.

Patricia Monture-Angus, in discussing the overrepresentation of Aboriginal people in Canada's criminal justice system, argues, "It is not aboriginal communities that need to be further studied."[5] She goes on to say that "There are two sides to the justice

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[1] Noel Dyck, <u>What is the Indian 'Problem' Tutelage and Resistance in Canadian Indian Administration</u>, (1991. St. John's Newfoundland: Institute of Social and Economic Research, Memorial University of Newfoundland, 1993), 1 – 2.

[2] Dyck, 2.

[3] Dyck, 2.

[4] Dyck, 2.

[5] Patricia A. Monture-Angus, "Lessons in Decolonization: Aboriginal Overrepresentation in Canadian

problems aboriginal people face and the truth is that very little is known about why the

knowledge we have has not been fully implemented."[6] There is a challenge in Monture-

Angus's statements. It is true that while there has been significant research and inquiry

into the Aboriginal side of social issues, there has been very little inquiry about the other

side of this relationship, as Indigenous Peoples in Canada do not live out their existences

in isolation from other Canadians or Canadian institutions. On the other hand, while I

believe that an issue-by-issue inquiry about the other half is necessary, I also believe that

we need to go a level deeper to examine more closely how each side sees the other and

why. In this, the challenge issued by Monture-Angus bears more than a passing

similarity to the approach Dyck advocates in that the underlying premises of the

relationship need to be examined. Tinkering with the justice system will not affect the

needed changes any more than looking at the "Indian 'problem'" as a problem will.

In Chapter two, I reviewed the current social location of Indigenous Peoples,

explored the two forms of symbolic violence and how they are experienced by

Indigenous Peoples, and looked briefly at the meaning and relevance of contradiction.

The objective of the chapter was in part to recount the social reality many Indigenous

Peoples experience and the obstacles they face in their daily lives. This investigation

revealed a second key. By first presenting an overall view of the current socio-economic

location Indigenous people and their communities are dealing with, and informed by the

approach advocated by Dyck, allowed for the inclusion of violence in its various forms as

an explanatory factor.

Criminal Justice," Visions of the Heart Canadian Aboriginal Issues, eds. David Allen Long and Olive
Patricia Dickason (Toronto, Canada: Harcourt Brace and Company Canada, Ltd., 1996), 338.
[6] Monture-Angus, 338.

Bourdieu's conception of symbolic violence[7] which can become so woven into the patterns of everyday life that it becomes transfigured into socially recognized and accepted forms of domination with the strength of "legitimate authority"[8], became essential to understanding the socio-economic location of Indigenous Peoples in Canada. The more benign manifestations in application of symbolic violence as demonstrated by Smith opened my inquiry into the use of violence as a means of creating and maintaining "social inequality"[9] and as a means of 'othering' as de Vries and Weber suggest.[10] In acknowledging the role of violence as a means of differentiating the 'self' from the 'other,' I could then begin to take into account the sometimes structural nature of violence as given by Galtung.[11] The addition of structural violence allowed for the separation of direct, person-to-person from indirect, structure-to-person forms of violence.[12] Within this framework for understanding violence, the socio-economic condition of Indigenous Peoples could be conceptualized much differently than it has been in the past by taking into account not only the social disadvantages that Indigenous Peoples experience but also by recognizing that what is happening in Indigenous communities is not occurring in isolation. There are other factors at play including how they are perceived by Canadian society at large.

Chapter three brought social and political violences together with daily life as it is experienced in many Indigenous communities through two narratives. The narratives

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[7] Pierre Bourdieu, Outline of a Theory of Practice, trans. Richard Nice (Cambridge: Cambridge University Press, 1977), 192.

[8] Bourdieu, 192.

[9] Smith, 44.

[10] Hent de Vries and Samuel Weber, "Introduction," Violence, Identity, and Self-Determination, eds. Hent de Vries and Samuel Weber (Stanford, California: Stanford University Press, 1997), 2.

[11] Johan Galtung, The True Worlds A Transnational Perspective, (New York, New York: The Free Press, 1980), 67.

[12] Johan Galtung, The True Worlds A Transnational Perspective, (New York, New York: The Free Press, 1980), 67 – 68.

gave context to the facts presented in the overview and demonstrated the many subtle and not so subtle ways people are affected by the impacts of socio-economic disadvantage at the level of the individual, as well as that of the group. The narrative of Connie and Ty Jacobs, while a tragedy in and of itself, also depicted the negative relationships with societal institutions including police and social services that many Indigenous Peoples experience. Also acknowledged in this narrative were how other factors, including poverty, domestic violence and alcohol abuse were also at play. The story of Connie and Ty Jacobs necessitates an investigation that goes beyond the details of their deaths in order to search out the conditions in which they lived their lives. This in turn requires and forces a recognition of the social conditions in which this family lived and the role these conditions played in the deaths. The rapid escalation of violence – from a relatively simple domestic dispute to one of exchanged gunfire resulting in multiple deaths, highlights and reveals more than the horrific tragedies that are often wrought by substance abuse and poverty stricken living conditions. Implicit in the story of Connie and Ty Jacobs, lies the notion that these are people are not worthy of the kind of treatment by Canada's social system, police, or justice that is readily available to other Canadians.

The Paul case demonstrated that the issue was more than the 'illegal' harvesting of trees. As the narrative unfolded, it was revealed that the conditions of Indian Reserves affected were such that suicide, unemployment, and despair were altogether too common for many in these communities. It was demonstrated how the initial response by these communities to the lower court's ruling that gave Aboriginal people access to forest resources was overwhelming, with some Aboriginal communities in the Maritimes being

practically 'transformed' from places of despair to places of hope and opportunities. The overturning of the lower court's decision by New Brunswick's Supreme Court and the aggressive stance taken by the provincial government as exemplified by Mr. Frenette, then Premier, brought the sometimes coercive nature of the state into play thus opening the door to consider the structural nature of violence.

In Chapter four, I stepped back from the facts given in Chapter two and the localized and individual experiences of chapter three in order to review some of the recent history between Indigenous Peoples and Canada. In doing so, it became clear that the use of violence by the state, whether political or social, in its relations with Indigenous people has not been limited to isolated incidences. Instead, there appears to be something of a pattern involving conflict, adversity, and violence in the Crown's dealings with Indigenous Peoples.

In each instance examined, an adversity was shown to have begun with an issue that for whatever reason could not be resolved, thus leading to growing tensions. Quite often, the threat or the actual use of physical violence was employed by either Indigenous Peoples or by the state. In some instances, conditions escalate to the point where a violent, explosive event takes place and the 'sensibilities' of the general population is shocked. The violent or explosive event is then followed by a period where efforts are undertaken by both sides to mediate or rectify relations through institutional means. One of the most striking observations that arose from this investigation was that Indigenous – Canadian relations are incredibly dynamic. A second observation was just how dedicated and determined Indigenous Peoples have shown themselves to be in advocating for change in their lives.

My investigation of this pattern of relations and my quest to understand why this pattern exists led me to look more closely at how Canada has constructed itself with a particular reference to the concept of citizenship as it has developed in Canada. Examining citizenship and its inclusion/exclusion practices led me to query how citizenship is used in the construction of nationalism and nation-building exercises. Here I found no end to the levels and forms of contradiction in how Indigenous Peoples have been thought of in Canada whether in popular images or in their citizenship statuses.

I looked at how Indigenous Peoples have been generally regarded with respect to their place in Canadian society before moving on to review the development and expectations of citizenship in Canada. In the course of my investigation, it became clear that there is more than one level of citizenship and the level of citizenship one holds is directly related to a particular western notion of self-sufficiency. It is here that the results of inclusion/exclusion practices truly become evident with how rights are allocated. Public policy in Canada with respect to social welfare has clearly revolved around certain principles particularly those that stress self-sufficiency and independence.

In stressing self-sufficiency and by the creation of the conditions for dependency, Indigenous Peoples throughout Canada's history have found themselves to be in a precarious situation regarding their abilities to be independent. Hampered by regulation that served to restrict their economic activities, denied basic civil and political rights, and less able to act in their own interests than other Canadians, their place in Canada and their citizenship status came to be a 'qualified' one, meaning that they were less than equal and not quite the same as others in Canada. For the purposes of the discussion that was given in Chapter five, I feel it is important to point out that it is irrelevant whether or not

Indigenous Peoples consider themselves citizens of Canada. The state that is Canada, and Canadians still see Aboriginal people through the Canadian citizenship lens simply because that is how we see each other.

As citizenship is closely tied to concepts of nation, Chapter six took the investigation one step further by looking at its connection to the practices used in nation-building and nationalism. This chapter looked at the European method of nation-building as well and the forced cohesion of its populations. Of particular interest was the glue of nationalism and how it is employed to further reinforce the inclusion/exclusion practices in communities and nations. A clear conclusion from this inquiry was the importance of the inter-subjective recognition members of a nation grant each other, as this form of inter-subjectivity has become one of the primary means of self-identification. When members of a nation grant each other recognition, they are recognizing that "they share the same culture, where culture ... means a system of ideas and signs and associations and ways of behaving and communicating."[13]

If individuals perceive each other as being less than equal, as social policy in Canada tends to encourage, then there can be no true inter-subjective recognition as meant by Gellner. As Marx notes, "citizenship is a key institutional mechanism for establishing boundaries of inclusion or exclusion in the nation-state ... it allocates distinct civil, political, and economic rights, reinforcing a sense of commonality."[14]

Each information layer presented or addressed a facet of Indigenous life or a Canadian/western construct that has played a role in shaping Indigenous – Canadian relations. Again, the idea was to present and examine aspects of this relationship that are

[13] Ernest Gellner, Nations and Nationalism, (Ithaca, New York: Cornell University Press, 1983). 7.
[14] Anthony W. Marx, Making Race And Nation A Comparison of the United States, South Africa, and Brazil, (1998. New York, New York: Cambridge University Press, 1999), 5.

not normally associated with each other. While each layer was intended to include knowledge and awareness of a particular area or aspect of Indigenous life and/or Indigenous – Canadian relations, at the same time each information layer proved to be relevant to all other layers. Widening the area of inquiry rather than narrowing it allowed me to consider the relationship from a perspective that crossed back and forth over several disciplines. This multidisciplinary approach allowed me to employ a variety of perspectives and techniques, and satisfied the need query the topic from as many angles as possible. The greatest benefit in this approach was that it allowed me to examine Indigenous – Canadian relations from a perspective that saw different actions and factors not in isolation, but rather as aspects of an interacting whole.

Final Words

In researching, preparing and writing this thesis, I made a number of observations and came to several conclusions about how Indigenous peoples are affected on a daily basis by generally held perceptions. Examining the socio-economic location of Indigenous Peoples, the principles and assumptions for citizenship in Canada, the images of Indigenous Peoples that have been presented for public consumption, and the use of social violence in both its symbolic and benign, structural forms as well as its more overt, physical manifestations, indicate a real need to carry out further inquiries. Indigenous communities have been researched enough. It truly is time to look at the other side of the equation.

Miigwetch.

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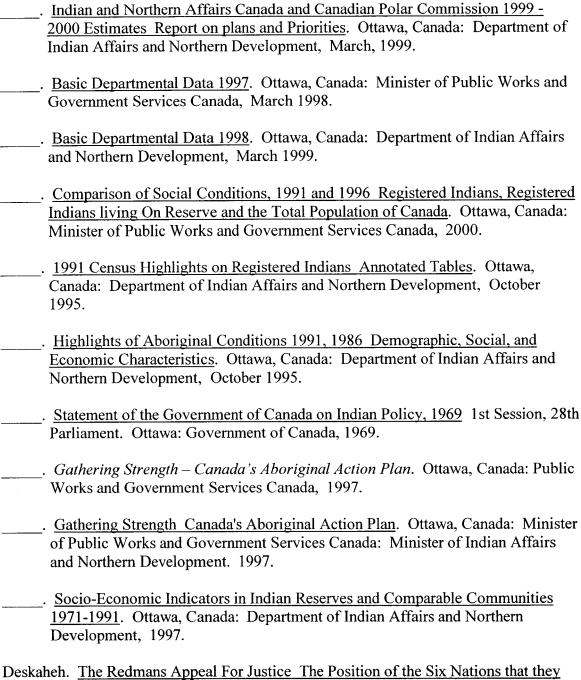
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