# Aboriginal Peoples and Canada

Les peuples autochtones et le Canada

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Table of Contents/Table des matières

Introduction

In recent years, Aboriginal Peoples and their relationship with Canada have become major issues in public debate. Indeed, these questions have assumed a central place in constitutional discussions, albeit without being resolved. A Royal Commission on Aboriginal Peoples is about to produce its report, the fruit of several years of effort. In fact, the struggle to renegotiate the relationship between Aboriginal Peoples and Canada extends to all domains, cultural, social and economic, as well as political.

Not surprisingly, an ever growing number of scholars have become engaged in the study of these questions. Accordingly, this issue of the IJCS brings together the work of close to twenty scholars, coming from a wide variety of disciplines and based not just in Canada but six other countries as well.

The contradictions and complexities of Aboriginal Peoples' relationship with Canada have been displayed with particular clarity in the continuing debate over the place of Aboriginal art in Canada's cultural institutions. There, culture is closely intertwined with politics, as reflected in the legacy of state assimilationist policies or the struggle among competing national identities. In the opening piece, Gerald McMaster explores the meaning invested in Aboriginal art, both traditional and contemporary. He contrasts it with the assumptions and practices that historically have guided the

Présentation

Au cours des dernières années, les relations entre les peuples autochtones et le Canada ont commencé à s'imposer à l'ordre du jour des débats publics. Ces questions ont même été au centre des discussions constitutionnelles, sans toutefois trouver de solution. Après des années d'efforts, la Commission royale sur les peuples autochtones est sur le point de publier son rapport. En fait, la lutte engagée pour renégocier les relations entre les peuples autochtones et le Canada s'étend à tous les secteurs : la culture, la société, l'économie, en plus de la politique.

Il n'est donc pas surprenant qu'un nombre d'universitaires aient entrepris d'étudier ces questions. Ainsi, ce numéro de la Revue internationale d'études canadiennes (RIÉC) regroupe les travaux de près d'une vingtaine d'universitaires de différentes disciplines et qui proviennent non seulement du Canada, mais de six autres pays.

Les contradictions et la complexité des relations entre les peuples autochtones et le Canada ressortent très clairement du débat sur la place de l'art autochtone qui se poursuit dans les institutions culturelles canadiennes. Là, la culture est étroitement liée à la politique, comme le démontre l'héritage des politiques gouvernementales d'assimilation, ou le conflit des identités nationales concurrentes. Dans le premier texte, Gerald McMaster s'interroge sur la signification investie dans l'art autochtone, traditionnel ou contemporain, et il l'oppose aux

collection of Aboriginal art by non-Aboriginal institutions. Anne Whitelaw assesses the extent to which a recent exhibit *Land Spirit Power* broke with the established resistance of Canadian art institutions to accept contemporary Native art. She finds this departure hesitant and conjunctural, much like the incorporation of Aboriginal leaders in the 1992 constitutional negotiations.

For social scientists, the challenge has been to find concepts and theoretical approaches which can comprehend both Aboriginals' own experience and their relationship to Canada. Focusing on the 17th and 18th centuries, Denys Delâge explores alternative paradigms of Aboriginal Peoples and of their dealings with Europeans. He seeks a balance between traditional history, which has tended to obscure the Aboriginals' own dynamic, and a political correctness which has encouraged an unduly "positive" portrayal of Aboriginal societies. For their part, Reasons and Pavlich develop the concept of alienation and seek to demonstrate how it is well suited to capture the Aboriginal condition. They show, moreover, how Aboriginal Peoples are seeking to redress this alienation through land litigation, both in Canada and Australia. In the same vein, Joyce Green argues that colonial assumptions about the place of Aboriginal Peoples have been embedded within Canadian Confederation; they can be broken only through explicit acknowledgement of their existence and consequences. Finally, Russell Barsh examines how the Canadian government portrays the Aboriginal question in its international representation and demonstrates how

hypothèses et aux pratiques qui ont historiquement guidé la collection d'art autochtone par les institutions non autochtones. Pour sa part, Anne Whitelaw essaie d'évaluer la mesure dans laquelle une exposition récente, intitulée *Land Spirit Power*, a rompu avec la résistance, bien ancrée dans les institutions d'art canadiennes, d'ignorer l'art autochtone contemporain. Cette nouvelle orientation lui paraît hésitante et circonstancielle, et elle lui rappelle beaucoup l'inclusion des chefs autochtones dans les négociations constitutionnelles de 1992.

Pour les spécialistes des sciences sociales, le défi est de dégager des approches conceptuelles et théoriques qui peuvent englober à la fois l'expérience des autochtones eux-mêmes et leurs relations avec le Canada. Denys Delâge se penche sur les paradigmes de rechange qui pourraient s'appliquer aux peuples autochtones et à leurs relations avec les Européens, aux 17e et 18e siècles. Il tente de trouver un point d'équilibre entre l'historiographie traditionnelle, qui tend à éclipser la dynamique autochtone, et le courant « politiquement correct » qui nous encourage à brosser un portrait excessivement positif des sociétés autochtones. De leur côté, Reasons et Pavlich développent le concept d'aliénation et cherchent à montrer à quel point il convient pour caractériser la condition autochtone. De plus, ils montrent comment les autochtones se servent des revendications territoriales pour demander réparation de cette aliénation, au Canada et en Australie. Joyce

in recent years officials have substantially muted their defense of Aboriginal self-determination.

Returning to the cultural realm, three articles examine major pieces of Native literature. Armand Garnet Ruffo assesses the extent to which semiotics and related techniques can be meaningfully applied to Thomas King's "The One About Coyote Going West" so as to take analysis beyond the socio-anthropological approaches normally applied to Native American literature. Danielle Schaub's treatment of "Bertha" shows how writer Lee Maracle depicts the ways in which Aboriginals respond to their colonial condition by negotiating their self-images and those held by whites. Finally, Armanda Jannetta uses the instance of Maria Campbell's *Halfbreed* to demonstrate that for Aboriginal writers autobiography can be an important source of resistance and healing.

Two other pieces focus on Aboriginal music. Sylvie Berbaum explores the various ways in which spirituality is expressed in Ojibwa music. Karl Neuenfeldt shows how the contemporary "ethno-pop" music of Aboriginals contains important statements of cultural criticism and social protest and resistance.

Finally, several writers explore the Aboriginal struggle to secure control of lands. William Hamley examines the recent agreement with Inuit leaders to create the Nunavut territory in northern Canada and assesses the opportunities as well as potential problems that will accompany this new arrangement. John Pierce and

Green s'inscrit dans la même perspective : elle soutient que les suppositions colonialistes sur la place des peuples autochtones se sont incrustées à l'intérieur de la Confédération canadienne; et que la seule façon de rompre avec ces préjugées est d'en reconnaître l'existence et les conséquences. Enfin, Russell Barsh se penche sur la façon dont le gouvernement canadien présente la question autochtone lors de représentations internationales. Il démontre que les fonctionnaires ont considérablement atténué leur défense de l'autodétermination autochtone au cours des dernières années.

Pour en revenir au domaine culturel, trois articles étudient des œuvres importantes de la littérature autochtone. Armand Garnet Ruffo évalue la mesure dans laquelle la sémiotique et les techniques connexes peuvent pertinemment s'appliquer à une analyse de « The One About Coyote Going West », de Thomas King, en l'amenant au-delà de l'approche socio-anthropologique habituellement réservée à la littérature autochtone américaine. Dans son analyse de « Bertha », Danielle Schaub démontre comment l'auteure Lee Maracle décrit les Autochtones qui réagissent à leur statut de colonisés en négociant les images qu'ils se font d'eux-mêmes et celles que détiennent les Blancs. Enfin, Armanda Jannetta utilise l'œuvre de Maria Campbell, intitulée *Halfbreed*, pour démontrer que, pour les écrivains autochtones, l'autobiographie peut tenir lieu de source de résistance et de guérison.

Deux autres articles portent sur la musique autochtone. Sylvie Berbaum étudie les diverses façons dont la spiritualité des Ojibwa se

his colleagues compare the attitudes to Aboriginal land claims of publics in two Canadian and two proximate U.S. cities finding as much variation between the Canadian cities as between them and their American counterparts. Joseph Mensah demonstrates how the concepts and techniques of geography can further understanding of the issues raised by Aboriginal land claims.

As noted at the outset, the Royal Commission on Aboriginal Peoples has been in operation over the last four years. In the process, it has commissioned a vast number of research studies and has done so in close partnership with Aboriginal Peoples. As a result, between 200 and 250 studies have passed peer review and will be available to the scholarly community. Peter H. Russell describes the many different themes covered in these reports. They clearly will constitute an invaluable resource for scholars around the world. Thus, one can only agree with Russell's contention that these studies must be available in printed form, as opposed to CD ROM.

Our final item is the text of a thoughtful address which Alan Cairns, distinguished political scientist and former Associate Editor of the IJCS, recently gave upon receiving the Governor General's International Award for Canadian Studies. While this is not directly reflected in his remarks, Alan Cairns is yet another Canadianist who has become preoccupied with the Aboriginal question.

In short, this issue of the IJCS offers a remarkably rich and diverse treatment of Aboriginal Peoples and their relationship with Canada. In the process, it demonstrates why these

manifeste dans leur musique. Karl Neuenfeldt montre comment la musique ethno-pop contemporaine des Autochtones constitue un lien important de critique culturelle, de protestation sociale et de résistance.

Enfin, plusieurs auteurs abordent la lutte des autochtones pour s'assurer le contrôle du territoire. William Hamley étudie l'entente conclue récemment avec des chefs inuit pour créer le territoire Nunavut dans le nord du Canada, et il évalue les occasions et les problèmes que risque de soulever la nouvelle entente. John Pierce et ses collègues comparent les attitudes du public face aux revendications territoriales des Autochtones dans deux villes canadiennes et dans deux villes américaines, situées à proximité. Ils relèvent autant de différences entre les deux villes canadiennes qu'entre elles et leurs équivalents américains. Quant à lui, Joseph Mensah montre en quoi les concepts et les techniques de la géographie peuvent favoriser une meilleure compréhension des questions soulevées par les revendications territoriales autochtones.

Comme on le disait au début, la Commission royale sur les peuples autochtones poursuit ses travaux depuis quatre ans. Au cours du processus, elle a commandé un grand nombre d'études, et ce en étroite collaboration avec les peuples autochtones. Par conséquent, de 200 à 250 études ont été passées en revue et seront mises à la disposition de la communauté universitaire. Peter H. Russell dresse la liste des divers thèmes abordés à l'intérieur de ces

questions have engaged the active interest of scholars not only in Canada but in many parts of the world.

Kenneth McRoberts
Editor-in-Chief

études. Ils ne manqueront pas de constituer une ressource inestimable pour les chercheurs et savants du monde entier. Nous ne pouvons qu'appuyer M. Russell lorsqu'il affirme que ces études devraient être disponibles en format imprimé plutôt que sur CD-ROM.

Le dernier document est le texte rédigé d'une allocution très réfléchie prononcée récemment par Alan Cairns, distingué spécialiste en sciences politiques et ancien rédacteur adjoint de la RIÉC, alors qu'il recevait le Prix international du Gouverneur général en études canadiennes. Même si cet aspect ne ressort pas directement de son texte, nous tenons à ajouter qu'Alan Cairns est un autre canadianiste qui se préoccupe de la question autochtone.

En résumé, ce numéro de la RIÉC offre un traitement remarquablement riche et diversifié des peuples autochtones et de leurs relations avec le Canada. En la parcourant, on y apprendra pourquoi ces questions soulèvent l'intérêt des universitaires, non seulement au Canada, mais aussi un peu partout dans le monde.

Kenneth McRoberts
Rédacteur en chef

Gerald McMaster

Object (to) Sanctity: The Politics of the Object

Abstract

This paper examines the idea of the object by offering perspectives that draw upon both Western and Aboriginal thought to investigate contemporary issues of the object. Several questions will be examined, for instance: How do we theorize the object sanctity in terms of identity? How do the collecting practices of one culture redefine and overlay new meaning? How does the view of one Aboriginal person contribute to our understanding of culturally-specific knowledge systems? Finally, how are Aboriginal people, specifically artists, contributing to a critical discourse of the object?

Résumé

L'auteur étudie l'idée que l'on se fait d'un objet en proposant des perspectives tirées de la pensée occidentale et de la pensée autochtone afin d'examiner les questions contemporaines qui portent sur l'objet. L'article soulève plusieurs questions : Comment élaborer des théories sur le caractère sacré de l'objet en termes d'identité? Comment est-ce que les pratiques d'une culture qui collectionnent objets d'art et artefacts redéfinissent et recouvrent les nouvelles significations? Comment est-ce que le point de vue d'un ou d'une Autochtone ajoute à notre compréhension d'un système de connaissances spécifique à un groupe? Et enfin, comment est-ce que les peuples autochtones, et plus précisément les artistes autochtones, contribuent au discours critique qui porte sur l'objet?

Introduction

In the late nineteenth century, the Canadian government policy of "aggressive civilization"[1] destroyed most, if not all, Aboriginal cultures. Aboriginal peoples were forced into modernity. As a result, old objects lost their value and function, and religious practices were quickly outlawed.

> When ... elders passed away, so did a portion of the tribal language come to an end as a tree disintegrates by degrees and in stages until it is no more; and, though infants were born to replenish the loss of life, not any one of them will learn the language of their grandfathers or grandmothers to keep it alive and to pass it on their descendants. Thus the language dies.[2]

In the wake of enforced modernity, massive quantities of inert tribal objects appeared, while traditional cultural practices and the languages of the object, disappeared. What happened to these displaced objects? What replaced them? "He couldn't stop his memory, From drifting back in time, When he still had his wife and kids, When life had been so kind."[3]

Sadly, the objects did not outlive their purpose, nor were they ritually "killed". Instead, they were salvaged and recycled into commodity, artifact, specimen, art, heirloom, treasured cultural heritage, or as sacred emblem. With this in mind, we can understand why Native peoples today see museums as a "site of struggle", where vast amounts of their material culture has ended up. At the same time, we must realize that critical dialogue is necessary to any systemic change.

Before we examine divergent Native perspectives of the object, how museums construct meanings of sanctity, the future of exhibition and collecting practices, we have to understand the conditions that displaced Aboriginal material cultures, as well as theorize the object in terms of "identity".

Thus, in this paper I will examine the object: its displacement, its changing status, one Plains Cree person's cultural knowledge of the object, how the issue of sanctity is overlaid and by whom. As well, I would like to show works by a number of contemporary artists who critique displacement, and finally offer some thoughts regarding the future for care and collecting of sacred and sensitive objects.

The Object

Professor Antonio Gaultieri of Carleton University says, "[objects] don't mean; people mean." Focusing on this idea, we will examine how cultures give meaning to objects and, more specifically, how objects attain an identity and whether their biography gives them significance.

To begin, the title of this paper proposes at least two usages for the term object. First, as a noun: "anything that is visible or tangible and is relatively stable in form; a thing, a person, or matter to which thought or action is directed" — as in, "object sanctity"; second, as a verb: "to offer a reason or argument in opposition; to express or feel disapproval, dislike, or distaste, be averse" — as in "object to sanctity."

There are many different ways of regarding the object: as art, artifact, heirloom, commodity or sacrament. The University of British Columbia's Museum of Anthropology Director, Michael Ames, says, "[these] are all properties or values of the object, all phases in its life." Furthermore, he states:

> [v]alues may be imposed by those wishing to possess or appropriate the object, and others asserted by those claiming moral jurisdiction. These transformations of meaning and use during the object's careers could be better represented in museum interpretations. The longer the career of an object, however, the more segmented its history becomes, and the more knowledge about it becomes fragmented, contradictory, differentiated, and fodder for commodification and dispute (Ames 1992:144).

These issues raised by Dr. Ames are an appropriate starting point for a discussion on the politics of the object.

Objects, like words, function in part to structure our understanding of the world. They reflect and are keys to different realities. We understand also that the object is a sign, but these signs do not refer to things; they signify concepts,

and concepts are aspects of thought, not of reality (Scholes 1982:24). Thus, if museums assign a certain meaning to an object, contemporary Aboriginal people are similarly able to render their perspectives on patrimony. Interestingly, Aboriginal people are beginning to understand Pierre Bourdieu's concept of "cultural capital." This knowledge now forms a basis for struggle in the arena of cultural politics.

Following Pierre Bourdieu, then, the term "cultural capital" means that objects are repositories for knowledge shared by various people and institutions, particularly those who have heavy investments in them, naturally leading to ideological struggles. When discussing works by contemporary Aboriginal artists, this paper focuses on the latter.

Object Identity

We will begin our discussion by theorizing the object in terms of identity. Does an object have an identity? How do language and ideology inform its identity? Do objects serve to express Aboriginal people's identity? Does the career (or subjectivity) of an object change within different situations?

We return to Michael Ames' views on the object, where he asks us to problematize the object in terms of its checkered, commodified, disputatious and palimpsest-like career (Ames 1992:145). What does he mean? He suggests that an object's palimpsest is its history layered with shifting meanings, reinscribed each time it changes hands or contexts, and thereby built up in stages without completely erasing its previous history. Aldona Jonaitis calls it "wrappings" (1992:28). Indeed, this is what ultimately gives an object its biography. The study of an object's social history is the study of what happens to it, and to the people it attracts. "[O]nce they leave the hands of the original users, and most particularly, once they become appropriated by scholars, collectors, and museums in the wealthier nations. Objects live beyond their origins, and acquire new meanings, new uses, and new owners along the way" (Ames, 1992:46).

To suggest that an object has a history or biography further implies that an object must begin with a discrete identity. Ames' notion of a palimpsest inscribes the object with a kind of postmodern identity — multiple, fragmented and shifting. Both of these notions are fundamental to the politics of the object, where the conjuncture of Native and non-Native perspectives becomes "sites of struggle." While a palimpsest creates differing and often contradictory subjectivities, Aboriginal-specific objects have very precise, unified identities whose specificity is unquestioned. An epistemological shift must be realized when an object's identity, or its intrinsic qualities, have been invested through ritual practices often based on rights, privileges and position. We must ask: What is an appropriate way to address Aboriginal objects within these conflicting conditions?

If various collecting institutions were to consider these conflicts, it is conceivable that acquisitions, exhibitions and research policies could generate a more dynamic consciousness of the "We" versus "Them" split. I would propose some objects be (re)presented in a format which speaks to these

multiple identities, where objects can be arranged in dialogical spaces, or even presented in terms of what Foucault would call an "effective history."[4] In this way, we can begin unwrapping objects to reveal their different epistemological possibilities.

Also, all museums, like objects, have differing subjectivities: museums are given identities by the objects they hold, and vice versa. Furthermore, we can assume that their strategies and practices for exhibiting and collecting also vary. For example, curators and other museum professionals view collections aesthetically, historically or anthropologically, and may ask: What is the object's provenance? Who made it? When, where, and under what circumstance? What were the conditions of its creation? What is it made of, its size, colour, etc.? Does an object's identity in a large museum alter in a small, local museum? Does the large museum concern itself with "an object for object's sake" perspective? Does the local museum ask more of the object? Such as: What does it mean to our community? And, does the local museum see an object as having a fragmented and palimpsest identity?

Without suggesting that Aboriginal-run museums are only concerned with the identity of a unified or essential object, they do tend to offer specific perspectives. Historian James Clifford has every right to situate the identity of the U'mista Cultural Centre, Alert Bay, B.C., as "oppositional." How do U'mista and its community see themselves? Their exhibitions, intended for the community, present their history and culture as an expression of their identity. All museums have a mandate that most if not all follow. They call themselves a "cultural centre," which in some way is oppositional, if we understand the history of their existence. But, in light of Clifford's argument, can we apply it to mainstream museums, such as the Canadian Museum of Civilization's Canada Hall or the Smithsonian's Museum of American History, where there is barely Aboriginal presence? Clifford disagrees, saying: "Since the objects' very visibility and presence [at U'mista] is inextricably tangled in [Canadian] history, they can never be treated as icons of pure art or culture. The display's effect, on me at least, was of powerful storytelling, a practice *implicating* its audience" (Clifford, 1991:240). Does Clifford think these objects are used politically?[5] Does the Kwakwaka'wakw? Politics plays a more visible role in larger urban centres. Museums like U'mista have placed these repatriated objects in terms of historicity, where the objects' cultural and historical identities speak to the community. Their local audience is always aware of itself. They are always finding ways of transmitting their culture on to their children. When they speak to the outside, they do so in travelling exhibits like *A Slender Thread: The Art of Mungo Martin* (1990). If any oppositionality exists, it targets Canadian history more than regional history. They pick their opponents wisely.

U'mista presentations illustrate its patrimony and address its community. Outsiders learn who the Kwakwaka'wakw are and how they use cultural patrimony in the community. Any oppositionality is usually left to contemporary Aboriginal art practice. Oppositionality consumes energy which the U'mista would rather spend on strengthening their identity and, by extension, their community.

Collecting Practices

In the case of the Kwakwa̱ka̱'wakw, cultural practices were seen as an impediment to their acculturation into Canadian society. Therefore, many of their institutional practices were outlawed and objects confiscated in an effort to erase their identity. This section examines other ways in which objects have left Aboriginal communities, many to find their way into today's museums.

We begin with a lengthy quote from Alan Shestack, Director of the Boston Museum of Fine Arts, because his perspective reflects that of all museums, but with some cautionary advice:

> Museum professionals are acquirers; we are inherently greedy collectors. Most of us go into the profession because the desire to accumulate and bring together objects of quality is in our blood. We are personally and professionally devoted to adding to and improving our holdings — that is what makes us tick. And to consciously or intentionally turn down a highly desirable object we can afford to buy on the basis that we suspect that it might have been removed illegally from its country of origin — and also knowing that it will end up in the collection of a rival institution or an unscrupulous private collector is a very hard thing to do. But those museums which do, it seems to me, can and should apply a certain degree of moral pressure on the others (1989:97-98).

A great theme during the 19th and 20th centuries was that Aboriginal peoples were "vanishing." This notion affected the collecting, or in James Clifford's words, the "salvaging" of Aboriginal material culture. The "vanishing Indian" discourse extended equally into the fields of art and literature.[6] As disease, warfare and starvation decimated indigenous populations, governments instituted reservations to protect them from the outside world. This protection, however, excluded traditional practices which were decimated by a modernization that suggested a conscious rejection of traditional practices. For Aboriginal people, modernity meant a demise of their tradition because government policy was to assimilate them and forcibly sever them from their past. Modernity in this sense was directed towards civilizing the savages, as the policy of "aggressive civilization" proclaimed. Diana Fane, of the Brooklyn Museum, writes in *Objects of Myth and Memory*, "mixing grim statistics about the future with nostalgia for the past, the rhetoric of the vanishing Indian was well established by the mid-1800s" (1991:21).

Fane goes on to say that very early on collecting Aboriginal material culture was "frankly subjective, necessarily fragmentary, and mildly diverting — [it was] an incidental result of warfare, colonization, and adventure on the American frontier" (1991:21). After the Philadelphia Exposition in 1876, museum-sponsored collecting expeditions reversed this position. "It was no longer sufficient for Indian things to surprise or entertain: they had to work in unison to create an authoritative account of Indian cultures before contact. Subsequently, exhibitions became the main medium for presenting the story of America's aboriginal race to the public" (Fane 1991:21).

Similarly, Sally Price, in *Primitive Art in Civilized Places*, states that collecting Aboriginal material culture was based on the notion that it

contributed to human knowledge. She jokingly adds that "it seems only proper that 'civilized' people should control the fate of 'tribal' art, enshrining it in their cultural conservatories for the benefit of 'the world'" (1989:76). Further to this logic of collecting from vanishing races, other equally insightful processes of reciprocity contribute to an object's biography.

To begin, early collecting practices from European perspectives suggest that exchanges between Europeans and Aboriginal peoples were initially reciprocal, i.e., favourable exchanges did take place. Stephen Greenblatt, in *Marvellous Possessions,* disagrees with Tzvetan Todorov's suggestion that Natives were "parrots," and suggests instead that Aboriginal people had mastered the European signs which contributed to favourable exchanges. Greenblatt says these initial exchanges were remarkable:

> We cannot make a universal principle out of this desire to possess a token of otherness, for there were peoples who resisted all contact and showed no interest in economic exchange, but it is sufficiently widespread to warrant a presumption about the behaviour of most human beings....And it is in these early exchanges that we can glimpse most clearly some of the founding acts of principle imagination in the European apprehension of the New World (1991:99).

Earlier, Shestak referred to the "unscrupulous private collector." Our normal conception of collecting frames it as a "scrupulous" sensibility. But questionable collecting practices, like "looting," have proven a threat to Native American sites, particularly in the United States where the commercial value of "Indian" antiquities has risen over the past fifteen years. "Looting is sacrilegious to many Native Americans as well as destructive of the sole source of information about their unwritten past" (Nichols et al. 1989:29). This illegal activity is highly problematic for Native Americans who still actively conduct ceremonies in locations where religious shrines become targets for looters. "Removing sacred objects is not only a theft of property but, in the eyes of [many Native Americans], it also robs them of their power (ibid.:33) ... looting is a crime far beyond that of breaking a federal, state, or tribal law: it is an act of desecration that violates deeply held religious beliefs that are essential to the spiritual well-being of Native Americans. Ignorance plays a role in the persistence of looting, as does prejudice, but financial gain is an increasingly important factor" (ibid.:37).

Next, our attention turns to replicating objects, a practice done in a variety of ways. For example, museums like the Royal British Columbia Museum in Victoria, B.C., commission Aboriginal artists to replicate old totem poles. The same artists can often be found reproducing newer manifestations of a culturally-copyrighted concept — masks, poles and dance paraphernalia are just some examples. Published historical reports point out that Aboriginal peoples actively consented to trading or re-creating objects. In these highly political times, this notion of consent is a discomforting realization. However, Henry Giroux points out that in radical theories of hegemony consent can work in two ways: either the dominant imposes its logic on the subordinated or

[alternatively] in the revisionist radical version, consent is defined through more active forms of complicity in that subordinated groups are now viewed as partly negotiating their adaptation and place within the dominant culture (1993:193).

As a contemporary strategy, negotiating in Aboriginal and non-Aboriginal communities, artists can continue to be responsive to both. As a practice of commissioning, Diana Fane sees replicating as problematic for cultural authenticity and historical significance. She says: "Summoned into existence by the collecting process itself, [replicas speak to] a past in which they played no part" (1991:27). Although 19th-century American collectors like Stuart Culin commissioned replicas, "they in fact call attention to the fiction of the totality he constructed. At the same time, they contradict the underlying premise of his collecting — the myth of 'the vanishing Indian' — and provide us with an invaluable corpus for the study of individual creativity and knowledge within Native communities in the first part of this century" (1991:27).

Continuing along the lines of a radical theory of hegemony, Fane points out how difficult it was not only to see sacred and ceremonial objects, but to purchase them. She writes that early collectors often found it difficult to obtain sacred objects, particularly in situations where ceremonials were still alive. The collecting expeditions of her example, Stuart Culin, took him to Oklahoma, the Southwest and Northwest Coast, and also to the Hupa of California. About them he said, "they are not very satisfactory people to trade with. They commonly ask excessive prices for the sacred objects which they themselves value, although ordinary old baskets and household things they let go at about their current value" (Fane 1991:164). It seems back then, the game of negotiation was well understood by Aboriginal people. Viewed from this perspective, we begin to get a radically different picture. Indeed, it may be less a matter of resistance than shrewd trading practices learned over many centuries in dealing with other tribes.

A Plains Cree Perspective

When [the] elders passed away, so did a portion of the tribal language come to an end as a tree disintegrates by degrees and in stages until it is no more; and, though infants were born to replenish the loss of life, not any one of them will learn the language of their grandfathers or grandmothers to keep it alive and pass it on to their descendants. Thus the language dies (Johnson 1992:99).

Basil Johnson, an Ojibway writer, wrote this with the understanding that even with the renewed efforts today, Aboriginal traditions remain tenuous. Unless great strides take place in Aboriginal language policy, similar to the political efforts by the French-Canadian province of Quebec, then recovery rates in among Aboriginal tribes will remain sporadic.

Not only language recovery but also the importance of language in understanding various traditional concepts, an object's identity for example, or how Aboriginal languages give meaning to objects, commands interest.

Walter Bonaise, from the Poundmaker First Nation Reserve, Saskatchewan, is an honest and giving person, with great wisdom and knowledge known to the author for almost twenty years. Once, in discussing some cultural matters, our conversation turned to a few key ideas. The telephone conversation, though not conducted over "the pipe," was most illuminating. He was extremely generous with his time. The following is a translated version of our conversation on subject of the object.

Is an object like a medicine bundle sacred, or is it the idea?

> Mr. Bonaise states that the many objects contained in medicine bundles, aya-chi-kana, are ordered in very particular ways, and its owner communicates with it in a particular language. Today, many Native people do not know what to do with the bundles because it scares them. He realizes that something has to be done, but only knowledgeable elders have the means because of their access to language. Today, he says, awareness of the objects' identity, their importance and their powerful manifestation, should be well-known. Museum curators and conservators, find it particularly difficult to handle bundles because they do not understand the object's meaning. If, for instance, we are to understand what they have to teach, we must first know how to open them, what their functions are, and then how to use them. If they are to help us, we must know how to connect with their power.

> Bundles were (are) always used and brought out for important ceremonies to help the people. Unfortunately, this practice is largely lost. He suggests that many unfortunate situations facing Aboriginal people result from their loss of knowledge, for example, the power of the bundles.

What does it mean to attempt repatriating them?

> Mr. Bonaise says it all depends on the objects in question because certain objects provide more valuable assistance than others. This echoes a similar concern of other Aboriginal peoples across Canada and thus placates the fears of museums that Aboriginal people are preparing for an all out repatriation. It is only *certain* objects in the end that are going to help, viz sacred objects.

> Regarding sacred and sensitive objects now housed in museums around the world, Bonaise says there are some institutions willing to repatriate, like the Manitoba Museum of Man and Nature. The problem is not only being cognizant of the kinds of objects for repatriation, but understanding their content as well; otherwise, he and others would accept their return. Over the years, while working with members of various Plains Cree bands, he sensed some disagreement as to the consequences of repatriation. Some do not seek repatriation, perhaps because of the tremendous responsibility it entails.

> During the late 1970s and 80s, Mr. Bonaise and a group of elders, directed by the Saskatchewan Indian Cultural College (Saskatoon), made regular visits to museums. This practice, however, has declined in recent years due in part to high travel costs. At the museum site, elders would ask the staff to bring out specific objects that would then

be addressed in prayer. Out of deep respect for the object's inherent sacred power, none were touched.

Regarding sacred power, he warns museum staff to handle the sacred objects with care. Aboriginal elders observe objects very differently from museologists. Thorough understanding is crucial before deciding to open the bundles; otherwise, adverse affects could damage eyes or other parts of one's body. To this end, curators must take responsibility in understanding these issues to be able to discuss them with fellow staff. Curators should know the objects and their functions. He points out that some objects kill and are therefore very serious business. Adverse effects cause one to go crazy, or to do something bad, if one smells a bundle.

Is there a future for museums and Aboriginal people?

Mr. Bonaise says indeed there is a future, but museums must take responsibility in understanding the meaning of many objects. It is not enough to aestheticize old objects, or view them simply as an interestingly layered object. He criticizes museums for their lack of interest in meanings, except the Museum of Man and Nature.

Do objects have an identity?

Yes, every object has an identity, especially ceremonial objects.

Can objects change their identity?

No, but, that depends upon the person describing their objects, whether he is selling or keeping.

If we interpret these objects as having an identity, then we might see and handle them differently. If, for example, you intend to talk about an object, you must know and understand its identity. Bonaise criticizes people's passivity to learning and obtaining this kind of knowledge, believing that the responsibility is "just too much!" If one knew an object's identity, then potentially one could learn the language with which to speak.

Bonaise acknowledged that each tribe has particular languages of articulation and knowledge. He understands objects to have essential qualities that signify their individual origins. Though each tribe may use different words, he says they mean the same. He goes on to say that the only difference is the particular way a person explains the object's identity. The medicine bundles, where each object contained within it has an individual identity, given by its owner when it is selected from nature, or as revealed in a dream, is one example. Once they find its identity, they know how to use and preserve it. Gaultieri would say that we mystify the object, which then assumes a life of its own.

Walter Bonaise, and others like him, posess a considerable amount of traditional knowledge. How do Aboriginal elders and museums benefit, particularly when relations are at an all-time high? Museum people must be willing to *listen*, not only for the ideas they want to hear, but far more importantly, for the ideas they do not want to hear. Occasionally, unfavourable situations may result from an

unwillingness to listen; but what we do not want to hear may save us from embarrassment and frustration.

Object Sanctity

Antonio Gaultieri says "[an object's] religious meaning may emerge only for those who live within its context ... [where] cosmological and axiological, meaning is not objectively present in the object but is interpolated by the devotees ... [Thus, objects] don't mean; people mean." Religious symbols "mediate the reality of another world whose inherent structure provides a therapeutic alternative to the profane world of bafflement, suffering, injustice, guilt, and death." This echoes the words of Bonaise who says that elders or owners give an object its identity, and thus its sanctity.

Sacred objects, Gaultieri says, are "interpolated" by their devotees. In other words, meaning is given to the objects. This is the general view of the sacred within a Western religious context. This section examines how objects are sanctified, or "interpolated," by other than religious personages.

If we interpolate, or give meaning to objects, can objects in turn call out to us, as in: "Hey, you there!"? Louis Althusser uses the term "interpellate" (1992:55). I would like to suggest they do, and, in the following, use both terms, though not interchangeably.

In her fine essay, Barbara Kirshenblatt-Gimblett sees de-contextualized objects used by museums metonymically as representations for "the absent whole." Does this mean they have fragmented identities whose meanings museums can now unwrap?

> The art of the metonym is an art that accepts the inherently fragmentary nature of the object. Showing it in all its partiality enhances the aura of its `realness.' The danger, of course, is that museums amass collections and are, in a sense, condemned ever after to exhibit them (Kirshenblatt-Gimblett, 1990:388).

Here, museums interpolate the objects. It places meaning into the sole object. Aboriginal people would want to know what higher purpose is served by showing only fragments? Is it for an aesthetic thrill of Otherness? Is there a breech of ethics behind this kind of representation? The modernist sensibility of objects treated self-referentially invades traditional non-Western objects, particularly in the case where they are termed "art," which leads us to the next question.

Do certain objects interpellate (hail) us by making us subjects? Yes, if we accept Althusser's definition. Objects that are aesthetically interesting can and do turn us around, by making us take notice. When curators place objects in exhibitions, they are hoping the objects will interpellate the viewer. Interestingly, these objects could be either sacred or profane. However, when we view exhibits, are we at all aware of what Mr. Bonaise calls the "power-ness" of certain objects? One assumes he is not referring to the power of interpellation.

Curators are a strange lot; they are "exhibitionists." Above all, the object is their prime means to attract attention. Through textual means, the curator makes sense of the unspeakable objects for the audience. They objectify texts and textualize objects. They market objects as commodities for public consumption; in their eyes, objects enter the museum as "failed metaphors" because they are no longer useful in the tribal sense. Their exhibition practices aestheticize the objects, giving them new status. Peter Gathercole says objects do not have the power which curators do. He calls this, "curatorial knowledge," in which objects are transformed by the curator, thereby setting up a kind of power relation (1989:75). Gathercole sees this power unevenly in favour of the curator. Did the curators of the *Spirit Sings* consider its "curatorial knowledge" before selecting which objects would go on display? Did the objects interpellate the curators?

Furthermore, consider museum conservators: Are they interpellated (hailed) by the object? Yes, but, unlike curators. Do they sanctify the object of their concern? Yes, but, unlike spiritual leaders. How? This is usually done only after an object becomes integrated into the collections as patrimony, not before. Conservators, entrusted by code, are to preserve objects, to "suspend" their organicity for as long as possible, at all costs — debugged, decontaminated, deferred, democratized and detached. Interestingly, there is an underlying power relation with the curator. It is the curator's passion to exhibit an object, at all costs, wherein the conservator plays an oppositional strategy by recommending the limiting the object's exposure, at all costs.

Object To Sanctity

In this final section, the notion of museum as a "site of struggle" is presented through the works of contemporary Aboriginal artists who specifically interrogate the uses and abuses in the representation of Aboriginal material culture. This is the second aspect of the word "object" which as mentioned earlier offers a reason, an argument, a critique opposing past and present museum practices.

These artists have some advantage over Western artists because they, as non-Westerners, are constituted within the modern non-art museum. These non-art museums have a history of representing the "Other," that is non-Western peoples including Aboriginal North Americans, within the disciplinary boundaries of anthropology and ethnology. Consequently, they have taken the view that a museum is a burden to their representation, in which their struggle is to contest the discourses that control them. Their artistic interventions are to some extent struggles to negotiate between the sacred/ secular and sanctity/artifactuality. Each work stresses the artists' concerns in historical, social, political, spiritual and aesthetic terms.

The following works were primarily created in the 1980s, a couple in the 1990s. They reveal efforts to call attention to the often ludicrous representational practices of museums. Believing their works can raise consciousness, a tactic begun by an earlier generation of artists, the discourse is now profoundly articulated by a new generation. In the late 1980s, as each of the artists worked in relative isolation, a pivotal exhibition brought focus and

attention to itself by raising profoundly disturbing issues in the representation of objects. This exhibition was called the *Spirit Sings: Artistic Traditions of Canada's First Peoples.*[7]

Observing the rift between anthropology and art, anthropologist Sally Price, in *Primitive Art in Civilized Places*, proposes a third spatial conceptualization situated somewhere between these two extremes, which release some pressure in the politics of representation (1989:93). We would further argue that this liminal or in-between space is strategic. From this position, contemporary Aboriginal artists can view artistic practice as an articulation of everyday life. Furthermore, from this position, their works, used as self-parodying devices to critique cliches, stereotypes and conventions of Native representations, become part of the critical discourse. These are only some tactics these artists (have) use(d) in bringing attention to institutional practices.

Aboriginal Canadian artists Jane Ash Poitras, Joane Cardinal-Schubert, Gerald McMaster, and Native American artists Jimmie Durham and James Luna, have independently made conceptual installations that refer directly to anthropological practices. Their investigations raise questions about the nature of representing the "Other," sometimes in very humorous ways, like James Luna's self-representation as an "artifact." As well, they question the very nature of the "object." The object/artifact in these institutional spaces is about them and their cultural identity. Thus, their works act as a mirror into which we all must peer and become part of the critical discourse.

Unlike most of these artists, Jane Ash Poitras' recent work does not share the same polemic. Her work crosses potentially problematic boundaries. Instead of criticizing the use and abuse of the object, she interpellates the sacred. She says:

Jane Ash Poitras, *Lured, Assimilated, Transformed*, 1992, mixed media installation

It's not my position to put down other people's religions. I'm not going to crucify Christianity just because there's some bad apples out there who don't know how to believe. They institutionalized it. Religion is man made; belief is sacred. Shamanism is not a religion; it's a belief. Indians very much believe in Jesus Christ and Kiche Muntou and Buddha — they're all intertwined ... [my works] celebrate my personal life. The paintings become a valorization of who I am, of my soul, of how I see life. In the metaphysical sense, I have to paint to live. The minute I stop painting I die (Enright 1992:13).

This work reflects a personal journey of discovery, from birth to death and back to rebirth, as the title indicates. Poitras examines our foibles to interpellation — *Lured* — which is constituted around materialism, the "department store" style of collecting, which is the ideology of modern man and museums. In the second case — *Assimilated* — she presents the dangers of habit as addiction, where addiction signifies death. Finally, freedom from addiction, which is the key to self-control, signifies the rebirth — *Transformed* — helping others to this consciousness also becomes part of the transformation.

Joane Cardinal-Schubert, inspired by a research visit to the Canadian Museum of Civilization, created the *Warshirt Series*. There she saw the actual shirts, dresses and other objects, collected in the 1880s, stuffed into plastic bags, numbered, and separated from life. "I thought, what kind of possessions do

Joane Cardinal-Schubert, *Is this My Grandmothers'*, 1988

Native people have of their grandparents, and great-grandparents? None. They're all in Ottawa in the drawers" (Duffek 1989:36). It would seem this preventative care of cellophaning artifacts, as a form of pest-control, does not work for Cardinal-Schubert, who seems to question: Just who are the pests?

She brings to our attention the distance between the museum's artifacts and their originating communities. As contemporary Aboriginal peoples try to make sense of the historical circumstances that led to the removal of hundreds of thousands of objects from communitiess across the Americas, sitting lifeless in storage facilities, the question for both communities is: How do we bring these objects back to life? How do we give them back their identity?

I did an exhibit called *Savage Graces*, in which I examined the ideological and conceptual frameworks of museums by bringing critical attention to its representational and collecting practices. Art critic Robin Lawrence says of the exhibition.

> The location of *Savage Graces* speaks a little about the institutional reception of contemporary Native art, since the room in which it should have been mounted is occupied by a temporary exhibition concerned with the retrieval of *historic* Native art. (Contemporary Native artists are still struggling with two systems of exclusion — many fine-arts galleries are not receptive to their "Native" aspect, and many anthropology museums are not receptive to their "contemporary" aspect.) Still, the dialogue stimulated here and the re-educative process it triggers are obviously necessary, especially amongst unenlightened tourists looking for some reaffirmation of a Hollywoodized or museumized notion of Indian. One young visitor to the museum — a blond-haired child — was beating Indonesian

Gerald McMaster, *Fully Authentic: A Completely Different Picture*, 1992

> *Kentonga* (generic tribal drums right?) around the corner from McMaster's work. As he beat and bonged, he said: "This is the kind of drumming they do before they kill their captives, huh Dad?" Huh? How? Ugh? (1992:27-28)

Durham conveys irony, rather than the directness of Cardinal-Schubert. In these works, Durham's collection is made of "part-found, part-fabricated," "artifacts," "sociofacts," and "scientifacts,"

> displayed with printed labels and notes both in a museum vitrine and on the wall. It purported to illustrate the "natural history" of the Indian. However, ... among other things, presented a portrait of a body *dismembered* and reassigned to the dead space of the museum. Despite the absurdity of the items, their signs of "Indianicity" led many viewers to mistake them for genuine museum articles, missing the parodic humour in his *mime* of the act of ethnographic surveillance (Fisher 1992:47).

Durham wants us to understand scientific objectivity, the "coldness" of museum representation, against the highly personal nature of some objects. They are lifeless and desanctified. They are now only scientific specimens. So
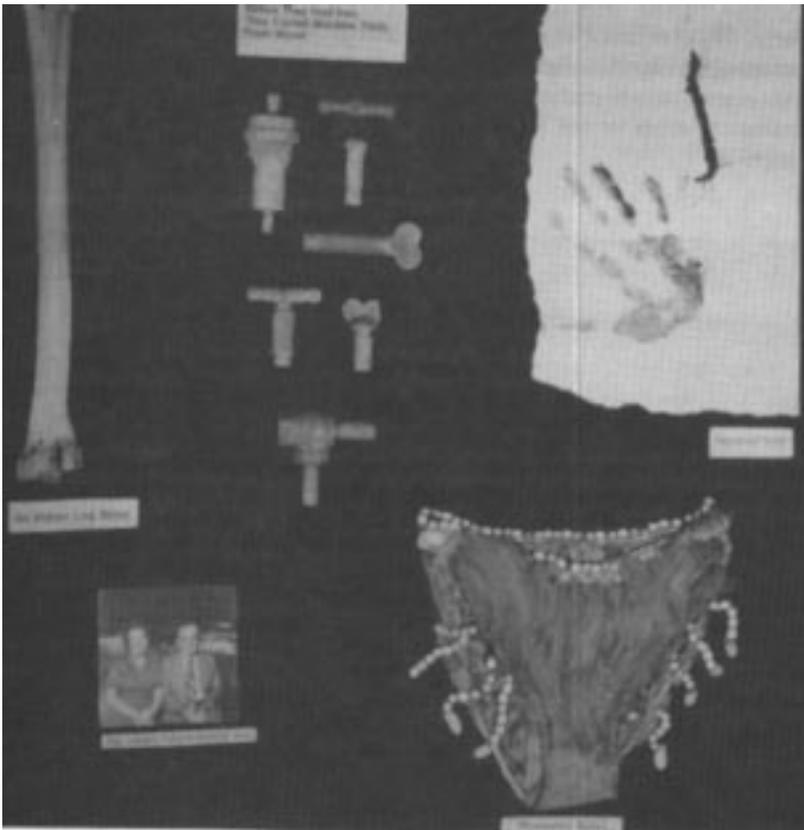
Jimmie Durham, *On Loan from the Museum of the American Indian*, 1985, mixed media

the question becomes, in the future, can science and Aboriginal communities form amicable partnerships where both can have their cake and eat it too?

Perhaps the most intriguing work that challenges everyone's "ethic of aesthetic" is James Luna's, *The Artifact Piece*. This work not only confounds viewers, but it implicates them as well. Jimmie Durham responds to the work by saying, "[it] seems genius to me — with that quietly outrageous Indian humor that has been so valuable to our survival" (Durham 1990:172). Luna first introduced the work at the Museum of Man in San Diego, among its permanent exhibits. This is how Jean Fisher describes it:

> The artist [lies] on a bed of sand in a museum case, complete with name tag. Accompanying labels drew attention to scars on his body, documenting injuries received during an episode of "excessive drinking." Two additional cases contained the artist's personal documents and ceremonial items from the Luiseno reservation. These, together with the impression of his body in the sand, constituted the signs of his presence at moments when he was absent from the case... There is a diabolic humour in his parody of the "Indian" in the realm of the "undead"... If the purpose of the undead Indian of colonialism is to secure the self-identity of the onlooker, the shock of his real presence and the possibility that he may indeed be watching and listening disarms the voyeuristic gaze and denies it its structuring power (1992:48).

Clearly, *The Artifact Piece* did strange things to people's reality and to the question of an object's identity. For a moment, this artifact was alive, because an Aboriginal person had control over its identity. The public on the other hand
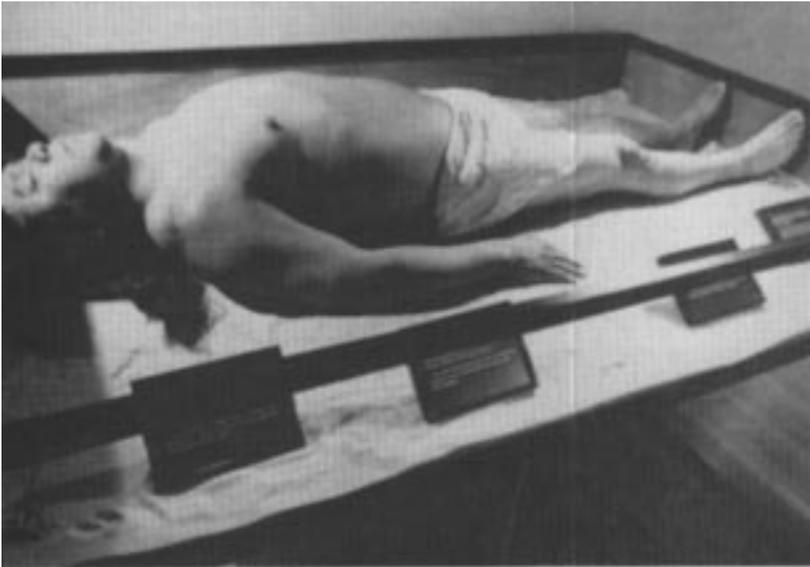
James Luna, The Artifact Piece, 1987, mixed media

questions whether or not Aboriginal people still exist. Luna plays with that perception.

Conclusion

What does the future hold for the care and collecting of sacred and sensitive objects? Following the *Task Force Report on Museums and First Peoples*, museums have become much more conscious of their practices. Decisions affecting Aboriginal people are beginning to be addressed openly and honestly. But questions continue about the ethics of collecting and exhibiting. What is to be exhibited in the post-*Spirit Sings, Into the Heart of Africa*, era? How are we to involve Aboriginal people throughout all phases of exhibition production? What or whose perspectives do we present? How is "content" to be negotiated? For whom are exhibits intended anyway, and why? How do we bring the Native points of view into the exhibitions?

In terms of collection practices, again, how do we, or what do we collect, in the post-*Spirit Sings* phase? When we collect, are we really collecting for accumulation, or for the fear something is "vanishing?" Can we collect to help "preserve" Aboriginal cultures, by contributing to an active, dynamic cultural base, rather than for cryogenic purposes?

As we have seen, Aboriginal material cultures, like identities, are in constant flux — until of course, they become repatriated with their origins. Then, can we really grasp the knowledge that their intentionality and meaning continue to convey? Are museum identities threatened by including its "Other" in all areas of decision-making? Are museums subjected forever to "looking" at Aboriginal people within the context of the "ethnographic gaze?" Has the discipline of ethnography outlived its usefulness? Or, for that matter, have art and history?

Acknowledgements

Notes

1. The policy of "aggressive civilization" refers to the *Indian Act* of 1876.
2. Basil H. Johnson, "The Prophesy," *An Anthology of Canadian Native Literature in English,* p.99.
3. Nieman, Andy P., "A Native Elder's Solitude," *Gatherings*, p. 111.
4. Hooper-Greenhill, Eilean, *Museums and the Shaping of Knowledge*, p.10, "Foucault rejects the notion of a continuous, smooth, progressive, totalising, developmental history. He works instead with 'effective history,' a view of the past that emphasises discontinuity, rupture, displacement, and dispersion. The targets of Foucault's work are not 'institutions,' 'theories,' or 'ideologies,' but 'practices,' with the aim of grasping the conditions which make these acceptable at a given moment."

5. To quote a passage from *Mixed Blessings*, in which Lippard sees Clifford as wanting to see the Native Tlingit perspective: "See James Clifford's bemused account of the Portland (Oregon) Museum of Art's negotiations with Tlingit Northwest Coast art. The totally unexpected process, which focused on songs and stories rather than specific data about specific objects, yielded insights into the marginal role of determination to find a museological way to "represent that discrepancy between object and context prominently in the exhibits.'" P.250, Note #10. This is a similar experience I believe Aldona Jonaitas recalled during the production of *Chiefly Feasts.*

6. See Truettner, William H. (ed.), *The West as America: Reinterpreting Images of the Frontier, 1820-1920.*

7. Since the *Spirit Sings* exhibition of 1988, (re)presentation of Aboriginal material culture has developed into a burgeoning critical discourse. Curators who routinely collected or exhibited such objects are now asking serious questions about their practice. Indeed, the *Spirit Sings* became a watershed in Canadian museology. With the subsequent release of the *Task Force Report on Museum and First Peoples* (1992), many museums are now taking greater pains to work with Aboriginal peoples on what/what not to exhibit and collect. As an example, at the Head-Smashed-In site, near Lethbridge (Alberta), curators negotiated with the local Aboriginal community on how to exhibit medicine bundles. A compromise resulted in which simulations were created. Its simulated identity, however, served as a reminder to viewers of the great respect accorded to these sacred objects, thus establishing a principle that sanctity has little or no place in museums, that sacred-ness does transcend museum realities. This is but one example, but represents a quantum leap from just short while ago.

Bibliography

Althusser, Louis (1992) "Ideology and Ideological State Apparatuses." Pp. 50-57 in Easthope, Antony and McGowan, Kate, *A Critical and Cultural Theory Reader*, Toronto: University of Toronto Press.

Ames, Michael (1992) *Cannibal Tours and Glass Boxes: The Anthropology of Museums*. Vancouver: UBC Press.

Clifford, James (1991) "Four Northwest Coast Museums: Travel Reflections." Pp. 212-254 in Karp, Ivan and Steven D. Lavine (eds.), *Exhibiting Cultures: The Poetics and Politics of Museum Display*.

Duffek, Karen (1989) "Beyond History." Pp. 27-38 in Duffek, Karen and Hill, Tom, *Beyond History*, Vancouver: Vancouver Art Gallery.

Durham, Jimmie (1990) "A Central Margin." Pp. 162-175 in Conwill, K., Peraza, N. and Tucker, M., *The Decade Show: Frameworks of Identity in the 1980s.* New York: Museum of Contemporary Hispanic Art, The New Museum of Contemporary Art and The Studio Museum in Harlem.

En'owkin Centre (1990) *Gatherings: The En'owking Journal of First North American Peoples (Survival Issue)*, 1(1).

Enright, Robert (1992) "The Synchronic Spirit", *Border Crossings* 11(4), pp.10-21.

Fane, Diana, et al. (1991) *Objects of Myth and Memory: American Indian Art at the Brooklyn Museum*. New York: Brooklyn Museum and University of Washington Press.

Fisher, Jean (1992) "In Search of the `Inauthentic': Disturbing Signs in Contemporary Native American Art," *Art Journal* 51(3), pp. 44-50.

Gualtieri, Antonio. *Buildings as Religious Testaments*. Unpublished paper.

Giroux, Henry A. (1993) *Border Crossings: Cultural Workers and the Politics of Education*. New York: Routledge.

Gathercole, Peter (1989) "The Fetishism of Artefacts." Pp. 73-81 in Pearce, Susan (ed.), *Museum Studies in Material Culture,* Leicester: Leicester University Press.

Greenblatt, Stephen (1991) *Marvelous Possessions: The Wonder of the New World*. Chicago: The University of Chicago Press.

Grossberg, Lawrence (1992) *We Gotta Get Out of this Place: Popular Conservatism and Postmodern Culture*. New York: Routledge.

Hooper-Greenhill, Eilean (1992) *Museums and the Shaping of Knowledge.* New York: Routledge.

Johnson, Basil (1992) Moses, Daniel David (ed.), *An Anthology of Canadian Native Literature in English*. Toronto: University of Toronto Press.

Jonaitis, Aldona (1992) "Franz Boas, John Swanton, and the New Haida Sculpture at the American Museum of Natural History." Pp. 22-61 in Berlo, Janet Catherine (ed.), *The Early Years of Native American Art History*, Vancouver: UBC Press.

Kirshenblatt-Gimblett, Barbara (1991) "Objects of Ethnography." Pp. 386-443 in Karp, Ivan and Steven D. Lavine (eds.), *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Washington D.C.: Smithsonian Press.

Lawrence, Robin (1992) "Punning Artist Uses Native Wit," *The Georgia Straight*, August 14-21, p. 27-28.

Lippard, Lucy (1990) *Mixed Blessings: New Art in a Multicultural America.* New York: Pantheon Books.

Nichols, Deborah L., et. al. (1989) "Ancestral Sites, Shrines, and Graves: Native American Perspectives on the Ethics of Collecting Cultural Properties." Pp. 27-38 in Messenger, Phyllis Mauch, *The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?* Albuquerque: Unversity of New Mexico.

Price, Sally (1989) *Primitive Art in Civilized Places.* Chicago: University of Chicago Press.

Scholes, Robert (1982) *Semiotics and Interpretation*. New Haven: Yale University Press.

Shestack, Alan (1989) "The Museum and Cultural Property: The Transformation of Institutional Ethics." Pp. 93-102 in Messenger, Phyllis Mauch, *The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?* Albuquerque: Unversity of New Mexico Press.

Smithsonian Institution Travelling Exhibition Service (1992) *Art as Activist: Revolutionary Posters from Central and Eastern Europe*. Washington, D.C.: Smithsonian and Universe Publishing.

Townsend-Gault, Charlotte (1992) "Ritualizing Ritual's Rituals," *Art Journal* 51(3), pp. 51-58.

Truettner, William H., ed. (1991) *The West as America: Reinterpreting Images of the Frontier, 1820-1920.* Washington D.C.: Smithsonian Institution Press.

Anne Whitelaw

Land Spirit Power: First Nations Cultural Production and Canadian Nationhood

Abstract

This essay examines Land Spirit Power, the National Gallery of Canada's first large-scale exhibition of contemporary First Nations art, within the framework of discussions on Canadian nationhood and identity that circulated around the Charlottetown constitutional accord. The essay argues that while the exhibition does not replicate an anthropological view of First Nations as primitive "others", it fails to address crucial questions concerning the specificity of First Nations' nationhood and identity. Seen in conjunction with the overly aestheticized display rhetoric of the exhibition, this failure only serves to incorporate the work of First Nations artists within a broader, national, "Canadian" aesthetic.

Résumé

Cet article examine Terre Esprit Pouvoir, la première exposition d'art autochtone contemporain d'envergure tenue par le Musée des beaux-arts du Canada, dans le contexte des discussions qui ont porté sur la nationalité et l'identité canadiennes et qui ont été soulevées autour de l'Accord de Charlottetown. Son auteure soutient que cette exposition, bien qu'elle n'ait pas repris la perspective anthropologique qui considère les peuples autochtones comme «autres», n'a pas réussi à aborder les questions importantes de la spécificité de la nationalité et l'identité autochtones. Cet échec, vu conjointement avec le trop-plein de la rhétorique esthétique associée à l'exposition, n'a servi qu'à incorporer les œuvres d'artistes autochtones dans une esthétique canadienne, nationale et très vaste.

In Canadian politics, 1992 proved to be an important year. Not only was the country celebrating the 125th anniversary of its "creation," but a massive state-sponsored search for Canadian unity and identity resulted in a new Constitutional Accord which was put to a national referendum at the end of October. The decisive failure of the Charlottetown Accord notwithstanding (over 60% of voters rejected it), the constitutional process brought to the forefront the terms under which questions of national identity would be negotiated. Foremost among these — after the distinct society status of the province of Quebec — was the positioning of First Nations within the Canadian political landscape. Numerous clashes (both violent and non-violent) between Natives and non-Natives had escalated the "Indian question" from a peripheral irritant to white hegemony to an important national issue. The process of re-negotiating relations between whites and Natives that had first garnered national public attention with the dramatic rejection of the terms

of the Meech Lake constitutional Accord by First Nations member of the Manitoba Legislative Assembly, Elijah Harper, gained international prominence with the Oka stand-off in the Summer of 1990, and culminated in the very visible presence of representatives of the Assembly of First Nations at the constitutional negotiating table in Charlottetown in 1992. In addition to these issues of national concern, 1992 also marked the quincentenary of Columbus' arrival in the "New World," an occasion that was observed with varying levels of discomfort throughout North and South America, but which nevertheless prompted a number of exhibitions, conferences and writings addressing Native identity, self-representation, colonialism and self-determination.

In the Fall of this year, an exhibition of contemporary art by artists of First Nations ancestry opened at the National Gallery of Canada. The exhibition, entitled *Land Spirit Power*, was heralded as a ground-breaking cultural and political event: the first large-scale exhibition of contemporary art by First Nations artists at a major Canadian art gallery. For perhaps the first time, the work of First Nations artists was prominently displayed within the walls of the National Gallery before traveling to other art museums in Canada. Art which had heretofore been ignored or dismissed as "primitive" was given pride of place as works of aesthetic, rather than anthropological, value. Although the shift from anthropological to aesthetic object is not unproblematic, the prominent location of such a large body of work within one of Canada's largest and most prestigious art galleries confirms the advances made in the exhibition of art by First Nations artists.

The exhibition's organization by and presentation at the National Gallery of Canada, which as one of Canada's four *national* museums has a federal mandate to promote Canadian identity, gives *Land Spirit Power* even greater symbolic importance. In this context, the temporal conjuncture of this exhibition and the debates generated by the Charlottetown Accord on the nature of Canadian identity and unity provides an important moment in which to examine the formation of nationhood and the positioning of First Nations within that formation. As I will argue, although the National Gallery recognizes the diversity of First Nations peoples through the mediation of their cultural production, in *Land Spirit Power,* First Nations artists are discursively positioned as existing within a broader, *Canadian* cultural tradition, a vision which despite its multicultural mandate and reliance on a belief in "unity through diversity" remains limited. As an international exhibition (including artists from both Canada and the United States), *Land Spirit Power* also addresses conceptions of nationhood among First Nation peoples themselves: a question particularly relevant given the ease with which the exhibition was incorporated within the rhetoric of Canadian identity as an event of great *national* importance.

The exhibition *Land Spirit Power: First Nations at the National Gallery of Canada*[1] presented in the main temporary exhibition rooms of the Gallery the work of eighteen artists of First Nations ancestry from Canada and the United States.[2] The exhibition was organized by a curatorial team comprising of Diana Nemiroff, curator of contemporary art at the National Gallery, Charlotte

Townsend-Gault, anthropologist and art critic, and Robert Houle, artist, curator and the only member of the team to be of Native ancestry. The works on display in *Land Spirit Power* reflect the current dilemma of contemporary art by Native artists, and the tension between a Native traditionalism and a modern or post-modern aesthetic practice. Many of the artists in the exhibition, such as Kay WalkingStick, James Lavadour, Truman Lowe, Alex Janvier and Faye HeavyShield, rely on modernist aesthetic idioms reminiscent of early art programs in Canada and the United States which encouraged Western modernism over traditional modes of representation[3]. Other artists such as Jimmy Durham, James Luna and Hachivi Edgar Heap of Birds use found objects to create powerful installations depicting Native identity. Carl Beam, who has the distinction of being the first contemporary artist of Native ancestry whose work was bought by the National Gallery[4], presented a series of photo-text pieces entitled *The Columbus Chronicles* which juxtaposes images of Natives and other marginalized peoples with images of insects and butterflies in an effort to explore the containment and classification of non-white peoples within the knowledge systems of the West. Lawrence Paul Yuxweluptun complemented his paintings of the West's desecration of the land with a virtual reality project that recreates the environment of the Longhouse, suggesting the potential appropriation of Western technology for Other ends. In a similar vein, Domingo Cisneros' installation entitled *Quebranto*, a Spanish word meaning loss or lamentation, composed of both "natural" objects such as furs, bones, weed and "man-made" objects of entrapment such as metal chains, traps and yokes, powerfully suggests the encroachment of western industrial society on the land and the consequent devaluation of indigenous peoples' ties to the land, as well as of their own experience and values. Also included in the exhibition were more apparently traditional works: the ceremonial masks and sculptures of Dempsey Bob and the transforming masks and button blankets of Robert Davidson and Dorothy Grant, works which underscore the imbrication of tradition and contemporary concerns in the work of Native artists through the reworking of a traditional idiom in contemporary terms.

Two works, however, merit special attention. Rebecca Belmore's installation *Mawu-che-hitoowin: A Gathering of People for Any Purpose*, visually brings together the two worlds of First Nations and the West, by bringing the voices of the women from her community into the Gallery itself. Belmore assembled chairs belonging to women she knew and admired in her community, recorded their voices, and, placing the chairs and their matching recordings on a large piece of built linoleum flooring, and invited visitors to sit in the chairs and to listen to the women's narratives. This work strongly emphasizes the daily interaction between the two worlds, not only through the stories told by the women, but by asking the non-Native museum visitor simply to listen. The work is also important for Belmore because it brings members of her community — the women — into the non-Native artworld, a place in which they would not normally be found.

Finally, Teresa Marshall's 1990 work, *Elitekey*, presents a group of concrete sculptures — a canoe, a figure in Micmac dress, and a Canadian flag at half mast, the maple leaf cut out from its centre. This work, more than any other in the exhibition, addresses the contradictions experienced by Natives faced with

Rebecca Belmore, *Mawu-che-hitoowin: A Gathering of People for Any Purpose* (1992), courtesy National Gallery of Canada

Western cultural values, configured as the only legitimate values. For Marshall, the removal of the national emblem expresses not only her own inability to consider herself a "Canadian citizen," but also the inability of Canadian society to fully include her within the national popular.

Seen as a whole, *Land Spirit Power* makes evident the stylistic diversity in the production of contemporary Native artists: the traditionalism of Dempsey Bob, Dorothy Grant and Robert Davidson, the modernism of Kay WalkingStick, James Lavadour, Truman Lowe, Alex Janvier and Faye HeavyShield, and the post-modern aesthetic of Lawrence Paul Yuxweluptun's virtual reality project, Domingo Cisneros, James Luna, Carl Beam, Jimmie Durham, Hachivi Edgar Heap of Birds and Rebecca Belmore. This aesthetic diversity not only emphasizes the heterogeneous experiences of Native peoples, exploding the monolithic stereotype of "the Indian," but also reveals the complex ways in which two traditions — the Native and the non-Native — intersect in the lives of First Nations peoples today.

In this, the exhibition has accomplished much: neither insisting that the artists conform to a traditional artistic vocabulary that is somehow more "authentic," nor constructing an exhibition that ignores traditional elements. As such, the exhibition has shown an awareness of much recent critical work on contemporary art by First Nations artists, particularly the way in which these artists have explored the intersections of different cultural and aesthetic traditions, the accommodation of traditional themes or concepts with a western

vocabulary, and the imaging of contemporary statements with traditional idioms. As Robert Houle states in his catalogue essay:

> No apologia is needed for any Native aesthetics at work in the creative process of these artists; that their indigenous inheritance is part of a continuum, especially within the context of the modernist heritage which informs all contemporary art is univocal. Nevertheless, they straddle not only two cultures, but two histories; the first, the modern/postmodern dichotomy, and the second, that tension between the contemporary world, and that of the ancient ones (Nemiroff et. al., 1992: 71).

This coexistence of traditions and cultures, however, has proven problematic for some collectors and critics who want to maintain fixed classifications on artists and their works, and more precisely, who want cultural production by First Nations artists to be readily identifiable as "Indian." This insistence on fixed and stable identity positions is not restricted to classifications of indigenous peoples, but forms part of a broader institutional tendency — most apparent in museums of anthropology — to construct easily identifiable "others" against which the status quo (white middle-class masculinist artworld) can define itself. As Jean Fisher has argued:

> There is a readily available market for work bearing the signs of "Indianness" as understood by whites, either in terms of "tradition" or a re-ethnicised modernism. Understandably, much Native American work falls into such categories since to do otherwise is to risk losing the only Indian identity that white culture will safely recognise. At the same time, the political reality is such that it is precisely through insisting on traditional Indian identity that indigenous peoples' proper legal and land rights can be secured; the expression of cultural difference is fundamentally concerned with political and physical survival (Fisher, 1987: 74).

Conditions of Exhibition of First Nations Art

The contradictions — or the need to negotiate — between an expected and therefore saleable authenticity and an art practice that incorporates elements from a number of visual and cultural traditions, not only inhabits the art works themselves, but underscores the conditions of exhibition of First Nations art in large institutional spaces.[5] Conventional modes of display of Aboriginal art, such as the massive *"Primitivism" in 20th Century Art* exhibition at the Museum of Modern Art in New York in 1984, and *The Spirit Sings* at Calgary's Glenbow Museum in 1988, continue to display the cultural production of First Nations as though it existed outside of history. In different contexts and through different means, both exhibitions perpetuated the belief that Aboriginal art, and the people that produce it, live in a timeless "primitive" past and, especially in the case of *The Spirit Sings*, that the producers of such historically valuable objects have no connection to their descendants — especially as these descendants move into the modern world and somehow lose their "authenticity."

As exhibitionary antecedents to *Land Spirit Power*, these exhibitions deserve some comment. As its subtitle suggests, the central function of *"Primitivism"*

in 20th Century Art: Affinity of the Tribal and Modern was to rehearse early modernism's "discovery" and manipulation of Aboriginal artefacts in its radical exploration of form. The exhibition presented — most pointedly in the "Affinities" room — the formal similarities between various indigenous artefacts from around the world and the work of early twentieth-century modernist artists. As James Clifford has argued, nowhere did the exhibition reflect on this wholesale appropriation of non-western cultural objects, nor examine the specificity of the objects it had assembled for display beside the "masters of modernism." Instead, what gave these objects aesthetic (rather than exotic or even anthropological) significance was their formal similarity to "great" works of art, and their recuperation from anthropological invisibility through the altruism of western Modernism. As Clifford states, "[b]eneath this generous umbrella [of Modernism] the tribal is modern and the modern more richly, more diversely human" (1988: 191). This strategy of finding the value of the art of indigenous peoples through its formal similarities to modern art, or through its influence on modern artists, is standard art historical practice. The work of so-called "primitive" artists, both historical and contemporary, can seemingly never stand alone as an aesthetic object, i.e., as possessing intrinsic aesthetic or artistic value. Such work is usually seen to function metonymically for the society or culture from which it originated; and even where the artist is known, her or his name is rarely appended to the work itself.[6]

Although taking place within a different historical and institutional context, *The Spirit Sings* at the Glenbow museum in Calgary was equally problematic in its presentation of First Nations cultural objects. Touting itself as a celebration of the important contribution of First Nations to Canada's cultural heritage, the exhibition continued the anthropological presentation of objects as exclusively historical, the culture and values of the artifacts on display having no connection to the current lived realities of the peoples whom the objects seemingly represented. The incongruity of this presentation was reinforced in protests against *The Spirit Sings* organized by the Lubicon Cree, then in the midst of land claim disputes with Shell Oil, a major sponsor of the exhibition. Reaction to the boycott within the Canadian museum community varied, with some curators readily complying with the wishes of the Lubicon and refusing to allow certain works to leave their institutions, while others, most visibly the exhibition's curator, Julia Harrison, claiming that the Lubicon's boycott of the exhibition was an inappropriate intrusion of politics into the sacred realm of culture.

> History has a place in contemporary society and museums do have an interest in current issues. But that does not mean that museums must become forums for special interest groups who wish to make political mileage.

> Museums must be allowed to disseminate information on a wide range of topics. By attempting to hold collections hostage politicians challenge basic concepts — freedom of speech and freedom of representation — which our society claims to hold sacred (Harrison, 1988: 13).

A more historical example, but one which provides an interesting institutional precursor to *Land Spirit Power*, is an exhibition organized by the National

Gallery in 1927 entitled *West Coast Art: Native and Modern*. Organized by Marius Barbeau as part of an effort to show the work of Aboriginal artists as "essentially Canadian," the exhibition was primarily a showcase for the work of Emily Carr, whose paintings were perceived to be authentic depictions of a rapidly disappearing race. The unidentified and unattributed Native masks and carvings that were shown side-by-side with Carr's paintings functioned only to authenticate Carr's romanticized vision of traditional Native culture, and had little significance as autonomous objects. What these examples illustrate is the continued tendency for exhibitions to view Native cultural production as existing within a timeless past, with diverse cultures and social formations undifferentiated within the broader frame of "the primitive," and objects having little significance outside their metonymic function as representatives of entire societies. As the sub-title of the 1927 National Gallery exhibition suggests, art can be Native or modern, but never both.

However, it must be acknowledged that there has been some change in Canadian museums' and galleries' attitudes towards both historical and contemporary work by First Nations artists. The controversy over *The Spirit Sings* led to a reexamination of the relations between First Nations and Canadian museums, resulting in the creation of the Task Force on Museums and First Peoples co-sponsored by the Assembly of First Nations and the Canadian Museums Association. In its 1992 Report, the Task Force sought to identify ways in which First Nations and Canadian museums could work together to bring Native cultures and histories to a broader audience. To this effect, the Task Force made several recommendations: that Aboriginal peoples be more closely involved in the interpretation of their culture and history by Canadian institutions, and that they be given improved access to collections and to training as museum personnel. Also recommended was prompt action in the repatriation of Native artifacts and human remains, and increased support for the establishment of Native-run museums and cultural centres.

Although not the direct result of its recommendations, *Land Spirit Power* can be seen as an effect of the general climate of dialogue that had made the Task Force on Museums and First Peoples possible. Unlike earlier exhibitions of indigenous art in Canada and internationally (*Primitivism*, *The Spirit Sings*), *Land Spirit Power* refuses the timelessness of the "primitive," and the perpetuation of a monolithic conception of Native cultural production. In this, it resembles another exhibition of contemporary First Nations art, *Indigena: Perspectives of Indigenous Peoples on Five Hundred Years*, which ran almost concurrently with *Land Spirit Power* at the Canadian Museum of Civilization.[7] Curated by Gerald McMaster and Lee-Ann Martin — both of First Nations ancestry and long active in contemporary discussions of Native identity,[8] the exhibition brought together works that addressed Native struggles over sovereignty of land and of peoples. Some of the works told of experiences of acculturation, when Native children were removed from their homes and sent to white schools while others explored important moments of conflict between Natives and non-Natives, including the events at Oka in 1990; many works examined historic and contemporary disputes over the land, and the spiritual and political ramifications of land claims and land rights.

Essentially a museum of anthropology and natural history, the Canadian Museum of Civilization provides an interesting context for the display of contemporary art. Through the exhibition of contemporary art in the Amerindian and Inuit art galleries and the work of curator, Gerald McMaster, the Canadian Museum of Civilization has made an effort to incorporate and to address the lived experiences of First Nations peoples. In *Indigena* the integration of the contemporary with the traditional, can be seen in the installation of Mike MacDonald's video work *Seven Sisters* in one of the reconstructed longhouses on the Museum's ground floor. However, the opposite effect was produced in the installation of Domingo Cisneros' *A Force de Terre I* in a small room behind a guard rail — an installation strongly reminiscent of the display of "primitive cultures" in the traditional anthropology museum.

What gives *Indigena* its power, however, is its uncompromising political stance; a stance all the more surprising given the exhibition's location in Canada's *national* museum of anthropology and natural history. For curators McMaster and Martin, the politicization of the exhibition was essential — particularly in the wake of *The Spirit Sings* and its curator's claim that politics and culture were incompatible. *Indigena* in contrast, provided First Nations artists with a forum in which to speak out about their histories and cultures, offering alternative readings to what had been proposed elsewhere in the museum. In addition, it also enabled a Native perspective on the Columbus Quincentenary, the effects of colonialism and the treatment of First Nations by the Canadian state over the past 125 years. For one reviewer,

> *Indigena*, metaphorically speaking, is a public reading of Euro-North America's raw and bloody rap sheet. Furthermore, it is the toughest and most convincing example I have yet seen in the visual arts of an "Indian-centered" history of the past hundred years (Rushing, 1993: 16).

First Nations and Canadian Nationalism

Land Spirit Power's presentation at the National Gallery is important, however, not only because of that institution's stature as a major Canadian cultural institution, but because of its status as a *national* institution. Founded in 1880, little more than a decade after Confederation, the Gallery's earliest functions consisted in the exhibition of works by members of the newly-formed Royal Canadian Academy, and the cultivation of "correct artistic taste" in the Canadian public (Canada, 1913). The primary goal of the early National Gallery, however, was to foster a distinctly Canadian tradition in the visual arts: an aesthetic vocabulary that would put the work of Canadian artists on the cultural map alongside artists from Europe and, increasingly, the United States. Thus the Gallery's "nationalist" motivations were both internal (the desire among artists to establish a uniquely Canadian artistic tradition) and external, imposed by the federal government through cultural legislation. This double motivation continues to the present: in her submission to the Standing Committee on Communications and Culture in 1991, National Gallery Director Shirley Thomson identified the Gallery's commitment to nation-building through its preservation of Canada's artistic past, the continued

collection of works by living Canadian artists, and most importantly in the ability of that collection to have meaning for all Canadians:

> We believe that the National Gallery of Canada in bringing together the best works of artists through time and across the country makes visible both what we hold and value in common and the rich diversity of our viewpoints and traditions. As one form of cultural expression, the visual arts serve as a record of who and where and how we were. Today that record is part of our common heritage, an expression of our national identity in the landscape, peaceful or rugged, majestic or humble, and in the faces of the settlers, ecclesiastics, homesteaders, coureurs de bois, soldiers and Native people who have preceded us (Thomson, 1991: 6)

At the same time, the federal government has set the central mandate of the National Gallery — as one of four national museums[9] — the continued fostering of a national culture: in the words of the Museums Act, a commitment to "preserving and promoting the heritage of Canada and all its peoples throughout Canada and abroad and in contributing to the collective memory and sense of identity of all Canadians; ... and provid[ing], in both official languages, a service that is essential to Canadian culture and available to all" (Canada, 1990).

A cursory examination of the permanent collection of the National Gallery illustrates its fulfillment of this mandate through its collection and presentation of Canadian art. The belief that the Canadian art galleries'

Exterior, The National Gallery of Canada with banner for *Land Spirit Power*, courtesy National Gallery of Canada

trajectory of works, from the seventeenth century through to the Group of Seven (Canada's self-proclaimed national painters), and culminating in the abstraction of the Automatistes and the Painters Eleven, represents the heritage of all Canadians exemplifies the assumptions underlying Canadian identity. As Shirley Thomson further stated in her submission to the Standing Committee on Communications and Culture in 1991:

> As one of the government's national cultural agencies, we will strive as always to make visible to Canadians the supremely important part artists play in creating our national identity, our "Canadianness." (Thomson, 1991: 5)

In keeping with Canadian cultural policy generally, the need to promote a sense of national identity through art has guided the National Gallery's museological program since its foundation. Establishing nationalism in specific works of art, however, remains problematic. Where modernist artists in Canada — most particularly the Group of Seven — saw as their duty the promotion of a distinctly Canadian culture formulated through paintings of the land, more recently many artists situate themselves within the international art scene, their country of origin irrelevant to their cultural production. The ability to create a "cultural nationalism" out of recent art by Canadian artists has proven virtually impossible, leaving institutions (national or otherwise) to weave a nationalistic framework around exhibitions of work by contemporary Canadian artists in an effort to produce *Canadian* art.

This can be seen in recent temporary exhibitions organized by the National Gallery: in particular *Pluralities* (1980), *Songs of Experience* (1986) and *The Canadian Biennial of Contemporary Art* (1989). These exhibitions gathered together the work of artists from across Canada in an attempt to describe the nature of Canadian art at specific temporal moments. Two general points can be made about these exhibitions: the first involves the different ways in which these exhibitions articulated national identity: works included in the *Biennial*, for example, were organized in terms of regional identities, the artists inscribed — most explicitly in the catalogue which took shape as a cross-country drive along the Trans-Canada highway — as a product of the particular region (B.C., the Prairies, the Maritimes) in which they worked. Identity, therefore, was located less along broadly national lines, than in more local or regional identities which together formed the nation. The second point of mention pertains to controversies surrounding the selection of artists and/or regions for participation in the exhibitions: for example, the seeming exclusion of Francophone artists from Quebec in the *Songs of Experience* exhibition; the lack of attention paid to artists from Newfoundland in the *Biennial*. These exclusions were seen to bear heavily on the way in which the nation was configured by the National Gallery, and further on definitions of Canadian art, which continue to be hotly contested.[10] These points are important because they suggest the instability of definitions of national identity and the role of the institution in the constitution of identity and identity positions, and further, they emphasize the importance assumed by the National Gallery in articulating configurations of national identity.

Such issues have implications for the insertion of *Land Spirit Power* within the exhibition history of the National Gallery. In the Foreword to the exhibition catalogue, Director Shirley Thomson situated *Land Spirit Power* within this continuum of exhibitions at the National Gallery that explored recent developments in Canadian art, thereby placing the exhibition as an important marker in the institution's continued attention to discourses of contemporary art and cultural identity. Perhaps most significantly, however, given the national mandate of the National Gallery, Thomson positions *Land Spirit Power* within the context of Canadian politics, in particular, the putative inclusion of First Nations' representatives at the constitutional bargaining table in 1992, and the importance of holding such an exhibit during the temporal frame of Canada's 125th birthday.

> *Land, Spirit, Power* continues the lively inquiry initiated at the National Gallery in the 1980s by such exhibitions as *Pluralities*, *Songs of Experience*, and the *Canadian Biennial of Contemporary Art*. The organization and presentation of *Land, Spirit, Power* at the National Gallery of Canada as Canada celebrates its 125th birthday is a particularly welcome occasion. As the first international exhibition of contemporary art by artists of Native ancestry to be held at the National Gallery, it serves to recognize the contributions of a remarkable group of artists, and marks an important step towards the openness of spirit that we hope will characterize the next 125 years (Thomson in Nemiroff et. al., 1992: 7).

As Canadian art museums — and the National Gallery in particular — assert the legitimacy of Canadian artists within the broader Western high art canon, the work of First Nation artists occupy a problematic place vis-à-vis a distinctly Canadian aesthetic tradition: at times included — as in the case of *Land Spirit Power*, temporarily in place within the Gallery's walls — at other times remaining on the margins of Canadian cultural production. Despite recent amendments to the Gallery's acquisitions policy, resulting in the purchase of several contemporary artworks by First Nations artists, a cursory glance at the National Gallery's permanent collection (particularly in the historical galleries) suggests that while First Nations peoples provide adequate subject matter for the works of white Canadian artists, they seem incapable of producing any work that can be placed within the gallery's walls.

Paradoxically, Native culture has long functioned to represent Canadian culture both in Canada and abroad, and to serve as internationally recognized symbols of Canadian-ness. As Valda Blundell has argued, borrowing the term from Nelson Graburn, the cultural objects and forms of indigenous peoples have long constituted Canada's "borrowed identity" (1989: 49). Elements from Native cultures are often used by Canada's tourist industry to represent Canada to outside nations. The image of the Indian in what is popularly perceived as full traditional dress is used on countless postcards, posters, tourist information brochures and magazines to signify Canadian-ness. In the United States, this appropriation of Native art in the service of Canadian identity can be seen with the recent installation of a sculpture by Haida artist Bill Reid in front of the Canadian Embassy building in Washington D.C. Within the context of the museum, the exhibition *The Spirit Sings* provides an

instance of the way in which Native artifacts are figured as emblematic of Canadian identity and culture within the international context of the Olympics. Finally, *Land Spirit Power* can be seen to function symbolically in much the same fashion within the context of celebrations of Canada's 125th birthday, and during the negotiation of national identity that preceded the referendum on the Charlottetown constitutional Accord. This function is especially apparent when *Land Spirit Power* is contrasted with the exhibition *Indigena* which, due to its critical nature, refuses to join such celebrations of Canadian nationhood.

Thus, the work of the First Nations continues to function symbolically as the marker of Canadian national identity. To quote anthropologist Marius Barbeau, writing in the context of the *West Coast Art: Native and Modern* exhibition in 1927: "A commendable feature of this aboriginal art for us is that it is truly Canadian in its inspiration. It has sprung up wholly from the soil and the sea within our national boundaries." (National Gallery of Canada, 1927: 4) Barbeau's equation of Aboriginal peoples with the earth and his conflation of the land with a modern, geo-political entity raises interesting questions regarding the way in which First Nations peoples are currently contained within arbitrarily imposed geographical boundaries, and the way in which their own nationhood as members of indigenous nations with autonomous cultural histories is erased in favour of their assimilation into Canada. Barbeau's statement assumes that the cultures and traditions of First Nations are inherently or naturally part of the national identity, like the landscape. This essentialism is reproduced in current attempts to recuperate Native culture as an integral element of *Canadian* national identity, a position which assumes that First Nations peoples, by virtue of their geographical location, are automatically *Canadians.*

This, however, would seem to contradict the way in which the First Nations position themselves in relation to Canada and Canadian identity.[11] Beginning in the early 1970s as a reaction against then Prime Minister Pierre Trudeau's White Paper of 1969, the movement toward Aboriginal self-determination has grown stronger. Trudeau's White Paper sought to change the paternalism of White-Indian relations by repealing the Indian Act and thereby making Natives "fully Canadian": entitled to vote in Canadian elections, to pay federal taxes but ultimately losing any special status they had under the Indian Act. Native leaders reacted strongly in the face of such assimilationist policy, and made it clear that any legislation that attempted to remove the distinct status of First Nations ensured by the Constitution would not be tolerated. These proposals also galvanized Aboriginal groups to strenghten their demands for increased control over Native land in the ultimate aim of ensuring their inherent right to self-government.

The federal and provincial governments, however, fiercely opposed any proposals of Native self-government, particularly with regard to Aboriginal leaders' assertions that this right was inherent: in other words, a right based on first principles and therefore not subject to negotiation or to limits imposed by Canadian law. Many in the government, however, feared (and continue to fear) that the establishment of the inherency of Native self-government necessarily entailed secession from Canada. Although Native groups have embraced a

range of positions regarding the nature of First Nations' relationship to Canada (including the Mohawk's claim to existing completely outside the Canadian state), on the whole, self-government/determination does not seem to entail a complete separation from Canada, but rather greater autonomy in legal matters and control over the allocation of resources on Native lands.

Many Native leaders have outlined self-government as the assertion of nationhood by First Nations, arguing that dealings with the Canadian and provincial governments would thereby occur on a nation-to-nation basis. In 1990, Conrad Sioui stated this position in these terms: "We are talking about the capacity to live as a nation, to act as a nation, and to deal with other nations on a nation-to-nation level, and this is quite different than what the Indian Act offers right now" (quoted in Fleras and Elliott, 1992: 21). In presenting their demands as claims to nationhood, First Nations can be compared to Quebec in its demands for distinct society status and in its rhetorically successful appeals to its distinct national identity. However, the ascription of Quebec as one of two founding nations — the other being Anglophone Canada — wholly undermines what First Nations peoples are attempting to achieve in their quest for self-determination, thus exemplifying the general lack of consideration for First Nations' demands by both the federal and provincial governments.

This, of course, calls attention to the strategies through which nations and nationhood are defined. In an essay on indigenous peoples and the formation of nations, Edward Spicer underlines the important distinction between nation and state. For Spicer, the nation "consists of a people who have in common a historical experience that they symbolize in ways giving them a common image of themselves"; the state, on the other hand, "maintains the privilege of defining a territorial boundary around itself" (1992: 31), a boundary which particularly through the medium of the map, visibly encloses a territory that is legally demarcated from all other territories. Within this framework, the psychic boundedness that individuals experience as "a" people, or as a nation, is markedly different from the legal and arbitrary territorial boundaries imposed by the State; every state can be viewed as a plural entity composed of more than one nation.

For the purposes of establishing a single, common, Canadian national identity, however, such appeals to the plurality of nations within the nation-state are problematic because they highlight the contingent nature of Canadian identity and the purely rhetorical nature of Canada's claims to "unity through diversity." This exists as much for Canadians who, coast to coast, have very little in common apart from their citizenship of the nation-state of Canada, as for First Nations who, as indigenous peoples, have even less in common with the rest of Canada's inhabitants. Yet in the political discourse of Canadian national identity that emerged prior to the Charlottetown Accord, First Nations peoples were gathered into the fold with little to voice concerning their position within that discourse.

More than anything else, self-government implies a decisive change in the configuration of the Canadian state: it affirms that the aim of "Canadianizing" Native peoples, long the intention of federal legislation, has been wholly unsuccessful, and highlights the very real differences in cultures and traditions

— differences perceived to threaten the implied/hoped for unity of Canada. Thus, the discourse that took place around the time of the Charlottetown Accord, while avoiding the strong assimilationist tone of Trudeau's White paper, remained primarily one of inclusiveness. And with representatives of the First Nations participating in the constitutional discourse, the possibility of recuperating First Nations identity and discourse within and for the purposes of the greater *Canadian* unity and identity was put in place.

This incorporation of First Nations for Canadian nationalism sits uneasily with many of the artists participating in *Land Spirit Power*. As Teresa Marshall comments in the exhibition catalogue for the exhibition,

> [speaking of her installation piece *Elitekey*] I've also borrowed from the "Canadian symbol," the flag, which serves as the symbolic umbrella of what it means to be a Canadian. As a First Nations citizen I don't stand under that umbrella. It serves as an icon of oppression, assimilation, injustice, and racism that intends to deny First Nations people the inherent right to self-identity and human rights. To emphasize this, I've removed the leaf from the flag (Nemiroff et. al., 1992: 197).

Without a strong or overt political message, however, the exhibition as a whole was easily inscribed within the broader discourse of Canadian nationalism during that time.

Teresa Marshall, *Elitekey* (1990), courtesy National Gallery of Canada

This is all the more apparent when *Land Spirit Power* is compared to *Indigena*. Although many of the artists had works in both shows, the exhibition at the Museum of Civilization was a much more political event. *Indigena* was explicitly organized as a critical response to "celebrations" of the quincentenary of Columbus' arrival in the Americas, the works addressing the political and cultural ramifications of 500 years of colonization on indigenous peoples and their cultures. The spatial configuration of the rooms housing Contemporary Amerindian and Inuit Art, however, created a very different atmosphere than that found in the National Gallery's airy temporary exhibition. At *Indigena*, the low ceilings and small rooms of the galleries created an almost labyrinthine space, the works hung closely together on dark taupe walls, allowing little room to breathe. The resulting compression of the exhibition space, however, encouraged a dialogue between the works, a dialogue pursued in the exhibition catalogue but most evident in a photocopied, 20-page Exhibition Guide available for a few dollars in the exhibition space itself. The booklet served literally as a guide to the works in the exhibition — introducing the artists and the works, asking questions of the works themselves, situating them within the broader context of Aboriginal politics, quoting statements by the artists — making explicit the many contradictory issues at stake in Native art production, and the lives of the first peoples. As the curators themselves state on the first page of the Guide: "This exhibition guide poses questions about the issues raised in the artists' works and offers our perspectives as curators and as members of the Aboriginal community."

As this statement demonstrates, the curators of *Indigena* are very aware of their role in the production of the exhibition, and of the effect of the exhibitionary context on a reading of the works on display. This questioning marks *Indigena* as an exhibition that does not hide its curatorial process behind a mask of professional authority or even cultural authenticity. In sum, the *Indigena* exhibition is about conversation and dialogue: between the artists and society, between the curators and the artists and, most importantly, between First Nations and the museum.

At the National Gallery, however, the curators chose not to lay bare the curatorial process, instead effacing themselves almost completely from the exhibition and letting the artists' statements, reproduced on the Gallery walls, guide the viewer through the exhibition. Although this strategy demonstrates an understandable unwillingness on the part of the curators to speak for disenfranchised communities, the final result is the traditional aesthetic device that "art can speak for itself." Whereas the compressed space of *Indigena* enabled, if not forced, a dialogue between the works and their setting, the open space of the National Gallery, in traditional aesthetic fashion, presented each work in splendid isolation.

The artwork in *Land Spirit Power*, however, is also framed within the discourse of high art which constitutes the art gallery. Although the exhibition itself makes evident the pluralistic nature of current cultural production by artists of First Nations ancestry, as well as the importance of the spiritual and the lived realities of indigenous peoples as they are imbricated in their artwork,

these realities are somehow denied through their inscription within the aesthetic. Although the timelessness of "the primitive" is refused in *Land Spirit Power*, it is replaced by another kind of timelessness, that of high art. Whereas in *Indigena*, time and place (1992, Canada's 125th birthday, the legacy of Oka, etc.) were made overt, and in fact were central motivators of the exhibition, in *Land Spirit Power*, this location is hidden, marginally visible in some of the works but absent from the exhibition as a whole. Especially in the more modernist artworks which dominated the show, the timelessness of the museum's universalist aesthetics scuttled any attempt to bring out the specific concerns of contemporary Native artists.

This is not to suggest that the institutional context provides an overriding frame of analysis for the exhibition, or that the ideological underpinnings of the institution necessarily determine what is exhibited within the museum's walls. As was evident in *Indigena*, the exhibitionary narrative can negotiate, if not rupture, the ideological frame proposed by the institution as much at the level of the exhibition itself as within the objects on display. However, much as the curators of *Land Spirit Power* wanted to break away from traditional universalizing narratives of First Nations' cultural production by effacing themselves from the exhibition site and by allowing the voices of the artists to dominate the display, the end result was the replacement of one universal narrative, the anthropological, with another, the aesthetic. And perhaps more importantly in the context of the exhibition of art by First Nations artists, the political underpinnings of much of the work included in *Land Spirit Power* disappeared under the overarching frame of the aesthetic.

The erasure of the political in the exhibition *Land Spirit Power* ultimately facilitated its incorporation within the pervading discourse of Canadian nationalism in 1992. Housed in Canada's National Gallery, and positioned within a continuum of exhibitions addressing the nature of contemporary Canadian art, *Land Spirit Power* can be seen as a significant attempt to downplay any nationalist claims by First Nations in their quest for self-government in favour of a broader discourse of unified Canadian nationhood epitomized in such rhetorical slogans favoured by Canadian politicians as "unity through diversity." As one reviewer asked in an essay on the exhibition, "whose nation" is at stake in *Land Spirit Power*?

Conclusion

As its absence from the art museum suggests, contemporary art by First Nations artists occupies an uncertain position within mainstream aesthetics: while a painting by Lawrence Paul Yuxweluptun graces the cover of Art Magazine's special "Focus on Canada" issue (February 1991), the work of Native artists remains largely absent from the collections of major Canadian art institutions. Land Spirit Power underlines the unease with which contemporary Native art is situated within the dominant Western art paradigm. Its status as a temporary exhibition created solely for the National Gallery does not clarify contemporary Native art's location within the Canadian canon as art that is considered part of a living, growing tradition, rather than artifacts from a timeless past. This difficulty in accepting Native contemporary art can be

ascribed to a residual belief in the normative view of Native culture as rooted in the past and tied to nature, and the perception that artists working within a "western" art vocabulary are somehow less Native (i.e., less authentic and implicitly less containable) than those working in traditional ways, making traditional objects.

Contemporary art by First Nations artists inhabits a problematic position vis-à-vis this other cultural production as a result of its liminal status within the art world: existing between artifact and high art. The presence of Land Spirit Power at the National Gallery situates contemporary Native art within the walls of the exclusively Western high art institution, and its accompanying nationalist mandate. However, while this exhibition serves to insert Native art within the Canadian mainstream, its status as a temporary exhibition serves only to isolate it from that mainstream, ultimately functioning to preserve the binaristic categories of the Native and the modern.

Current configurations of national identity in Canada as they were enacted around the Charlottetown Accord, allowed First Nations participation at the constitutional negotiation table for the first time. This raises interesting questions regarding the formation of identity and of nationhood among Natives themselves, and the role assigned to them through their participation in formulating the most recent constitutional agreement. After 125 years of abandonment, neglect and ignorance, the Canadian government (acting on behalf of the citizens of Canada) has striven to visibly include "Canadians" of Native descent within conceptions of citizenship. Like the presentation of Native art at the National Gallery, however, that political presence is only temporary. The impact of the exhibition Land Spirit Power on the composition of the permanent collection of the National Gallery is uncertain. Similarly, the very visible presence of Natives at the bargaining table during the Charlottetown Accord — and their decisive role in the failure of the previous Meech Lake Constitutional Accord — is only one moment in the constitution of a national citizenry that includes First Nations, and may not reflect upon the eventual (and more permanent) positioning of Aboriginal peoples in the development of a Canadian identity.

Notes

1. Land Spirit Power was on display at the National Gallery in Ottawa from September 25th to November 22nd. The exhibition has subsequently traveled to the MacKenzie Gallery in Regina (Fall 1993) and to the Nickle Arts Museum in Calgary (Fall 1994). For the purposes of this paper, I am only concerned with the exhibition as it took shape at the National Gallery.
2. The artists included in the exhibition were Carl Beam (Ojibwa), Rebecca Belmore (Ojibwa), Dempsey Bob (Tahltan-Tlingit), Domingo Cisneros (Tepehuane), Robert Davidson (Haida), Jimmie Durham (Cherokee), Dorothy Grant (Haida), Hachivi Edgar Heap of Birds (Cheyenne-Arapaho), Faye HeavyShield (Blood), Alex Janvier (Dene), Zacharias Kunuk (Amituqmiut), James Lavadour (Walla Walla), Truman Lowe (Winnebago), James Luna (Luiseño-Diegueño), Teresa Marshall (Micmac), Alanis Obomsawin (Abenaki), Kay WalkingStick (Cherokee-Winnebago), Lawrence Paul Yuxweluptun (Cowichan-Okanagan).
3. Joy Gritton has described the almost exclusive teaching of New York Modernist aesthetics at the Institute of American Indian Arts in her essay "Cross-Cultural Education vs. Modernist Imperialism, The Institute of American Indian Arts", Art Journal, vol.51, no.3, Fall 1992.
4. The North American Iceberg (1985), purchased by the National Gallery in 1986.

5. I am most concerned here with major (one might almost say 'establishment') museums and galleries. These issues are not as central in smaller public and private galleries or artist-run centres where the institutional narratives are less monolithic, and where there is the possibility for greater cooperation and negotiation between artist and curator, and institution.
6. See James Clifford and Sally Price. Carol Podedworny offers an analysis of art by First Nations artists in Canada, and its difficult relationship with a traditional Western art history that has no place in its analytical framework for art that does not fit the pattern of the individual creative genius.
7. The dates of the exhibition were April 16 to October 12, 1992.
8. Gerald McMaster has been the curator of Contemporary Indian Art at the Canadian Museum of Civilization since 1981; Lee-Ann Martin is an independent curator and critic, and coordinated the Task Force on Museums and First Peoples, co-sponsored by the Assembly of First Nations and the Canadian Museums Association.
9. The others being the Canadian Museum of Civilization in Hull, Quebec, the National Museum of Science and Technology and the National Museum of Natural Sciences, both in Ottawa.
10. These issues are addressed in greater depth in my doctoral dissertation Exhibiting Canada: Articulations of National Identity at the National Gallery of Canada (Montreal: Concordia University).
11. For a detailed analysis of the history of First Nations' participation in Constitutional debates and their claims to self-government, see Fleras and Elliot (1992), Jenson (1993) and especially Jhappan (1993).

Bibliography

Bal, Mieke (1992) "Telling, Showing, Showing Off" *Critical Inquiry*, no.18, 556-594.

Blundell, Valda. (1989) "The Tourist and the Native" in Bruce Cox, Jacques Chevalier and Valda Blundell (eds) *A Different Drummer: Readings in Anthropology with a Canadian Perspective*. Ottawa, Carleton: The Anthropology Caucus.

Canada. (1992) Parliament, House of Commons Standing Committee on Communications and Culture, *Culture and Communications: The Ties that Bind*. Ottawa: House of Commons.

Canada. (1990) Department of Communications, *Canadian Museum Policy*. Ottawa: Communications Canada.

Canada. (1913) Statutes of Canada, *An Act to Incorporate the National Gallery of Canada*. Assented to Sixth of June. Ottawa: Parliament of Canada.

Canadian Museums Association (1988) "Museums and the First Nations," *Muse,* special issue, vol.6, no.3.

Clifford, James (1988) *The Predicament of Culture, 20th Century Ethnography, Literature and Art,* Cambridge and London: Harvard University Press.

Coombes, Annie E. (1992) "Inventing the 'Postcolonial': Hybridity and Constituency in Contemporary Curating," *New Formations*, no.18, 39-52.

Fisher, Jean (1987) "The Health of the People is the Highest Law," *Third Text* 2, 63-75.

Fleras, Augie and Jean Leonard Elliott (1992) *The "Nations Within," Aboriginal-State Relations in Canada, the United States, and New Zealand*, Toronto: Oxford University Press.

Gritton, Joy (1992) "Cross-Cultural Education vs. Modernist Imperialism: The Institute of American Indian Arts," *Art Journal*, vol.51, no.3, 28-35.

Harrison, Julia (with Bruce Trigger and Michael Ames) (1988) "Point/Counterpoint: Museums and Politics: *The Spirit Sings* and the Lubicon Boycott," *Muse*, vol.6, no.3, 12-16.

Houle, Robert (1991) "Sovereignty over Subjectivity," *C* 30, Summer, 28-35.

Jenson, Jane (1993) "Naming Nations: Making Nationalist Claims in Canadian Public Discourse," Canadian Review of Sociology and Anthropology, vol.30, no.3, 337-358.

Jhappan, Radha (1993) "Inherency, Three Nations and Collective Rights: The Evolution of Aboriginal Constitutional Discourse from 1982 to the Charlottetown Accord," International Journal of Canadian Studies, no.7-8, 225-259.

McMaster, Gerald and Lee-Ann Martin (eds) (1992) Indigena: Contemporary Native Perspectives on 500 Years, Vancouver/Toronto: Douglas and McIntyre and Hull, Qc: Canadian Museum of Civilization.

National Gallery of Canada. (1927) Exhibition of Canadian West Coast Art: Native and Modern. Ottawa: National Gallery of Canada.

Nemiroff, Diana, Robert Houle and Charlotte Townsend-Gault (1992) Land Spirit Power: First Nations at the National Gallery of Canada, Ottawa: National Gallery of Canada.

Podedworny, Carol (1991) "First Nations Art and the Canadian Mainstream," C 31, 23-32.

Price, Sally (1989) Primitive Art in Civilized Places, Chicago and London: The University of Chicago Press.

Rushing, W. Jackson (1993) "Contingent Histories, Aesthetic Politics," New Art Examiner, vol.20, no.7, 14-20.

Rushing, W. Jackson and Kay WalkingStick (eds) (1992) "Recent Native American Art," Art Journal, special issue, vol.51, no.3.

Spicer, Edward (1992) "The Nations of a State," Boundary 2, vol.19, no.3, 26-47.

Task Force on Museums and First Peoples (1992) Task Force Report on Museums and First Peoples. Ottawa: Assembly of First Nations and the Canadian Museums Association.

Thomson, Shirley L. (1991) Evidence submitted to the Standing Committee on Communications and Culture, March 10, Ottawa: Department of Communications.

Valaskakis, Gail Guthrie (1993) "Parallel Voices: Indians and Others – Narratives of Cultural Struggle," Canadian Journal of Communication, vol.18, no.3, 283-297.

Willis, Anne-Marie and Tony Fry (1988) "A Strategy of Appearances," Ten-8, 30, 16-20.

Denys Delâge

Les principaux paradigmes de l'histoire amérindienne et l'étude de l'alliance franco-amérindienne aux XVIIe et XVIIIe siècles

Résumé

L'histoire de l'Amérique est celle de tous ses habitants. D'abord celle des Amérindiens avec leur civilisation, leurs cultures diverses, ensuite celle de tous ceux qui y sont venus après 1492 avec leur civilisation et leurs cultures. La confrontation depuis lors relève à la fois d'un processus de rencontre et d'un processus de conquête. À cet égard, à l'encontre de la rectitude politique, nous affirmons qu'outre l'avance technique, l'Occident disposait d'une avance intellectuelle résultant des transformations de la manière de penser à la Renaissance. Les épidémies ont joué un rôle capital dans le processus de conquête. Alors, comment faire l'histoire et échapper aux trois paradigmes aussi contemporains qu'anciens de l'histoire des Autochtones : le «barbare», le «bon Sauvage», la «réduction»? Comment également travailler avec les archives et l'histoire orale? C'est ce que nous tenterons de voir à propos de l'alliance franco-amérindienne aux XVIIe et XVIIIe siècles.

Abstract

The history of North America is the history of all its people. It begins with the Aboriginal peoples, their civilization and their various cultures, and continues after 1492 with the arrival of others from different civilizations and cultures. Since then, confrontations have related to both a process of meeting and a process of conquest. In this respect and contrary to political correctness, we argue that, apart from its technological advance, the West had achieved an intellectual advance resulting from changes in thinking during the Renaissance. Epidemics played a key role in the conquest process. Consequently, how can we consider history without examining the three paradigms as contemporary as they are traditional in the history of Aboriginal peoples: those of "barbarian," "noble savage" and "reduction"? Also, how do we approach archives and oral history? These are the aspects we will explore in respect of the French-Aboriginal alliance of the 17th and 18th centuries.

Une fois terminées les commémorations controversées du cinq-centième anniversaire du voyage en Amérique de Christophe Colomb, il importe de réaffirmer l'importance et l'urgence d'écrire l'histoire des Amérindiens. Celle-ci est confrontée à deux grands écueils idéologiques. Le premier, de tradition coloniale et européo-centriste, tend à occulter la présence et la dynamique autochtones. L'histoire nord-américaine et particulièrement canadienne ne les avait même pas envisagées avant les années 1960. Le second écueil est celui de la rectitude politique dont n'est pas complètement sortie non

plus la nouvelle histoire des Autochtones. Il consiste à minimiser le regard critique pour mettre en lumière les aspects «positifs» des sociétés et occulter les côtés repoussants pour l'œil contemporain. Généralement cette tendance conduit aussi à développer trop exclusivement le thème de la rencontre et de l'échange aux dépens de celui de la conquête et de la destruction. La mauvaise conscience de l'historien peut ainsi conduire soit à l'embellissement du passé, soit inversement à l'exagération du «machiavélisme» des puissances coloniales pour mieux fonder une interprétation centrée sur la victimisation.

Paradigmes

Une civilisation amérindienne

Il importe en premier lieu de placer les Amérindiens dans le cadre de leurs sociétés, c'est-à-dire dans le cadre d'une civilisation dotée de grandes aires culturelles, de centres de diffusion et de structures qui caractérisent les formes d'organisation sociale, les univers symboliques et les modes de rapport au monde. Il faut en tout premier lieu effacer la fausse conception d'une Amérique vide. Mais quel était le niveau de peuplement des Amériques? Les débats continuent de faire rage à ce sujet, et il n'y a actuellement aucun consensus. On peut se demander toutefois si les évaluations les plus élevées produites ces dernières années ne seraient pas «idéologiques» toutes quantitatives qu'elles soient. Il peut se cacher, en effet, derrière la démonstration apparente d'une densité très élevée de population, une manière d'exagérer les effets de la conquête : plus est grand l'écart entre la population pré et postcontact, pire auraient été les conséquences de ce contact. Sans entrer dans ce débat, nous nous contenterons de soumettre ici des ordres de grandeurs : l'ensemble des Amériques a pu compter une soixantaine de millions d'habitants, l'Amérique centrale et le Mexique certainement pas moins qu'une quinzaine de millions, peut-être vingt millions, dans les États-Unis, au nord du Mexique, environ 5 millions, et entre un quart et un demi-million d'habitants au Canada. La population du Québec devait se chiffrer quelque part entre 20,000 et 40,000 habitants (R. Thorton, 1987 : 27-32).

Il y avait de grandes villes dans le sud et le centre du territoire des États-Unis actuels. Ne retenons ici que Cahokia près de Saint-Louis, Missouri, avec ses artisans, son clergé et ses nobles qui firent construire de nombreux et imposants tertres pyramidaux. La ville comptait 20,000 habitants, c'est-à-dire autant que Cologne en Allemagne au temps de la construction de sa magnifique cathédrale. Ces réussites reposaient sur une agriculture prospère dont les rendements étaient plus élevés que ceux d'Europe (F. Braudel, 1979 : 96, 119, 126, 133). La richesse du développement artistique, tout particulièrement sur la côte nord-ouest et sur les rives du Mississipi, caractérisait également ce monde aux sociétés complexes, qu'elles aient été celles d'agriculteurs sédentaires ou de nomades/chasseurs/cueilleurs. Toutes ces sociétés s'inscrivaient dans de vastes réseaux de commerce, d'échanges et d'influences. Qu'il suffise ici de nous représenter l'explorateur Nicolas Perrot au cours des années 1670 alors qu'il fait enquête auprès d'Amérindiens du Lac Michigan pour apprendre la géographie et les réseaux de commerce : ses interlocuteurs lui parlent du golfe du Mexique, des Prairies et de la Baie

d'Hudson (Bacqueville de la Potherie, 1722, vol. 2 : 178; voir aussi Lafitau, 1983, vol. 2 : 51-52; Lahontan, 1990 : 645). Reconnaître au-delà de ces sociétés une civilisation renvoie à la profondeur du passé, à des permanences, à des visions du monde et à des modes de rapports à celui-ci. Claude Lévi-Strauss n'en a-t-il pas fait la démonstration pour l'univers mythique? Reconnaître l'existence d'une civilisation avec les grandeurs et les misères des sociétés comporte la quête de la spécificité de celles-ci, seule manière d'échapper aux préconceptions du Sauvage barbare et du bon Sauvage. Ces deux préconceptions constituent en effet l'envers de la représentation européenne de soi : au raffinement du civilisé s'oppose le désordre de la barbarie et de la nature, à l'artifice et à la décadence du civilisé s'oppose la simplicité de l'enfance de l'humanité.

Une civilisation européenne

L'argument pour la reconnaissance d'une civilisation en Amérique vaut également pour l'Europe. Certes l'histoire la plus traditionnelle reposait sur la représentation bipolaire de la civilisation occidentale et de la barbarie, cela ne devrait pourtant pas conduire à une simple inversion. De fait, il est important de toujours garder en mémoire que les comportements et les mentalités des acteurs sociaux issus des deux continents ne peuvent être compris qu'à partir des systèmes dans lesquels ils s'inscrivent. C'est ainsi, à titre illustratif, qu'il importe d'interpréter la question religieuse : elle mettait en présence deux univers qu'il faut décoder tant pour le shaman que pour le missionnaire, tant pour les rites et croyances des uns que des autres.

Économies-monde, expansion et conquêtes

Depuis le XVe siècle, l'histoire des Amériques est rattachée à celle de l'expansion de l'économie-monde dont l'Europe occidentale fut à la fois le centre et la puissance colonisatrice et conquérante.

On ne peut, sans occulter les rapports de force, qualifier ce processus d'intégration par la seule rencontre des civilisations. D'un autre côté, ne voir dans ce processus que la mécanique «objective» des forces de destruction peut conduire à sous-estimer les subtilités de la résistance, la richesse des cultures et leurs mutuelles transformations. L'attention portée aux mécanismes d'intégration des économies autochtones et aux processus objectifs de transferts des richesses mène à une sous-évaluation des perceptions subjectives des acteurs. Illustrons par la traite des fourrures. Il est certain que tout au cours de son histoire, le processus d'accumulation du capital a échappé aux Amérindiens. Par contre, il est également certain, et cela n'est pas du tout contradictoire, que les partenaires ont eu longtemps la conviction de faire de bonnes affaires aux dépens d'autrui. Si marchands et explorateurs se sont vantés d'obtenir des pelleteries pour des babioles, les vendeurs autochtones se sont félicités d'acquérir des produits utiles tels des couteaux ou des chaudières contre des vieilles peaux de castor toutes usées (D. Delâge, 1985 : 89-172; A. Ray, 1980 : 255-271; Lescarbot, 1611 : 597-598). De la même manière, l'étude des rites commerciaux mixtes dans la traite, résultant de la rencontre d'une économie de marché et d'une autre contractuelle, ne devrait pas empêcher de voir comment la culture traditionnelle a structuré la demande de marchandises

européennes. N'est-il pas vrai qu'en Amérique du Nord, les Autochtones ont longtemps préféré les bijoux de cuivre à ceux en or dont le couleur était jugée trop fade par comparaison au rouge du métal le plus précieux de leur civilisation, le cuivre rouge (G.R. Hamell, 1987 : 72-73)? Enfin, il n'y a pas que les Autochtones qui ont accueilli les produits nouveaux dans la logique de leur culture. Les Canadiens ont acquis le maïs dont le rendement est plus élevé que le blé, ils n'en ont pas pourtant fait leur culture principale.

L'histoire de la rencontre ne doit pas être toute ramenée à celle d'une conquête. Les échanges et les influences mutuelles furent nombreux, la diffusion s'engagea dans les deux sens. On observe des ouvertures et des blocages, des antagonismes et des complémentarités, des aires de communication et d'autres de secret ou d'arrogance. Cela est vrai pour les institutions, c'est ainsi que les armées européennes ont beaucoup plus emprunté à l'art de la petite guerre que les Églises n'ont retenu de rites autochtones. Cette observation vaut également pour les individus. Les coureurs de bois mariés à des Amérindiennes n'ont-ils pas, bien plus que les habitants, contribué à la diffusion des contes indo-européens?

La communication s'est construite à partir des éléments analogues de structures différentes, mais l'intégration dans un système plus vaste a aussitôt subverti les structures, qui au départ étaient autonomes. Voyons les guerres du deuil, c'est-à-dire ces guerres caractéristiques du Nord-Est de l'Amérique dont la fonction explicite visait la vengeance et le remplacement des morts : une fois intégrées dans le contexte colonial, ces guerres devinrent une forme de mercenariat. Elles ne résultaient donc plus exclusivement de règles de la parenté. À l'inverse, lorsque, sous régime français, l'économie de marché des fourrures fut subordonnée à la nécessité de maintenir les alliances amérindiennes, afin, indépendamment des coûts, de favoriser des objectifs géopolitiques, il en résulta à placer le politique, et non l'économique, au poste de commandement (D. Delâge, 1991 : 18-20, 1989 : 6).

Évolution et progrès?

Le relativisme culturel s'est développé à bon droit, principalement chez les anthropologues en réaction aux thèses racistes de l'évolutionnisme. Cependant le relativisme culturel comporte ses limites dans la mesure où il ne tient pas compte du progrès. N'y en a-t-il eu aucun dans l'histoire de l'humanité? La découverte du métal et de l'écriture n'a-t-elle pas conduit à des sauts en avant interdisant tout retour en arrière? N'en va-t-il pas de même avec l'introduction de nouvelles productions agricoles telles celles du maïs et du haricot? L'argument devient par contre controversé lorsqu'il s'agit du mode de pensée. Pourtant n'y a-t-il pas eu un bond en avant à cet égard, à l'occasion de la Renaissance? Que dire des implications intellectuelles de la rupture entre l'Église et la société civile, de la naissance de la pensée scientifique ou de la capacité d'objectiver la réalité matérielle puis la société? La victoire de Cortez aux dépens de l'empereur aztèque n'a pas résulté seulement de l'effet de surprise ou de la possession d'armes à feu et de chevaux. Elle fut possible parce que Moctezuma était davantage «englué» dans la pensée magique et dans l'univers du mythe alors que Cortez possédait une habileté supérieure à

objectiver et à manipuler les cultures (J.J. Simard, 1988 : 77-102). Il est certain que de manière analogue, les Français ont été habiles, voire machiavéliques, à mettre à profit et à faire servir à leurs fins les éléments de la culture de leurs alliés. L'inverse est aussi vrai. Cependant la position centrale occupée par les Français dans leur réseau d'alliances, doublée d'une culture où la religion n'occupait plus toute la place, a rendu possible une plus grande aptitude à manipuler.

L'accumulation du savoir sur les Amérindiens a favorisé la connaissance de l'Autre de même que la remise en question de ses propres paradigmes. Il en a résulté une distanciation face à toutes les sociétés et cultures à commencer par la sienne. Si du côté autochtone la confrontation avec les sociétés coloniales a engendré une conscience des différences entre les cultures, d'une manière générale, l'Amérindien devant le Blanc ne critique pas sa propre culture et c'est là une faiblesse qui contribuera à sa perte. En effet, il ne s'élève pas au-dessus de sa culture pour en faire un objet tandis que les Européens font précisément cela. Les transformations dans le mode de pensée de la Renaissance et de la Réforme protestante les y avaient déjà préparés. De plus, ils constituent la société la plus exposée aux variations culturelles puisqu'ils sont au centre d'empires. Ce sont donc les Européens qui, plus que tout autre peuple, vont manipuler les cultures à leurs fins. À cet égard, le relativisme culturel et l'objectivation de la culture minent l'Occident tout en facilitant sa domination (J.J. Simard, 1990 : 360-368; S. Vincent, 1987 : 11).

Les épidémies

La première et la plus tragique conséquence des contacts entre l'Europe et l'Amérique fut la chute catastrophique de la population autochtone à la suite des épidémies qui résultèrent de l'unification microbienne du monde. Dès 1611, les Jésuites soulignaient le dépeuplement de l'Acadie au fur et à mesure que s'accroissaient les échanges avec les Français (R.J. vol. 1, 1611 : 14). Marie de l'Incarnation, la fondatrice des Ursulines écrivait de son couvent de Québec qu'au dernier âge de sa vie (1599-1672) les Amérindiens étaient vingt fois moins nombreux qu'à l'époque de son arrivée en 1634 (Oury, 1971 : 735). Le père Charlevoix reprenait en 1721 le même ratio pour l'intérieur du continent (vol. 3 : 186-187). Enfin, tandis qu'au XVIIe siècle, les chroniqueurs jésuites parlaient d'une infinité de nations, ils décrivent, un siècle plus tard, un pays vide et des populations dispersées. (R.J. vol. 3, 1644 : 1029, 1645 : 44; Bacqueville de La Potherie, 1722, vol. 2 : 49; Perrot, 1973 : 96). Ces constats semblent confirmer à première vue la thèse de l'historien démographe Henry Dobyns (1989 : 284-307) qui évalue la dépopulation à 95 p. 100. S'il n'y a pas ici non plus consensus, il suffira de retenir qu'après une chute brutale, la population autochtone s'est, au mieux, tout juste maintenue tandis que les populations coloniales doublaient aux vingt-cinq ou trente ans.

Curieusement, la plupart des historiens demeurent encore peu sensibles aux terribles effets des épidémies. Ce n'est pas que les archives soient silencieuses mais les indices n'ont pas été systématiquement recueillis. En outre, la compréhension du dépeuplement qu'avaient les observateurs des siècles passés était conditionnée par les connaissances et les préjugés d'alors. De

nombreuses sources, en particulier lorsque les observations ne sont pas immédiatement reliées à une épidémie spécifique, constatent le dépeuplement pour l'expliquer ensuite par l'effet conjugué de la guerre et, surtout, de l'alcool. L'explication présente l'avantage idéologique d'en faire porter la cause sur le comportement et les péchés des Autochtones eux-mêmes. Certes la guerre et l'alcool tuent mais les épidémies le font bien davantage. Enfin, parmi ces sources, plusieurs récits de la tradition orale des Autochtones réfèrent probablement aux épidémies de manière métaphorique. Retenons le récit ojibwa de l'origine du rite du Midewiwin : il y eut un premier temps de la santé alors qu'esprits et humains communiquaient entre eux grâce à une vigne qui reliait le ciel et la terre; le bris de la vigne fut ensuite source de maladie et de mort jusqu'à ce qu'on réussisse tant bien que mal à la réunir (C. Vecsey, 1984 : 447-448).

Dans les religions autochtones, les qualificatifs «médicinal» et «sacré» sont synonymes, peut-être faut-il y voir un signe de l'urgence de guérir en même temps qu'un appel à l'univers spirituel. Selon un récit huron-wyandot de l'arrivée de l'homme blanc en Amérique, les Amérindiens ayant réalisé qu'ils avaient affaire à un envahisseur auraient uni leurs forces pour l'expulser du continent. Selon le récit, ils se seraient engagés dans une guerre qu'ils auraient perdue après que l'homme blanc eut débouché et répandu le contenu d'une bouteille remplie de germes de la variole (M. Barbeau, 1915 : 270). Une version analogue, généralement associée à un sentiment de culpabilité, a cours parmi les Canadiens et les Américains. Des couvertes empoisonnées par la variole auraient été distribuées avec perfidie aux Amérindiens. Il faut interpréter l'une et l'autre version de ce récit autochtone et «blanc» dans le contexte de cultures qui associaient la maladie et la sorcellerie. Il s'agit ici de réinterprétations de ce phénomène objectif que fut l'unification microbienne du monde et son terrible effet sélectif sur les populations aborigènes. Comme on le sait, l'Europe, l'Afrique et l'Asie appartenaient au même univers microbien et la résistance des populations était semblable, grosso modo. L'Amérique et les terres australes constituaient des isolats dont les populations n'avaient pas les anticorps pour résister au choc microbien qui résulta des découvertes, de la colonisation et de l'unification du monde. Certes les autorités militaires coloniales pratiquèrent en Amérique la guerre microbienne en infectant consciemment des populations à qui l'on avait remis les étoffes ayant été portées par des varioliques. Cependant ces pratiques ne semblent pas avoir été antérieures au milieu du XVIIIe siècle, elles ne peuvent donc constituer la principale cause du déclin drastique des populations autochtones. Nous retiendrons ici que la tradition orale, celle des Hurons-wayndot entre autres, attribue aux épidémies un rôle décisif dans le processus de conquête européenne de l'Amérique.

Du barbare, du bon Sauvage et de la «réduction»

Trois autres paradigmes sont toujours à l'œuvre, de manière subtile généralement, dans le domaine de l'histoire amérindienne. Le premier, caractéristique de l'histoire traditionnelle, fait appel au païen, au barbare, au sauvage; l'Amérindien étant défini par le manque ou l'absence de civilisation. Il constitue l'image inversée de l'Occident puisqu'il vit sans feu, ni lieu, ni foi,

ni loi, ni roi. Bien que n'ayant plus cours dans une forme aussi excessive, ce paradigme est toujours à l'œuvre dans des études qui, au lieu d'étudier les sociétés d'Amérique comme des systèmes, ne les abordent que dans le rapport aux caractéristiques qu'ils partagent ou non avec celles d'Europe. Cette incapacité de voir les sociétés autochtones en elles-mêmes caractérise également les études qui relèvent du paradigme du «bon» ou du «noble» Sauvage. Associé à la culpabilité et au rêve social, ce paradigme «produit» des sociétés matriarcales pour les féministes, égalitaristes pour les marxistes, d'autonomie individuelle pour les libéraux et par dessus tout, un monde immémorial d'enfants de la Nature inscrits dans le Grand Cercle pour les écologistes. Cette approche constitue un cul de sac parce qu'en fin de compte elle conduit à projeter sur les sociétés amérindiennes l'image inversée des «défauts» de l'Occident. Si cette approche demeure latente dans la plupart des écrits en histoire des Autochtones, cela tient certainement à la difficulté d'échapper à ses propres biais culturels et à celle de comprendre de l'intérieur les autres sociétés, mais cela relève aussi du maintien d'un double standard quand il s'agit d'expliquer les comportements amérindiens en contexte colonial. S'il est moralement acceptable de rendre compte des mesquineries, des bassesses, voire du sadisme des colons européens, il est implicitement interdit, rectitude politique oblige, de décrire des attitudes analogues du côté des «victimes», c'est-à-dire des Amérindiens. Pourtant, ne faisons-nous pas l'histoire des humains vivant en sociétés avec leurs grandeurs et leurs misères?

Aucune société n'est non plus figée dans le temps. Pourtant, dans les études historiques et anthropologiques, la quête d'un temps premier, originel, celui de la période précédant le contact est omniprésente comme si l'on pouvait y trouver des formes pures. Les sociétés amérindiennes de 1490 ne résultaient-elles pas d'un long processus historique de transformations, de diffusion et d'emprunts, et ce processus n'a-t-il pas continué d'avoir cours? Ainsi, plutôt que d'étudier les cultures autochtones telles qu'elles se présentaient, disons au XVIIe siècle, on cherche trop souvent à départager par quelque «centrifugeuse» l'authentique de l'emprunté! C'est comme si à l'inverse, l'effort principal du travail historique sur les sociétés coloniales cherchait constamment à épurer les influences nouvelles pour retrouver le noyau européen d'origine. Il en résulte le plus souvent que les Amérindiens sont exclus de l'appropriation du monde moderne et emprisonnés dans le folklore. Cette attitude est à l'œuvre tout autant chez les Autochtones. On a récemment, au village huron-wendat de Lorette, dilapidé la collection de la maison Brunelle, riche de meubles victoriens exceptionnels du XIXe siècle, d'images d'Épinal et d'archives dont les musées surtout et les collectionneurs ont fait l'acquisition. Cette maison illustrait la réussite sociale d'une famille huronne et son insertion dans son temps. Au même moment on a reconstitué dans le village une maison longue traditionnelle du XVIe siècle. C'est là en somme ce que des Hurons veulent montrer d'eux-mêmes et certainement ce que souhaitent voir de très nombreux touristes. Comme si l'emprunt et le métissage étaient trahison! Voyons la communauté des Iroquois catholiques domiciliés près de Montréal depuis la fin du XVIIe siècle; outre les Iroquois, d'Iroquoisie, elle tire ses origines d'une vingtaine d'autres nations, les mariages avec les Canadiens y furent nombreux. De même, pour les Hurons de

Lorette dont, au dire des observateurs du milieu du XVIIIe siècle, on ne pouvait, à première vue distinguer des Canadiens. Cela n'est pas surprenant puisque les deux villages ont adopté de nombreux prisonniers anglais de même que les enfants hors mariage des Canadiennes. Iroquois ou Hurons pouvaient donc être porteurs de phénotypes français ou écossais, ce qui n'a rien à voir avec l'identité qui ne peut pas être figée. La force d'assimilation des sociétés autochtones y est bien illustrée.

À propos des sources

Les archives constituent toujours la principale source d'information historique. Quant à l'archéologie, elle nous renseigne sur la culture matérielle mais aussi sur les réseaux, sur les stratégie d'adaptation, sur l'univers symbolique, etc. L'histoire orale n'occupe pas encore la place qui devrait lui revenir. Elle est particulièrement utile à la décrypte de l'interprétation ethnohistorique que les Autochtones font de leur passé. À vrai dire, il arrive rarement que nous disposions d'un texte écrit et d'un récit oral du même événement. Tel est le cas pour la «prise de possession» des Grands Lacs à Sault Sainte-Marie. Des documents notariés prennent acte du geste de Nicolas Perrot et de Saint-Lusson au nom de Louis XIV. D'un autre côté, la tradition orale des Ojibwas en rend compte sur un autre mode, celui d'une alliance à des fins économiques et militaires. La connaissance du contexte de l'époque nous permet de juger peu fiable l'acte notarié qui formaliserait pour les Ojibwas une cession de leurs terres et de leur souveraineté. Dans ce cas-ci, c'est la tradition orale qui est la plus fiable (D. Delâge, 1992-1993 : 57; S. Vincent, 1992 : 3-6).

Les grandes idées-thèmes de la tradition orale ont été reprises par ce qu'on appelle à tort l'ethnohistoire, au sens de l'histoire portant sur les Amérindiens : conquête plutôt que découverte, rapports structurés dans le cadre d'alliances, incompréhension dès les tout premiers traités, déclin tragique des populations autochtones coloniales, méprise quant à la valeur d'usage des marchandises nouvelles, perceptions autochtones des missionnaires, etc. Nous trouvons tous ces thèmes dans la tradition orale. Il ne s'agit pas de dire que les chercheurs n'auraient qu'à y faire la collecte de «faits» et d'interprétations toutes prêtes. Les «faits» n'existent pas et le processus d'analyse et de critique est incontournable. La tradition orale est trop riche pour être laissée de côté parce que les chercheurs sont incapables de la décoder.

La politique dans l'alliance franco-amérindienne

Les cartes historiques des XVIIe et XVIIIe siècles représentent un continent partagé entre empires, la Nouvelle-France s'étendant depuis Québec jusqu'à la Nouvelle-Orléans. Ces cartes sont fausses dans la mesure où elles sont conçues pour exprimer jusqu'où s'étend la souveraineté d'un roi. Les rois de France n'ont jamais régné que sur les zones coloniales de l'embouchure du Saint-Laurent et du Mississipi. Nulle part ailleurs en Amérique le roi pouvait-il donner des ordres, lever des taxes, disposer du sol ou conscrire les hommes. Du temps du régime français, les nations amérindiennes n'ont pas été subjuguées, elles sont demeurées autonomes. Dès lors, ces cartes historiques, plutôt que de

représenter l'étendue de l'empire français, illustrent plutôt le territoire couvert par le réseau d'alliance français-amérindien.

Pour le commerce et la défense, les Français étaient dépendants des nations amérindiennes. Cette dépendance les a contraints à renoncer à une politique directe de soumission. Les Amérindiens étaient prêts à accorder au gouverneur français, c'est-à-dire à Onontio un rôle analogue à un chef dans leurs sociétés ce qui signifie un leadership pour promouvoir le consensus, un rôle de protecteur militaire et de pourvoyeur. Malgré une généreuse politique de présents destinée à marquer la générosité, les gouverneurs français ne réussirent qu'avec difficulté à jouer ce rôle compte tenu de la faiblesse militaire de la colonie et de la non compétitivité de leurs marchandises de traite.

De son côté la France travaille systématiquement à imposer sa logique d'empire et à s'ériger au-dessus des nations en les jouant les unes contre les autres. Certes de tels jeux de puissance existaient entre les nations amérindiennes mais il est certain que la politique coloniale française visait un pouvoir plus absolu. Les Français ne réussirent donc jamais à fonder en Amérique le pouvoir royal comme Versailles le souhaitait, néanmoins celui-ci dépassa les limites que lui avaient assignées les quatre nations fédérées des Grands Lacs qui constituaient le cœur du côté amérindien de l'alliance : les Hurons, les Outaouais, les Potéouatamis et les Ojibwas. La concurrence impériale nous révèle l'ambiguïté dans le statut des alliés. Les Britanniques qualifiaient de sujets les nations qui leur étaient alliées mais jugeaient que les nations alliées des Français étaient trop autonomes pour leur être assujetties. Les Français tenaient le raisonnement contraire.

L'analyse des métaphores de parenté dans le cadre de l'alliance est révélatrice des perceptions comme des rapports objectifs entre partenaires. À partir de 1660, la métaphore d'une famille rendait compte de l'alliance; au gouverneur français était réservée la figure de père et aux Amérindiens celles des enfants. Les Français y retenaient l'idée de l'autorité, caractéristique de la famille patrilinéaire. Telle n'était pas la compréhension autochtone pour qui la famille n'avait pas une structure aussi autoritaire sans compter qu'elle pouvait être matrilinéaire, auquel cas c'était l'oncle maternel et non pas le père qui était investi d'une autorité morale. En diplomatie autochtone, le titre de père comportait un rôle de protecteur et de pourvoyeur mais il était dépourvu du pouvoir. Tout en étant obligé de se conformer à ces attentes, le gouverneur n'était pas un vrai père, même au sens autochtone, il était plutôt un «faux père» puisqu'il cherchait à subjuguer ses enfants.

En réaction à la «vieille histoire» qui avait fait équivaloir l'appropriation de l'Amérique à l'érection de croix avec armoiries, les auteurs récents ont, à juste titre, souligné l'autonomie des nations amérindiennes. Cela ne va toutefois pas sans nuances. On ne peut nier, même s'il était encore réversible, qu'un processus de conquête était à l'œuvre et que, même si les Français ne pouvaient pas gouverner les Amérindiens, leur position centrale et leur leadership dans l'alliance leur permettaient de diviser ceux-ci. Certes les autorités françaises ne pouvaient pas construire de forts sans en avoir au préalable obtenu la permission de leurs alliés et certes elles devaient réitérer leur redevance pour

l'autorisation obtenue par des présents annuels, n'empêche que ces forts, difficiles à prendre pour les Amérindiens, devinrent des avant-postes d'empire. Si les nations amérindiennes pouvaient encore dans les années 1740 envisager sérieusement l'expulsion des Français des Grands Lacs, vingt ans plus tard, Pontiac et ses hommes ne réussirent pas à défaire la garnison britannique de Détroit. Dès lors l'équilibre entre les prétentions rivales à la souveraineté commençait à basculer.

Le même argument vaut pour la guerre : les mobiles, les manières et le sens différaient d'une société à l'autre. Des facteurs économiques et géopolitiques étaient généralement à l'origine de ces guerres européennes où les soldats servaient souvent de chair à canon. Les Français ont modifié leurs manières de faire la guerre en Amérique et ils ont beaucoup emprunté à l'art de la «petite guerre». Ils ont dû également tenir compte de l'autonomie de leurs alliés qu'ils ne pouvaient conscrire. Pour ces derniers la guerre s'apparentait à la vendetta, elle était pour les guerriers occasion de venger les morts et d'accroître leur prestige. Cela n'a pas changé dans le contexte des guerres coloniales. De surcroît, les guerriers autochtones ont pu s'objecter à des massacres, préférant faire des prisonniers. Néanmoins, au-delà des apparences, la nature de la guerre amérindienne a changé avec son insertion dans le système colonial qui a imposé une logique géopolitique. De même, l'entretien des familles des guerriers par l'État, les salaires versés aux officiers autochtones, les primes offertes pour des chevelures (scalps), tout cela a dilué les anciennes contraintes et détourné la guerre au profit des pouvoirs coloniaux.

La religion

La typologie de la magie et du culte constitue une approche pertinente pour rendre compte de la rencontre sur le plan du religieux. La magie renvoie à une religion d'alliance entre humains et puissances spirituelles qui s'exprime sur le mode du don et du contre don, les hommes y cherchent l'aide et l'appui des dieux en plaçant symboliquement ceux-ci en position d'endettement dans la logique de l'échange. Le culte est la relation d'alliance entre un dieu omnipuissant et des humains qui lui sont entièrement redevables de leur existence et de leur salut. Rachetée après la faute originelle, l'humanité est redevable pour l'éternité à un dieu auquel elle doit rendre grâce. Tandis que dans l'ordre de la magie, les rites visent plutôt le présent, avec le culte, la quête d'efficacité est principalement tournée vers l'avenir. Contrairement au culte que caractérise un dieu central et jaloux, du côté de la magie, les dieux ne sont pas exclusifs et les hommes peuvent multiplier les alliances avec de nouvelles forces spirituelles au fur et à mesure qu'ils en apprennent l'existence, par le contact avec d'autres hommes.

La politique officielle française s'est toujours donné pour objectif la conversion des Amérindiens. Alors que dans les autres domaines de l'alliance, les emprunts des Français furent nombreux (petite guerre, maïs, rites et wampum en diplomatie, etc.) dans le domaine religieux le pouvoir français s'est toujours placé dans la position du seul donateur refusant d'accorder quelque légitimité aux prophètes et shamans amérindiens. Les missionnaires sont donc allés vivre parmi les Amérindiens mais la venue de shamans dans les

paroisses catholiques était évidemment inconcevable. Quant aux Amérindiens, ils reçurent les shamans en robes noires de leur allié français pour acquérir de nouveaux rites et d'autres moyens d'entrer en contact avec un monde spirituel jusqu'alors inconnu.

Les quelques missionnaires vivant au milieu de milliers d'Amérindiens durent se faire romains parmi les Romains. Ils débattirent de l'efficacité plus grande de leurs scapulaires par comparaison aux amulettes, de la pertinence de la prière plutôt que des chants et du tambour pour la chasse, du baptême source de santé et de puissance guerrière. Certes ils prêchaient pour le salut de l'âme et expliquaient qu'on ne pouvait contraindre Dieu, néanmoins, dans la mesure où c'est à titre de shamans qu'ils étaient reçus, ils furent amenés à insister sur les aspects de leur croyance et de leurs rites qui s'approchaient le plus de l'univers de la magie.

Les épidémies ont changé toute la donne. À partir de 1635 elles sont venues par vagues terriblement meurtrières. La seule explication possible alors était d'ordre surnaturel : dieux vengeurs, sorcellerie? Dès cette époque, l'on parle de «couvertes empoisonnées» mais c'est dans l'ordre de la sorcellerie qu'il faut le comprendre même si cela reposait alors sur une observation fondée : la maladie circulait avec les marchandises. Les explications retenues devaient répondre à deux grandes questions : pourquoi y avait-il soudainement tant de morts et pourquoi la mort s'acharnait-elle beaucoup plus durement sur les Amérindiens que sur les Européens? Finalement pourquoi les shamans mourraient-ils alors que survivaient les missionnaires?

Les missionnaires proposèrent deux explications. Selon la première, leur Dieu servait de bouclier. Cette explication avait du sens pour les Amérindiens, qui savaient les épidémies venir d'Europe. Le dieu européen aurait donc acquis depuis longtemps la connaissance des forces du mal et de la mort dans son continent d'origine. Selon la seconde, le Dieu chrétien était vengeur, il répandait la mort parmi ses enfants infidèles qui rejetaient son règne. Selon une variante, si ce Dieu infiniment bon ne répandait pas la mort, il laissait quand même Satan faire son œuvre.

Les épidémies furent à l'origine du processus de conversion. C'est vraiment à partir de ce moment, lorsque parents et grands-parents imploraient les missionnaires de sauver le dernier de leurs enfants ou petits-enfants que les missionnaires commencèrent à agir comme des prêtres et à enseigner leur religion. Dès lors, leur doctrine tombait en terre fertile et apportait sens et espoir dans ce qui était devenu une vallée de larmes.

La plupart des Amérindiens retinrent plutôt une autre explication mise de l'avant par des shamans : si les dieux des Amérindiens n'offraient pas la protection désirée, c'est peut-être qu'il y avait eu rupture d'alliance. C'était là le sens du récit ojibwa de la vigne liant le ciel et la terre auquel nous nous sommes référés précédemment. De même au XVIIIe siècle, la montée du rite du Midewiwin centré comme on le sait sur la quête des origines et sur celle de la guérison, et d'une manière générale, la poussée des mouvements nativistes constituaient des réponses amérindiennes à plusieurs problèmes parmi

lesquels il faut considérer, à côté des guerres et de la perte des terres, les épidémies.

La tradition orale des Hurons-Wyandots rend compte du choc des religions dans un récit où le dieu de l'homme rouge met le dieu de l'homme blanc au défi de soulever une montagne. Tandis que le premier réussit, le second échoue malgré la prière et la bible (C.M. Barbeau, 1915 : 296). Le christianisme y apparaît non pas comme une religion universelle mais comme celle de l'homme blanc fondée sur un livre sacré, donc sur l'écriture. Par contre l'appel à la fidélité à la religion des ancêtres et au rejet de celle du conquérant est ici associée au rejet de l'écriture conduisant à l'enfermement dans l'identité contre la modernité.

Aux temps de l'alliance franco-amérindienne, la plupart des alliés conservaient leurs traditions religieuses propres. Après 1650, ils ont forcé les Français à renoncer à la conversion comme condition de l'alliance. Qui plus est, ils ont converti de nombreux Canadiens et Français à leurs religions. Ultimement, les coureurs de bois qui se sont assimilés aux sociétés autochtones en ont acquis également la religion. La correspondance de missionnaires parmi les Métis, au XIXe siècle soulève le problème de l'influence autochtone et de l'obligation de rechristianiser (M. Giraud, 1945 : 1069).

La religion catholique avec son caractère institutionnel, son monothéisme et ses dogmes ne pouvait pas intégrer les croyances et les rites religieux des Amérindiens, elle allait plutôt les combattre. La seule influence autochtone fut celle du tabac, non sans analogie avec l'encens qui fut en Europe tout particulièrement associé à la messe. Le clergé fumait la pipe et chiquait peut-être parce qu'on accordait à la plante une vertu anti-aphrodisiaque (Von Guernet, 1988 : 326-381). De leur côté les emprunts religieux par les Amérindiens furent nombreux. Faut-il commencer par le monothéisme? Probablement bien qu'il n'y ait aucun consensus là-dessus. La figure du Maître de la Vie absente des documents de la première moitié du XVIIe siècle apparaît ensuite. Conçu comme l'esprit des esprit il était comme le Saint-Esprit. Le Christ et Dieu le Père furent plutôt retenus comme les héros culturels de la tradition occidentale. Il est donc probable que les figures du Saint-Esprit et du Maître de la Vie ont permis de jeter des ponts entre les deux religions.

Enfin, parmi les convertis, le christianisme a pris une couleur locale. S'il est certain que l'univers symbolique amérindien est demeuré à l'œuvre dans des formes chrétiennes, il est tout aussi certain que la plupart des conversions furent profondes. La forme spécifique de catholicisme apparue en Amérique du Nord n'était probablement pas plus syncrétique que celle de Rome, de Hongrie, d'Allemagne ou de France.

La culture

Multiples et profonds furent les échanges culturels entre Français et Amérindiens dans le contexte de leur alliance. Les Amérindiens ont acquis l'écriture, le métal, les armes à feu, des animaux domestiques, les étoffes, l'architecture des maisons et des fortifications d'Europe, l'art de négocier les

prix, le doute également concernant la religion, etc. En sens inverse, les emprunts des Français et des Canadiens ne sauraient se limiter aux canots et aux raquettes. Les influences autochtones furent profondes même parmi les colons habitant les rives du Saint-Laurent depuis Montréal vers l'aval. Il n'est pas nécessaire de le souligner pour les hommes qui sont allés vers les Pays d'En Haut, c'est-à-dire dans les Grands Lacs. Ils se sont assimilés aux sociétés autochtones, ou ils ont été à l'origine des communautés de Métis, elles-mêmes proches culturellement de leurs voisins autochtones.

Dans les régions de Montréal, de Trois Rivières et de Québec, l'interaction entre colons et Autochtones était fréquente sur les places de marché, dans les expéditions, légales ou non, de traite de fourrures, à l'occasion des opérations militaires conjointes, défensives comme offensives, dans le formalisme des relations diplomatiques comme dans les rencontres spontanées dans les cabarets. L'interaction était cependant davantage associée aux activités masculines bien qu'il faille souligner l'enseignement des religieuses auprès des petites amérindiennes. Nous retiendrons trois domaines principaux de l'influence autochtone : la culture matérielle, les valeurs et les institutions.

La culture matérielle

Lorsqu'en 1535, Jacques Cartier et ses hommes hivernèrent à Québec pour la première fois, les malheureux s'enfermèrent pour l'hiver et se comportèrent de la même manière que s'ils avaient été à la dérive en mer. Pas surprenant qu'ils vinrent proches de mourir du scorbut. Voyons un siècle et demi plus tard, à la fin du XVIIe siècle, ces expéditions militaires de deux ou trois mois de Canadiens quittant Québec à la mi-janvier à destination des villages iroquois ou de ceux des colonies de New York ou de la Nouvelle-Angleterre. Elles n'ont rien de glorieuses par contre puisque l'objectif était le sac de villages, la mort et les captifs. Qu'il suffise de souligner que la milice canadienne pouvait faire campagne durant les mois les plus froids. Ce sont les Amérindiens qui ont appris aux Canadiens à s'adapter à l'hiver et à acquérir les techniques de survie. Il en va de même pour le savoir géographique et pour celui sur la flore et la faune. Les Canadiens ont aussi fait de nombreux emprunts du côté des plantes médicinales et en agriculture, ils ont retenu le maïs, le haricot, la courge et le tournesol.

Les valeurs

Tous les observateurs coloniaux s'entendent pour dénoncer l'influence néfaste des Amérindiens sur les Canadiens, il importe donc de décoder. Les Amérindiens auraient rendu les Canadiens fainéants, insouciants, imprévisibles et insolents. Ces défauts auraient pour qualités complémentaires le courage, la vigueur et l'astuce, à la guerre particulièrement. En réalité il y a là une part de préjugé et une part de vérité mais ces traits de caractère ne peuvent tous être rapportés à l'influence autochtone, bien qu'il y en ait eu une.

Soulignons d'abord les préjugés de classe des aristocrates des XVIIe et XVIIIe siècles : les paysans, les travailleurs et les pauvres de tous les pays sont vus comme paresseux et imprévisibles. En somme, en Amérique le préjugé se colore de l'influence pernicieuse des «Sauvages». Cependant nous n'avons

pas affaire ici qu'à un préjugé. Il y eut effectivement des changements profonds dans les mentalités et dans les valeurs. Ces changements tiennent à la fois aux rapports sociaux spécifiques des colonies qu'il faut distinguer de ceux d'Europe et à l'influence amérindienne sans qu'il soit possible de mesurer le poids de l'une ou de l'autre influence.

La rareté de la main-d'œuvre en Amérique et l'abondance de terres disponibles ont modifié les rapports de classes. De surcroît, il y eut une démocratisation des signes distinctifs de statut ayant pour effet de réduire l'écart entre aristocrates et habitants. Il s'agit des droits de pêche, de chasse et de port d'armes désormais non restrictifs, à quoi s'ajoutent l'enrichissement des paysans qui peuvent acquérir des chevaux et enfin l'uniformisation linguistique vers le français aux dépens des langues, des dialectes et des accents de la vieille France. Bref, voilà qu'un roturier monté à cheval, équipé d'une arme à feu et d'une besace s'adresse au seigneur en français et à même hauteur d'yeux!

Enfin les Amérindiens ont exercé une influence sur ceux que le père Louis Nicolas décrit vers 1685 comme «leurs inséparables compagnons canadiens» (L. Nicolas, Fo. 100). Cette influence ne se mesure pas, mais est à l'œuvre dans l'autonomie et l'initiative des milices canadiennes chez qui l'on observe même la transgression du tabou du cannibalisme alors que durant la guerre de la conquête des hommes mangent du «bouillon d'Anglais» à l'occasion d'un festin de guerre (J.C.B., 1978 : 109-110). Par ailleurs, elle s'observe à la manière moins coercitive et plus libérale d'élever les enfants, on disait «à la sauvage» dans les familles comme dans les collèges et les couvents.

Dans l'ensemble, l'influence la plus profonde vient certainement du relativisme culturel et de la distance par rapport à la culture qu'a engendré la cohabitation de sociétés structurées différemment. Dès lors, aucune société ne pouvait désormais se concevoir comme étant naturelle et immuable. Apparaissant comme variations culturelles, les mœurs et les institutions devenaient donc le produit de l'histoire.

La critique des institutions

On s'engagerait sur une fausse piste en cherchant à faire un lien direct entre les institutions amérindiennes et les réformes ou les révolutions qu'ont connues les sociétés d'Amérique ou d'Europe. Il serait également faux de croire qu'en Europe, la critique des institutions et la réflexion sur la société n'auraient résulté que de la diffusion d'influences venues d'ailleurs. Le débat sur le changement social se développe dès la Renaissance avec l'émergence d'une distance critique et d'une amorce de désacralisation de la tradition. Il est à l'œuvre dans les nombreuses révoltes paysannes, dans tout le mouvement de la Réforme comme dans les idéologie utopistes et plus tard dans la démocratie des sociétés coloniales de Nouvelle-Angleterre. La société européenne avait donc secrété le doute et la distance par rapport à elle-même mais les grandes découvertes ont amplifié cette distance critique.

Les Européens étaient certes ethnocentristes et, en partant à la conquête de la planète, ils étaient armés de tout un système idéologique pour justifier cette

expansion. Tout inébranlable qu'il pouvait apparaître, ce système ne comportait pas moins ses failles et ses ambivalences. D'abord parce qu'il reposait sur une religion qui, n'étant pas celle d'une ethnie, se voulait universelle. Ensuite parce que cette tradition de remise en question pouvait se transposer en critique du colonialisme. Enfin parce que la multiplication des contacts a introduit des éléments de relativisme culturel et de distance critique face à toute société. Prenons le lien entre la monarchie et la patrilinéarité. N'était-il pas au cœur du système politique de la France? Les explorateurs français rencontrèrent en Louisiane une société, celle des Natchez, où régnait une reine-soleil au pouvoir absolu analogue à celui de leur monarque, Louis XIV, le roi-soleil. Les Natchez justifiaient leur système par l'idée évidente de la certitude de la filiation féminine. Cela n'eut pas pour effet de révolutionner la monarchie française, Louis XIV faisant même une guerre à l'Autriche en 1744 parce qu'une fille, Marie-Thérèse, y avait hérité du trône. Il n'empêche qu'il fallut reconnaître à l'allié Natchez une légitimité!

Graduellement, les observateurs européens, missionnaires tout particulièrement, admettent que tous les traits d'une culture sont relatifs, à l'exception bien sûr, de la religion. L'on commence par décrire des mœurs, des rôles et des institutions puis l'on compare. Avec l'envoûtement pour les langues dont on s'émerveille du «génie» vient ensuite l'admiration pour d'autres éléments des sociétés autochtones. L'on juge plus efficace le système judiciaire amérindien fondé sur la compensation des sévices subis par les victimes et l'on y puise des arguments contre celui d'Europe. La tradition diplomatique autochtone, le fonctionnement des conseils et la quête du consensus impressionnent et conduisent à élaborer, au travers la description et le questionnement, un modèle de république. Le caractère, dans l'ensemble, moins hiérarchisé des sociétés autochtones du Nord-Est questionne l'extrême hiérarchie de l'Europe. Se juxtaposent désormais toutes sortes de modèles sociaux et toutes sortes d'organisations que l'on pouvait décrire et chercher à comprendre. À cet égard, nous assistons à l'émergence des sciences sociales. Tout devient objet de discussion à l'exception de la religion avons-nous dit. Précisons : à l'exception du christianisme, car l'on cherche à expliquer rationnellement la religion des autres. Le père Charlevoix décrit des rites et explique la nature du discours ambivalent et des prophéties auto-réalisatrices du shaman dont il déconstruit le prestige en éclairant le lecteur sur les fondements sociaux de son pouvoir (F.X. Charlevoix, 1744, vol. 3 : 117-118). Ce faisant notre auteur s'avère un excellent sociologue des religions des autres. Il ne restera plus qu'aux philosophes qui le liront à appliquer les mêmes règles d'analyse aux religions chrétiennes, en étendant désormais l'analyse rationnelle-critique à tous les domaines de l'activité humaine sans exception.

Ce ne sont pas les sociétés impériales chinoise ou aztèque qui ont inspiré les réformateurs européens, mais plutôt les sociétés amérindiennes du Nord-Est, ou à tout le moins la représentation qu'ils s'en faisaient. Ces représentations n'ont parfois été rien d'autres que l'image inversée de leur propre société mais elles résultèrent également d'un savoir davantage objectif, produit de la rencontre et de la confrontation des sociétés.

Bibliographie

Axtell, James, 1985, *The Invasion Within. The Contest of Cultures in Colonial North America*, New York, Oxford University Press.

Bacqueville de la Potherie, Claude Charles Le Roy 1722, *Histoire de l'Amérique septentrionale*, Paris, J.L. Nion et F. Didot, 4 vols.

Barbeau, Marius, 1915, *Huron and Wyandot Mythology*, Memoir 80, n° 11, Anthropological Series, Canada, Department of Mines, Ottawa, Government Printing Bureau.

Beaulieu, Alain, 1990, *Convertir les fils de Caïn. Jésuites et Amérindiens nomades en Nouvelle-France*, Québec, Nuit Blanche.

Braudel, Fernand, 1979, *Les structures du quotidien : le possible et l'impossible*, 1ᵉʳ volume de *Civilisation matérielle, économie et capitalisme, XVe - XVIIIe siècle*, Paris, Armand Colin.

Charbonneau, Hubert *et al*, 1987, *Naissance d'une population. Les Français établis au Canada au XVIIe siècle*, Travaux et documents, Cahier n° 118. Institut National d'Études Démographiques, Presses de l'Université de Montréal, Presses Universitaires de France.

Clifton, James A., 1990, *The Invented Indian. Cultural Fictions and Government Policies*, New Brunswick, USA, Transaction Publishers.

Delâge, Denys, 1989, «L'Alliance franco-amérindienne 1660-1701», *Recherches Amérindiennes au Québec*, vol. XIX n° 1 : 3-15.

Delâge, Denys, 1992, «L'influence des Amérindiens sur les Canadiens et les Français au temps de la Nouvelle-France», *Lekton*, vol. 2 n° 2 : 103-191.

Delâge, Denys, 1985, *Le pays renversé, Amérindiens et Européens en Amérique du Nord-Est 1600-1660*, Montréal, Les Éditions du Boréal Express.

Delâge, Denys, 1992-1993, Les Premiers contacts dans «History of the Ojibway People» de William Warren, *Recherches Amérindiennes au Québec*, vol. XXII n° : 49-59.

Delâge, Denys, 1991, «War and the French-Indian Alliance», *European Review of Native American Studies*, vol. 5, n° 1 : 15-20.

Dickason, Olive Patricia, 1992, *Canada's First Nations. A History of Founding Peoples From Earliest Times*, Toronto, McClelland Stewart.

Dickason, Olive Patricia, 1993, *Le mythe du Sauvage*, Québec, Septentrion.

Dobyns, Henry F., Dean R. Snow, Kim M. Lanphear, David Henige, 1989, «Commentary on Native American Demography», *Ethnohistory*, vol. 36 n° 3, Summer : 285-307.

Eccles, William J., *Essays on New France*, Toronto, Oxford University Press.

Eccles, William J., *The Canadian Frontier 1534-1762*, Montréal, Holt Rinehart and Winston.

Franquet, Louis, 1974, *Voyages et mémoires sur le Canada*, Montréal, Éditions Élysée.

Giraud, Marcel, 1984, *Le Métis canadien. Son rôle dans l'histoire des provinces de l'Ouest*, Saint-Boniface, Les Éditions du Blé.

Gourdeau, Claire, 1994, *Les Délices de nos cœurs. Marie de l'Incarnation et ses pensionnaires amérindiennes. 1639-1672*, Québec, Septentrion.

Hamell, George R., 1987, «Mythical Realities and European Contact in the Northeast during the Sixteenth and Seventeenth Centuries», *Man in the Northeast*, n° 33 : 63-87.

J.C.B., 1978, *Voyage au Canada fait depuis l'an 1751 à 1761*, Paris, Aubier, Montaigne.

Jennings, Francis, 1988, *Empire of Fortune. Crowns Colonies and Tribes in the Seven Years War in America*, New York, Norton & Norton.

Jennings, Francis, 1984, *The Ambiguous Iroquois Empire*, New York, Norton & Norton.

Jennings, Francis, 1993, *The Founders of America*, New York, Norton & Norton.

Jennings, Francis, *The Invasion of America, Indians, Colonialism and the Cant of Conquest*, W.W. Norton and Company, New York, London.

Jetten, Marc, 1994, *Enclaves amérindiennes : les «réductions» du Canada. 1637-1701*, Québec.

Kalm, Pehr, 1977, *Voyage de Peter Kalm au Canada en 1749*, Jacques Rousseau et Guy Béthune eds, Montréal, Pierre Tisseyre.

Lafitau, Joseph-François, 1983, *Mœurs des Sauvages américains*, Paris, Maspero, 2 vols.

Laflèche, Guy, 1988, *Les Saints Martyrs canadiens*, Montréal, Singulier, 2 vols.

La hontan, L.A. de Lome d'Arce, baron de, 1990, *Œuvres complètes*, R. Ouellet & A. Beaulieu eds, Montréal, Les Presses de l'Université de Montréal, 2 vols.

Lescarbot, Marc, 1611, *Histoire de la Nouvelle-France*, Jean Milot, Paris, 4 vols.

Miquelon, Dale, 1987, *New France 1701-1744 «A Supplement to Europe»*, Toronto McClelland and Stewart.

Nicolas Louis [attribué à], circa, 1685, *Histoire naturelle des Indes occidentales*, Manuscrit, Bibliothèque Nationale, Paris, Fonds français 24225.

Ouellet, Réal, ed., 1993, *Rhétorique et conquête missionnaire : le Jésuite Paul LeJeune*, Québec, Septentrion.

Oury, Dom Guy, 1971, *Marie de l'Incarnation. Ursuline 1599-1672, Correspondance*, Solesme, Abbaye Saint-Pierre.

Peelman, Achiel, 1992, *Le Christ est Amérindien*, Montréal, Novalis.

Perrot, Nicolas, 1973, *Mémoire sur les mœurs, coutumes et religions des Sauvages de l'Amérique septentrionale*, Montréal, Éditions de l'Élysée.

Ray, Arthur, 1980, «Indian as Consumers in the Eighteenth Century», in Carol M. Judd et Arthur Ray, *Old Trails and New Directions : Papers of the Third North American Fur Trade Conference*, Toronto, University of Toronto Press : 255-171.

Richter, Daniel K., 1992, *The Ordeal of the Long-House*, Williamsburg, The University of North Carolina Press.

R.J., 1972, *Relations des Jésuites*, Éditions du jour, Montréal, 6 vols.

Sagard, Gabriel, 1976, *Le Grand voyage du pays des Hurons*, Montréal, Hurtubise, H.M.H.

Simard, Jean-Jacques, 1988, «L'anthropologue et son casse-tête», *Anthropologie et Sociétés*, vol. 12 n°1 : 77-102.

Simard, Jean-Jacques, 1990, «White Ghosts, Red Shadows : the Reduction of North-American Natives», in James A. Clifton, ed, *The Invented Indian. Cultural Fiction and Government Policies*, New Brunswick (USA & London, U.K.), Transaction Publishers : 333-370.

Sioui, Georges E., 1989, *Pour une autohistoire amérindienne*, Québec, Presses de l'Université Laval.

Thornton, Russel, 1987, *American Indian Holocaust and Survival. A Population History since 1492*, Norman, University of Oklahoma Press.

Tooker, Elisabeth, 1987, *Ethnographie des Hurons*, Montréal, Recherches amérindiennes.

Trigger, Bruce, 1991, *Les enfants d'Aataentsec. L'histoire du peuple Huron*, Montréal, Libre expression.

Vecsey, Christopher, 1984, «Midewiwin Myths of Origins», *Papers of the Fifteenth Algonquian Conference*, Ottawa, Carleton University : 445-467.

Vincent, Sylvie, 1987, «Comment peut-on être raciste?», *Recherches Amérindiennes au Québec*, XVI, 4 : 3-16.

Vincent, Sylvie, 1992, «Présentation, l'arrivée des Européens, récits et lectures d'aujourd'hui», *Recherches Amérindiennes au Québec*, vol. XXII n°s 2-3 : 3-6.

Von Guernet, Alexander D., 1988, *The Transculturation of the American Pipe/Tobacco/Smoking Complex and its Impact on the Intellectual Boundaries Between*, «Savagery», and «Civilization» 1535-1935, Montréal, PhD Dissertation, Department of Anthropology, McGill University.

White, Richard, 1991, *The Middle Ground. Indians Empires, and Republics in the Great Lakes Region 1650-1815*, Cambridge, Cambridge University Press.

Charles E. Reasons and Dennis Pavlich

The Legal and Social Alienation of Aboriginal Peoples in Canada

Abstract

"Alienation" has become a relatively common expression in contemporary society, whose usage often belies the varied meanings ascribed to it historically and in contemporary literature. "Alienation" arose with a positive religious meaning and subsequently became a cornerstone for the new property rights of an emerging capitalist economic order. In the new industrial order, social critics gave a negative meaning to "alienation" which became the basis for the social scientific concept. The legal freedom to alienate property has arguably led to the marginalization of certain segments of society. A specific example of this process can be found in the struggles of Aboriginal peoples with their colonizers. Through the process of legal alienation, Aboriginal peoples lost not only their land, but their culture and self-worth. In recent years, Aboriginal peoples have attempted to reduce their social alienation through a variety of de-alienation strategies, including social, political and legal struggles. One tactic has been land claim litigation. Through efforts to obtain legal alienation of land, Aboriginal peoples strive to reduce their social alienation and oppression.

Résumé

L'expression «aliénation» est relativement répandue dans la société contemporaine et son usage cache souvent les divers sens qui lui ont été dévolus au fil du temps et dans la littérature contemporaine. À l'origine, le terme «aliénation» avait un sens religieux mélioratif. Par la suite, il est devenu la pierre angulaire des nouveaux droits de propriété d'une économie capitaliste émergente. Dans le nouveau contexte industriel, les critiques sociaux ont accordé un sens péjoratif au mot «aliénation», qui est devenu la base du concept utilisé dans les sciences sociales. La liberté juridique d'aliéner la propriété a mené à la marginalisation de certains segments de la société. Un exemple précis de ce processus se trouve dans les luttes que mènent les peuples autochtones à l'endroit de leurs colonisateurs. C'est par l'intermédiaire du processus d'aliénation juridique que les peuples autochtones ont perdu non seulement leurs terres, mais aussi leur culture et leur estime de soi. Au cours des dernières années, les peuples autochtones ont tenté d'atténuer leur aliénation sociale par diverses stratégies de désaliénation, dont les contestations sociales, politiques et juridiques. Une des tactiques adoptées a été la revendication territoriale. Grâce à leurs efforts pour obtenir l'aliénation juridique du territoire, les peuples autochtones ont tenté de diminuer leur aliénation sociale et leur oppression.

Introduction

While alienation has become a household word to explain numerous and varied states, it has a particular meaning in both law and the social sciences. In law, alienation appears in connection with real property as the voluntary and absolute transfer of title and possession from one person to another. It is fundamental in a system of private property which is at the heart of liberal economic theory with its emphasis on markets. In common law systems, the power to alienate real property is an essential ingredient of an estate in fee simple absolute ("ownership"). It follows that unreasonable restraints on alienation must be and are generally prohibited as against public policy (Yogis 1983; Gray 1883). Passage of "property" in this way is performed voluntarily by an alienated party as opposed to transmission on account of unplanned intestacy or due to invocation of the law (Black 1979). Therefore, alienation in law has a very specific meaning in relationship to the law of real property and rights pertaining to real property.

In the social sciences, the term alienation has broadly referred to a negative state of individuals, groups or societies who respectively have deficiencies (Ludz 1981). However, while at a general level it is a form of estrangement, several aspects of the concept reflect varying methodological and theoretical perspectives. One of these perspectives stems from the work of Karl Marx and neo-Marxists, emphasizing alienation as a criticism of social structures (particularly capitalist) and advancing social change strategies to eliminate alienation. Methodologically, alienation is viewed holistically and historically as a consequence of material changes in social production accompanied by ideological changes in the worth and meaning of human activity, particularly work. Another perspective is derived from the work of French sociologist Émile Durkheim and his concept of "anomie". Subject to empirical analysis largely through surveys, this emphasis is widespread among psychologists and social psychologists. Alienation is quantified through surveys designed to gauge individual feelings of powerlessness, meaninglessness, normlessness, self-estrangement and social isolation. The emphasis is ahistorical and non-contextual.

Before the Aboriginal people of today's Canada were colonized, they had their own social, political and economic institutions. However, through treaties, war and settlement their institutions were modified and destroyed. They became alienated from the colonizer through a forced dependency and subordination. The lands that they had occupied and used were appropriated by the colonial powers. Legal institutions took most of their culture, property and sense of self-worth. The *Indian Act* embodied the principle of dependency and powerlessness over their own fate.

In recent years, Aboriginal peoples have increased their efforts to reduce their social alienation through collective efforts at establishing self-determination and self-government. Part of the struggle to establish control over their own lives is through land claims. These efforts through the courts and negotiations to establish a degree of legal alienation are an attempt to establish a power base for self-government. Therefore, the reduction of the social alienation of Aboriginal peoples relates to their increasing their legal alienation rights to

land. The struggle of land claims settlement is a struggle by Aboriginal peoples to reduce their social alienation after hundreds of years of colonization.

Early Origins of Alienation

Previous to both the social scientific and legal meanings of alienation there existed a religious meaning (Ludz 1976). The early Gnostic tradition involved a positive turning away of one's spirit from things mortal and forgetting the misery in this world. Therefore, alienation is a positive precursor to entering God's Kingdom where such alienation does not exist.

The origin of alienation in Latin is the noun *alienato*, which derives its meaning from the verb *alienare* (to make something another's, to take away, to remove). Its principal use was in connection with property via the transfer of ownership. The notion of alienation as a transfer was very important in the emergence of mercantile capitalism as a right of property. In the transition from feudalism to capitalism, property emerged as an individual, private freedom and a right. As Blackstone (1800; 2) observed in 1765, "there is nothing which so generally strikes the imagination, and engages the affections of mankind, as the rights of property."[1] The early constitutional struggles in seventeenth century England were as much about the security of property as about political power (Atiyah 1979).

Alienation in Social Sciences

The early use of the term alienation in the social sciences is found in social contract theory.[2] Hugo Grotius (1583-1645), Dutch jurist and legal thinker, conceived of "sovereign authority" over oneself as analogous to legal property rights, i.e., the transfer of "sovereign authority" over oneself to another person. Thus, alienation is the basis for and justification of all political authority.[3] The legal notion of alienation applies to the foundation of the contemporary western nation-state and the relation between the individual and the State (sovereign).[4] Individuals voluntarily gave up part of their autonomy (alienated it to the State) and in return became subjects of the State with certain rights, e.g., to vote, to own property, to sell labour, and with certain obligations, e.g., taxes, census, conscription, adherence to State laws/authority.

Two freedoms became paramount in the new nineteenth and twentieth century capitalist state: freedom of contract and freedom of property. Most restrictions on the right to legally alienate property, many having survived feudal times,[5] were lifted, while the law created free and equal subjects who could pursue their self-interest through rights of property and contract; alienation via property law and via the sovereign and constitutional governments was viewed in a positive manner in the new liberal, industrial, capitalist nation states.

Alienation as Critique

In the latter part of the nineteenth century, social critics suggested that this new form of society had certain negative consequences, including psychological and social alienation. This is particularly evident in the work of Durkheim and Marx.

French sociologist Durkheim saw societies evolving from simple to complex on the basis of differing forms of solidarity. His classic work, the *Division of Labour in Society* (1933), identified social solidarity as changing over time from "segmental" societies with "mechanical solidarity" based upon similar roles and statuses, to "organized" societies with "organic solidarity" based on heterogeneity in which mutual interdependence develops within a more specialized hierarchical division of labour. One of the consequences of the increased division of labour and complexity of society was a state he called "anomie." Anomie, as a personal state of disorientation, related to change in society and was a form of "alienation" which was viewed as a negative, albeit inevitable, consequence of social change.

For Karl Marx (philosopher/political economist/social critic), alienation was particularly a product of the wage-labour relation characteristic of capitalism. He viewed alienated labour as inimical to the true nature of human beings for it bestows on products a separate, independent power in the form of commodities/objects which have power over workers. Like religion,[6] human beings create something and imbue it with power and control over their life— a reified being.

Particularly significant in nineteenth century social sciences is the conception of alienation as a negative product of society, rather than the previously noted positive interpretations. This negative connotation increased in the twentieth century.

Corporate Society: New Forms of Alienation

The twentieth century witnessed a radical transformation in the nature of western capitalism. The "corporate society" emerged full blown.[7] Early capitalism was based upon traders and merchants, craftworkers and apprentices, labourers and landowners within a competitive economic order. Spurned by large-scale technology, concentration and the development of a waged-labour working class, the modern corporation spawned new social as well as economic relationships (Thompson 1963). Shareholders often came to represent remote forms of ownership whose interests were advanced through corporate managers, while blue-collar workers increasingly gave way to white collar workers. Oligopolistic and monopolistic tendencies emerged nationally and transnationally with state resources increasingly used for capital investment. The corporate political economy is based upon certain "structural imperatives" (Reasons and Perdue 1981) which include: (1) corporate ownership of the major means of production and distribution, the corporation itself privately owned; (2) profit as the cornerstone of the corporate order; (3) growth as measured in terms of higher productivity, increasing sales, bigger profits, new markets, new technology—all reflected in transnational corporations and the "new" global economy[8]; (4) increasing economic concentration with large firms dominating the market place; (5) "technocracy" as a whole occupational category of technicians applying science to corporate ends; (6) social control networks through "inter-locking directorates" (corporate boards of directors having common membership) and the "translocation of elites" (corporate elites move in and out of the public sphere

as politicians, advisors, etc.); (7) contractual relationships replace custom, loyalty and personal bonds through law, collective bargaining, etc.; and (8) a "managerial model" predominates with a whole occupational category of managers emerging to run the economic and political order.

Law has facilitated these structural imperatives in the social sphere, particularly in the area of contract, property and corporate law (Chambliss and Seidman 1982: 85-119). The alienation of vast resources as property has been facilitated through the power to transfer corporate shares. While the dominant corporate ideology[9] explains such changes as beneficial to all, the empirical reality in Canada and the United States shows that great disparities in wealth, power and living conditions not only exist, but may grow as a consequence of this "natural" process (Reasons and Perdue 1981; Veltmeyer 1987; Phillips 1990). Where the power to alienate property has been controlled, the aim is usually to secure or facilitate concentrations of wealth.

Ironically, alienation in law as a property right entailing freedom of transfer as an inextricable part of ownership is considered to produce alienation among certain segments of society, e.g. workers, Natives, women and environmentalists. While alienation in society has arguably directly increased as alienation in law has become more widespread and pervasive, efforts are being made to restrict alienation in law as a means of reducing alienation in society. This is evident in Native land claims, efforts by environmentalists concerning natural resources and their exploitation, renters' efforts to affect prices and conditions of rent, calls for more accountability of corporate managers, owners, boards of directors; more liability for both public and private organizations, and the call for controls on the operation of corporations transnationally.

Alienation and Aboriginal Peoples

Historically, the Aboriginal peoples of what subsequently became Canada characteristically did not recognize land as private property capable of individual ownership. Land was part of the totality of life and could no more be owned than air. "To own land is equivalent to owning air", says Chief Owen Lyons, — "an absurd concept to Native peoples" (Lyons 1984:5). While forms of private property existed among some tribes concerning art objects, there was no concept of alienation of land in terms of absolute ownership and possession and sale, albeit there was use and occupation (Clements 1991). The "institution" of property (the rules regarding resource allocation and use) among Aboriginal peoples emphasized collective use and occupation, not domination, exploitation, depletion and exhaustion of such resources.[10] In the words of Chief Crowfoot in 1876 during treaty negotiations:

> Our land is more valuable than your money. It will last forever. It will not perish as long as the sun shines and the waters flow, and through all the years it will give life to men and beasts.

> We cannot sell the lives of men and animals and therefore, we cannot sell the land. It was put here by the Great Spirit and we cannot sell it, because it does not really belong to us. You can count your money and burn it with the nod of a buffalo's head, but only the Great Spirit

can count the grains of sand and the blades of grass on these plains. As a present to you, we will give you anything we have that you can take with you, but the land we cannot give (cited in Jackson 1984:260).

Notwithstanding Aboriginal cultural notions and practices, the colonialization process was not to be impeded and the Crown took proprietary rights over all of the land through treaties, cession and settlement. The only land left for Aboriginal peoples was that of the reserves, which are held in trust by the Crown. The law has played an important role in the colonialization process and its contemporary social manifestations (Havemann 1989).[11] The effects of colonialization are evident in the high poverty and unemployment rates of indigenous peoples compared to the non-indigenous, their reliance upon public assistance, the low level of educational attainment, the relatively high infant and maternal mortality rates, high suicide and homicide rates, and their higher involvement with the criminal justice system (Griffiths, Yerbur, and Weafer 1987).[12]

As one lawyer observes in relationship to the effect of "civilization" upon Indians in the Province of British Columbia:

"Civilization" turned out to mean the gathering of the wandering Indians in permanent villages for ease of the white man's administration. Unfortunately, it also meant the introduction of liquor and small pox, both of which were to play major roles in debilitating the Indian society. The "blessings of the Christian religion" meant supplication "before evangelical missionaries and the surrender of Indian children to Christian residential schools" (Exell 1990: 868-9).

The colonization process led to the increased alienation of the Aboriginal people through loss of their means of self-control and increased dependency upon the colonizer.[13]

Although Aboriginal peoples were presumed to benefit from becoming British subjects, they were not allowed to vote or be elected and thus had no say in the *Indian Act* which was to rule their lives. This political alienation through the law was not unique, but based upon a long-standing practice by the colonizer.

The early Indian Acts did not, naturally, simply spring into being as the brainchild of some colonial bureaucrat or Home Office dogsbody. Rather, those early Acts sought to embody the long-standing principles by which the British had conducted their affairs with the Aboriginal inhabitants of their far-flung colonies. These principles predated the first Indian Acts by some three hundred years (Salembier 1992:8).

Land Claims

Renewed attempts at gaining more self-determination have come to the fore in recent years. This is quite evident in the increase in organizations mobilizing for Aboriginal rights, and growing public recognition of the legitimacy of their claims (Ponting 1986).[14] One aspect of de-alienation concerns Aboriginal land claims. The basic thrust of such legal action is to have the courts recognize Aboriginal title and subsequently provide various forms of reparation through

negotiations with the Crown. Such litigation has established that, while there existed Aboriginal title previous to the "discovery" (i.e., colonization) by the Crown, the extent of "Aboriginal rights" subsequently deemed existing by the courts via s. 35 of the *Canadian Charter of Rights and Freedoms* applies to use and occupation for subsistence purposes. This has protected hunting, fishing and gathering rights, but not title. In fact, the Crown holds ultimate title to such land, although Indians have a legal right to occupy and possess certain lands. Former Chief Justice Dickson of the Supreme Court of Canada states in *Guerin v. R.* [1984] 2 S.C.R. 382:

> The nature of the Indians' interest is therefore best characterized by *its general inalienability*, coupled with the fact that the Crown is under an obligation to deal with the land on the Indians' behalf when the interest is surrendered. Any description of Indian title which goes beyond these two features is both unnecessary and potentially misleading. (emphasis added)[15]

Case law establishes a *sui generis* "relationship" wherein the Crown owes a fiduciary duty to Indians upon establishment of "Aboriginal title."

A more recent Supreme Court of Canada decision recognizes Aboriginal fishing rights and some herald it as an indication of the worth of both s. 35 of the *Canadian Charter of Rights and Freedoms* and the usefulness of litigation to achieve increased power.[16] As one commentator stated:

> Many Aboriginal peoples' organizations have seen in the constitutional recognition of Aboriginal rights in section 35 of the *Constitution Act, 1982* a broad solution to the role of Aboriginal peoples in modern Canadian society, a demarcation of jurisdiction (self-government), as well as a source of economic benefit and cultural protection (Binnie 1990).[17]

The author then goes on to argue that the use of the *Charter* s. 35, as in the *Sparrow* decision, undermines a broader interpretation that would envision the achievement of self-government and an economic base. By limiting Aboriginal rights to traditional areas of hunting, fishing and gathering, the possibility of establishing a larger power base is lost. Therefore, by interpreting Aboriginal rights as contingent upon state action, the Supreme Court of Canada failed to support an inherent Aboriginal rights approach (Asch and MacKlem, 1991).

This idea became evident in the *Delgamuukw* decision by Chief Justice McEachern of the Supreme Court of British Columbia.[18] Involving a four-year trial with 51 hereditary Chiefs as plaintiffs, Chief Justice McEachern, in his 300-page judgment, dismissed the claim to ownership and jurisdiction over some 58,000 square kilometres. Furthermore, he found that Aboriginal rights such as hunting, gathering and fishing were extinguishable by the Crown, though the Crown has a fiduciary duty as "protector" of Indians. This direct attempt by Aboriginal interests to establish a legal right to self-government and control was squarely rejected.[19]

Unlike in Australia, where the High Court of Australia had deemed the land *Terra Nullius*, without occupancy upon colonization, there is recognition that

the land was occupied, at least in part, by Native people before "settlement" by the Crown. Although the plaintiffs acknowledged the Crown's underlying title and that they could not alienate the land except to dispose of it to the federal Crown, they claimed that the acknowledged Crown title is burdened by an obligation to them. The Chief Justice found that they had limited rights with respect to some of the land, but far short of establishing ownership. In his words:

> As to ownership, I have concluded that the interest of the plaintiffs' ancestors, at the time of British sovereignty, except for the village sites, was nothing more than a right to use the land for Aboriginal purposes ... (p. 455).

Chief Justice McEachern essentially gives the plaintiffs *usufructary* rights to enjoyment of specific land (proprietary right to enjoy the use or benefits of a specific thing of which you have no ownership), while acknowledging the Crown's fiduciary duty to ensure such limited rights. The claims for damages were dismissed. In the alternative, if Aboriginal rights were not extinguished, they would be for the communal benefit of all the peoples represented. He also deemed that all Aboriginal rights were extinguished by Colonial Instruments enacted prior to the entry of British Columbia into Confederation in 1871.

Over two years later, the British Columbia Court of Appeal found, in a 3-2 decision,[20] that while the trial judge erred in declaring that all Aboriginal rights were extinguished by Colonial Instruments, the land rights are of a non-ownership variety. However, these unextinguished, non-exclusive land rights protected by common law are not protected by s. 35 of the *Constitution Act of 1982*. The parties agreed to negotiate the precise content of these rights and boundaries of the territory over which they would be exercised. Speaking for the majority, Justice Macfarlane observes that it is futile to attempt to characterize the rights as proprietary or non-proprietary:

> I agree it is not correct to regard such rights as non-proprietary because they are inalienable. They are personal in that sense but that does not end the inquiry. In the end, the Aboriginal interest is *a right of use and occupation of a special nature-best described as SUI GENERIS*. (p. 511, emphasis added).

The lengthy dissent of Justice Lambert (over one-third of the 300-page reported case) provides a compelling socio-legal analysis as the basis for making a declaration of Aboriginal rights, including Aboriginal title and rights of self-government and self-regulation. Using the decision by the High Court of Australia in *Mabo v. Queensland* as his guide, Justice Lambert says "Aboriginal title" (not Native title as used in *Mabo*) is an entitlement "as against the whole world to possession, occupation, use and enjoyment" of the lands to which Aboriginal title relates. He relies on many quotes from *Mabo* in finding Aboriginal title based on the doctrine of continuity. He concludes that "In my opinion the area in central British Columbia claimed in this case was no more *terra nullius* when the first colonizers arrived in that part of British Columbia than the Murray Islands were when the first colonizers arrived there" (p. 643).

This decision has been appealed to the Supreme Court of Canada.[21]

Meanwhile, the federal and provincial governments are speeding up negotiations. Pending federal legislation provides for land claims and self-government for 14 Yukon bands. Only 4 bands have agreed to the terms, which include the transfer of 41,439 sq. kilometres, $243 million over 15 years, and the negotiation of local powers regarding justice, language, culture, hunting, health care and taxes. The British Columbia Treaty Commission is in high gear negotiating with numerous bands regarding their claims. The possible future decision of the Supreme Court of Canada may be an impetus to such negotiations.

Australia and Mabo

In Australia, until *Mabo*, the approach was to ignore Aborigines through the doctrine of *Terra Nullius*. As law Professor Kerriush (1991:15) observes: "In declaring a whole race and its culture either non-existent or not worthy of recognition, *Terra Nullius* is an act of ideological genocide." Does this mean that the rejection of this doctrine by the High Court of Australia empowers Native people? The large majority (6 of 7 judges) found that the common law recognizes a form of Native title. Many of the observations by the Court attempt to redress past wrongs by the colonizers.[22] The High Court decision in *Mabo* removed a major historical fiction, *Terra Nullius*, allowing the Australian parliament to fill in the particulars. This has come with the Native Title Act of 1993 (Sarre 1994). While the text of *Mabo* is based upon Western legal notions (Endre-Stacy 1995), it provides a mechanism for not only legal, but social transformation.

The *Mabo* decision reflects a shift in paradigm for the Court and has potential constitutional ramifications. In a recent *Australian Bar Review* article, a Sydney barrister observes that the commitment of the Prime Minister to reach a reconciliation with Aboriginal Australians combined with the commitment to move to a Republic from the present constitutional monarchy provides a great opportunity.

> *Mabo* has therefore created an opportunity to link the process of reconciliation with the establishment of a republic so as to produce a legally and ideologically coherent doctrine of sovereignty (Brabazon 1994: 241).

Whether the *Mabo* decision will be persuasive to the Supreme Court of Canada remains to be seen. While there appear to be gains on the legal front regarding increasing legal alienation of Aboriginals in order to reduce social alienation, it is useful to assess such efforts in their ideological and material context.

Conclusion

Alienation is a concept which has gained much popular usage in recent years. Tracing the history of the term alienation in religion, law and the social sciences provides much insight into its social origins and evolving nature. Through the sociology of knowledge, it becomes evident that alienation in law appears related to alienation in society. Whether one takes a more narrow social-psychological approach or a broader, socio-historical approach to alienation, its rise seems directly connected to increased alienation in law.

Currently many efforts are being made to reduce alienation in society, including efforts to limit alienation in law.[23] While alienation may be inevitable, its nature, extent and form, legally and socially, is not predetermined, but rather a product of human agency.[24]

Since Aboriginal peoples were colonized in what became the nation of Canada, the legal alienation of them and their lands has led to extreme social alienation. The manifestations of this social isolation are evident in the third-world conditions of many reserves and of Aboriginal peoples in terms of poverty, health and other social problems. In Canada as elsewhere, indigenous peoples were largely stripped of their culture, livelihood and self-worth.

In efforts to reduce their social alienation by creating more self-reliance and independence, Aboriginal peoples have asserted their claims to land through the courts. This strategy has led to some gains, but has also exhausted both financial and human resources.

One of the most significant gains obtained through litigation, according to some observers, is the establishment of a Crown-Aboriginal fiduciary relationship. "By using fiduciary principles to govern Crown-Aboriginal relations and incorporating those principles into constitutional protections, the Supreme Court of Canada adopted the most compelling and effective means within existing law to achieve justice in the area of Aboriginal rights" (Bryant, 1993: 20).

The basis of a fiduciary relationship is that the fiduciary party (Crown) has a duty to act on behalf of the principal (Aboriginal peoples) in a selfless good faith and loyalty for the best interest of the principal (Aboriginal peoples). So far, the case law indicates that the Crown must act as a fiduciary to Aboriginal peoples in regulating fishing and hunting rights, performing treaty obligations and alienating Aboriginal land. However, unlike the fiduciary relationship of guardian or trust, where the principal's interests are paramount, the Crown must also protect the public's interest. In determining the rights of Aboriginal peoples and the duties of the Crown via the fiduciary principal, there will always be concern and a weighing of the interests of non-Aboriginal peoples. Given that the courts' perspective inherently devalues Aboriginal culture, there is a built-in limit to what they can accomplish.

While the fiduciary duty of the Crown to Aboriginal peoples has been well established in case law, its breadth, meaning and impact have not been well defined. Since the courts, as evidenced in the *Delgamuukw* decisions, are ethnocentric, lack cultural relativism and follow a means of adducing fact which is inherently biased against Aboriginal peoples, they can only go so far in their pronouncements (Ash and Bell, 1994). It is unlikely that Canadian courts will recognize the inherent right of Aboriginal peoples to self-government, including their own political and legal institutions. Some degree of such recognition is more likely to come through negotiations with the government. Given the contradictory nature of pursuing rights through a system which is culturally different, Aboriginal peoples evidence the patience which has sustained them through centuries of colonization.

Historically, many Aboriginal nations had foretold the coming oppression at the hands of Europeans and their eventual liberation. One of the best known of these is the Hopi prophecy relating that our nations will live under the oppression of Europeans for seven generations. The end of the oppression and the re-emergence of strong, liberated Aboriginal nations will be signaled by "an eagle landing on the moon" (White and Jacobs 1994). The increasing recognition of Aboriginal rights and land claims by the courts of the colonizer may reflect that the eagle has indeed landed. The recent March 19, 1994 historic two-year Interim Measures Agreement between the British Columbia Government and the First Nations of the Central Region of the Nuu-chah-nuth Tribal Council reflect the degree to which moral influence can be a valid strategy.

This agreement was preceded by the establishment of the B.C. Treaty Commission in 1992 by agreement among the governments of Canada, British Columbia and the First Nations Summit. The mandate of the Commission includes the negotiation of treaties involving such wide-ranging issues as land ownership by First Nations government (Fisher, 1995). Both the issues and terms of negotiation and the position of the respective parties transcend the narrow confines of litigation. While opposition parties in British Columbia, particularly the Reform Party, have decried these negotiations as a "give-away" to Aboriginal peoples, public opinion surveys suggest the majority of the population would like the issues resolved through such negotiations. This is much preferred to the violence of Oka or the confrontation of roadblocks and sit-ins.

In one of the largest civil disobedience actions in Canada's history, both First Nations and environmentalists cooperated in attempting to stop rapid destruction of old growth forests. The Clayoquot Sound protests in British Columbia witnessed hundreds arrested in 1993 (Berman 1994). Nonetheless, in 1994, agreements were signed between the British Columbia government and several First Nations. Increasingly, the efforts of Aboriginal peoples in Canada, in both the public forum and legal forum, are paying off. Through de-alienation strategies new property is gained in terms of self-control and self-determination. While the "land claim industry" is profitable to many (Foster and Grove, 1993), it may actually be most beneficial to those whom it should benefit, Aboriginal peoples.

Notes

1. The notion of proprietary rights developed over a great amount of time from the mere fact of possession (Westrup 1936).
2. This discussion is largely based upon Schacht (1971) and Atiyah (1979).
3. Rousseau argued that sovereignty is not analogous to property because one necessarily degrades oneself in transferring sovereignty over oneself to another, while relinquishing a piece of property does not entail degradation. However, he does consider such alienation as positive if transferred to a community (not individual) in which all are on equal footing. This allows for the establishment of community (State) with a hierarchy of authority, rights and obligations to which both citizens and State agents are subject (rule of law). By deeming community members subjects of the State and investing some with certain rights, e.g., vote, the fiction of social contract is maintained. That voting rights until this century in

constitutional democracies have been based upon real property ownership and worth suggests the close relationship between property in law and politics.

4. Social contract theory is based upon an abstract notion that people got together at some time and voted to give up their autonomy to further their own interests by forming an organized polity, i.e., State. This consensual, voluntary image ignores the history of conflict, conquest, imperialism and domination in which the State arose. It is this type of approach that assumes early laws were merely the codification of custom. For an insightful critique of this assumption, see S. Diamond (1978). For elaboration upon the origin of the State, see Tiger and Levy (1977) and Giddens (1987).

5. Consider, for example, the demise of the fee tail by legislation. Note also the complex rule against perpetuities which is considered to be one of the law's weapons against restraints on the alienation of property. As Simes (1955) has said: "Ever since it first emerged in *The Duke of Norfolk's Case* [Ch. 1, 22 E.R. 931 (1682)], it has been declared to be a rule in furtherance of the alienability of property". Grimes (1972) stated that the rule became necessary because "`perpetuities' impeded the development of the mercantile, middle class by taking property out of the `stream of commerce'." In a society changing from a feudal to a capitalist model, land, the source of all wealth in a pre-capitalist society, had to be made more marketable. (For a differing interpretation on the causes of the rule in the *Duke of Norfolk* case see G.L. Haskins, (1977). Simpson (1986:228) asserts that the *Duke of Norfolk* case "was not concerned with the inalienability of land as such — his wrong was with the vesting of interests at periods remote from the settler's knowledge of the family circumstances. [The case] did, indirectly tend to favour alienability, and came to be valued for this."

6. God is viewed as self-alienated man, i.e., man's essence abstracted and estranged from man. By creating an alien higher being above man whom man worships, he is alienated from himself. Thus de-alienation consists of abolition of that estranged picture of man. Of course, Marx also saw alienation in the form of the State and other abstractions which man creates and then invests with powers beyond his. See T. Bottomore (1983:9-15).

7. As a legal entity the corporation existed prior to this century. However, its pervasiveness, nature, form and power would dramatically change from its incipience. See Berle and Means (1968).

8. For a provocative assessment of the role of global corporations in reducing the control nation-
states have over their economies, see M. Kennedy (1988:245-76). This raises the issue of a "fourth world," i.e., transnational corporations, causing the decline of "first world" economies.
See Bellon and Niosi (1988). The North American Free Trade Agreement (NAFTA), plus other international changes, are furthering the above noted processes. (Drache and Gertler 1991; Chodus, Murphy and Hamovitch, 1993; Reasons 1994.)

9. Reasons and Perdue (1981: 44-46) identify twelve aspects of the corporate ideology which legitimate and rationalize the consequences of the structural imperatives. Most significant for our purposes are privatism/individualism, triumph of the will; the trickle down theory, i.e., whatever is good for the corporate order is good for all; economy of scale and the measurement of growth and societal health is the production of more commodities and increased consumption. Finally, the ideology of expertise argues that major social/political/economic decisions are "scientific questions" that should be made by experts, not relevant publics (lay people).

10. This is true for tribal societies in North America, Africa, New Zealand and the Pacific Islands.
See Smith (1974) who describes the common features of the property institution in these societies to include possession, use and occupation for past, current and future members of the collectivity.
According to anthropologist/lawyer Marc Gumbert (1984), Australian Aboriginal societies had a notion of land use and occupation which was very much tied to lineage (patrilines & patrimoieties) and the use of the word "owner" in the common law sense does not do justice to this relationship to the land. However, if the "traditional Aboriginal owner" is to be identified for legal purposes, it should be the community which is given equal legal rights, not individuals.

However, in the colonization of Australia, the British courts and their Australian counterparts
deemed the lands *Terra Nullius*, or without occupancy. The indigenous peoples were invisible
and not even accorded the status of a conquered people. This follows in part from the ideology of *Pax Britannica* and the racist ideology of white superiority, white mans burden, and only white males were citizens, subjects, i.e., people!

11. Professor Havemann provides a chronology of treaties and other laws which have helped rationalize the social and economic relations between the colonized and colonizer. Also see Morse (1985).

12. For example, a Registered Indian male in "the Province" of Saskatchewan is "37 times" as likely to be admitted to a correctional centre than a white male, while a Registered Indian female was 118 times more likely than a non-Aboriginal female to be admitted. Aboriginal Australians face a homicide rate 10 times that of the general population. During the "settling" of Australia, over 20,000 Australian Aborigines were killed, apart from those killed by the normal processes of "civilization," e.g., disease, starvation, etc. (Chappell, Grabosky, and Strang, 1991). This appears similar to the United States, although we do not know whether there was an expressed legal policy of genocide like the Colorado law providing a bounty for "skunks and Indians" (see Reasons and Kuykendal 1972).

13. Such a process of colonialization and its effects are not unique to Canada. For example see Kennedy (1989), Snyder (1980) and Gumbart (1984).

14. For example, the new *Canadian Charter of Rights and Freedoms* (1982) provides for the recognition of historic Aboriginal rights in s. 35. As the courts are having to delineate what these entail, some suggest that it is not all that Aboriginal peoples want. See Aki-Kwe and Turpel (1991). Constitutional reform efforts by the Canadian government are attempting to appease two "distinct societies" in Canada, i.e., French Quebec and Aboriginal peoples.

15. Chief Justice Dickson explains the *sui generis* relationship at p. 385:

     the Indians' interest in land is an independent legal interest. It is not a creation of either the legislative or executive branches of government. The Crown's obligation to the Indians with respect to that interest is therefore not a public law duty. While it is not a private law duty in the strict sense either, it is nonetheless in the nature of a private law duty. Therefore, in this *sui generis* relationship, it is not improper to regard the crown as a fiduciary.

     ... When, as here, an Indian Band surrenders its interest to the Crown, a fiduciary obligation takes hold to regulate the manner in which the Crown exercises its discretion in dealing with the land on the Indians' behalf.

     and again at 387:

     I repeat, the fiduciary obligation which is owed to the Indians by the Crown **is *sui generis***. Given the unique character both of the Indians' interest in land and their historical relationship with the Crown, the fact that this is so should occasion no surprise.

16. *R. v. Sparrow* (1990), 70 D.L.R. (4th) 385 (S.C.C.). Also see *R. v. Sioui* (1991), 70 D.L.R. (4th) 427 (S.C.C.). The Court unanimously struck down the conviction of members of the Huron band on the Lorette Indian reserve on charges of cutting down trees, camping and making forest fires in unauthorized places in Jacques Cartier park contrary to Quebec regulations. The accused had admitted committing the acts with which they were charged in the park, located outside the boundaries of the Lorette reserve, but alleged that they were practicing certain ancestral customs and religious rites which were the subject of a treaty between the Hurons and the British, a treaty they argued brought section 88 of the *Indian Act* into play and exempted them from compliance with the regulations. The treaty that the accused relied upon was a document of 1760 signed by General Murray. This document guaranteed the Hurons, in exchange for their surrender, British protection and the free exercise of their religion, customs and trade with the English.

17. The Canadian Constitution is currently being amended partly to satisfy the aspirations of French Canadians and Aboriginal Peoples. Concerning Aboriginal peoples, see Slattery (1992).

18. *Delgamuukw v. British Columbia* (1991) 79 D.L.R. (4th) 185 (B.C.S.C.).

19. While many decried the legal decision (Neel 1991:A 11), a great deal of attention was given to the colonial, assimilationist views expressed by the Chief Justice. In fact, a conference was held in September 1991 at the University of Victoria where over 250 participants gathered to analyze and dissect the opinion (Cassidy 1991). While the expression of explicit stereotypes is apparent in the judgment, of more significance is the frank, explicit presentation of a colonial/ideological perspective.

20. *Delgamuukw v. British Columbia* (1993) 104 *DLR* (4th):470, (B.C.C.A.).

21. Although Leave to Appeal was granted March 10, 1994, the parties entered into an agreement to negotiate for one year. In the result, the appeal will not likely be heard until Spring 1996, at the earliest.

22. Mr. Justice Brennan for the majority, made the following observations:

    At p. 18:

    [*Mabo and Others v. State of Queensland* (1992) 107 A.L.R.1]

    In discharging its duty to declare the common law of Australia, this Court is not free to adopt rules that accord with contemporary notions of justice and human rights if their adoption would fracture the skeleton of principle which gives the body of our law its shape and internal consistency. Australian law is not only the historical successor of, but is an organic development from, the law of England. *Although our law is the prisoner of its history, it is not now bound by decisions of courts in the hierarchy of an Empire then concerned with the development of its colonies.*

    At p. 28:

    If it were permissible in past centuries to keep the common law in step with international law, it is imperative in today's world that the common law should neither be seen to be frozen in an age of racial discrimination.

    At p. 28:

    The fiction by which the rights and interests of indigenous inhabitants in land were treated as non-existent was justified by a policy which has no place in the contemporary law of this country.

    At p. 29:

    A common law doctrine founded on unjust discrimination in the enjoyment of civil and political rights demands reconsideration. It is contrary both to international standards and to the fundamental values of our common law to entrench a discriminatory rule which, because of the supposed position on the scale of social organisation of the indigenous inhabitants of a settled colony, denies them a right to occupy their traditional lands.

    If it be necessary to categorize an interest in land as proprietary in order that it survive a change in Sovereignty, the interest possessed by a community that is in exclusive possession of land falls into that category.

23. Throughout the centuries, the law has constantly confronted strategies to limit or expand alienation of property; see Simpson (1986).

24. There is currently a great deal of debate about the role of law as a facilitator of social change in Canada. See Caputo *et al* (1989:271-330); Brickey and Comack (1989:223-315; Bakan (1991).

Bibliography

Aki-Kwe and M.E. Turpel. 1991. "Aboriginal peoples and the Canadian Charter of Rights and Freedoms: Contradictions and Challenges," in E. Comack and S. Brickey, eds., *The Social Basis of Law,* 2nd ed., 223-237. Halifax: Garamond Press

Asch, M., and C. Bell. 1994. "Definition and Interpretation of Fact in Canadian Aboriginal Title Litigation: An Analysis of Delgamuukw." *Queen's Law Journal*, 19: 503-550

Asch, M., and P. Macklem. 1991. "Aboriginal Rights and Canadian Sovereignty: An Essay on R.v. Sparrow," *Alberta Law Review*, 29:498-517

Atiyah, P. 1979. *The Rise and Fall of Freedom of Contract.* Oxford: Clarendon Press

Bakan, J. 1991. "Constitutional Interpretation and Social Change: You Can't Always Get What you Want (Nor What you Need)." *The Canadian Bar Review,* 70 (June): 307-328

Bellon, B., and J. Niosi. 1988. *The Decline of the American Economy.* Montreal: Black Rose Books

Berle A., and G. Means. 1968. *The Modern Corporation and Private Property.* New York: Harcourt Brace and World

Berman, T., G. Ingram, M. Gibbons, R. Hatch, L. Maingon and C. Hatch, eds. 1994. *Clayoquot and Dissent.* Vancouver: Ronsdale

Binnie, W.I.C. 1990. "The Sparrow Doctrine: Beginning of the End or End of the Beginning?" *Queens Law Journal,* 15: 217-30

Black's Law Dictionary, Fifth ed. St. Paul: West Publishing

Blackstone W., 1800. *Commentaries on the Law of England*, Book II, Chapter 1, (15th ed.)

Bottomore, T. ed., 1983. *A Dictionary of Marxist Thought.* Mass.: Harvard University Press

Brabazon, M. 1994. "Mabo, the Constitution and the Republic." Australian Bar Review, 11 (March): 229-242

Brickey, S., and E. Comack. 1987 "The Role of Law in Social Transformation: Is a Jurisprudence of Insurgency Possible?" *Canadian Journal of Law and Society,* 2: 97-119

Bryant, M. 1993. "Crown-Aboriginal Relationships in Canada: The Phantom of Fiduciary Law." *U.B.C. Law Review*, 27: 19-49

Caputo, T., M. Kennedy, C. Reasons, A. Brannigan, eds. 1989. *Law and Society: A Critical Perspective*. Toronto: HBI

Cassidy, F. 1991. "Canada On Trial." *National*. October: 13

Chambliss, W., and R. Seidman. 1982. *Law, Order and Power.* Second Edition, Reading, Mass.: Addison Wesley

Chappel, D., P. Grabosky, and H. Strang. 1991. *Australian Violence: Contemporary Perspectives*. Canberra: Australian Institute of Criminology

Chodus, R., R. Murphy, and E. Hamovitch. 1993. *Canada and the Global Economy.* Toronto: James Lorimer

Clements, R. 1991 "Misconceptions of Culture: Native Peoples and Cultural Property under Canadian Law." *University of Toronto Faculty of Law Review,* 49 (winter) 1-26

Comack, E., and S. Brickey, eds. 1991. *The Social Basis of Law*. Halifax: Fernwood

Diamond, S. 1978. "The Rule of Law versus the Order of Custom," in C. Reasons and R. Rich, eds., *The Sociology of Law: A Conflict Perspective*, 239-262. Toronto: Butterworths

Drache, D., and M. Gertler. 1991. *The New Era of Global Competition: State Policy and Market Power.* Montreal and Kingston: McGill-Queen's University Press

Durkheim, E. 1933. *The Division of Labour in Society.* New York: MacMillan

Endre-Stacy, H. 1995. "*Mabo* as a Social Text." *Humanity and Society*, 19(2): 3-18

Exell, R. 1990. "History of Indian Land Claims in B.C." *The Advocate,* 48 (6): 867-77

Fine, B. 1984. *Democracy and the Rule of Law*. London: Pluto Press

Fisher, B. 1995. "The Mandate of the British Columbia Treaty Commission." *The Advocate*, 53: 75-79

Foster, H. and A. Grove. 1993. "Looking Behind The Masks: A Land Claims Discussion Paper for Researchers, Lawyers and Their Employers." *U.B.C. Law Review*, 27: 213-253

Fukuyama, F. 1992. *The End of History and the Last Man.* London: Hamish Hamilton

Giddens, A. 1977. *The Nation-State and Violence.* Berkeley: University of California Press

Gray, J. 1883. *Restraints on the Alienation of Property.* Boston: Soule and Bugbee

Griffiths, C., C. Yerbury and L. Weafer. 1987. "Canada's Natives: Victims of Socio-Structural Deprivation?" *Human Organization*, 277-282

Grimes, C. 1972. "Runnymeade Revisited." University of Pennsylvania Law Review, 6: 135-136

Grotius, H. 1625. *De Jure Belli ac Pacis,* Book III

Gumbert, M. 1984. *Neither Justice Nor Reason: A Legal and Anthropological Analysis of Aboriginal Land Rights*. St. Lucia: University of Queensland Press

Haskins, G.L. 1977. "Extending the Grasp of the Dead Hand: Reflections on the Origins of the Rule Against Perpetuities." *University of Pennsylvania Law Review,* 126: 19-65

Havemann, P. 1989. "Law, State and Canada's Indigenous People: Pacification by Coercion and Consent," in T. Caputo, M. Kennedy, C. Reasons and A. Brannigan, eds., *Law and Society: A Critical Perspective*. Toronto: Harcourt Bruce Jovanovich

Hohfeld, W. 1913. "Some Fundamental Legal Concepts as Applied in Legal Reasoning." *Yale Law Journal,* 16: 16-50

_____. 1917. *Yale Law Journal,* 26: 710-63

Jackson, M. 1984. "The Articulation of Native Rights in Canadian Law." *University of British Columbia Law Review*, 18: 257-269

Kennedy, M. 1988. "The New Global Network of Corporate Power, and the Decline of National Self-Determination." *Contemporary Crisis*, 12: 245-276

_____. 1989 "Law and Capitalist Development: The Colonization of Sub-Sahara Africa," in T. Caputo, M. Kennedy, C. Reasons, and A. Brannigan, eds., *Law and Society: A Critical Perspective*. 30-53. Toronto: Harcourt Bruce Jovanovich

Kerriush, V. 1991. *Jurisprudence as Ideology*. London: Routledge

Lyons, O. 1984. "Spirituality, Equality and Natural Law," in L. Little Bear, M. Boldt, and A. Lewis, eds., *Pathways to Self-Determination: Canadian Indians and the Canadian State*. 5. Toronto: University of Toronto Press

Ludz, P. 1981. "A Forgotten Intellectual Tradition of the Alienation Concept," in R. Gayer and D. Schweitzer, ed. *Alienation: Problems of Meaning, Theory, and Method*, 21-35 . London: Routledge and Keagan Paul

Morse, B. 1985. *Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada*. Ottawa: Carleton University Press

Neel, D. 1991. "An Opportunity Missed." *The Vancouver Sun*, Apr. 19: B2.

Phillips, P. 1990. *Canadian Political Economy*. Toronto: Garamond Press

Ponting, J. 1986. *Arduous Journey: Canadian Indians and Decolonization*. Toronto: McClelland and Stewart

Reasons, C. 1994. "NAFTA and Inequality: A Canadian Perspective." *Constitutional Forum*, 5(3/4):72-77

Reasons, C., and J. Kuykendal. 1972. *Race, Crime and Justice.* Pacific Palisades, California: Goodyear Publishing Co.

Reasons, C., and W. Perdue. 1981. *The Ideology of Social Problems*. Palo Alto: Mayfield Publishing Co.

Rinehart, J. 1987. *The Tyranny of Work: Alienation and the Labour Process*, 2nd ed. Toronto: Harcourt Brace Jovanovich

Salembier, 1992. "How Many Sheep Make a Flock? An Analysis of the Surrender Provision of the *Indian Act*." *Canadian Native Law Reporter*, 1:14-39

Sarre, R. 1994. "The Concept of Native Title to Land: An Australian Perspective." *Humanity and Society.* 18 (1): 97-104

Schacht, R. 1971. *Alienation.* New York: Anchor Books

Simes, B. 1955. "The Policy Against Perpetuities." *University of Pennsylvania Law Review*, 103: 707,708

Simpson, A.W.B. 1986. *A History of Land Law, 2nd ed*. Oxford: Clarendon Press

Slattery, B. 1992. "First Nations and the Constitution: a Question of Trust." *The Canadian Bar Review*, 71: 261-293

Smith, A. 1937. *The Wealth of Nations*. New York: Modern Library

Smith, J.C. 1974. "The Concept of Native Title." *University of Toronto Law Review*, 24:1-16

Snyder, F. 1980. "Law and Development in the Light of Dependency Theory." *Law and Society Review*, 14: 1-38

Telly, C. 1977. "The Classical Economic Model and the Nature of Property in the Eighteenth and Nineteenth Centuries." *Tulsa Law Journal*, 13 (1): 406-507

Thompson, E.P. 1963. *The Making of the English Working Class.* New York: Vintage

Tiger and Levy, 1977. *Law and the Rise of Capitalism.* New York: Monthly Review Press

Vandervelde, K. 1980. "The New Property of the Nineteenth Century: The Development of the Modern Concept of Property." *Buffalo Law Review,* 29: 325-67

Veltmeyer, H. 1987. *Canadian Class Structure.* Toronto: Garamond Press

Weber, Max. 1930. *The Protestant Ethic and the Spirit of Capitalism.* London: Allen and Unwyn

Westrup, C.W. 1936. *Family Property and Patria Potestas*. London: Oxford University Press.

White, L., and E. Jacobs, 1994. "The Imposition of European Law on the Native Nations of (What is Now Called) British Columbia." *Rainforest Action Handbook.* Clayoquot

Yogis. 1983. *Canadian Law Dictionary.* Toronto: Barron's

Joyce A. Green

Towards A Detente With History*:
Confronting Canada's Colonial Legacy

Abstract

This paper suggests that Canada is an evolving colonial entity created by imperial and colonial interests for the express purpose of extending and consolidating those interests at the expense of the indigenous peoples and their contemporary descendants. The state has established colonial relationships of a racist, exploitative and coercive nature, which are interpreted by the dominant settler population, who styles the dominated as Other. A synergy of cultural myth, partial historical narratives, and judicial and political institutions proclaim and defend this mythology-cloaked un-hyphenated colonialism. The example of the perpetual federal policy of extinguishment of Aboriginal and treaty rights demonstrates the continuing operation of the processes alleged above, in the legitimation of land theft and indigenous oppression. Finally, the paper argues that Canada can only move to post-coloniality through explicit acknowledgement of its origins and through constitutional and political consequences that will flow from acknowledging such responsibility.

Résumé

Cet article laisse entendre que le Canada est une entité coloniale en évolution, engendrée par les intérêts impériaux et coloniaux expressément dans le but d'étendre et de consolider ces intérêts au détriment des populations autochtones et de leurs descendants contemporains. L'État a établi des liens coloniaux de nature raciste, exploitante et coercitive, définis par la population dominante d'origine, qui qualifie le peuple dominé d'«autre». Une synergie de mythes culturels, de discours historiques fragmentaires et d'institutions judiciaires et politiques affirment et défendent ce colonialisme pur et mythique. L'exemple des politiques fédérales visant constamment à annihiler les droits ancestraux et de traités démontre bien la présence continue des procédés avancés ci-dessus, aux fins de légitimation de l'appropriation des terres et de l'oppression des peuples autochtones. Enfin, l'article avance que le Canada ne peut passer à la postcolonialité qu'en reconnaissant explicitement ses origines et en acceptant les conséquences constitutionnelles et politiques qui découleront de la reconnaissance de pareille responsabilité.

This essay argues that Canada is an evolving colonial entity created by colonial interests for the express purpose of extending and consolidating those interests at the expense of the indigenous peoples and their contemporary descendants. Canada has established racist, exploitative and coercive colonial relationships, interpreted by the dominant, in which the dominated are styled as Other. These relationships are perpetuated by a mythologized history and by judicial and

political institutions that proclaim and defend this mythology-cloaked, un-hyphenated colonialism. This paper begins by examining the foundations of colonial myth-making before exploring the perpetual federal policy of extinguishment of Aboriginal and treaty rights to show the continuing operation of the processes alleged above. Finally, it argues that Canada can not escape its colonial past through the passage of time. Only explicit acknowledgement of its origins and the constitutional and political consequences of acknowledging such responsibility can achieve a "detente with history"[1] and a genuinely post-colonial future.

All historical beginnings are contingent and somewhat arbitrary. This paper takes Canada in its contemporary form to "begin" in 1867, though its pre-existence as provinces and colonies, and the activities of imperially- mandated enterprises, are precisely what locates it as an imperial and colonial endeavour then and now. This paper does not intend to examine the myriad oppressions that have followed the imperialist adventure in Turtle Island (the name by which North America was known to some Aboriginal nations). For example, it does not address the oppression of the Acadians nor of the Quebecois by the English, not because those matters are unimportant, but because this paper's concern is to trace the continuity of imperial and colonial activity in subordinating Aboriginal peoples and in denying the underlying economic motives and the racist justifications for such subordination. In denying responsibility for colonialism's consequences, the state cannot adequately engage with Aboriginal resistence, manifested in contestation of state legitimacy and in a political search for constitutional, policy and physical accommodation by the colonial state of its subordinated and unwilling hosts. With the primary focus on the continuity of this phenomenon and its consequences, the concurrent history of Aboriginal resistence is not central to this paper.

While the term "colonialism" is used throughout, the author accepts the ontological relation of colonialism to imperialism, grounded in the emergence and expansion of the global phase of capitalism.[2] Arguments are premised on the view (following, for example, Edward Said[3] and James Blaut[4]) that imperialism and colonialism are economically motivated, but also culturally embedded processes which create and also suppress knowledge. In Said's words, "Both are supported and perhaps even impelled by impressive ideological formations that include notions that certain territories and people **require** and beseech domination, as well as forms of knowledge affiliated with domination ...."[5] In this sense "H"istory as the dominant narrative is being contested here.

Myth-making Our History and Future

History, as the apocryphal saying goes, is written by the victors. We come to know ourselves through the selective, collective construction of significant events that form a unifying mythology — unifying for those who are included; alienating for those who are excluded. The events that are designated as memorable and their interpretation through the lens of "H"istory shape our collective consciousness. In Canada, "conventional" history (history which

underpins our social and political conventions) has distorted our collective consciousness, overstating certain contributions while making others invisible. However, the "H"istorical record is seldom acknowledged to be contingent and subjective.

Myth-making satisfies those "who do not know, or choose not to know"[6] the fuller historical record, but it does not provide the foundation of information on which to build policy responses to contemporary crises rooted in the colonial past. These policies, crafted to meet colonial but not indigenous realities, have ranged from pernicious to inadequate and inappropriate. Their failure and the problems they have created contribute to the contemporary Canadian angst[7] about the future shape and complexion of the nation state, as people raised on myths struggle to understand both indigenous alienation and claims of Aboriginal and treaty rights.

Albert Memmi identifies the origins of this colonial angst. The original and continuing economic motives for colonial undertakings are primary,[8] and colonial immigrants embark(ed) on the dangers and mysteries of a "new" life because of a desire for profit which could not be expected by enterprise at "home." This profit is disproportionately large because "it is wrested from others," and the result is the illegitimate privilege of the usurper.[9] However relative this privilege, it is nonetheless consistent in accruing to the European immigrant *qua* European at the expense of the colonized "native,"[10] creating an inequitable relationship grounded in race privilege. The colonial administration-government creates bureaucratic, legislative and educative filters to recruit its own kind and to enforce rules that guarantee its own interests. The privileged position of colonizers relative to "natives," together with the rationales justifying it, create an insurmountable divide between the populations. The "two solitudes" are those of every colonizer and colonized set of societies.

Colonialism depends on a constructed, instrumental racism for its moral legitimation. Incommensurability between colonizer and colonized is invoked to demonstrate the superior nature of the colonizer and the inevitability of the new order. Memmi writes:

> Colonial racism is built from three major ideological components: one, the gulf between the culture of the colonist and the colonized; two, the exploitation of these differences for the benefit of the colonialist; three, the use of these supposed differences as standards of absolute fact. ... **Racism appears then, not as an incidental detail, but as a consubstantial part of colonialism.**[11] (emphasis added)

Justifications are created: the "natives" are lazy, simple, wild, inept, lascivious or immoral.[12] Denigration of culture, politics, spirituality and capacity for moral and intellectual engagement constructs the Other in such as way as to legitimize the colonizer's actions. They are the repository of vice and fault, contrasted with the rectitude and competence of colonial society, in a dualistic construction of "native" as Other. L.F.S. Upton captures how this was cast in what would become Canada: "(It was thought that Indian) inferiority was cultural and could be remedied by training in civilized ways."[13] Through the

process that Blaut calls "shaping knowledge into theories ... useful for colonialism,"[14] the federal government adopted policy objectives of protection, civilization and assimilation, which it pursued in the containment fields of reserves and bureaucratized through the churches and branches of the civil service. All this was sustained by ideological formations supporting the guided development of indigenous peoples by the assumably superior culture, with the simultaneous benefit of neutralizing resistance to colonial expansion.[15]

Significantly, the existence of Aboriginal nations prior to the configuration of the contemporary state Canada in 1867 is romanticized, homogenized and made irrelevant by historico-mythology to the "real" history which followed the establishment of European populations and politics in Canada. This mythical rendering of Aboriginal nations is one way in which Canada has avoided recognizing less savory portions of its genesis, and contributes to its "insistence on justifying conquest".[16] As Michael Asch puts it, "Canadian state ideology masks assumptions about our occupation of Canada that have racist and colonial overtones."[17] Where acknowledged, colonizers gloss over colonial land theft and physical and legislative brutality as evils necessary for the greater colonial project.[18] Canadians know only "the school-book histories ... (that) are but a shortened statement of European consciousness in North America."[19] The selective construction of history into a story celebrating "founding nations" and "settlement" is what Barbara Ransby calls "a fundamentally racist formulation" justifying conquest, ethnonocide and land theft.[20] A news item on CBC Radio recently underlined this point. The event of Edmonton's 200th anniversary was noted, accompanied by the radio host's wonder at what it must have been like for the "first people" who came to this impliedly vacant land, the settlers for whom Canada advertized in England, promising free land and easy wealth as inducements to immigration.[21]

This construction of "H"istory is "used to legitimize a certain power structure."[22] Canadian history, together with law and policy, have erected what Said calls "the consolidated walls of denial" of "imperialist ideology and colonialist practice"[23] that are the origins of this state.

The way in which Aboriginal nations have been made Other is typical of colonial endeavours, and has served to both justify colonial actions and to deny the historical and contemporary completeness of Aboriginal existence in Canada. Colonialism's project, in Michael Stevenson's words, "was, and still is, to lay waste a people and destroy their culture in order to undermine the integrity of their existence and appropriate their riches."[24] It is pursued via "total war"[25] legitimized not only through racist construction but through creation of language celebrating colonial identities while constructing the colonized as the antithesis of human decency and development,[26] thereby establishing a justification for their physical, historical and cultural annihilation.[27] This language "becomes the basis for the forming of national identity and for providing the state with an organising ideology" whose racist, imperialist concepts "become institutionalised as the democratic nation-state" in which hatred of the Other is bureaucratized.[28]

That is, racism becomes part of the structural base of the state, permeating the cultural life of the dominant society both by its exclusive narrative of dominant experience and mythology, and by its stereotypical rendering of the "Other" as peripheral and unidimensional. For example, the use of the term "Indian" is part of the Othering in the colonial arsenal; it bears no relation to what Aboriginal nations called themselves, suggests a false unity and homogeneous nature among these disparate nations, and presents a linguistically plausible logic for the subsequent unilateral homogeneous "Indian" policy adopted by Canada towards Aboriginal peoples.

Colonial land theft was legitimized by the construction of paradigms explaining Aboriginal social, political and cultural development as deficient (now, "different") therefore making "them" incapable of holding sovereignty or land or of resisting the civilizing, modernizing impulse of colonial domination.[29] Canadian law respecting the Crown's contemporary legitimacy and jurisdiction has been crafted with racial difference encoded in it, in a dualistic construction "providing the law with a profile of its own identity" and with its mandate to bring order to the orderless and civilisation in the service of progress.[30] It is also an authoritative mechanism "enforcing the validity of Western reality," buttressing the mainstream's self-identity and evolutionary importance.[31]

Through "the archetypal event of colonisation,"[32] discovery, laws regarding the origins and nature of title to land become constructed in such a way as to void Aboriginal claims to land and to validate the title of the Crown. Colonial law has employed such risible fictions as "discovery" to acquire (someone else's) land; as the notion of *terra nullius* (Blaut's "myth of emptiness"[33]), suggesting the land claimed by the Crown was essentially empty, or at least, contained no viable society with a pre-eminent sovereignty; and of *terra incognita*, suggesting a sovereign could claim underlying title to unknown lands. This land becomes "settled" by "settlers" who import the colonial law with them,[34] suggesting both untamed, unoccupied wilderness surrendering to civilization, and concealing whose land it is that was "settled." Through the power of its definitional language and law, the colonial nation state constructs an authoritative filter for "the exclusion of races and cultures and (creates) a vehicle for the West's cultural hegemony."[35]

The dominant narrative of Canadian beginnings, from heroic pioneers taming uncharted wilderness to contemporary socio-political consequences, assumes the validity of certain historical beginnings and of legitimacy in deeply embedded cultural formations. In this way it takes on the lustre of common sense, of what everyone "knows" about the origins and nature of society. This structured reproduction of selective knowledge ensures a hegemonic social consciousness maintained by culturally diffused mechanisms so that, in Said's words:

> the whole cultural corpus retains its essentially imperial identity and its direction ... The internalization of norms used in cultural discourse, the rules to follow when statements are made, the "history" that is made official as opposed to the history that is not: all of these of course are ways to regulate public discussion in all societies.[36]

Through scholarship, law, politics, policy and culture, the dominant narrative reproduces itself while legitimizing and reifying its origins. At the root of this selective history is the colonial denial of land theft simplified by the fortuitous vulnerability of Aboriginal populations to common European diseases, which decimated indigenous populations)[37] and the subsequent attempts to legitimize or erase that theft. As a choice contemporary example of this, Asch examines Canada's 1989 arguments[38] against the Gitksan-Wet'suwet'en land claim in *Delgamuukw*[39] and concludes that "Canada doubts that the Gitskan were ever civilized enough to have sovereignty; but that ... if they did have it, the mere assertion of sovereignty by Great Britain was enough to extinguish it."[40] The Court concurred, stating that, in relation to colonial paramountcy, "there was from the outset never any doubt that sovereignty and legislative power, and indeed the underlying title, to such lands vest in the Crown."[41]

Given that the colonial entity has never doubted its paramount claim at the moment it chose to exercise it, its laws reflect its confidence and its justifications. The outcome in *Delgamuukw* and other cases in which land title is contested between indigenous and colonial authorities is preordained by the fact that the law, and the courts that interpret and administer such law, are colonial emanations and constructs. They are the rules of the ruler, interpreted by the ruler through the lens of selective, racist history. They construct the "settlement thesis"[42] premised on assumptions that colonizing populations were inherently superior to the indigenous as measured on a quasi-evolutionary linear progression of human development, and that the more "advanced" society is entitled to claim political supremacy which benefits the "primitive" societies with accelerated development. Asch notes that the settlement thesis is highly compatible with "universalistic ideology"[43] which requires minority peoples to submit to "the domination of the institutions of the majority population." The settlement thesis asserts that "history begins with contact," while Canada's universalistic ideology legitimizes the denial of the inherent rights of internal minority populations by the colonizing majority.[44]

Two separate but related items on CBC Radio demonstrate how appropriation of land and resistance to colonialism continue today. On *Morningside*, Peter Gzowski interviewed three Aboriginal people about the shooting of three apparently unarmed Aboriginal protestors at Ipperwash on September 6, 1995 and about the concurrent standoff at Gustafsen Lake. All three asserted that contestation of land and history is fundamental to understanding and resolving these kinds of conflicts. Later in the day, Vicky Gabereau interviewed a media personality from Montreal who gushed about the desirability of Canada having a population of 75 million: "Why not? We've got the land."[45] Indeed.

The denial of Canada's origins in colonial enterprises prevents scholars and legislators from grappling with the consequences of that initial relationship. This denial takes the form of legal acrobatics by the judiciary to deny treaty status to "Indian" treaties (the legal concept of *sui generis* establishes that Aboriginal treaties are agreements which are neither created nor terminated according to the rules of international law)[46] to deny sovereignty in historically sovereign Aboriginal nations; and so to deny contemporary Aboriginal claims for restitution (for example, Chief Justice McEachern of the

B.C. Supreme Court asserted that pre-colonial times were devoid of any redeeming characteristic for the Gitskan and Wetsu'wet'en: their lives were "nasty, brutish and short").[47]

The obscured reality of Canada's colonial foundations contributes to a contemporary Canadian psychosis as we struggle to account for and deal with the consequences of that same colonialism while generally denying its reality. This illness is evident in the repetition of historical accounts that are partial and exclusionary; in the carefully maintained incomprehension at indigenous nations' resistance to assimilation and struggle for self-determination; in policies that purport to respond to indigenous problems while failing to conceptualize the role of settler populations in creating or solving those problems. No reconciliation will grow from such dishonest and partial remedies.

Treating the Canadian psychosis means abandoning the frontier mythology, facing our past, and collectively creating equitable and restitutionary bases for our common future. Oka, Ipperwash and Gustafsen Lake[48] are perhaps the most publicized of recent confrontations between the colonized and the colonizer, but there are similar situations across Canada. Cast by the media and policy-makers as ahistorical incidences of civil disobedience, social breakdown and lawlessness, Aboriginal participants view them as the inevitable consequences of an historically rooted struggle against external domination, and for sovereignty, land claims and political jurisdiction.

A Colonial Indian Policy

While an exhaustive historical documentation of the initial contact of European interests seeking wealth through mercantilism and then capitalism is beyond the purview of this essay, it is necessary to situate the neophyte nation of Canada in 1867 within the interplay of burgeoning capitalism and emergent and oppositional nationalism, reactive to the threat from American imperialism.[49] Confederation was a political arrangement to accommodate powerful economic interests represented by an elite segment of the colonial population: Frank Underhill's "triple alliance of federal government, Conservative party, and big-business interests: government of the people, by lawyers, for big business."[50] That is, the state is grounded in race and class (and gender) privilege.[51]

Following Confederation in 1867, the federal government moved to shape the newly united and generally self-interested provinces into a cohesive economic, social and political project. This effort crystallized in the National Policy, formally instituted in 1878[52] by then-Prime Minister John A. Macdonald. It was designed to guarantee the conditions for the development of indigenous capital: protected markets, cost-effective (that is, government-subsidized) transportation of resources and goods, and the creation of a population willing and able to produce and consume that on which capital investment depended. The National Policy illustrates how partial the historical record is, and how well law and politics have converged to erase some while promoting other contributions.

The National Policy has generally been held to have three components: the building of a trans-continental railway, a protective tariff on imports and western settlement. The railway would fulfil the promise that had lured B.C. into Confederation; it would transport eastern goods to the west, and western raw materials to the factories of Central Canada and the export docks east and west. The tariff was necessary to make the railway economically viable, by making it as cheap or cheaper to transport goods across Canada instead of to geographically closer American markets. The settlement of western Canada (with approved, i.e. white immigrant stock) would provide labour for the needed raw materials and a market for eastern goods; it would populate the land and serve notice to the aggressive and acquisitive Americans that Canada could exercise sovereignty across the country.

The National Policy could not have been conceived or implemented without some official, high-level political consideration of the fact that the lands in question were controlled by Aboriginal nations, including the Métis. The railway would go through Aboriginal lands; the consortium building the railway would be given Aboriginal land not only for right-of-way but as payment for their endeavour; and the settlers would be given Aboriginal land to homestead. Edwin Black notes that "A fixed resolution of the Conservative administration was that nothing must be allowed to hinder the government's encouragement of the Canadian Pacific Railway which was a vital instrument of the Conservative national economic policy."[53]

The National Policy was dependent upon land: land for the consortium of capitalists that eventually built the railway; land for the immigrants; and land over which Macdonald's government intended to exert political jurisdiction. The lands in question were not within the *de facto* jurisdiction of Ottawa, and the undeclared but absolutely central Part Four of the National Policy was implemented to acquire them. Conceptualized and implemented to clear the way for unobstructed railway building, resource exploitation, and settlement, this took the form of the western treaty-making endeavour, the reserve system administered under the Indian Acts, and the military conquest, land scrip chicanery and dispersal of the Métis. Further, this policy was only pursued where colonial and Aboriginal interests collided. Where Aboriginal nations or parts of nations (bands) did not appear to be of immediate concern in this regard, they were, for the most part, ignored. For example, the Lubicon Lake Cree band in northern Alberta was omitted from Treaty 8.[54]

It was expected that this process would culminate in the elimination of culturally distinct populations of "Indians" and their assimilation into European society. The army, the North-West Mounted Police and then the Royal Canadian Mounted Police and the Department of Indian Affairs, under its various incarnations within the federal bureaucracy, implemented the policy of assimilation by destroying Aboriginal political systems and social organization, religion and the remnants of once-viable economies.[55] Indians were to be forced into the capitalist vision of modernity, transformed from collective societies based on communalism into an atomized society based on individualism and private property concepts. Together with Christianity and

education, this process, through which "(t)he colonized seems condemned to lose his memory,"[56] would make assimilation inevitable.[57]

The Crown's Historical Duplicity

Treaty-making was presented as a compulsory benefit to the original signators: compulsory, in that circumstances made it clear that not negotiating would be worse than signing the treaty; yet beneficial in that promises and representations suggested that the colonizers had the best interests of Aboriginal nations at heart. The Crown's military and police presence indicated coercion, while the language used was honeyed with symbolic representations of peace, mutuality, security and well-being for all time. The application of the first post-Confederation "Indian Act" (1869) was never mentioned. Rather, assurances of continued Aboriginal autonomy were made, together with promises of material "gifts." Nor were Aboriginal negotiators entirely naive. Many expressed concerns and scepticism about the government's motives and scruples.[58]

The Queen, who never actually participated in treaty-making, was represented by her commissioners as a deified parent; aware of and desirous of the best interests of Indians; munificent, all-knowing and trustworthy. The language shows how this image was manufactured:

> "your Great Mother, the Queen" ... "her hand is also open to reward the good man everywhere in her Dominions"; "your great mother wishes the good of all races ... wishes her red children to be happy ... to live in comfort ... adopt the habits of the whites ... She thinks this would be the best thing for her red children ... But the Queen ... has no idea of compelling you to do so. ... Your Great Mother ... will lay aside for you `lots' of land to be used by you and your children forever ... as long as the sun shall shine, there shall be no Indian who has not a place that he can call his home, where he can go and pitch his camp...".[59]

This relationship was extended to representatives of the Crown; for example, in reference to Indian Commissioner Wemyss Simpson: "when you hear his voice you are listening to your Great Mother the Queen."[60] Consequently, it is not surprising that Simpson was able to write that "The Indians ... have a firm belief in the honour and integrity of Her Majesty's representatives, and are fully impressed with the idea that the amelioration of their present condition is one of the objects of Her Majesty in making these treaties."[61]

Representatives of the Crown promised that there would be no enforced change of lifestyle and of rights:

> When you have made your treaty you will still be free to hunt over much of the land included in the treaty. Much of it is rocky and unfit for cultivation, much of it that is wooded is beyond the places where the white man will require to go, at all events for some time to come. Till these lands are needed for use you will be free to hunt over them, and make all the use of them which you have made in the past. But when lands are needed ... you must not go on them any more. There will still be plenty of land that is neither tilled nor occupied where you can go and roam and hunt as you have always done ...[62]

> It may be a long time before the other lands are wanted, and in the meantime you will be permitted to fish and hunt over them.[63]
>
> I do not want to interfere with your hunting and fishing ... pursue it through the country, as you have heretofore done ...[64]
>
> I want the Indians to understand that all that has been offered is a gift, and they still have the same mode of living as before.[65]
>
> The Government will not interfere with the Indian's daily life; they will not bind him.[66]

But the colonial objective of obtaining "cede and surrender" agreements from the "Indians" remained paramount. Alexander Morris, writing of the conclusion of Treaties One and Two, declared: "Eventually on the 3rd of August, 1871, a treaty was concluded, **its principal features being the relinquishment to Her Majesty of the Indian title"** (emphasis added).[67]

Numerous comments recorded by Morris indicate that, contrary to colonial legal assertions that Aboriginal title was not landholding proper and was merely personal and usufructory in nature,[68] Aboriginal nations insisted that their title be recognized:

> (T)hey wished to have two-thirds of the Province as a reserve[69] ...
>
> excited on the subject of their lands being occupied without attention being first given to their claims for compensation; they were unwilling to allow the settlers the free use of the country ... the quantity of land demanded for each band amounted to about three townships per Indian[70] ...
>
> (Indians) dissatisfied at the use of the waters, which they considered theirs, having been taken without compensation ...[71]
>
> and water, wood claimed by Indians in negotiations and compensation for whites' use of it requested[72] Mawedopenais declared: "All this is our property where you have come."[73]
>
> "(W)e have a rich country ... the white man has robbed us of our riches."[74]
>
> David Laird, who negotiated for Canada in Treaty Seven, noted that "The Blackfeet are extremely jealous of what they consider their country, and have never allowed any white men, Half-breeds, or Crees to remain in it for any length of time."[75]

Further, Aboriginal negotiators protested the use of their lands and resources by invading settlers and by the Hudson's Bay Company (which had, of course, a dispensation from the British Crown to do precisely that) and asserted primacy over the H.B.C. claims to land and resources.[76] The Gambler, a negotiator for the Qu'Appelle Treaty, charged that "the Company has stolen our land."[77] In other negotiations, Sweet Grass, a Cree, declared: "We heard our lands were sold and we did not like it; we don't want to sell our lands; it is our property, and no one has a right to sell them."[78] And Morris revealed the duplicity of the government: "Furthermore, the Indians seem to have false ideas of the meaning of a reserve. They have been led to suppose that large tracts of ground were to be set aside for them ..."[79]

Nor were the colonial agents content to simply obtain the legal fiction of land cessions. Consistent with the needs of the colonial government, they endeavoured to instruct the various nations on political development. The Indian Act-preferred model of one male chief who speaks for all was required for entrance into treaty. "I thought it advisable to require that the several bands of Indians should select such Chiefs as they thought proper, and present these men as their authorised Chiefs, before anything was said as to the terms of a treaty" wrote Wemyss Simpson.[80] Not content to simply suggest political change, colonial agents actively engaged in it. Morris wrote "The difficulties are the inability of the Indians to select a high or principal chief from amongst themselves ..."[81] and "Yellow Quill was appointed chief by the Hudson's Bay Company ..." and, despite the objections from the people concerned that they had another man in mind, Morris made it clear that "Yellow Quill must remain a chief."[82] This political interference happened repeatedly: "I then called on the White Mud River Indians to select a Chief and one Councillor ... (I did) request them ... to select a Chief and Councillors."[83]

A Seamless Web of Colonial Policy

Generations of critical policy reviews by Royal Commissions and Parliamentary Committees[84] considering indigenous peoples in Canada have been ignored by successive governments. The state continues to develop policies grounded in the foundational myths of the legitimacy of colonial and contemporary appropriation of land and resources, despite evidence of prior claims by indigenous nations. Not surprisingly, these policies have failed to create equity or stability.

The federal government's comprehensive claims policy of 1973 introduced the euphemism of "exchange" for "extinguishment." In 1975, the *James Bay and Northern Quebec Agreement* became the first treaty concluded under the new policy. This bold new initiative "incorporates almost verbatim the wording of the blanket extinguishment clauses of the numbered treaties," that is, that Aboriginal parties "cede, release, surrender and convey all their native claims, rights, titles and interests, whatever they may be, in and to land in the Territory and in Quebec."[85] The *Northeastern Quebec Agreement* of 1978 and the *Inuvialuit Final Agreement* of 1984 contain similar extinguishment clauses.

The 1985 federal Task Force (Coolican) Report entitled *Living Treaties, Lasting Agreements*[86] recommended that extinguishment be abandoned as the necessary condition for claims settlement.[87] The report suggested that the federal-Indian relationship has been frustrated by the federal insistence on its own legal view of the world, and its adherence to extinguishment as a condition of settlements. By way of alternatives to extinguishment, the report called for a policy whose first characteristic is that "it must be acceptable to the aboriginal people concerned."[88]

The Coolican Report suggested that, despite the 1982 constitutional amendments "recognising and affirming existing aboriginal and treaty rights,"[89] Canada's intent to eliminate legal vestiges of Aboriginal claims has increased in recent times, rather than decreased.

> (T)here has been a gradual but distinct change in the way in which aboriginal title has been extinguished in Canada. Before Confederation, it was considered sufficient if specific rights were surrendered voluntarily by the Indian peoples. The numbered treaties introduced the complete surrender ... [which] effected an extinguishment of rights. In the modern agreements, an additional mechanism has been included, namely, the blanket extinguishment of all rights by the Crown, through a legislated clause.[90]

To date, the state has indicated a preference for "business as usual" in Aboriginal policy, in particular, dissembling on the question of outstanding land claims and treaty obligations. In the Trudeau government's 1969 White Paper,[91] the government suggested the speedy termination of reserves and of separate status, preferring to blame reserves and status rather than colonial land theft for Indian poverty and marginalisation, and called the treaties "anomalies" unworthy of the name. Instead of separate status for Indians and Indian lands, the White Paper advocated assimilation into the Canadian mainstream. It was rejected by Indians across Canada and, indeed, served as a useful catalyst in Indian political mobilization.

From the White Paper's outright rejection of the validity of the treaties to the present federal policy of recognizing rights in order to extinguish them, there has been an implicit refusal to review the indigenous-Canadian relationships.[92] Given the lack of federal response to the Coolican Report's recommendations, one can be forgiven for doubting that the federal government will heed the pending Royal Commission on Aboriginal Peoples final report, which may well recommend substantial structural and policy developments for Aboriginal inclusion.

The 1992 Charlottetown Accord contained proposals which had the potential to transform indigenous-Canadian relations in that they arguably provided for a negotiated entrance into Confederation, together with affirmation of the inherent right of governance, constitutional status, guaranteed representation in Parliament, and a substantial measure of constitutionally recognized jurisdiction within the federal structure.[93]

However, the Accord is only a might-have-been now, and discussion of the many reasons for its failure with the dominant and Aboriginal populations are beyond the scope of this paper.[94] Suffice it to say that the Charlottetown potential is not being reflected in current policy initiatives emanating from DIAND. The current DIAND package[95] is less than Charlottetown by a long shot. Quasi-provincial status, as a third order of government within the federal structure, is not contemplated. Rather, the proposal advocates a quasi-municipal status, a delegation of a measure of powers from the existing constitutional orders of government, who continue to hold the full measure of constitutional power. And the federal government continues to dangle the carrot of extinguishment, now framed as the mechanism creating "clarity." As the Royal Commission on Aboriginal Peoples (RCAP) observed, "**clarity** is achieved by a relatively straightforward clause indicating that certain or all rights associated with Aboriginal title are extinguished."[96] While the RCAP views clarity and certainty as valid objectives, it suggests that extinguishment

is a legally and conceptually flawed tool with which to accomplish these objectives.[97]

Not all observors have been so critical. "Learning from the painful lessons of Meech Lake and Charlottetown, the government has decided to sign separate agreements with bands and communities as soon as they are prepared to accept new responsibility," proclaimed the *Edmonton Journal*.[98] But it is not responsibility that "bands and communities" must accept, but a new relationship in which "bands and communities" function as creatures of the federal, and perhaps also of the provincial, governments. It is the re-presentation of subordinate status, through the co-opted language of "self-government."

Despite the Coolican Report's recommendations that extinguishment be abandoned, the Chretien government and Department of Northern and Indian Affairs Minister John Irwin reaffirmed it in 1993 in *Federal Policy for the Settlement of Native Claims*.[99] So-called "self-government" models advanced by the federal government via DIAND continue the century-old practice of dictating the form, style and parameters of "Indian" government. These have the effect of stripping inherent political agency from "bands" and rendering them mere administrators of DIAND policies by way of delegation of federal programs and services.

The current federal land claims process continues to frame the parameters of possibility in historical mythology: in the underlying, pre-existing and pre-eminent title of the Crown and in the common law notions flowing from that fiction; and in the generally implicit doctrine of parliamentary sovereignty, the application of which legitimizes any legislative initiative purporting to limit or eliminate Aboriginal rights or land interest. Federal concern with comprehensive land claims is instrumental: it will recognize rights so that they may be extinguished and it will negotiate settlements only on that condition.[100] The Crown is deemed to have a pre-eminent title by virtue of its pre-1967 existence made manifest in "the colonies."

Within this conceptual framework, Aboriginal rights, including political rights and sovereignty in relation to land, exist subject to the pleasure of the Crown or its agent, Parliament. The federal claims settlement policy premised on the objective of extinguishment is entirely consistent with this framework. Any critique of the policy which challenges its basic premises is attacked because it deviates from the legal and philosophical orthodoxy underpinning Canada's genesis and continuing legitimacy. Indeed, such a critique, if taken seriously, has the potential to reveal that Canada is, after all, merely the result of opportunistic imperialism and successful land theft.

The federal government "policy for the settlement of native claims" statement of March 1993[101] clearly shows that, for the federal government, Aboriginal rights and title derive from British common law, and that policy has been "closely linked to court decisions." The policy paper cites legal precedent[102] as establishing the point in law (the rules of the ruler) that "the exercise of Aboriginal rights could be regulated by government."[103] Rights are deemed to be *sui generis* and of the common law.[104] The policy paper notes that

"Aboriginal peoples and governments often come to the table with fundamentally different conceptions of the nature of Aboriginal rights and the form which the final settlement should take."[105] Inevitably, government conceptions determine the parameters of political possibility.

Of the historical treaties, the policy paper asserts, "In exchange for certain rights and benefits, such as the receipt of reserve lands, Indian groups in parts of Canada have **surrendered their claims to Aboriginal rights**,"[106] (emphasis added). The language of "exchange" as a euphemism for extinguishment continues: discussing the 1986 revised Comprehensive Claims Policy "Exchange of Rights," DIAND policy in 1993 asserts:

> It is often stated that the federal government is seeking to end, or extinguish, all Aboriginal rights... This is not the case. The government's objective is to negotiate agreements that will provide certainty of rights ... To accomplish this, Aboriginal groups are asked to relinquish undefined Aboriginal rights ... in favour of the rights and other benefits which are written down in the settlement agreement.[107]

Of comprehensive claims, the document says the primary purpose is to conclude agreements that "will resolve legal ambiguities associated with the common law concept of Aboriginal rights."[108] It adds, "The objective is to negotiate **modern treaties**" (emphasis added) which define rights.[109] But "modern treaties" are not intended to be treaties as understood, historically or now, by Aboriginal peoples. The document declares that "(n)egotiated comprehensive claims settlements provide for the exchange of undefined Aboriginal rights for a clearly defined package of rights and benefits codified in constitutionally protected settlement agreements."[110] That is, negotiations must culminate in extinguishment of Aboriginal rights and their replacement with a legally-defined package of "rights."

Most recently, the *Yukon Umbrella Final Agreement*, structuring land claims, shared political jurisdiction and First Nations governments, was proclaimed on February 14, 1995. It is an important step towards an institutionalized mutual arrangement between indigenous nations and the Crown. But it is still premised on the unquestionable legitimacy of the Crown, rather than reflecting, at a minimum, the ambiguity that should attend that pre-eminent claim.

Nunavut, touted as an example of Aboriginal governance, should not be confused with governance pursuant to section 35 of the *Constitution Act 1982*. It is not an expression of the inherent right and does not attract protection under section 35. Nunavut is public government and a significant northern evolution.

As with other territorial governments, convention notwithstanding, jurisdiction ultimately rests with the federal government. Nunavut is, for now and perhaps for the foreseeable future, predominantly Aboriginal, but regardless of changes in ethnic composition over time, it is constructed as a public government, with responsibilities, like all other public governments in Canada, to all of the people within its jurisdiction, not just to Aboriginal people.[111]

The Royal Commission on Aboriginal Peoples, its final report pending, notes that "(b)oth the Yukon Agreement and the Nunavut Agreement represent progress with respect to the relationship between land claims and self-government negotiations."[112] There is, perhaps, evidence of a decay in racism which may formerly have precluded the creation of public government dominated by indigenous peoples (see Louis Riel's unfortunate experience). Meanwhile, British Columbia's recent and welcome foray into the land claims arena, potentially without extinguishment preconditions, is yet to be tested by the culmination of agreements. Further, the survival of B.C.'s Treaty Commission may depend on the perhaps uncertain survival of the NDP government, which initiated the B.C. claims and treaty process in a province historically hostile to contemplating of the existence of Aboriginal rights.

The historico-legal construction of a perpetual, pre-eminent underlying title of the Crown continues today, despite its apparent instrumentality for colonial interests and equally apparent lack of objective truth. Not only history but the rules which define the contemporary relationship of the colonizer and the colonized are made by the victors. Rather than seeking a partnership with indigenous nations through a continuing, evolving constitutional relationship, Canada has always sought to extinguish indigenous particularity and to incorporate it within the state.

The imperialist/colonializer society emigrated to become the settler, whose laws are now taken to define the parameters of the possible. Indigenous peoples live marginalized and impoverished lives in Canada, the best place in the world for non-Aboriginal men to live.[113] The imperialist/colonizer has not "gone home" and now, generations removed and hybridized, arguably cannot "go home." We continue the separation of Aboriginal and colonial realities, with the latter benefitting from its continuing appropriation of the wealth of the former, who continue to struggle to survive. Neocolonialism ("colonialism in a new form"[114]) may have succeeded its colonial progenitor elsewhere, but in Canada, colonialism dominates. The seizure of Aboriginal lands and resources, the exclusion or peripheralization of Aboriginal nations from their lands, and the creation of justificatory legal, religious, economic and political structures and doctrines to enforce this state of affairs is colonial. Nothing has changed: Aboriginal nations remain economically and politically marginalized and deprived of their land and resource bases.

The colonial entity of contemporary Canada has no need of "Indians," but remains firmly squatted on Aboriginal lands and cannot survive without them. Effective reassertion of Aboriginal jurisdiction spells limitations for federal and provincial governments, and for the corporate interests that those governments have serviced so well to date. It potentially means limited, terminated or more costly access to natural resources; regulatory restrictions concerning environmental matters, community development and infrastructure; and required engagement with the primarily unskilled Aboriginal labour force.

These relations require careful consideration by Quebec. Should Quebec declare itself a sovereign state with territorial integrity approximating its current provincial boundaries, without the express agreement of Aboriginal

nations who find themselves within Quebec, the colonial relationships practiced by Canada may well be replicated in the emergent state of Quebec. Justice for indigenous nations seems to elude settler societies, especially when its practice has strategic and economic implications. Rosemarie Kuptana, speaking for the Inuit of Quebec, suggested that the Inuit may separate from Quebec if it separates from Canada[115]; both the Inuit and the James Bay Cree held separate referenda[116] in conjunction with Quebec's October 30, 1995 referendum of sovereignty/separation. The Inuit voted 95% and the Cree 96% in favour of an alliance with the state of Canada over a new state of Quebec. The two Aboriginal nations control approximately two-thirds of the territory of the province of Quebec. David Schneiderman, Director of the Centre for Constitutional Studies in the Faculty of Law at the University of Alberta, has suggested that, in international law, Aboriginal nations may have a stronger case than Quebec for self-determination.[117] At a minimum, the possibility exists that significant portions of the territory of the province of Quebec may not become part of a nation-state of Quebec.

Conclusion: Decolonization Within

When classical colonial relationships end, the colonizers go home. While some Aboriginal liberationists still advance this option,[118] few take it seriously. The settler and increasingly hybrid populations are here to stay. What is not resolved, however, is the appropriate nature of the relationship between Aboriginal and immigrant populations, though there is widespread agreement that the *status quo*, the colonial legacy, is unacceptable.

International law suggests that solutions may be found in the range of realizations of the right of "peoples" to self-determination,[119] from free association with the surrounding state to secession from it. "Free association" is just that — a freely negotiated and terminable organic relationship. It corresponds to Aboriginal articulations of the meaning of the historical treaties. However, this association must be based on a mutually acceptable settlement of jurisdictional questions, and recognition that indigenous jurisdiction "rests upon an inherent right, and not a revocable grant."[120]

How do we achieve decolonization while reconstituting the historical myth to include Aboriginal realities and constructing a contemporary polity that accommodates all its contributors? How do we break with the colonial process? How can Canada — or a post-secession Quebec — decolonize while continuing to exist as a nation-state, and while continuing to exist as a racially and culturally diverse "community of communities?"

The answers lie in facing up to the colonial past, in taking responsibility for it, and in collective commitment to restitution and to a new non-colonial, mutual and negotiated relationship between Aboriginal and immigrant peoples. Facing up to the past means owning all of our history, rather than perpetuating the myth of white settlers creating civilization in uncharted wilderness. Taking responsibility means understanding that the national wealth has been accrued at the expense of Aboriginal peoples, in ways that were legislatively mandated by governments acting on non-Aboriginal Canada's behalf.

Decolonization in the Canadian context means engaging in the perpetual work of maintaining relationship, not so that it can be circumscribed and terminated, but so that it can carry us all into the future. This new relationship will provide a framework for the elaboration of a non-colonial form of government, and for the creation of a society in which the history and well-being of some is not secured by obliterating the history and well-being of others. In the words of Manuel and Posluns:

> An integration of free communities and the free exchange of people between those communities according to their talents and temperaments is the only kind of confederation that is not an imperial domination.[121]

It is a vision of hope for a post-colonial Canada.

Notes

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1.   Vine Deloria, "Foreword", *The Fourth World* (George Manuel and Michael Posluns), Collier Macmillan Canada, 1974:xi.

2.   Edward Said defines imperialism as "the practice, the theory, and the attitudes of a dominating metropolitan centre ruling a distant territory; `colonialism', which is almost always a consequence of imperialism, is the implanting of settlements on distant territory." *Culture and Imperialism*, Vintage Books, Random House, New York, 1994, at 9.

3.   *Orientalism*, Random House, New York, 1979; and *Culture and Imperialism*, Vintage Books, Random House, New York, 1994.

4.   *The Colonizer's Model of the World: Diffusionism and Eurocentric History*, The Guilford Press, New York, 1993 (hereafter cited as *The Colonizer's Model of the World*); and *The National Question: Decolonising the Theory of Nationalism*, Zed Books, London, 1987.

5.   *Culture and Imperialism*, Random House, New York, 1994, at 9.

6.   Barbara Ransby, "Columbus and the making of historical myth", *Race & Class* 33,3, 1992:82.

7.   For example, the "crisis of community", the tensions between regional and ethnonational collectivities posited by Michael Asch, "Aboriginal Self-Government and the Construction of Canadian Constitutional Identity", *Alberta Law Review*, Vol. XXX, No. 2, 1992.

8.   Albert Memmi, *The Colonizer and the Colonized* (Trans. Howard Greenfeld), Beacon Press, Boston, 1965:3. See, also, James Blaut, "Enterprise in the Americas was from the start a matter of capital accumulation: of profit." *The Colonizer's Model of the World*, 1993, at 187.

9.   Ibid, 7-9.

10. Ibid, 10-11.

11. Ibid, 71-74.

12. See, for example, Memmi, supra at note 8, 79-86; Ransby, supra at note 6, 82; Stevenson, infra at note 24, 36-41.

13. L.F.S. Upton, "Origins of Canadian Indian Policy", *Journal of Canadian Studies* VIII, 1973:55.

14. *The Colonizer's Model of the World*, 1993, at 24.

15. Edward Said discusses this process as a consequence of imperialism and colonialism in *Culture and Imperialism*, 1994, at 9 and generally.

16. Roxanne Dunbar Ortiz, "Aboriginal People and Imperialism in the Western Hemisphere", *Monthly Review* 44,4, 1992:3.

17. Supra at note 7, at 470.

18. Supra at note 6, at 79.

19. Manuel and Posluns, supra at note 1, 8.
20. Ransby, supra at note 6, at 82.
21. CBC Radio, 740 AM - Edmonton, June 6, 1995.
22. Ariana Hernandez-Reguant, "The Columbus Quincentenary and the Politics of the 'Encounter'", *American Indian Culture and Research Journal* 17:1, 1993:17.
23. *Culture and Imperialism*, 1994 at 41.
24. Michael Stevenson, "Columbus and the War on Indigenous Peoples", *Race and Class* 33,3, 1992:28.
25. Ibid:28.
26. Ibid:28; also, see Mary Daly, who considers the semantic tactic of reversal to be a "fundamental thought-control mechanism", *Outercourse*, Harper, San Fransisco, 1992 :20.
27. Stevenson, supra at note 24, at 30-31.
28. Ibid, 33-34.
29. For example, see James Blaut, *The Colonizer's Model of the World*, 1993, at 25, where he refers to the instrumentality of "the diffusionist idea that a colonized or colonizable territory was empty of population, or was populated only by wandering nomads, people with no fixed abode and therefore no claim to territory, or lacked people with a concept of political sovereignty or economic property".
30. Patricia Moynihan, "The Decolonization of Modern Law: Dismantling the Relation between Race and Liberal Law", *Canadian Journal of Law and Society* (CJLS) 8,2, 1993:194.
31. Ibid:195.
32. Michael Stevenson, supra at note 24, 41.
33. *The Colonizer's Model of the World*, 1993, at 25.
34. Reesor, for example, writes "Settled colonies were regarded as extensions of Britain in the sense that British subjects took their rights under the common law with them when they moved to the colonies. ... The inhabitants of conquered colonies, on the other hand, had no such rights. The precise nature of their government, therefore, including the rights of the inhabitants, was determined after the conquest." Bayard Reesor, *The Canadian Constitution in Historical Perspective*, Prentice-Hall Canada, 1992, at 5.
35. Moynihan, supra at note 31, at 195-96.
36. Edward W. Said, *Culture and Imperialism*, 1994, at 323.
37. Blaut suggests that "the massive depopulation caused by the pandemics of Eastern Hemisphere diseases that were introduced to America by the Europeans" is the single greatest factor in establishing colonial dominance in the Americas. *The Colonizer's Model of the World*, 1993, at 184.
38. "Statement of the Attorney General of Canada's Position on Extinguishment, Diminuation or Abandonment of Aboriginal Rights in the Claim Area" (Attorney General of Canada, December, 1989), cited by Asch, supra at note 7, at 471.
39. *Delgamuukw* v. *B.C.* (1989), 38 B.C.L.R. (2d), cited in Asch, supra at note 7.
40. Ibid.
41. Ibid:477.
42. Ibid, 485-488.
43. According to Asch, "Universalism suggests that the `majority' is the collective of equal individuals who make up the population of the state." Ibid at 488.
44. Ibid.
45. CBC 740 AM Radio, Gzowski and Gabereau programs, September 7, 1995.
46. *Simon* v *R* [1985] 2 SCR:404.
47. *Delgamuukw* v *B.C.*, [1991] 5 CNLR :5.
48. The Kanesetake Mohawk confrontation of first, the Sureté du Québec and then the Canadian army at the contested lands in the Quebec municipality of Oka in 1990, supported by Kanewake Mohawks who barricaded the Mercier bridge in Montreal; the 1995 Ipperwash Provincial Park blockade during which certain members of the Stoney Point Chippewa band contested their (federally) enforced amalgamation with the Kettle Point Chippewa as well as the loss of land to the Canadian military, and its subsequent alienation to the province of Ontario; the month-long 1995 Gustafsen Lake armed occupation of private ranch lands by various Aboriginal peoples and non-Aboriginal supporters, claiming that the land was sacred and unceded.

49. I have chosen to identify 1867 as the emergence of the contemporary state of Canada. However, the historical record is subjective and contextual; the paper's focus on beginnings could easily be placed prior to or later than 1867.

50. *The Image of Confederation*, The Hunter Rose Company for the CBC Learning Systems, Toronto, 1964:25.

51. Indeed, an argument can be made that Canada was created to serve those interests — "on behalf and at the behest of" (with apologies to Ralph Miliband) — by structuring and managing the socio-political infrastructure essential to them.

52. Bayard Reesor, *The Canadian Constitution in Historical Perspective*, Prentice-Hall Canada, 1992:82.

53. *Divided Loyalties: Canadian Concepts of Federalism.* McGill-Queen's University Press, 1975:37.

54. It has yet to reach an equitable resolution with the federal and provincial governments for a land base. Not coincidentally, the Lubicon claim includes land leased by Alberta, in return for significant royalty revenue, for oil exploration and for timber for pulp production; the nature of development and the revenues flowing from development have arguably solidified provincial intransigence. Meanwhile, in a classic example of "divide and conquer", the Lubicon band has been eroded through federal recognition of dissident groups who have been given separate band status and land bases, which are substantially less than that being claimed by Lubicon Chief Bernard Ominiyak. Now, Alberta has withdrawn its latest offer of settlement, arguing that because of this erosion, Lubicon lacks the population base to justify that settlement. The Lubicon continue to languish in poverty and political limbo, a federally and provincially imposed punishment for Lubicon's insistence on its historical land and resources claims against both orders of government.

55. See, for example, Manual and Posluns, supra at 1, 19-21, and R.N. Wilson, "Our Betrayed Wards", written in 1921 by a disenchanted (and later fired) Indian Agent, reprinted in the *Western Canadian Journal of Anthropology*, Vol.IV, No.1, 1974.

56. Memmi, supra at note 8, at 103.

57. Marie Smallface Marule, "The Canadian Government's Termination Policy: From 1969 to the Present Day", *One Century Later* (Getty and Smith, eds.) UBC Press, Vancouver, 1978; L.F.S. Upton, "Origins of Canadian Indian Policy, *Journal of Canadian Studies* VIII, 1973; John Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy", *As Long As The Sun Shines and Water Flows* (Getty and Lussier, eds.), UBC Press, Vancouver, 1983; George Manuel and Michael Posluns, supra at note 1.

58. For example, Alexander Morris records the skepticism and distrust of a Chippewa, Nuswasoowahtum: "I see dimly to-day what you are doing, and I find fault with a portion of it; ... through what you have done you have cheated my kinsmen." *The Treaties of Canada with The Indians*, Belfords, Clarke & Co., Toronto, reprint 1971, at 224.

59. Ibid:27-29.

60. Ibid:30.

61. In a letter to the Secretary of State for the Provinces, dated November 3, 1871, in Morris, ibid:42.

62. Ibid:29.

63. Ibid:58.

64. Ibid:204.

65. Ibid:221.

66. Ibid:241.

67. Ibid:31.

68. An early construction of this most useful legal fiction is presented in *St. Catharine's Milling and Lumber Company* v. *The Queen*, (1889) 14 A.C.

69. Supra at note 58, at 31-34.

70. Ibid:37-39.

71. Ibid:51.

72. Ibid, 56-57.

73. Ibid:59.

74. Ibid:62.

75. Ibid:249.

76. Ibid:82.

77. Ibid, 101-102.
78. Ibid:170.
79. Ibid :3.
80. Ibid:38.
81. Ibid:54.
82. Ibid:135.
83. Ibid, 141-150.
84. Most recently, *Indian Self-Government in Canada* (The Penner Report), Report of the Special Committee on Indian Government, Canadian Government Publication Centre, 1983; *Living Treaties: Lasting Agreements* (The Coolican Report), Report of the Task Force to Review Comprehensive Claims Policy, DIAND, Ottawa, 1985; The Royal Commission on Aboriginal Peoples, 1993 — current (final report due in 1995).
85. Royal Commission on Aboriginal Peoples, *Treaty Making in the Spirit of Co-existence*, Minister of Supply and Services Canada, 1995, at 36-37. Hereafter cited as RCAP, *Treaty Making*.
86. *Living Treaties: Lasting Agreements* (Report of the Task Force to Review Comprehensive Claims Policy) Ottawa, Department of Indian Affairs and Northern Development, December 1985.
87. Ibid:40.
88. Ibid:41.
89. S.35, *Constitution Act 1982*.
90. Supra at note 85, at 40.
91. "Choosing a Path", DIAND, Ottawa, 1969.
92. A later Trudeau government advanced Bill C-52, "Optional Indian Government Legislation" through 1983-84 (though it died when the government lost the 1984 election to the Mulroney Tories) despite the fact that ongoing constitutional conferences on Aboriginal government indicated this delegated, legislated, municipal model was unacceptable to Aboriginal people. However, the *Sechelt Indian Band Self-Government Act* (R.S.C. 1985) was passed by the Mulroney government, conferring quasi-municipal status on the Sechelt Band. The Mulroney government also initiated the Community Based Self Government (CBSG) process, a municipal model of even less potence than Sechelt's legislated model.
93. Assembly of First Nations National Chief Ovide Mercredi had supported the Charlottetown proposals. The AFN was to review and ratify or reject the Charlottetown Consensus Report at a Special Assembly called for that purpose, September 14-16, 1992, at the Squamish Nation in Vancouver. However, after three days of intense and polarised debate, with the benefit of some clever procedural politics, quorum was destroyed and the Chiefs made no decision on the only resolution on the agenda. That resolution would have confirmed AFN support for the English version of the Charlottetown Accord. A consensus statement was issued in its place, which essentially left it to each First Nation to determine whether it would support the Accord.

     At issue was the impact of engaging in Canadian constitutional development on the sovereign status claimed by many First Nations; and especially on the application of the *Charter of Rights and Freedoms* to First Nations. The Consensus Resolution states: That the AFN has been involved in the negotiation of the Charlottetown Accord; and that the AFN is not in a position to ratify or reject the Charlottetown Accord; and that recognising their inherent authority the First Nations in each region decide on how to proceed with the referendum on October 26, 1992; and that the First Nations in each region will decide on the process to determine whether or not to ratify the proposed Constitutional Accord; and that the Chiefs-in-Assembly express support for the National Chief to continue negotiations to pursue the Constitutional objectives of the Assembly of First Nations and to clarify the implications of the Accord so that it may be put forward for decision in First nations communities.
94. The Accord was rejected by Canadians in the national referendum of October 1992.
95. DIAND internal document, 1995.
96. RCAP, *Treaty Making*, 1995, at 43.
97. Ibid at 57-58; and at 45-46.
98. "Native self-government: Canada tries again", August 12, 1995, at A6.

99. Indian and Northern Affairs Canada, March 1993. The options of full or partial extinguishment are proferred.
100. I developed these ideas in July 1993 in a memorandum to Michael Asch entitled "Notes Relating to Title and Extinguishment".
101. DIAND, 1993, Supply and Services, Ottawa.
102. *R.* v *Sparrow* [1990] 3 CNLR (SCC).
103. Federal government "policy for the settlement of native claims", March 1993,:1.
104. Ibid:2.
105. Ibid:8.
106. Ibid:2.
107. Ibid:9.
108. Ibid:i.
109. Ibid:i.
110. Ibid.
111. I am indebted to Gurston Dacks for his helpful February 13, 1995 discussion of Nunavut.
112. RCAP, *Treaty Making*, 1995, at 42-43.
113. As determined by the United Nations in 1995, based on various standards and expectations for men's lives. For women, however, Canada ranked 9th.
114. Jack Woddis, *Introduction to Neo-Colonialism: The New Imperialism in Asia, Africa & Latin America*, International Publishers, New York, 1967:11.
115. CBC Radio, 5:00 p.m. news, August 21, 1995.
116. The Inuit referendum will be held October 26, 1995; the Cree referendum will be October 24, 1995.
117. Interview on CBC Radio, 740 AM, Edmonton, October 24, 1995.
118. The "Boat Argument": a boat at each coast, and immigrant populations may choose a boat and go back to where they `came from'.
119. Articles 1 of both the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights. Canada is signatory to both Covenants.
120. Maivan Clech Lam, "Making Room for Peoples at the United Nations: Thoughts Provoked by Indigenous Claims to Self-Determination", *Cornell International Law Journal*, Vol. 25, No. 3, 1992, at 608.
121. Manuel and Posluns, supra at note 1:11-12.

Russel Lawrence Barsh

The Aboriginal Issue in Canadian Foreign Policy, 1984-1994*

Abstract

Aboriginal peoples have turned increasingly to the United Nations for legal recognition and political support since the 1970s, when George Manuel, Sr. launched the World Council of Indigenous Peoples and when the first of many formal grievances was submitted to a U.N. panel. Aboriginal advocacy has gradually expanded from human rights bodies to international conferences on the environment development, and population. Meanwhile, Canadian diplomats have grown increasingly defensive. Once regarded as the principal champion of indigenous peoples at the U.N., Canada today is more commonly aligned with countries such as Brazil and India in advising caution and delay. Canadian sensitivity to indigenous peoples' assertion of a right to self-determination has persuaded many Aboriginal leaders that the underlying strategic issue is Quebec sovereignty. A chronological study of Canada's positions in U.N. debates and negotiations on indigenous issues, and of the actual claims advanced by Aboriginal peoples at the U.N., appears consistent with this explanation of the shaping of an important element of recent Canadian foreign policy.

Résumé

Depuis les années 1970, période où M. George Manuel père a fondé le Conseil mondial des peuples indigènes et où la première d'une série de plaintes officielles a été déposée auprès d'une commission des Nations Unies, les peuples autochtones se tournent de plus en plus vers les Nations Unies pour obtenir une reconnaissance juridique et un appui politique. Les revendications autochtones sont progressivement passées des organismes de protection des droits de la personne aux conférences internationales sur l'environnement, le développement et les populations. Entre-temps, les diplomates canadiens ont pris une attitude de plus en plus défensive. D'abord reconnu comme le principal défenseur des peuples autochtones auprès des Nations Unies, le Canada se range le plus souvent aujourd'hui du côté des pays comme le Brésil et l'Inde qui recommandent la prudence et l'attente. La sensibilité des diplomates canadiens à l'égard de l'affirmation du droit des peuples autochtones à l'autodétermination a convaincu de nombreux dirigeants autochtones que l'enjeu stratégique de fond est la souveraineté du Québec. Une étude chronologique des positions prises par le Canada dans les débats et les négociations des Nations Unies au sujet des questions relatives aux autochtones, de même qu'en rapport avec leurs revendications formulées devant les Nations, semble corroborer cette explication quant à l'élaboration d'un volet important de la récente politique étrangère canadienne.

Readers of Canadian press reports gain contradictory impressions of Canada's international role in the field of promoting human rights. On the one side, there are frequent references to Canada's advocacy of reform in counties such as Haiti, and to Canada's active participation in U.N. peacekeeping. On the other, there are reports of agitation by Mohawks, the Crees of Quebec, Lubicon Lake Crees and other Aboriginal peoples directed against Canada and, increasingly, Quebec. On the whole, has Canada adopted a consistent international human-rights posture or, as the Quebec Crees argue, has Canada aggressively defended its own record and, in particular, protected Quebec's geopolitical options?

A review of Canadian activity at the United Nations Working Group on Indigenous Populations and its parent bodies during the past decade indicates a growing preoccupation to control programs involving indigenous peoples, steering a middle course between Australia and the Nordic countries on the one hand, which now favour express recognition of these peoples' right to self-determination, and governments such as Brazil, India and Indonesia, which generally oppose the recognition of indigenous peoples as politically distinct societies. While Canada publicly advocates a greater role for non-governmental organizations (NGOs) in international decision making, it privately urges greater restraint in the matter of indigenous peoples' rights. Australia has meanwhile emerged as an international champion of indigenous peoples.

This must be understood in the context of Canada's "tilt" towards the United States in trade and foreign policy during the Mulroney era, as well as the bogey of Québécois nationalism, which sensitized Canada to assertions of the right to self-determination in international law. Canadian diplomats have not only strenuously denied the applicability of self-determination to indigenous peoples, but avoided engaging any comparisons with Quebec that might be interpreted as either condoning, or condemning the *Péquistes*.

Beginnings

A foreign-policy connection between indigenous peoples and Quebec was raised as early as 1980, when the Mi'kmaq Grand Council submitted a communication to the U.N. Human Rights Committee alleging violations of its right to national self-determination and unlawful occupation of its territory (United Nations 1991c). One month after the Secretary-General served notice of this action on Ottawa, Quebec police launched a massive raid on the Mi'kmaq Reserve at Listuguj. Shortly afterward, Canada formally replied to the Mi'kmaq submission. Self-determination "cannot affect the national unity and territorial integrity of Canada" by lending support to "secessionist movements," Ottawa argued (Canada 1981, 2-3). With respect to Mi'kmaq claims of pre-existing statehood, based on treaties, "these treaties are merely considered to be nothing more than contracts between a sovereign and a group of its subjects." Canada also challenged the Committee's competence to act on "political matters" (Canada 1982, 6). These arguments would naturally apply with like force to a unilateral declaration of Quebec independence.

U.N. bodies devoted little attention to indigenous peoples until 1982, when the Working Group on Indigenous Populations was established under Danish and Norwegian leadership (Barsh 1986). Canada officially welcomed this new U.N. forum, "sure that its findings would assist the Canadian Government" (United Nations 1982, 19). Canada quickly became a target of criticism, however. At the Working Group's second session in 1983, half of the indigenous people in attendance were from Canada, including an Innu delegation from Labrador which denounced Canada as a "colonialist" power (Pelote 1983), and a Mi'kmaq delegation that asked for confirmation that indigenous peoples enjoy the same right to self-determination as other "peoples" (United Nations 1983a). In response, Canadian diplomats maintained that past injustices had been corrected; in the fullness of time, Aboriginal peoples would be able to vindicate their rights under section 35 of the *Constitution Act, 1982*.[1]

Australia, represented by its new Labour Party Finance Minister, Jo Dawkins, took a different approach, openly conceding past genocide and the need for sweeping changes. Mi'kmaq observers concluded that:

> Australia may have realised the opportunity it has to assert its identity, among the English-speaking powers, by taking extraordinary steps on human rights—a strategy Trudeau courted with and ultimately lacked the political courage to continue. An indigenous allignment with the Australian government, in consultation with aboriginal organisations, could be useful in developing an "example" for the U.S. and Canada (Mi'kmaq Grand Council 1983, 4).

The following year, Aboriginal representatives intensified their attack on Canadian colonialism and urged the "international rejection of the racist idea that treaties made with people of a particular race are not obligatory" (United Nations 1984d, 6). Meanwhile, the Lubicon Lake Band of Crees in northern Alberta filed a communication with the Human Rights Committee alleging that development concessions granted by the province deprived them of their means of subsistence and right to self-determination under article 1 of the International Covenant of Civil and Political Rights. Canada replied that the Lubicon Lake Band "is not a people within the meaning of Article 1 of the Covenant," but merely part of "a thinly scattered minority group [of Indians] living within the midst of a more numerous population grouping" of Canadians (Canada 1985b, 12-13). Self-determination is a collective right, the Canadian reply emphasized, moreover, and the communication was made by a single individual, Chief Bernard Ominayak.

The Hazards of Openness

The Working Group's third session in 1984 attracted more than fifty indigenous representatives from twelve countries, and agreed to begin drafting a declaration of indigenous peoples' rights. Canadian diplomats expressed their support for this project and for the Working Group's new chairperson, Greek jurist Erica-Irene Daes (United Nations 1984e, 10-12), while visibly competing with Australia for credibility. Canada sent several mid-level INAC

officials to Geneva for the meeting while Australia sent its Minister of Aboriginal Affairs.

Canada's presentation to the Working Group included an outline of "Canada's Approach to its Aboriginal Peoples," emphasizing the need to improve socio-economic conditions, and the "recognition and definition of aboriginal rights" constitutionally (Canada 1984, 4). After noting recent legislative proposals to remove discriminatory provisions from the *Indian Act*, accelerate the settlement of Northern land claims, and devolve self-government to Aboriginal communities, the Canadian paper underscored the role of *negotiation* in shaping the "unique position of the aboriginal peoples in Canadian society." This positive experience might be a useful example for others. Other countries might also take account of Canada's experience that land is "of central importance to aboriginal society, culture, religion and economic well-being." While Canada did not refer to the right of self-determination, it became the first government to tell the Working Group that indigenous rights must be realized through a process of negotiation and consent.

Canada's candor did not long go unpunished. Two weeks later, the Soviet member of the Sub-Commission[2] responded to U.S.-Canadian drafts abhorring the treatment of Soviet dissidents by tabling drafts on the treatment of North American Indians (United Nations 1984f). Incensed, Canadian diplomats refused to make a deal. Aboriginal representatives had not been consulted by Soviet diplomats; reluctant to become pawns in East-West rivalries, they delivered a note objecting to the tabling of such proposals without their consent (Mi'kmaq Grand Council 1984).

Pressure was also applied by the Human Rights Committee, still in the early stages of weighing the Mi'kmaq and Lubicon Lake cases. When Canada's first periodic report to the Committee was reviewed in 1980, one of the questions raised by the members was "how does the system of internal autonomy granted to Indian tribes function in practice?" The written reply explained Canada's policy of administrative devolution, admitting that "Indian leaders maintain a wholesome scepticism towards the intent" of these measures (United Nations 1983b, 96-97). Canada's ambassador subsequently recognized "the importance attached to Indian self-government by Indian leaders," and emphasized the entrenchment of the "existing aboriginal and treaty rights of the aboriginal peoples of Canada" in section 35 of the *Constitution Act, 1982* (Beesley 1984, 16).

This prompted one member of the Committee, Professor Ermacora of Austria, to wonder "whether the use of the word `peoples' did not cast a new light on the applicability of article 1 of the Covenant" to the Canadian situation, raising "a problem of internal self-determination" (United Nations 1984a, 12). He also questioned "whether Canada fully recognized treaties and other agreements that had been concluded with the aboriginal peoples or whether it interpreted them restrictively" (United Nations 1984b, 6). Canadian representatives replied that they "did not wish to hazard an opinion on the interpretation of the terms in question, particularly at a time when the

Canadian Constitution was at a complex stage in its evolution" (United Nations 1984c, 3).

Launching the Declaration

Anxious to obtain a strong mandate for preparing a declaration of rights, indigenous representatives joined Canada, Australia and Norway in an informal, unofficial drafting group at the Sub-Commission's 1984 session. This collaboration would endure until 1988 and ensure that, for five years, indigenous NGOs played a significant role in preparing the texts of all relevant Sub-Commission and Commission resolutions.

By 1985, however, Australia was expressing more activist views on indigenous rights than Canada, a situation that would persuade Ottawa to depose Australia as the Western Group's coordinator in this field.[3] In a statement to the Commission on Human Rights, Australian diplomats described self- determination as a "continuing, dynamic process," which applies:

> ... not only to circumstances in which one State imposes itself on the people of another State or territory, but also to relationships between Governments and their own citizens (Australia 1985, 6-7).

The United Kingdom and Federal Republic of Germany interpreted this as referring to individuals' rights of democratic participation, but the Austrian representative, Professor Ermacora (1985, 5), drew attention to its implications for indigenous peoples. Canadian diplomats became defensive at once, declaring—for the first time in public—that self-determination has no application to Aboriginal peoples in Canada.

When the Working Group next met four months later, a caucus of twenty-two indigenous organizations tabled their proposals for the declaration of indigenous peoples' rights, stressing the right to self-determination. Canada warned them against jeopardizing governments' acceptance of the text by being "overly ambitious" (Canada 1985a, 3). The thrust of the declaration should be equality and non-discrimination in the enjoyment of individual rights, although special measures might also be required to provide communities with "control over [their] own social, cultural and educational development" through "appropriate forms of local self-government."

Although Canada was the only government observer to mention self-government, and in quite modest terms, this was sufficient to embolden the Working Group to plan the discussion of "autonomy, self-government and self-determination" at its 1986 session. This tempted an adverse reaction from the Commission on Human Rights, but the unofficial cabal of indigenous NGOs and governments that was drafting the Commission's resolutions had grown more influential with the addition of Argentina, New Zealand and the United States. Instead of admonishing the Working Group, the Commission agreed to extend its sessions from five to eight days. The Sub-Commission meanwhile replaced "indigenous populations" with "indigenous peoples" in all of its resolutions. In an optimistic note to the government members of the cabal, the Mi'kmaq Grand Council welcomed the fact that "governments and

indigenous organizations have been working together to a growing degree" behind the scenes.

This cooperative spirit peaked when the General Assembly approved the cabal's proposal for creating a U.N. Voluntary Fund for Indigenous Populations[4] to facilitate indigenous participation in the Working Group's activities. It was the General Assembly's only reference to indigenous peoples since 1948 (*see* Barsh 1986).

Public Foes, Private Allies

In January 1986, the Mi'kmaq Nation resubmitted its communication to the Human Rights Committee, focussing on Prime Minister Mulroney's decision to limit consultations on section 35 of the *Constitution Act, 1982* to four national Aboriginal organizations.[5] The Grand Council argued that this constituted an attempt to alter Mi'kmaq land and treaty rights without their consent, violating their rights to self-determination and democratic representation. Although Canada did not respond to the Committee for another year, Canadian diplomats crossed swords publicly with Mi'kmaq at the 1986 session of the Commission on Human Rights. A Mi'kmaq statement challenging the representivity of the constitutional talks drew a rare Canadian exercise of the right-of-reply under ECOSOC rules of procedure:

> Representatives of major national aboriginal organizations have participated actively in the conferences already held. These organizations represent a majority of the diverse aboriginal populations of Canada. It is obviously impossible to have each of several hundred bands and native communities represented at the conference (Canada 1986).

Canada's overall record in this field was presented as exemplary. "The indigenous population [sic] of Canada plays a central role in our heritage and traditions," Canadian diplomats argued, and their freedom was demonstrated by the active role they had played in the drafting of international legal standards by the Working Group. "We take pride in any lessons which can be contributed to this exercise by the Canadian experience" (Hammond 1986).

Ottawa's argument at the Human Rights Committee remained the same, however. The right to self-determination "cannot be invoked to affect the national unity and territorial integrity of an independent sovereign State, such as Canada," nor can "a thinly scattered minority dispersed among the majority, like the Mikmaqs" be considered a *people* (Canada 1987a, 3, 6). The use of the term "aboriginal peoples" in the *Constitution Act, 1982*, was not intended to have any implications with respect to international law, nor had the Supreme Court of Canada, in *Simon v. The Queen*, concluded that Mi'kmaq treaties were international in character.[6] As for constitutional conferences, it was simply "not feasible" to consult with each Aboriginal group affected.

Mi'kmaq representatives renewed the attack at the 1987 session of the Commission on Human Rights, drawing a more conciliatory reply from federal Human Rights Commissioner Gordon Fairweather (1987). "Perhaps no groups in modern society have been subjected to greater neglect and

inattention" than indigenous people, Fairweather observed, emphasizing that "Canada's approach is one of negotiation," as exemplified by the ongoing constitutional conferences. Alberta Cree leader Melvin Potts upstaged Canadian diplomats by appearing in the Commission chamber in full regalia to lend support to the Mi'kmaq position.

Despite these skirmishes, the back-room cabal of Canada, Norway, Australia, and mainly Canadian indigenous NGOs was still able to agree on the draft of a resolution strengthening the mandate of the Working Group and introducing significant new terminology: "organizations of indigenous *peoples*" in the place of "non-governmental organizations."[7] For the first time, several African countries joined as co-sponsors, a reflection of growing African appreciation of the argument that racism was at the roots of denying indigenous *people*hood. Privately, several indigenous advocates began speculating on the possibility of shifting from Western to Afro-Latin leadership in the Commission.

Two Canadian periodic reports came up for review by the Committee on the Elimination of Racial Discrimination (CERD) as the Commission's 1987 session was drawing to an end. Members of the Committee had been briefed informally in advance by Mi'kmaq representatives and were able to pose uncharacteristically well-informed questions. Professor Sadiq Ali of India asked if a House of Commons (1983) report on Indian self-government had been implemented, and demanded the "justification" for Ottawa's 1980 rejection of Mi'kmaq land claims (United Nations 1987b, 8-10). In response, a Justice Department representative referred to a Ministerial review of claims policies (DIAND 1985) and self-government negotiations with Indian communities (United Nations 1987c, 9-12). As for the Mi'kmaq claim, the Supreme Court in *Simon* had decided that the Mi'kmaq treaty was not international in character; however, "if a wrong had been done there was certainly a well-known and visible process for obtaining redress in Canada." Since a Mi'kmaq case was pending in the Human Rights Committee, it was "inappropriate" to discuss the details with CERD.

This exchange was only one of several concerns to emerge from the Canadian reports. Of greater urgency for the Committee, it seems, was Canada's insistence that it had no obligation to ensure the compliance of individual provinces with international human-rights treaties. Ottawa interpreted the Committee's probing of Aboriginal policy so inconsequencial that Canada's next periodic report devoted only a half-page to "Aboriginal matters" (United Nations 1988c, 4). A more significant development had arguably taken place in New York City where the Grand Council of the Crees (of Quebec) had won accreditation with ECOSOC, making it the first indigenous nation, as such, to attain some legal status within the U.N. system. Ted Moses was promptly sent to Geneva as Cree "ambassador," a title and status respected (at least) by the Working Group.

Breaking-point: The Treaty Study

After a year's postponement, the Working Group's fifth session in 1987 drew a record attendance of 370 participants, including more than 60 indigenous

organizations from 20 countries and 27 governments. In preparatory meetings, indigenous representatives agreed to press ahead with proposals for an International Year in 1992 and a legal study of treaties with indigenous peoples. Both proposals were endorsed by the members of the Working Group.

At the Sub-Commission, the draft resolution for the International Year encountered objections from Spain, which demanded the deletion of a reference to "five centuries of struggle," arguing that it focussed unduly on the indigenous peoples of the Americas. The Canadian member of the Sub-Commission, Judge Deschênes, supported this objection, and added one of his own—the term, "Indigenous Peoples," would have to be dropped from the title of the Year (Mikmaq Grand Council 1987; United Nations 1987a, 3). The Sub-Commission accordingly returned to the word "Populations," which was replaced by "People" when the recommendation was re-negotiated in 1988. Thus began an acrimonious dispute over the issue of terminology in which Canada would play a leading role for the next eight years.

The proposal for a treaty study also encountered crucial Canadian as well as U.S. opposition. Ironically, private Canadian pressure on the members of the Working Group to abandon the idea backfired because it derailed Canadian Aboriginal groups' efforts to win wide government support for assigning the study to Danilo Turk, the Yugoslavian member of the Working Group and a legal scholar highly respected in the West. Instead, Canadian opposition aroused the interest of the Cuban member of the Working Group, Miguel Alfonso Martínez, a Canadian-born scholar who had been in Fidel Castro's confidence. This came at the time when the U.S. was beginning to mount an effort to isolate Cuba at the U.N. and win consensus on a condemnation of Cuban human-rights violations. The combination of sensitivities over treaty rights and Cuba was explosive.

In the corridors, Canadian diplomats threatened to criticize the Working Group publicly and withdraw any further Canadian support from its activities if it proceeded with the treaty study. They studiously refused to meet with indigenous representatives to discuss compromise proposals. On the record, Canada expressed its "serious reservations" about the study, arguing that it had been endorsed by "few" indigenous organizations and no governments (Canada 1987b). The study was aimed at "isolat[ing] only a small group of states, perhaps as few as three" based on the "vagaries of history" rather than "gravity or urgency" of contemporary conditions.

> [A] focus on treaties essentially distorts the debate about aboriginal peoples, whose plight today stems in most cases, not from treaties or from a lack of treaties, but rather from their systematic exclusion from the economic, social, cultural and political life of the countries in which they live. Solutions which fully respect and advance legitimate group aspirations in a modern context will not be found by delving into interesting but ultimately irresolvable debates about the precise meaning or significance of historical arrangements.

The conclusions of the study would not have "universal" applicability; furthermore, the Sub-Commission lacked competence to pronounce upon the existence or nature of treaty obligations. Indigenous representatives were

guilty of "diverting attention" from more urgent, practical work. Despite Canada's pleas, the proposal for the study was approved by the Sub-Commission following a letter of support signed by twenty-five human rights organizations (United Nations 1988d, 2-6; United Nations 1988e).[8]

Canadian diplomats also took the opportunity to reaffirm publicly that references to "aboriginal *peoples*" in the *Constitution Act, 1982*, "should *not* be interpreted as supportive of the notion that Canada's aboriginal groups are `peoples' in the sense of having the right to self-determination under international law."

> In practice, the United Nations has invariably applied the principle of self-determination to dependent or colonial territories. It has never been, nor should it be, utilized to support individual secessionist or separatist groups within democratic and independent states, *nor to permit groups unilaterally to establish their own governments within a particular state* (Serson 1987a; *emphasis supplied*).

To avoid "confusion," the Working Group should henceforth use the term "self-government" rather than self-determination. It should moreover refer to self-government as an "objective," rather than as a "right." Canada warned the Working Group that:

> While certain organizations may wish to propose principles which they find attractive for their own political or other reasons, these will not be helpful if, in the final analysis, they are not realistically capable of gaining general acceptance by member states (Serson 1987b).

Meanwhile, the Human Rights Committee made a procedural decision in the Lubicon Lake case. Chief Bernard Ominayak, "as an individual," could not claim to be the victim of a violation of the right of self-determination, since it "deals with rights conferred upon peoples, as such" (United Nations 1987e). The Committee would consider his claims under other provisions of the Covenant, however.

Canada Gains a Leadership Role

In July 1987, Canada unseated Australia as a Western-group member of the Commission on Human Rights in an unusually aggressive campaign, depriving indigenous peoples of a reliable government ally. This set the stage for the disintegration, within months, of cooperation behind the scenes.

The Commission opened its 1988 session amid press reports that Aboriginal leaders had denounced Canada's anti-*apartheid* activities as hypocritical. Aboriginal representatives at the Commission were left in a delicate position, since they were working to increase diplomatic pressure on Canada, but also depending upon the continued sympathy and political support of front-line African states. After consulting with African delegations, a formal statement was made calling on Canada to *increase* its efforts to combat *apartheid*,

> not only because they might help to bring a speedier end to the suffering of indigenous Africans, but also because the experience of participation in the struggle against *apartheid* might also help Canadians to come to a better awareness of the colonial aspects of

their own relationship with the indigenous peoples of North America (United Nations 1988a, 4).

Of even greater sensitivity, however, was the proposal to appoint a special rapporteur on treaties. Canada and the U.S. argued that the scope of the study was too narrow, and singled them out for criticism. The U.S. was particularly aggrieved at the choice of a Cuban expert to prepare the report, and argued that the study was merely a ploy by the Cubans to deflect criticism of their own record. This led a number of countries to accuse the U.S. of undermining the presumed neutrality of individual U.N. experts.

Canada initially sought support for a draft resolution deferring the decision for a year, a solution favoured by the United Kingdom and Norway. Meanwhile, the Crees of Quebec had launched a media campaign from Ottawa, accusing External Affairs of trying to destroy the study (*e.g.*, Cornellier 1988; Platiel 1988). When questions were raised in Parliament by Keith Penner, main author of the House of Commons (1983) report on Indian self-government, the responsible minister argued that Canada was merely trying to ensure that the study was global in scope. In any event, he told the House, Canada was *not* a member of the U.N.'s Commission on Human Rights, therefore powerless to control the fate of the treaty study! The next day, Canadian diplomats at the Commission changed tactics, publicly lending full support to the treaty study but calling for more "universal," pragmatic mandate.

Continued indigenous pressure and negotiations within the Western Group led to a compromise. The aim of the study would be to identify "forward-looking approaches" for the protection of indigenous people, implicitly rejecting the analysis of past treaty violations, while the scope of the study would be broadened to include "treaties, agreements and similar de facto arrangements." Professor Alfonso Martínez would be required to submit an "outline" of his work to the next session of the Commission for its approval.

Broadening the mandate was a clever way of stimulating opposition from countries which had thus far taken no notice of the treaty study. As soon as a revised draft resolution was circulated informally, China and Bangladesh advised Canada that they would strongly oppose it. But Canada was now facing criticism at home for opposing the treaty study and would be blamed if it did not proceed. Canadian diplomats had no choice but to seek some further cosmetic compromise with Asian powers. This took the form of a reference in the authorizing resolution to the "inviolability of the sovereignty and territorial integrity of States" in accordance with the Charter. Indigenous NGOs viewed this revision as an attack on their right to self-determination, but Latin American and African diplomats dissuaded them from jeopardizing a consensus on the study by making their concerns public.

Canada was the only government to submit written comments on the outline for the treaty study (United Nations 1989a). Alfonso Martinez was advised that he "must not place undue emphasis on a limited number of regions to the detriment of others" and maintain a "forward-looking orientation." In other words, it would be "inappropriate" for him to comment on the contemporary legal force or effect of the treaties made in the past with indigenous peoples.

Crafting a New Convention

Parallel to these developments in the United Nations human rights program, the International Labour Organisation (ILO) was re-evaluating its Indigenous and Tribal Populations Convention, 1957 (No. 107). The ILO convened a meeting of eighteen experts to review the convention in 1986, including Martin Freeman from Canada's Department of Justice. Several indigenous organizations also participated (Barsh 1987). As explained in the official report of the meeting:

> the representatives of indigenous and tribal organisations who were present stated that the only concept which would respond to their needs was that of self-determination. The intention behind this was supported by most of the experts, who felt however that the use of the term posed some difficult problems (ILO 1988a, 108).

Freeman was among those who felt that referring to self-determination, in a revised convention, would make it unratifiable. He nevertheless joined a consensus that "indigenous and tribal peoples should enjoy as much control as possible over their own economic, social and cultural development" (*ibid*., 117).

The second stage in the revision process was the circulation of a detailed questionnaire to member States. Out of fifty-three States replying to the questionnaire, four (Australia, Canada, Finland, Sweden) indicated that they had consulted formally with indigenous leaders (ILO 1988b). Indeed, Canada financed a special working group of national indigenous organizations for this purpose and, wherever the consultations did not produce an agreement, included indigenous leaders' views separately in the official government reply. Despite this commendable openness, the views of Canada and Aboriginal peoples diverged on many basic points. Canada recommended that the revised convention focus upon States' duty to "consult" with indigenous communities, while for Aboriginal leaders the issue was "informed consent" (*ibid*., 8). Similarly, Canada stated that it would have "strong reservations" about the use of "peoples" in a revised convention, while the Aboriginal working group regarded the use of this term as "essential" (*ibid*., 13). Aboriginal organizations argued that all traditional lands should be demarcated, and recognized as the property of indigenous peoples; Canada preferred simply urging governments to "resolve land claims" (*ibid*., 49-50).

On the basis of replies to the questionnaire, the ILO secretariat prepared a draft revised convention, which was examined by a committee of the ILO's 1988 general conference. Indigenous people were included in the Danish, New Zealand, Finnish, Norwegian, Peruvian, Swedish and U.S. voting delegations; indigenous organizations briefed the Workers Group daily and directed most of its votes.[9] In her opening remarks, the representative of the Canadian government reiterated that any use of the term "peoples" would imply the right to self-determination, and therefore prove unacceptable. Every effort should be made to *consult* with indigenous leaders in good faith, but requiring their *consent* to legislation would allow them to "override a democratic majority." The U.S., by contrast, surprised participants by embracing the concept of self-determination, interpreting it as meaning that governments should "share

responsibility with indigenous peoples" (Barsh 1988). Canadian objections prevailed, however (ILO 1988c, 5-6, 10; ILO 1989a, 8-9, 19-20; ILO 1989b, 3, 7-8, 11-12).

There were governments more conservative in their positions than Canada, such as India, Bangladesh, Brazil and Venezuela. Canada did not compare favourably with other Western countries, however, nor with Colombia, which championed indigenous peoples' own proposals, and then marshalled Latin American support for the final text. Although Canada voted for the adoption of the new convention, Parliament was never asked to ratify it, apparently on the pretext that it had little or no support among Aboriginal peoples.[10]

With the omission of self-determination from the ILO convention, indigenous organizations recognized the need to focus their energy on the text of the Working Group's draft declaration. Canada was already expressing concern that the text "correspond as closely as possible to existing norms so as to present Governments and indigenous populations with objectives which are reasonable, achievable and designed to meet [their] needs" (United Nations 1988b). It should contain "objectives" rather than "rights," respect "the rights of non-indigenous citizens," and focus on indigenous people as *individuals*.

Cooperation Breaks Down

The 1989 session of the Commission was preceded by a U.N. seminar on "the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States," significant not only for its clear endorsement of the right to self-determination, but as the first, and thus far only U.N. project on indigenous peoples to be undertaken at the initiative of the African States (Barsh 1989). Canada was not among the fifteen governments invited to participate.

A U.S. campaign against Cuba dominated the Commission's session and disrupted most other work. Indigenous NGOs expected Canada to table a resolution welcoming the Working Group's preliminary drafting efforts, in its role as Western Group issue coordinator. They also asked Latin American States to collaborate on drafting a resolution concerning the proposed International Year, and sought assistance from African States with a draft resolution endorsing the report of the seminar. Canadian diplomats refused to discuss any of these initiatives with indigenous representatives for the first four weeks of the Commission's six-week session. Then they circulated a single draft resolution incorporating all outstanding proposals in terms considerably weaker than indigenous peoples and the Working Group had recommended, and, breaking with four years of practice, refused to include indigenous NGOs in negotiations with other government co-sponsors.

Canada's omnibus draft would have added training seminars to the mandate of the Voluntary Fund, which indigenous peoples opposed on the grounds that it would divert resources from the original mission of the Fund, *i.e.*, facilitating travel to meetings of the Working Group. More fundamentally, the Canadian draft omitted the authority needed to publish the report of the seminar, even

going so far as to paraphrase the seminar's official title so as to avoid using the term "peoples"!

Aghast, indigenous representatives prepared their own text on the seminar, and organized several African, Latin American and Asian co-sponsors led by Senegal. When it learned of this, Canada warned the African sponsors that they were placing themselves at risk of losing Canadian foreign aid.[11] Indigenous NGOs responded by making plenary statements accusing Western countries of monopolizing the indigenous issue.

There was also continued controversy over the treaty study, which was back before the Commission for final approval. In the corridors, Bangladesh threatened to move an amendment deleting the phrase, "other constructive arrangements," which they feared would reach the autonomy accord they had recently mooted with tribal peoples in the Chittagong Hills. Likewise, the U.S. threatened to insist upon a roll-call vote, arguing that the budget requested for the study was inflated. Canada, although nominally the principal sponsor of the study, did not resist these manoeuvres, apparently hopeful that they would result in further delays. Indigenous NGOs nonetheless persuaded the U.S. and Bangladesh simply to state their concerns for the record, and the study's mandate was adopted without amendment or a vote.

Indigenous NGOs also circulated a draft resolution calling on the General Assembly to proclaim an International Year. No delegation was strongly opposed to the proposal, but neither was any of them prepared to take the initiative. Mexico, the Philippines and Portugal appeared to be seriously interested in a sponsorship role, but needed more time to consult with their national capitols. The Mi'kmaq delegation urged indigenous peoples to put pressure on Mexico because "further delay means a growing risk that 1992 or 1993 will no longer be available to us" (Mikmaq Grand Council 1989). Effective collaboration with Canada was now regarded as impossible.

The Committee on Economic, Social and Cultural Rights was meeting in Geneva to consider, among other things, a periodic report by Canada which made no reference to the socio-economic conditions of Aboriginal peoples (United Nations 1987a). The Mi'kmaq Grand Council reacted by submitting its own detailed statistical report to the Committee.[12] The Committee not only confronted the Canadian delegation with this data, but the Peruvian and Senegalese members inquired to what extent Canada had applied the principle of self-determination to Aboriginal peoples in general and the Mi'kmaq Nation in particular (United Nations 1989c, 8-10). Canadian spokesman Martin Low argued that the Mi'kmaq data was inaccurate, albeit largely taken from a published academic study (Wien 1986), and stressed the high levels of DIAND spending in the Maritimes (United Nations 1989d). Self-determination was "a recognized right of the Canadian people as a whole," he added, but could not be invoked to justify an "action liable to jeopardize Canada's territorial integrity or political unity." Publicly restrained, the Canadian delegation was privately furious, and expressed this to Mi'kmaq representatives.

Canada nonetheless joined with Argentina and Australia six months later in supporting the indigenous NGOs' proposal that future meetings of the Working Group continue its drafting efforts through "informal, in-sessional and open-ended drafting groups" comprised of governments and indigenous peoples "to seek agreement" on the final text.[13] The only substantive issue still in serious dispute was self-determination, and both sides were growing anxious for closure on the rest of the text.

The Struggle for the Year

The dramatic collapse of communist governments in Eastern Europe profoundly affected U.N. human rights bodies. Gone were the familiar, highly ritualized arguments about the relative importance of economic justice and civil rights. A new cohort of Eastern European diplomats appeared, preoccupied with pleasing the West and attracting more aid. Those Eastern European states which had shielded Cuba from a U.S.-led censure resolution in 1989 now joined the U.S. as co-sponsors of the same measure. For all practical purposes, the U.S. and European Union had gained control of U.N. decision-making.

European reconciliation shifted attention away from divisions of ideology to differences of wealth. The South abandoned non-alignment, demanding greater economic concessions from West and opposing any net shift of financial resources to the East. Poor nations feared that a more united and self-absorbed Europe would lose interest in promoting world development, dominate international financial and trade bodies, and increase international economic inequalities.

In this evolving political climate, indigenous organizations made a decision to align themselves with the South. When human-rights NGOs participating in a U.N. technical meeting on the right to development divided along regional lines, the indigenous NGOs present joined in the "South Group" (Barsh 1991, 326). This collaboration continued at the 1990 session of the Commission, where some Western delegations privately chastised indigenous representatives for their apostasy and hinted that the honeymoon was over with regard to Western support for indigenous rights.

As issue coordinator for Western States at the Commission, Canada disregarded the draft recommendations tabled by the Sub-Commission and Working Group, preparing its own texts and clearing them with Western co-sponsors before sharing them with indigenous representatives. For their part, indigenous NGOs condemned Canadian diplomats for seeking a "lowest common denominator" instead of championing progressive ideas.

Nowhere was this a greater source of controversy than with regard to the proposed International Year, which the Sub-Commission had again placed on the Commission's agenda. Indigenous NGOs did not detect any opposition among the government delegations they consulted during the first weeks of the Commission session. They were therefore suspicious when Canada circulated a single "omnibus" resolution on the subject of indigenous peoples, which made no reference to the International Year. Ambassador Raynell

Andreychuck insisted that the Canadian draft would be tabled *alongside* the Sub-Commission's draft resolution on the Year, and not replace it. Canada was simply not prepared to take principal responsibility for the Year by making it a Canadian proposal. Despite these assurances, other delegations confirmed that they had heard that Canada planned to introduce its draft as a *substitute*.

A straw-poll of delegations persuaded indigenous representatives that they could easily win a vote in support of the Year. These facts were explained to Canadian diplomats, who accused the U.S. and unnamed "others" of fomenting opposition to the Year. When the Commission reached this item of its agenda, however, Ambassador Andreychuck asked that *no action* be taken on the Sub-Commission's proposal for the Year, exactly as indigenous NGOs had feared. Colombia, Mexico, Nigeria and the Philippines promptly objected and called for a vote, while Canada strenuously reiterated its position. As fate would have it, the chair of the Commission, Purificación Quisumbing (Philippines), had been one of the government officials involved in the 1989 seminar on indigenous peoples, and had developed her own personal sympathies. She adjourned the meeting for informal consultations to seek a consensus.

As the informal consultations began, Canada suggested a new text, simply inviting ECOSOC to "consider the possibility" of recommending a Year to the General Assembly. Other governments found this too weak, but eventually agreed to "recommend" the Year to the Assembly, leaving all of the crucial details such as timing, goals and participation to be decided by higher bodies. Henceforth, indigenous NGOs continued to be profoundly mistrustful of Canada.

The Commission had just adjourned when the Human Rights Committee delivered its final views in the Lubicon Lake case, pending for nearly six years. The Lubicons had based their challenge of Alberta logging concessions in their traditional territory squarely on their claim of a right to self-determination under international law. They prevailed but on different legal grounds: the logging concessions were found to "threaten the way of life and culture of the Lubicon Lake Band" to the extent of violating *their rights as minorities* under article 27 of the Covenant (United Nations 1990a, 28-29). The Committee disclaimed its competence to determine whether the Lubicon Crees comprise a "people," however. Both Canada and the Lubicons claimed victory (Ovenden 1990).

The Oka-Kahnesatake Crisis

This was the year that the Working Group had planned to begin its experiment in cooperative drafting. At previous sessions, governments and indigenous people made drafting proposals as part of their public statements, and the members of the Working Group took these proposals into consideration at their private drafting meetings. In 1990, three informal drafting groups were organized, each chaired by one member of the Working Group, and participants were invited to exchange views and haggle over the draft face-to-face. Australia, New Zealand and Norway took the experiment seriously, and tried to reach an agreement on some parts of the text with indigenous

representatives. Canada declined to bargain with indigenous peoples and was further upstaged by Australia when, during the formal public part of the annual session, Australia's Minister of Aboriginal Affairs agreed to be questioned at length by the members of the Working Group.

Indeed, Canada hardened its public opposition to any recognition of indigenous peoples as distinct societies with collective political, territorial or cultural rights. In a formal note to the Working Group (United Nations 1990b), Canada interpreted the Working Group's mandate as limited to ensuring that indigenous "populations" enjoy equality of individual rights "with other national citizens," and complained that:

> certain of the principles proposed in the draft declaration appear to go beyond this objective and attempt to provide indigenous populations with greater rights and freedoms than those enjoyed by other national citizens.

In particular, Canada objected to the use of the term "peoples," which "may have implications regarding rights of self-determination," and to the proposition that "occasional use of land or resources" in the past "gives today's indigenous people rights of ownership and control over vast land areas." As a whole, draft standards "might more effectively improve the situation of indigenous populations if they were framed as objectives to be realized rather than as rights."

Aboriginal organizations had deliberately downplayed criticism of the Canadian government for several years, hoping to avoid unnecessary antagonism at a time when major program initiatives such as the treaty study, the declaration and the Year were at stake. Everything changed in the summer of 1990 during the Oka-Kahnasetake crisis, which erupted just days before the Working Group's eighth session. As described in the widely-acclaimed 1993 Canadian Film Board production, *Kahnasetake*, the confrontation had roots in a 300-year-old land dispute between the Mohawk community, which believed that it had been granted title by the French Crown, and successors to a missionary order, which had arranged to receive title to the land as a *seigneurie*. When the mayor of Oka, the Francophone town adjacent to Kahnasetake, launched plans to extend a golf course into the disputed area, Mohawk residents blockaded roads and were joined by a small group of armed Mohawk "Warriors" from other communities. After an exchange of gunfire with Quebec police, killing one officer, Canadian Forces were deployed around the Mohawk Reserve.

Representatives of the Warriors appealed for support on the first day of the Working Group's session. The members of the Working Group expressed concern and questioned the Canadian delegation closely, but ultimately decided to maintain their longstanding policy of taking no formal action on "complaints." Meanwhile, Canadian diplomats made it clear that they would respond to any censure by opposing the extension of the Working Group's activities when they next came up for approval by the Commission (Mikmaq Grand Council 1990).

When the Sub-Commission convened its annual session on August 6, however, Halima Warzazi (Morocco) proposed sending an official letter of concern to Canada's Prime Minister.[14] Other members were reluctant to act without more information. To achieve a consensus, Warzazi then proposed that the chairperson of the Sub-Commission—then Danilo Turk, who was also a member of the Working Group—be directed to invite the Canadian ambassador to come the next day to answer questions.[15] After this solution was unanimously approved, Canadian diplomats met privately with Turk and Working Group chairperson Daes, persuading them to adopt a face-saving alternative. Canada's ambassador, Gerald Shannon, would make personal reports on the Oka crisis to Turk and Daes, and in turn, Turk would summarize Shannon's remarks at public meetings of the Sub-Commission. This protected Shannon from answering direct questions in public. The Mohawks also briefed Sub-Commission members daily.

A further private arrangement was made, by which the Paris-based *Fédération internationale de droits de l'homme* would send observers to Oka and report back, confidentially, to Turk. Barely two weeks later, there were complaints that the observers had been expelled by Canadian Forces, however, which Canadian diplomats angrily denied, along with a "hotchpotch of outdated charges" levelled against Canada by the Danish Work Group for Indigenous Affairs (United Nations 1990c, 8). Canadian diplomats argued publicly that the arrangements for briefing Turk had been on Canada's "own initiative," and that Canada had shown "patience and moderation that goes beyond anything observed elsewhere" where Oka was concerned (Hynes 1990).

The situation remained unresolved when the Sub-Commission session drew to a close on August 31. Mohawk representatives argued the need for a formal resolution, appealing to Canada to refrain from violence. Under Canadian diplomatic pressure, the Sub-Commission agreed instead to a formal exchange of notes by which Canada promised to continue to brief Turk, Daes and the Under-Secretary-General for Human Rights on developments in Quebec (United Nations 1990d). As part of the bargain, Daes made a conciliatory statement on the record, congratulating Turk and Shannon for the "exemplary" way in which they had kept the members of the Sub-Commission informed, and thanking the Mohawk representative for his "constructive" role in the process (United Nations 1990e, 4).

Oka was the first test of indigenous peoples' ability to mobilize an effective U.N. response to a specific situation in Canada. It also tested the relative credibility of Aboriginal and Canadian diplomats—both in public debate and in the corridors. Although Canada "won," to the extent of avoiding formal censure, it was the result of an intense and often aggressive lobbying campaign that aggravated the damage done to Canada's reputation. Latin American governments, often the targets of Canadian criticism for their treatment of indigenous peoples, were particularly amused.

Just days after the Oka crisis began, moreover, Canada announced the postponement of its scheduled August 15 biennial appearance before CERD to March 1991. The Canadian report did not contain the detailed information about comprehensive claims or the ill-fated constitutional talks that CERD had

requested in 1988, and it was anticipated that the ambassador would face tough questioning.16 CERD members and Western diplomats privately expressed their disappointment at what they viewed as a bad precedent to be set by a government that generally set a good example for timely, candid human-rights reporting. That was not all. The Human Rights Committee announced that the Mi'maq communication was admissible as a collective claim under article 25 of the Covenant.

In October, the Human Rights Committee discussed Canada's second and third periodic reports, which together devoted barely two pages to a review of Aboriginal issues since 1983 (United Nations 1989b, 25-26; United Nations 1990g, 9-10). Appearing before the Committee barely a month after the barricades at Oka fell, Ambassador Shannon anticipated criticism, and led off with a more thorough oral report. Referring to the Royal Commission on the Donald Marshall Jr. Prosecution, he stated that "each" of its recommendations "had been addressed by the Federal and provincial Governments" (United Nations 1990h, 3). Despite a lack of progress on constitutional reforms, Canada would continue to "work with aboriginal people within the existing constitutional framework in order to realize their aspirations for more autonomy" (*ibid*., 8). Oka demonstrated the "ability of Canadian institutions to meet [the] test of respecting human rights in times of confrontation," and "underlined the critical importance of addressing aboriginal issues ... in an open and constructive manner." Canada congratulated itself for cooperating with the Sub-Commission "on its own initiative," and it stood ready to address the Mohawks' legitimate concerns, "once normal conditions had been restored."

Shannon was careful to avoid using the term "aboriginal peoples," but two Committee members, Joseph Cooray and Amos Wako, asked "to what extent the concept of self-government included the right of aboriginal peoples to internal self-determination," including the right to choose their own "political institutions and form of government" (*ibid*., 12, 14). Wako also inquired about treaty rights, and other members of the Committee, including British legal scholar Rosalyn Higgins, questioned the propriety of invoking the National Defence Act during the siege at Oka (United Nations 1990i, 8-9). Justice Department spokesman Martin Low replied that while self-government negotiations followed "no fixed model," any agreements would be "within the framework of the Canadian Federation" (*ibid*., 2):

> The Government was not willing to concede full sovereignty, in the internationally accepted sense of the word, to the aboriginal groups, because it feared that such a step would result in the break-up of the Federation.

As for Oka, the Mohawks had been armed, they had rejected any peaceful settlement, and their legal arguments were "unfounded" (United Nations 1990j, 2-3). This satisfied the Committee, although Professor Higgins urged Canada to "continue its constitutional reforms to facilitate the indigenous peoples' movement towards autonomy" (*ibid*., 7).

A New Canadian Strategy

In the wake of the Oka crisis, Canada abandoned its opposition to the International Year, deciding instead to exploit this proposal as a way of regaining international prestige. Shortly after the opening of the General Assembly's 45th session, Canadian diplomats surprised the Latin American proponents of the International Year by insisting that Canada replace Colombia as the coordinator and main sponsor. When the Working Group met for the tenth time in July 1992, moreover, Canadian diplomats sought compromise on the issue of self-determination:

> the Government of Canada is sensitive to the desire of many to exercise control over their own lives and how they are governed. For this reason, Canada supports the principle of self-determination, *within the framework of existing States*, where there is an inter-relationship between indigenous and non-indigenous jurisdictions that gives indigenous people greater levels of autonomy over their own affairs but that also recognizes the jurisdiction of the State (Marantz 1992; *emphasis supplied*).

In other words, self-determination would be acceptable if interpreted as the right to negotiate self-government within a federal system. To underscore this position, Canada described the status of negotiations on what would become the ill-fated Charlottetown Accord, stressing the apparent consensus of First Ministers on recognizing an inherent right of Aboriginal self-government, as well as fixed representation in the Senate (Shannon 1992).

When the Commission met again in 1992, Canadian diplomats made a point of declaring themselves "proud to participate in a team that had come together to advance the indigenous agenda for 1993," and included Australia, Brazil, Colombia, New Zealand, Norway and organizations of indigenous peoples (United Nations 1992b, 17; United Nations 1992c, 5-6). In actuality, the process of negotiating draft legislation on the Working Group and the Year had grown increasingly contentious, chiefly with regard to the use of the term "peoples," but also concerning the role of indigenous peoples in decision-making.

This dynamic continued at the General Assembly, where indigenous organizations complained that Canada's draft resolution launching the Year failed "to strengthen indigenous peoples' involvement in running the Year, or to ensure their meaningful participation in relevant U.N. programs and activities in the future," at least to the extent which women and the disabled had enjoyed in *their* Years (*see* Barsh 1994, 62-66). Canadian diplomats responded, not by bolstering the draft text, but by praising indigenous representatives as "an inspiration to this process with their ideas and advice," and reiterated Canada's goal of seeing "Aboriginal People [sic] become our partners in the governance and development of our country" (Landry 1992, 1, 4).

Canada's care to avoid the "s" word was upstaged by an Australian statement promising "to keep faith absolutely with indigenous peoples' aspirations," and in this context agreeing that:

> ... specific recognition of the right of self-determination for indigenous peoples, as separate and distinct peoples, will assist them to overcome the barriers to full democratic participation (Rowe 1992, 5, 8).

The Year of Controversy

Once they realized that the International Year would lack funding for community projects, indigenous organizations concentrated on using the Year as a platform for resolving the issue of self-determination. At the same time, Dr. Daes, conscious of the fears of Canada and other key governments, circulated an interpretive note which she hoped would mollify those fears and obviate the need for explicit restrictions in the text of the draft declaration. Her note observed that, with rare exceptions, indigenous peoples had not demanded independence, but some agreed formula for power-sharing and meaningful representation within existing states (United Nations 1993, 5). Hence their aspirations for self-determination would "ordinarily" be fulfilled by "their right to negotiate freely their status and representation in the State in which they live." While secession could not be "ruled out completely in all cases," it could be discouraged by imposing a duty, on both states and indigenous peoples, to negotiate reforms in good faith. Her formula differed from Canada's compromise proposal only to the extent that it preserved the right to secede as a last resort.

The question of the "s" erupted at the World Conference on Human Rights at Vienna in June. Australia, supported by Colombia, Denmark, Mexico, New Zealand, Norway and the Russian Federation, proposed that the declaration of the conference refer to indigenous "peoples" (Barsh 1994, 49). When Canada opposed this, taking the side of Indonesia and India, Aboriginal people at the conference expressed outrage (Platiel 1993). A Canadian representative, Denis Marantz, was moreover quoted in one of the alternative newspapers covering the conference as saying that Canada did not want to "encourage groups like the Cree of Quebec to seek independence if Quebec were to leave the Canadian federation" (Crees Grand Council 1994). Although Canada prevailed diplomatically, it had further undermined its credibility, particularly with the human rights organizations attending the conference.

When the Working Group met again in July, Canada once more sought a compromise on the interpretation of the right to self-determination, pursuing Daes' bid. "The challenge," Canadian diplomats argued, was to develop contemporary ideas of self-determination "which oblige states and Indigenous people to work out harmonious arrangements for sharing" through negotiations (Shannon 1993). Canada was pursuing this avenue, in practice, notably in the Nunavut agreement and other northern claim settlements. It was plainly hoped that this conciliatory attitude, in support of Daes' compromise proposal, would facilitate the adoption of qualifying language in the relevant article of the draft declaration. The gesture came too late, long after indigenous peoples' position had been polarized by the "s" controversy. The indigenous peoples' caucus united in demanding an unqualified reference to self-determination and the Working Group acceded (Barsh 1994, 53-54).

Canadian Aboriginal organizations hailed this breakthrough (*e.g.*, United Nations 1994a), while Canadian diplomats insisted upon a formal reservation in the report of the session:

> The observer for Canada emphasized that his country supported the principle that indigenous people qualified for traditional rights of self-determination in international law on the same basis as non-indigenous people if they otherwise met the criteria of international law. In all other cases "self-determination" of indigenous people had to be granted within the framework of existing nation States[.] The notion of self-determination as used in the draft declaration might imply the right of indigenous people to unilaterally determine their political, economic and social status within the existing State (United Nations 1993).

The "same basis" qualification aimed to restrict the exercise of self-determination to classic colonial situations, preserving the territorial *status quo* of independent (albeit settled) countries such as Canada. The Liberal electoral victory in 1994 did not alter External Affairs' position on this point (Henderson 1994).

On March 3, 1995, Canada spearheaded a successful recommendation by Western States to strike a new, inter-governmental working group at the level of the Commission "to elaborate" a declaration "considering" the draft declaration prepared by the Working Group.[17] Canada also suggested that, in view of the "financial straits in which the United Nations finds itself," the existing Working Group remain as the body responsible for the concerns of indigenous peoples, instead of a new, representative permanent forum (United Nations 1994b).

Discussion and Conclusions

At the U.N., Canadian diplomats have devoted an increasing effort to maintaining decisive influence over activities involving indigenous peoples. Canada's insistence on control has alienated countries such as Norway and Australia, which have long been champions of indigenous rights, and countries such as Mexico, Colombia and Chile, which seemed eager to assert a larger and more positive role in this field. Unlike Australia, which has officially endorsed indigenous peoples' right to self-determination, Canada has repeatedly used its brokerage status to delay international recognition of this right. Since 1987, moreover, Canadian diplomats have been perceived by indigenous organizations as significantly less candid or cooperative.

Canada's defensive diplomacy has deprived indigenous peoples of a broader coalition among governments which would have strengthened the ability of U.N. agencies to facilitate concrete change at the national level through technical and financial assistance. It has also damaged Canada's credibility as an unselfish defender of human rights, further adding to Southern perceptions, emerging from the Cuba controversy and the Gulf War, that Canadian foreign policy is increasingly directed by Foggy Bottom.

Why did Canada's position become so much more defensive in 1987? Who were the "certain organizations" Scott Serson accused of trying to dismember

Canada, in statements to the Working Group? To be sure, the First Ministers Conferences on the Constitution had just collapsed, in 1987, without satisfying the concerns of Aboriginal peoples or Quebec, but there was little real likelihood of *Aboriginal* secessions. Canada was scarcely touched by any *formal* U.N. censure, moreover, despite the efforts of Aboriginal leaders to generate informal diplomatic pressure on Ottawa. The U.S., by comparison, was the subject of Sub-Commission resolutions criticizing its relocation of Navajo people from disputed lands in Arizona, and on-site investigations by U.N. experts.

Canada had little to fear from the Human Rights Committee. While the Committee chastised Canada over Lubicon Lake, five years later the land dispute there remains unresolved. In the Mi'kmaq case, moreover, the Committee not only reaffirmed its lack of competence to determine claims to self-determination, but ruled that indigenous peoples do not have the right to choose their own representatives to consult with the national government (United Nations 1991a). While ILO Convention No. 169 would give Aboriginal peoples the right to veto any changes in national laws specially applicable to them, such as section 35 of the *Constitution Act, 1982*, or the *Indian Act*, Ottawa's mandarins have not even broached the possibility of ratifying this new instrument. Hence there is no immediate danger of any binding legal action by the U.N. that would compromise existing Canadian policy on Aboriginal peoples.

U.N. developments were scarcely mentioned in the Canadian press, moreover. With no journalist of its own in Geneva, CBC relied on Lisa Schlein of ABC News. In fact, nearly all of the news stories seen in Canada originated with the Crees' office at Ottawa. U.N. criticism of Hydro-Québec (United Nations 1991b; United Nations 1992a) nevertheless received little attention.[18] A U.N. study that drew attention to the problems of suicide and violence among Canada's Aboriginal peoples was nearly overlooked by Canadian media (UNDP 1994, 32; Stackhouse 1994). Lack of public interest and minimal press attention have conspired to take much of the force out of the work of Aboriginal activists abroad. What, then, does Ottawa fear?

Some light may be shed on these questions by comparing Australian and Canadian conduct in this field. Australia's federal government is comparatively weak with respect to land matters, but enjoys relatively greater independent authority in foreign affairs and treaty-making than Ottawa. Since Canberra can do less at home to demonstrate faith with Aboriginal Australian peoples, it does somewhat more abroad to promote their rights. At the same time, Canberra has found that it can employ U.N. human-rights treaties and reports to put pressure on recalcitrant state premiers. Ottawa cannot undertake new international obligations except in close consultation with all the provinces, including Quebec, by comparison. International negotiations cannot be used to pressure Quebec or other provinces, but must on the contrary be consistent with the concerns of provincial leaders.

Personal and professional factors may have played a role. Australia's Minister of Aboriginal Affairs, Robert Ticknor, has assumed a personal and largely positive role in the Working Group, while Canada has been represented, on the

whole, by career technocrats and lawyers. Indeed, Canada's present Minister of Foreign Affairs has declined to meet with Aboriginal organizations active at the U.N. to review Canadian policy. In addition, Australia has maintained a reputation for professionalism and dependability in its foreign service, while Canada's Conservatives purged well-respected Trudeau-era diplomats and adopted more political criteria for foreign-service posts. As Canada demanded a greater role in shaping U.N. policy for indigenous peoples, the credibility of Canada's diplomats, and their expertise, was in decline.

These factors help explain Canadian diplomats' miscalculation of the cost, in credibility, of pursuing hard-line, national self-interest in relation to indigenous rights. It is less clear why Ottawa felt so much more threatened by indigenous "peoples" than Canberra—unless, as the Crees contend, the real issue is not Aboriginal rights, but Quebec independence.

It would seem to be in Ottawa's interest to weaken Quebec's claim to international recognition of its right to self-determination, just as it is in Quebec's interest to weaken this claim when it is made by Aboriginal peoples. Federalists may well have feared U.N. endorsement of Aboriginal peoples' right to self-determination as a precedent for Quebec. Sovereigntists could easily join Ottawa in opposing the right of Aboriginal peoples to self-determination because any international recognition of Cree or Inuit self-determination would throw doubt upon the territorial borders claimed by a sovereign Quebec. Sovereigntists would also have realized that the support they already had won from *La Francophonie* would prove, in practice, to be more useful than any mere legal arguments. Aboriginal peoples in Quebec lack comparable support from any bloc of governments.

In this context, it should not be surprising that Ottawa took an increasingly "hard line" against indigenous self-determination at the U.N., especially after it became clear that constitutional negotiation would not result in a marriage entirely satisfactory to the *Péquistes*. Taking a "hard line" at the U.N. did not risk any significant backlash from national Aboriginal leaders, furthermore, because they were being kept sufficiently occupied with negotiations at home over land claims, fiscal devolution and self-government.

Notes

*   The author participated in the meetings described in this essay, as a representative of the Mi'kmaq Grand Council and Four Directions Council, the indigenous NGO coalition of which the Mi'maq are part. Statements not referred to published or manuscript sources are based on the author's personal recollections and notes.

1.   The Canadian delegation included Teresa Nahanee, a Dene employee of INAC from Ottawa, but she did not speak officially. This was the last time an Aboriginal person would be on the government delegation, apart from the U.N. Conference on Environment and Development.

2.   The Sub-Commission on Prevention of Discrimination and Protection of Minorities, a twenty-six member group of experts advisory to the Commission on Human Rights, is the Working Group's parent body. During the 1980s the only Canadian to serve on the Sub-Commission was Jules Deschênes, then judge of the Quebec Court of Appeal and currently a member of the International Criminal Tribunal for Rwanda.

3.   Each of the U.N.'s five official regional bargaining groups chooses "issue coordinators" to initiate proposals, negotiate texts and manage the votes on particular agenda items. Since all

delegations are busy, they tend to trust coordinators with rather broad instructions, giving them some leeway to exercise their own judgment.

4. General Assembly resolution 40/131 (13 December 1985). Contributors included Australia, Canada, Cyprus, Denmark, Finland, Netherlands, New Zealand, Norway, Philippines, Sweden and Switzerland; Canada's contributions totalled $86,600 through 1990 (United Nations 1990f). Western States countries are represented on the Board by Leif Dunfjeld, a Sami.

5. The Committee had dismissed the original 1980 communication on the grounds that it lacked sufficient evidence of Grand Captain Alexander Denny's representativeness. All officers of the Grand Council and the elected Chiefs of the Reserves signed the revised statement of claim, which raised issues under both articles 1 and 25 of the Covenant.

6. In *Simon v. The Queen*, [1985] 2 S.C.R. 387, 404, the Chief Justice reasoned that international law does not *limit* the authority of courts to give Aboriginal treaties a more liberal interpretation in favour of the Aboriginal parties. It was rather disingenuous to present this as legal authority that Aboriginal treaties are *merely domestic*.

7. Commission on Human Rights resolution 1987/34 (10 March 1987). The draft attracted a record eighteen co-sponsors.

8. The charge that the study would focus on just a "few" governments was somewhat dishonest in view of the fact that indigenous proponents had emphasized the global character of European empires' treaty-making with indigenous and tribal peoples (*e.g.*, United Nations 1988d).

9. In ILO procedure, each official delegation consists of Government, Workers (trade union) and Employers members. In meetings, the voting delegates divide into Government, Workers and Employers groups which are seated in separate aisles and caucus separately. The Workers tend to exercise considerable party discipline, with the result that their chair—in the case of the indigenous peoples' convention, Danish trade unionist John Svenningsen—can wield one-third of the total votes.

10. At the ILO general conference, Australian Aboriginal organizations opposed the new convention, Latin American Indians were critical of it but felt it should nonetheless be adopted, and the Canadian Aboriginal participants were evenly divided. In a 25 August 1989 joint note, the Assembly of First Nations, Grand Council of the Crees of Quebec, Four Nations (of Hobbema), and Mikmaq Grand Council clarified that they had not yet taken a position on the advisability of Canadian ratification.

11. As coordinator of the indigenous initiative, the author learned of this threat during a private meeting with the Senegalese delegation.

12. As a member of the Four Directions Council, an NGO accredited with the Economic and Social Council. ECOSOC resolution 1988/4 authorized accredited NGOs to circulate written statements as official documents of this Committee, a right NGOs do not enjoy in other treaty bodies of the U.N. human rights system, such as the Human Rights Committee.

13. Sub-Commission resolution 1989/35 (1 September 1989).

14. Warzazi is better known as chairperson of the General Assembly's Third Committee when it adopted the International Covenants of Human Rights in 1966, and chairperson of the Preparatory Committee for the World Conference of Human Rights at Vienna in 1993. The Warriors were ably represented by Kenneth Deer, a Kahnewake Mohawk journalist.

15. Turk, who is now the ambassador of Slovenia to the United Nations, suffered a particularly challenging chairmanship since he also had to craft a compromise resolution on the relocation of Navajo families in the U.S. in the face of vigourous U.S. opposition in the corridors.

16. The member of CERD officially responsible for preparing issues and questions on the Canadian report, Dr. Mario Yutzis of Argentina, came with three pages of notes on Oka, the Innu in Labrador, Lubicon Crees, uranium mining at Key Lake, and Haida blockades of logging companies.

17. Commission on Human Rights resolution 1995/32 (3 March 1995).

18. In Quebec, this press coverage was divided along linguistic lines, moreover. *The Gazette* stressed the fact that the two reports endorsed greater Cree autonomy. *Le Devoir* accused the Crees of "exploiting" an otherwise favourable U.N. assessment of Aboriginal peoples' status in Canada (Hamilton 1992; Leconte 1992). The author of this paper was a member of the U.N. research team, and recalls that project supervisor Lorraine Ruffing complained to

Le Devoir that she had been misquoted. Canadian diplomats sought a pre-publication copy of the second report, which U.N. officials refused.

Bibliography

Australia, Permanent Mission in Geneva. 1985 "CHR 41: Item 9: Australian Statement – 18 February 1985."

Barsh, Russel L. 1986. "Indigenous Peoples: An Emerging Object of International Law," *American Journal of International Law* 80(2):365-389.

_____. 1987. "Revision of ILO Convention No. 107," *American Journal of International Law* 81(3):756-762.

_____. 1988. Handwritten notes of the statements made by delegations on 6 June 1988, Committee on Convention No. 107.

_____. 1989. "United Nations Seminar on Indigenous Peoples and States," *American Journal of International Law* 83(3):599-604.

_____. 1991. "The Right to Development as a Human Right: Results of the Global Consultation," *Human Rights Quarterly* 13(3):322-338.

_____. 1994. "Indigenous Peoples in the 1990s: From Object to Subject of International Law?" *Harvard Human Rights Journal* 7:33-86 (1994)

Canada, Permanent Mission in Geneva. 1981. "Response of the Government of Canada respecting Communication submitted by Mr. Alexander Denny on behalf of the people of the Mi'kmaq tribal society on September 30, 1980."

_____. 1982. "Response of the Government of Canada respecting two further communications dates October 3, 1981 and November 11, 1981 from Mr. Alexander Denny to the Human Rights Committee."

_____. 1984. "Statement by the Canadian Observer Delegation to the Third Session of the U.N. Working Group on Indigenous Populations; Geneva, July 30-August 3, 1984."

_____. 1985a. "Statement by the Canadian Observer Delegation to the 4th Session of the U.N. Working Group on Indigenous Populations; August 1, 1985."

_____. 1985b. "Response of the Government of Canada respecting the Communications dated February 14, 1984 and March 27, 1985 from Chief Bernard Ominayak and the Lubicon Lake Band to the Human Rights Committee."

_____. 1986. Untitled typescript speaking notes dated 10 March 1986.

_____. 1987a. "Response of the Government of Canada to the Communication dated January 30, 1986 of Grand Chief Donald Marshall, Grand Captain Alexander Denny and Advisor Simon Marshall, as officers of the Grand Council of the Mikmaq Tribal Society."

_____. 1987b. Untitled and undated typescript speaking notes.

Cornellier, Manon. 1988 "Ottawa cabale contre les droits aborigènes," *Le Devoir*, 27 February 1988, p. 1.

Crees, Grand Council. 1994"Press Release; Canada Compromises Aboriginal Rights in Vienna to Protect an Independent Quebec; Ottawa, 22 June 1993."

Department of Indian Affairs and Northern Development (DIAND). 1985. *Living Treaties: Lasting Agreements; Report of the Task Force to Review Comprehensive Claims Policy.* Ottawa: DIAND.

Ermacora, Felix. 1985. "Report of the Sub-Commission; Statement by Prof. Felix Ermacora."

Fairweather, Gordon. 1987. "Statement of the Observer Delegation of Canada delivered by Mr. Gordon Fairweather, February 26, 1987."

Hamilton, Graeme. 1992."Natives merit bigger say in megaprojects: UN," *The Gazette (Montreal)*, September 23, p. A-5.

Hammond, Thomas C. 1986. "Statement of the Canadian Observer Delegation by Mr. Thomas C. Hammond, Friday, February 14, 1986."

Henderson, Sakej Youngblood. 1994. "Report of Draft Declaration Consultation, External Affairs, 26 April 1994."

House of Commons (Canada). 1983. *Indian Self-Government in Canada; Report of the Special Committee.* Thirty-second Parliament, First session, Issue No. 40.

Hynes, Ross. 1990. "Item 15: Indigenous Populations; Statement by the Observer Delegation of Canada Delivered by Ross Hynes, August 29, 1990."

International Labour Organisation (ILO). 1988a. *International Labour Conference, 75th Session, Report VI(1); Partial Revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107).*

_____. 1988b. *International Labour Conference, 75th Session, Report VI(2); Partial Revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107).*

_____. 1988c. *International Labour Conference, 75th Session, Provisional Record, Part 32.*

_____. 1989a. *International Labour Conference, 76th Session, Report IV(2A); Partial Revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107).*

_____. 1989b. *International Labour Conference, 76th Session, Provisional Record, Part 25.*

Landry, Monique. 1992. "Statement by the Honourable Monique Landry, P.C., M.P., Minister for External Relations and International Development, to the Forty-Seventh Session of the United Nations General Assembly, New York, December 10, 1992."

Leconte, Catherine. 1992. "Les Cris tentent encore d'exploiter un rapport de l'ONU," *Le Devoir*, September 24, p. B-1.

Marantz, Denis. 1992. "Working Group on Indigenous Populations, Tenth Session; Statement of the Observer Delegation of Canada; Denis Marantz; Geneva, July 21, 1992."

Mikmaq Grand Council. 1983. "Internal Report on the Second Session of the Working Group on Indigenous Populations at Geneva, 8-12 August 1983."

————. 1984"United Nations Report for Summer 1984."

————. 1985"United Nations Report for Winter 1985, Doc. T.106-85."

————. 1987"United Nations Report for Summer 1987, Doc. T.258-87."

————. 1989 "United Nations Report for Winter 1989, Doc. T.74-89."

————. 1990"United Nations Report for Summer 1990, Doc. T.274/90."

Ovenden, Norm. 1990. "UN decision should force Lubicons, Ottawa to talk," *Edmonton Journal,* May 5, 1990.

Pelote, Gilbert. 1983. "Déclaration du peuple INNU à présenter au groupe de travail sur les populations indegiens [sic], 12 August 1983."

Platiel, Rudy. 1988. "UN motions on natives stir conflict," *The Globe and Mail,* February 24, page A3.

Rowe, Richard. 1992. "Statement by the Australian Deputy Permanent Representative Mr Richard Rowe, New York 7 October 1992".

Serson, Scott. 1987a. "Evolution of Standards Concerning the Rights of Indigenous Populations; Observer Delegation of Canada; Statement by Mr. Scott Serson, Head of Delegation, Assistant Secretary to Cabinet (Aboriginal Constitutional Affairs) Privy Council Office."

————. 1987a. "Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Populations; Observer Delegation of Canada; Statement by Mr. Scott Serson, Head of Delegation, Assistant Secretary to Cabinet (Aboriginal Constitutional Affairs) Privy Council Office."

Shannon, Gerald E. 1992. "Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Populations; Statement by the Observer Delegation on Canada delivered by Gerald E. Shannon, Ambassador and Permanent Representative, July 28, 1992."

————. 1993. "Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Populations; Statement by the Observer Delegation on Canada delivered by Gerald E. Shannon, Ambassador and Permanent Representative, July 29, 1993."

Stackhouse, John. 1994. "Make aid, not war, UN says," *The Globe and Mail*, May 31, pp. A1, A8.

United Nations. 1982. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Thirty-fifth session, Summary Record of the First Part of the 23rd Meeting,* U.N. Doc. E/CN.4/Sub.2/1982/SR.23.

————. 1983a. *Statement on legal standards by the Four Directions Council,* U.N. Doc. E/CN.4/Sub.2/AC.4/1983/CRP.1.

————. 1983b. *Human Rights Committee, Initial reports of States parties due in 1977, Addendum, Canada,* U.N. Doc. CCPR/C/1/Add.62.

————. 1984a. *Human Rights Committee, Twenty-third session, Summary Record of the 559th Meeting*, U.N. Doc. CCPR/C/SR.559.

————. 1984b. *Human Rights Committee, Twenty-third session, Summary Record of the 560th Meeting*, U.N. Doc. CCPR/C/SR.560.

————. 1984c. *Human Rights Committee, Twenty-third session, Summary Record of the 562nd Meeting*, U.N. Doc. CCPR/C/SR.562.

————. 1984d. *Commission on Human Rights, Fortieth session, Summary Record of the 44th Meeting*, U.N. Doc. E/CN.4/1984/SR.44.

————. 1984e. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Thirty-seventh session, Summary Record of the First Part of the 31st Meeting*, U.N. Doc. E/CN.4/Sub.2/1984/SR.31.

————. 1984f. *Commission on Human Rights, Thirty-seventh session, Agenda item 10, Draft resolution submitted by Mr. Sofinsky*, U.N. Doc. U.N. Doc. E/CN.4/Sub.2/1984/L.45.

————. 1987a. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Thirty-ninth session, Summary Record of the First Part of the 35th Meeting*, U.N. Doc. E/CN.4/Sub.2/1987/SR.35.

————. 1987b. *Committee on the Elimination of Racial Discrimination, Thirty-fourth session, Summary Record of the 778th Meeting*, U.N. Doc. CERD/C/SR.778.

————. 1987c. *Committee on the Elimination of Racial Discrimination, Thirty-fourth session, Summary Record of the 781st Meeting*, U.N. Doc. CERD/C/SR.781.

_____. 1987d. *Implementation of the International Covenant on Economic, Social and Cultural Rights; Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6-9; Canada*, U.N. Doc. E/1984/7/Add.28.

_____. 1987e. *Human Rights Committee; Communication No. 167/1984; Decision on admissibility*, U.N. Doc. CCPR/C/30/D/167/1984.

_____. 1988a. *Commission on Human Rights, Forty-fourth session, Summary Record of the Second Part of the 14th Meeting*, U.N. Doc. E/CN.4/1988/SR.14/Add.1.

_____. 1988b. *Working Group on Indigenous Populations, Sixth Session; Information received from Governments*, U.N. Doc. E/CN.4/Sub.2/ AC.4/1988/2/Add.1.

_____.1988c. *Committee on the Elimination of Racial Discrimination, Ninth periodic reports of States parties due in 1987, Addendum, Canada*, U.N. Doc. CERD/C/159/Add.3.

_____. 1988d. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Fortieth session, Summary Record of the First Part of the 36th Meeting,* U.N. Doc. E/CN.4/Sub.2/ 1988/SR.36.

_____. 1988e. *Written statement submitted by the following non-governmental organizations in consultative status*, U.N. Doc. E/CN.4/Sub.2/1988/NGO/26.

_____. 1989a. *Comments on the Study on the significance of treaties, agreements and other constructive arrangements for the promotion and protection of the human rights and fundamental freedoms of indigenous populations*, U.N. Doc. E/CN.4/1989/51.

_____. 1989b. *Human Rights Committee, Second periodic reports of States parties due in 1988, Addendum, Canada*, U.N. Doc. CCPR/C/51/Add.1.

_____. 1989c. *Committee on Economic, Social and Cultural Rights, Third session, Summary Record of the 8th Meeting*, U.N. Doc. E/C.12/1989/SR.8.

_____. 1989d. *Committee on Economic, Social and Cultural Rights, Third session, Summary Record of the 11th Meeting,* U.N. Doc. E/C.12/1989/SR.11.

_____. 1990a. *Human Rights Committee; Decisions; Communication No. 167/1984,* U.N. Doc. CCPR/C/38/D/167/1984.

_____. 1990b. *Working Group on Indigenous Populations, Eighth Session; Information received from Governments, Addendum,* U.N. Doc. E/CN.4/Sub.2/AC.4/1990/1/Add.3.

_____. 1990c. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-second session, Summary Record of the Second Part of the 20th Meeting*, U.N. Doc. E/CN.4/Sub.2/1990/SR.20/Add.1.

_____. 1990d. *Discrimination against Indigenous Peoples; Note by the Chairman*, U.N. Doc. E/CN.4/Sub.2/1990/58.

_____. 1990e. *Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-second session, Summary Record of the 36th Meeting*, U.N. Doc. E/CN.4/Sub.2/1990/SR.36.

_____. 1990f. *United Nations Voluntary Fund for Indigenous Populations; Report of the Secretary-General*, U.N. Doc. A/45/698.

_____. 1990g. *Human Rights Committee, Third periodic reports of States parties due in 1990, Addendum, Canada,* U.N. Doc. CCPR/C/64/Add.1.

_____. 1990h. *Human Rights Committee, Fortieth session, Summary Record of the 1011th Meeting,* U.N. Doc. CCPR/C/SR.1011.

_____. 1990i. *Human Rights Committee, Fortieth session, Summary Record of the 1012th Meeting,* U.N. Doc. CCPR/C/SR.1012.

_____. 1990j. *Human Rights Committee, Fortieth session, Summary Record of the 1013th Meeting,* U.N. Doc. CCPR/C/SR.1013.

_____. 1991a. *Human Rights Committee; Decisions; Communication No. 205/1986*, U.N. Doc. CCPR/C/43/D/205/1986.

_____. 1991b. *Transnational Investments and Operations on the Lands of Indigenous Peoples,* U.N. Doc. E/CN.4/Sub.2/1991/49.

_____. 1992a. *Transnational Investments and Operations on the Lands of Indigenous Peoples,* U.N. Doc. E/CN.4/Sub.2/1992/54.

_____. 1992b. *Commission on Human Rights, Forty-eighth session, Summary Record of the 26th Meeting (Second Part),* U.N. Doc. E/CN.4/1992 /SR.26/Add.1.

_____. 1992c. *Commission on Human Rights, Forty-eighth session, Summary Record of the 52nd Meeting (First Part),* U.N. Doc. E/CN.4/1992 /SR.52.

_____. 1993. *Explanatory note concerning the draft declaration on the rights of indigenous peoples,* U.N. Doc. E/CN.4/Sub.2/1993/26/ Add.1.

_____. 1994a. *Working Group on Indigenous Populations, Twelfth Session; Information received from indigenous peoples' and non-governmental organizations; Inuit Tapirist of Canada,* U.N. Doc. E/CN.4/Sub.2/AC.4/1994/4/Add.1.

_____. 1994b. *Working Group on Indigenous Populations, Twelfth Session; Consideration of a Permanent Forum for Indigenous People; Information received from Governments and indigenous organizations,* U.N. Doc. E/CN.4/Sub.2/AC.4/1994/11/Add.1.

United Nations Development Programme (UNDP). 1994. *Human Development Report 1994.* New York: Oxford University Press.

Wien, Fred. 1986. *Rebuilding the Economic Base of Indian Communities: The Micmac in Nova Scotia.* Montreal: Institute for Research on Public Policy.

Armand Garnet Ruffo

From Myth to Metafiction, a Narratological Analysis of Thomas King's "The One About Coyote Going West"

Abstract

The writer considers the dominant discussions pertaining to the interpretation and literary analysis of literature written by Native Americans. In so doing, he examines a specific narrative by Native American author Thomas King in the context of various narratological approaches in order to foreground an alternative to the social/anthropological approaches which to date have dominated discussions of Native American literatures. The work of Allen Dundas, Roland Barthes and Linda Hutcheon, as well as other relevant texts, provide the bases for the discussion, which advances that King's narrative draws upon traditional sources from the "oral tradition" while employing contemporary story-telling strategies, which accordingly serve to move it from "myth to metafiction." In concluding, the writer considers the imposition of these foreign critical models to texts that differ fundamentally from non-Native texts in the context of the call for an "organic" critical theory arising from within the text itself.

Resumé

L'auteur étudie le débat dominant quant à l'interprétation et à l'analyse de la littérature écrite par des Autochtones américains. Pour ce faire, il examine une œuvre narrative particulière de l'auteur autochtone américain Thomas King à la lumière de diverses approches discursives. L'auteur veut ainsi en arriver à une solution de rechange aux approches sociologiques et anthropologiques qui ont, jusqu'à présent, dominé l'étude des écrits autochtones américains. Les œuvres d'Allen Dundes, de Roland Barthes et de Linda Hutcheon, ainsi que d'autres textes pertinents, viennent alimenter la discussion qui postule que le discours de King s'inspire de sources traditionnelles découlant de la «tradition orale», tout en mettant à profit les stratégies narratives contemporaines qui font le pont entre le «mythe» et la «méta-fiction». Finalement, l'auteur envisage d'appliquer ces modèles critiques étrangers à des textes qui varient fondamentalement des textes non autochtones, en réponse à l'appel d'une théorie critique «organique» découlant du texte même.

In her preface to *Native Literature in Canada*, *From the Oral Tradition to the Present*, Penny Petrone notes that "as a literature grounded in the political and social realities of life on Canada's reserves and in its urban centres, while also being rooted in oral tribal traditions, Native literature reveals a continuum of the ancient and the modern that is complex..." (Petrone, 1990, p.vii). In tracing

what she calls the recent "flood" of Native literature in Canada, Petrone notices that contemporary Native writers are not only telling what they see and experience but that "a resurgence of cultural and religious values has made these writers realize that they are heirs to a wealth of traditional oral literature upon which they can draw for inspiration and direction" (Ibid, p. 182). In referring to the manner in which literary critics have followed and examined this development, Petrone notes variety in the responses to both the literature and critical approaches to it. She states: "In the growing movement today among American scholars to treat Indian oral traditions as literature, and the recent debate regarding their interpretation and literary treatment, Native American critics... object to the imposition of the structures and criticism of Western literature upon Native oral traditions"(Ibid, p. 5).

Conversely, although some critics do see a problem in applying western critical theory to Native literature, others consider recent critical theory to provide a positive alternative to the social/anthropological approaches which to date have dominated discussions. For even though Anishnawbe poet and academic Kimberly M. Blaeser clearly states that in applying post-colonial and semiotic theory to Native literature "the literature is approached with an already established theory, and the implication is that the worth of the literature is essentially validated by this demonstrated adherence to a respected literary mode, dynamic or style" (Blaeser, 1993, p. 56), she does acknowledge that these critical intersections provide a new opportunity to "tear free of restricting authority" (Ibid, p. 55). In this regard, Anishnawbe novelist and academic, Gerald Vizenor believes that "structuralism, structural linguistics and various semantic theories reveal more about trickster narratives... than do theories in social science... that have dominated the academic interpretations of tribal cultures" (Vizenor, 1990 p. 189).

This latter position will be considered in discussing Thomas King's "narrative" (Genette, p. 27) "The One About Coyote Going West." In doing so, various narratological approaches will be used to examine how the author draws upon traditional Native American trickster mythology while employing contemporary story-telling strategies to create a contemporary variation which moves from myth to metafiction. This paper contends that traditional trickster mythology provides the basis for the narrative's structure and content, specifically its plot-action and characterization, whereas the conventions of metafiction, with its penchant for self-awareness, self-reflectiveness (Hutcheon, 1984, p. 23), and parody (Ibid, p. 25), provide the means for expressing contemporary artistic and political concerns. The texts that will be drawn on for analysis are Allen Dundes' *Morphology of the North American Indian Folktale*, Roland Barthes' *S/Z, An Essay*, and Linda Hutcheon's *Narcissistic Narrative, The Metafictional Paradox*. Only those sections of their work relevant to this study are examined here; where necessary, particularly for clarification, the work of Vladamir Propp (1988), Gerald Genette (1980), Umberto Eco (1975, 1985), H.J. Blackham (1985) and Thomas G. Pavel (1986) will also be referenced.

Immediately evident upon reading Thomas King's narrative "The One About Coyote Going West" is its clearly derivative nature as a work of fiction. The

title itself identifies its antecedent, indicating that it is essentially a re-working of the "trickster narrative" (Petrone, 1990 p. 16) of the Native American oral tradition in which the mythological figure "Trickster," known by different tribal groups as Coyote, Raven, Crow, Nanabush, Glooscap or Weesageechak (among other variations), is both protagonist and antagonist, cultural-hero and cultural mischief-maker, corporal and incorporal, natural and supernatural, male and female (Johnston, 1981, p. 20). The point is not to argue that Thomas King's narrative lacks individual creativity or uniqueness, but that because the narrative is firmly grounded in a particular tradition of story-telling we can look to what has been said about that tradition for possible insight. With this in mind, we will first turn to Allen Dundes' study, *Morphology of the North American Indian Folktale*. Influenced by the early work of the Russian formalist Vladimir Propp, who isolated units of plot-action or "functions" in European folktales, Allen Dundes adapts Propp's methodology to suit his own observations based on a method of linear sequential analysis referred to as "syntagmatic" analysis [a term "borrowing from the notion of syntax in the study of language" (Propp, 1988, p. x)]. Dundes' study is therefore concerned with the structure of narrative text divorced from its social and cultural context. Accordingly, his method provides one level of examination (the metaphorical term "level" being used here to denote organizational structures). Drawing on structural linguistics for terminology, Dundes refers to the minimal unit that constitutes Propp's "function" as the "motifeme" (Dundes, 1964, p. 59); this concept, in turn, provides a structural methodology for his analysis of Native American folktales. Dundes concerns himself with isolating the motifemes along the linear axis of the narrative and analysing how they interact to form patterns of causal relationships.

The patterns Dundes identifies are defined by the following sequence of motifemes: "The Nuclear Two Motifeme Sequence," "Two Four Motifeme Sequence," and the "Six Motifeme Combination." According to Dundes, the Nuclear Two Motifeme Sequence "constitutes a minimum definition of a particular tale type" (Dundes, 1964, p. 59), the tale consisting of the basic pattern "lack and lack liquidated" (Ibid, p. 62). Dundes also points out that the majority of tales based upon the "Nuclear Two Motifeme Sequence" contain a limited number of intervening motifemes: "Task and Task Accomplished, Interdicton and Violation, Deceit and Deception." These intervening motifemes, however, do not diminish the importance of the basic two motifemes, "Lack and Lack Liquidated." Other motifeme patterns are essentially elaborations of the "Nuclear Two Motifeme." The aim here is not to dwell on Dundes' work, or to enumerate the many variations within the motifemic patterns, but to deal with the motifemes applicable to Thomas King's narrative. For the sake of brevity, particular attention will focus on the "Nuclear Two Motifeme" which, as the "root motifeme," will illustrate the applicability of Dundes' structural analysis.

To begin, we must first recognize that King's narrative, "The One About Coyote Going West," functions on three diegetic levels. For clarification on this point, we will refer to the "structuralist" (Genette, 1980, p. 8) theory proposed by Gérard Genette in *Narrative Discourse, An Essay in Method*. Genette defines the first diegetic level, or extradiegesis, as the level at which

the narrating act that produces the narrative takes place. In King's narrative, the level is Grandmother speaking to the implied reader (this point we will examine further). The second diegetic level, or diegesis, is the level at which the base "story" (Ibid, p. 27) takes place, in this case, the level at which Grandmother interacts with the protagonist, Coyote; at this point she decides to tell Coyote a story. The third level, or intradiegesis, is defined as the level of story within story, the level of the story about Coyote. At the diegetic and intradiegetic levels, we must consider King's narrative in terms of Dundes' motifemes.

Immediately evident from the opening of the diegesis is that the dramatic interaction between Grandmother and Coyote is set in motion by both a "lack" and a "task." Coyote tells Grandmother, the narrator, that she is going to visit Raven, the purpose being to "Fix this world. Straighten it up" (King, 1992, p. 180). Thus she perceives a lack and sets herself the task of liquidating this lack. According to Dundes, this notion of "lack" (Dundes, 1964, p. 61) and "lack liquidated" falls under the "rubric of moving from disequalibrium to equilibrium" (Ibid, p. 62). Disequalibrium he defines as "a state to be feared and avoided if possible, (which) may be seen as a state of surplus or of lack, depending upon the point of view. The disequalibrium may be indicated by a statement that there is too much of one thing or too little of another." As reported to us from Grandmother's point of view — or in Gerald Genette's terms, the narrative's "fixed focalization" (Genette, 1980, p. 189) — this "lack" provides Coyote with the ensuing "task" which, according to Dundes, can be classified as an "intervening or intermediate" (Dundes, 1964, p. 63) motifeme. Particularly interesting is that although these two motifemes, "lack" and "task," are distinguished as "definite recurrent motifemes," (Ibid, p. 61) the motifemic context in which they occur in the tales varies greatly. Dundes makes this point explicit: "from the perspective provided by a structural approach, one can see that the variability of the motifs does not alter the constancy of the motifemic structure" (Ibid, p. 73). Of course, the very notion that content is not fixed and "static" but open to change means that the creative limitations placed on the storyteller/writer exist solely on one level — that of form. Thomas King makes good use of this creative flexibility or ability to manipulate content, and begins his narrative with only a "perceived" lack, as viewed by Coyote, which ultimately sets up what we may call a "misguided" task. In this context, the diegesis opens with Grandmother commenting "Oh boy, pretty scary that, Coyote fix the world, again" (King, 1992, p. 180).

Two other "lacks" integrated into the opening of the diegesis are also evident. Grandmother entices Coyote to sit down and stay for a while by inviting her to "eat some food." And although we may seem to be stretching this notion of a "lack" in referring to Coyote's hunger, a seemingly insignificant reference in the context of the narrative, we should note that her hunger entices Coyote to remain to tell her own story before her drowsiness prompts her to stay to listen to Grandmother. Finally, the movement from the diegesis to the intradiegesis is instigated by what we might term a lack of knowledge. Coyote specifically asks Grandmother if she knows "who discovered Indians." Considering the purpose of Grandmother's story, we may note the implied motifeme of "Interdiction." The purpose of Grandmother's story is indeed to warn Coyote

of the consequences of her actions, but, in doing so, through her story at the intradiegetic level, she does so implicitly. Dundes points out that in the "Four Motifeme Sequence" this notion of an implicit "Interdiction" is common among Native American folktales. He remarks that "one of the most widespread structural patterns in North American Indian folktales is a four motifeme sequence consisting of Interdiction, Violation, Consequence and an Attempted Escape from the Consequence. Plots based upon the pattern include a minimum of Violation and Consequence. The reason for this is that it is possible for the Interdiction to be implicit rather than overtly stated" (Dundes, 1964, p. 62).

In King's narrative, however, although "interdiction" may be implied, emphasis is placed on "violation and consequence" resulting from Coyote's determination to "fix the world." Here we can again note Dundes' observation about folktales: "One of the principal ways by which disequalibrium may be caused is the violation of an interdicton. A violation can lead to a state of lack or of excess. In other words, one type of Consequence is a state of lack or excess. Interdictions ... are frequently regulations designed to keep the universe in balance. The violation of an interdiction upsets the balance" (Ibid, p. 65). In examining the intradiegesis, we observe that Grandmother presents Coyote in a state of perceived "lack" through an elaborate tale which situates Coyote in an essentially non-material world in which "she (Coyote) starts to make things." In Dundes' terminology, this act of creating is a movement towards the motifeme "lack liquidated." However, in Coyote's case, this act of creating is essentially a meddling with the world, in other words, a "violation" of the implied "interdiction" that natural creation should not be tampered with. This violation leads to the consequence — Coyote falls in a hole and, accordingly, creates the "big mistake" — which necessarily leads to Dundes' last (optional) motifeme in the "Six Motifeme Combination," that of an "attempt to escape from the consequence." According to Dundes, the frame of this pattern would normally be completed at this point. A "new move" (Ibid, p. 95.) would occur only with a new "interdiction" and "violation." In King's narrative, however, the intradiegesis is extended by the narrator's continued emphasis on the original implied "interdiction" and the "consequences of the violation."

According to Dundes, part of the genius of American Indian folktale narrative is its ability to weld together separate motifemes into complex patterns. Certainly, King demonstrates this ability through his narrator. Particularly interesting about American Native folktales and myths, as compared to the western/Russian variety documented by Vladmir Propp, is that "folktale characters (in Native American tales) are often neither good nor bad, but a curious mixture of both" (Dundes, 1964, p. 72). This adds a whole dimension of complexity to characterization absent from the Indo-European tradition. For this reason, during the dance with the ducks, the intervening motifeme of deception can be easily worked into the scene. While it would be out of character and ultimately a break with folkloric convention for a "hero" of the Indo-European folktale to attempt to eat his helper(s), in Trickster tales, such an action is completely within the conventions of the genre and therefore possible. In fact, the motifemes of "deceit" and "deception" are frequently

combined with "interdiction" and "violation," whereby the motifemes take on "double morphological meanings" (Ibid, p. 74), which Trickster uses to his/her advantage over someone or something. As such, the inclusion of this "Four Motifeme Sequence" in the intradiegesis adds to the compositional nature of the story and, accordingly, injects a degree of complexity or "motifemic depth." This final scene also illustrates the "lack, lack liquidated" motifeme sequence (evinced here as a lack of food), which signals the commencement of the "Nuclear Two Sequence." However, as with Coyote's attempt (the "task, task accomplished" motifemes) to stop the "big mistake," which remains unaccomplished, the final "lack" again remains unliquidated; instead of catching and eating the ducks, Coyote once again ends up literally getting stomped on. Returning to the diegesis, the narrative ends with Coyote disregarding Grandmother's now explicit warning that it is "Best to leave it (the world) alone. Stop messing around with it." On the contrary, Coyote is now more determined than ever to visit "Raven" and "fix this world for sure." Coming full circle, the diegesis restates Coyote's initial perceived "lack," thereby allowing for an unlimited number of possible motifemic sequences to continue.

In concluding our application of Dundes' structural analysis to King's narrative, "The One About Coyote Going West," we can refer to Dundes' comment that "the variability of the motifs does not alter the constancy of the motifeme structure" (Dundes, 1964, p. 73). That is to say, as Thomas King demonstrates, that anything can occur in the course of the narrative, without changing the basic structural pattern of the motifemes. As we have noticed, the motifemic patterns in King's narrative are extended and manipulated to the extent that they reflect the author's concern for content. And athough Dundes' method of analysis can be employed to illustrate the forms of plot-action within a folktale, particularly the "syntagmatic" arrangement of causal relationships, it does not account for semantic features within the narrative. In order to examine content, we will proceed to the next step of our analysis and consider King's narrative, "The One About Coyote Going West," in light of Roland Barthes' five codes as set forth in *S/Z, An Essay*.

Because Barthes in *S/Z, An Essay* codifies the way a fictional text signifies and generates meanings, his methodology appears particularly suited to our analysis in that King's narrative is distinctively "culture-bound" and, as such, heavily coded. In considering the term code as a system of thought that frames a message and enables us to make sense of an event (Scholes, 1974, p. 24), we must not overlook the imposition of culture upon the code. Umberto Eco elaborates on this point in two separate articles. In the first article, entitled "A Logic of Culture," he discusses the concept of the sign and remarks that "the concept of sign-function has brought into crisis the category of 'sign' and the naive view of the signifier/signified relationship: every cultural entity can enter into a multiple set of correlations and become the expression of a variety of contents" (Eco, 1975, p. 15). He develops this notion of culture as a determining factor in human communication further in an article entitled "How Culture Conditions The Colours We See." Elaborating, he says "a term like 'raven' or 'unicorn' does not necessarily refer to a 'thing': it refers instead

to a cultural unit, to an aspect of our organization of the world" (Eco, 1985, p. 162).

Bearing in mind the imposition of culture in the relationship between the signifier and signified, we can consider Barthes' theory that "there is no such thing as pure context. All contexts come to man already coded, shaped, and organized by language" (Scholes, 1974, p. 150). For Barthes, then, as stated in *S/Z, An Essay*, the act of interpreting a "readerly" or "classic" text is not a matter of reducing it to a particular meaning. Instead, Barthes contends that "To interpret a text is not to give it a (more or less justified, more or less free) meaning, but on the contrary to appreciate what *plural* constitutes it" (Barthes, 1974, p. 5). And despite the fact that Barthes' definition of the *plural* is somewhat lost in a haze of rhetorical, philosophic and poetic discourses, he does make it clear that "in this ideal text the networks are many and interact,... this text is a galaxy of signifiers, not a structure of signifieds; it has no beginning,... we gain access to it by several entrances, none of which can be authoritatively declared to be the main one; the codes it mobilizes extend as far as the eye can reach" (Ibid, p. 5). And so without attempting to interpret Barthes' text, itself a process that would undoubtedly reveal multipule meanings, we will simply note the privileged position, or primacy, he gives to "connotation" as a way of decoding a readerly text. For his analysis of "Sarrazine," he separates the text into 561 lexis or units of meaning — which he himself says is "admittedly... arbitary in the extreme" (Ibid, p. 13). In addition, through five codes "under which all the textual signifiers can be grouped" (Ibid, p. 19), these lexias must transform to become textual signifieds.

In considering Barthes' five codes: the Hermeneutic, the Semic, the Symbolic, the Proairetic and the Cultural, we immediately recognize that, as in the case of the lexias, there appears to be no logic for Barthes' particular choice. In an essay entitled *The Grain of the Voice*, Barthes reflects on the codes and even questions them. In this context, he says "Admittedly, I don't know if this selection (of codes) has any theoretical stability" (Barthes, 1986, p. 74). Why these particular five? Or more simply, why five? Barthes himself acknowledges that "all codes are cultural" (Ibid, p. 74). In his outline of Barthes' *S/Z*, *An Essay*, (1974), Robert Scholes notes that critics of Barthes point to the codes. "There is something too arbitrary, too personal, and too idiosyncratic about this method" (Scholes, 1974, p. 155). Still, Scholes recognizes the potential of Barthes' method and concludes that "it is up to us... to see if they (the codes) can be made to work on other texts as Barthes makes them work" (Ibid, p. 156). In recognizing the primacy of culture in human communication and, accordingly, the primacy of the cultural code, we will modify Roland Barthes' categories and combine the codes under the rubric of the cultural code. In other words, we will deal with all the codes as subsets of the cultural code. This method of analysis aims to reveal the interdependence of the codes within the narrative. (Although the scope of this analysis does not permit us to work through all the lexias in King's narrative, "The One About Coyote Going West," we will examine instances of the codes within the narrative.) To begin, we will briefly consider the five codes.

1. In Barthes' terms, "cultural codes are the references to a science or a body of knowledge" (Barthes, 1974, p. 20) inherent in a culture. They include all the "natural references" (Ibid, p. 98) such as the values of a culture and appear as coded fragments in the form of "truths, proverbs, and the stereotypes of understanding — in which the writer must participate in order to produce a text" (Ibid, p. 98). In Barthes' analysis, he "merely indicates the type of knowledge... referred to, without going so far as to construct (or reconstruct) the culture they express" (Ibid, p. 20). In our analysis, we will note that the cultural code operates in conjunction with the four other codes outlined below.

1a. We may note the correlation between Dundes' "motifemes" and Barthes' "proairetic code." As with Dundes' structural units, Barthes' code of actions also operates syntagmatically — it begins at the opening of a narrative and closes at the end — although Barthes sees all actions as encodable. According to Barthes, "Actions (terms of the proairetic code) can fall into various sequences which should be indicated merely by listing them. Indicating them... will suffice to demonstrate the plural meanings entangled in them" (Ibid, p. 19). Rather than merely listing the "data," we will also draw attention to the relationship between the codes.

1b. "Under the hermeneutic code, we list the various (formal) terms by which an enigma can be distinguished, suggested, formulated, held in suspense, and finally disclosed," (Ibid, p. 19). Questions arise such as "who is it?" or "what does it mean?" which are answered in the course of the story. In certain kinds of stories, such as detective stories and folktales which feature riddles, snares and deception, the hermeneutic code can figure prominently. Like the code of actions, the hermeneutic code is a principal structuring device. In the Native American folktale, enigmatic coding is so prominent that Dundes defines deceit and deception as reoccurring "intervening" motifemes. Trickster tales do indeed involve trickery.

1c. The connotative code discloses the narrative's theme. Barthes' connotations can organize themselves around a proper name, a place or an object which in turn may be grouped with similar connotations. "A person is no more than a collection of semes" (Ibid, p. 191). In considering the connotative code, we will consider Barthes' observation that it is "the Proper Name that enables the person to exist outside the semes" and attain "something like individuality"; in King's narrative none of the characters have proper names.

1d. The symbolic code Barthes refers to as "the place for multivalence and... reversibility" (Ibid, p. 19). He says that it concerns polarities and antithesis — the notion that meaning arises from binary opposition or differentiation. In considering this symbolic opposition of mythologically coded forces or values, we may note that Levi-Strauss in his analysis of myth employs this notion of "binary opposition mediated" (Dundes, 1964, p. 46). Emphasizing (as does Dundes) that mythical thought always progresses from an awareness of oppositions toward resolution, Levi-Strauss points out that the mediating figure between the poles of opposition is none other than "the trickster of American mythology" (Dundes, 1964, p. 57).

We cannot begin to examine King's "The One About Coyote Going West" without considering the cultural coding of the narrative. In fact, not only is the

cultural coding pervasive on both the diegetic and intradiegetic levels, but the very focalization of the narrative voice belongs to a specific Native American perspective. This of course is the voice of Grandmother, who in Anishnawbe (Ojibway) culture is the voice of the "Elder," of wisdom, symbolized by the moon. Coyote, herself, indicates this: "'You are very wise, grandmother,' says Coyote, bring her eyes down. Like she is sleepy" (King, 1992, p. 181). We can note that this last gesture of apparent supplication by Coyote provides us with an indication of their relationship. In addition, we might consider the particular diction of the narrator/grandmother figure, here at the diegetic level, as a movement towards an anti-English; in so doing, we gain an awareness that this is not a story grounded in English/western cultural tradition. As for Coyote, she can be considered a dual entity — although in this narrative a product of King's imagination, she is also the mythological figure Trickster, as is Raven, and the product of an oral literary tradition. As such, King's narrative may be considered "intertextual" to the extent that it draws upon that body of cultural knowledge, the oral narratives, to tell a new Trickster narrative. Thus, to understand Coyote's behaviour and ultimately the significance of characterization, we must understand the mythological coding. Likewise, without this understanding of the culture codes, we cannot fully grasp the significance of the relationship between the diegesis and intradiegesis.

The coding of cultural values and tradition determines the kind of story that Grandmother tells. Both theme and meaning (as we will note in examining the narrative through the symbolic and connotative codes) are conditioned by the value system inherent in Grandmother's cultural perspective. In this respect, the narrative is what we might term "culture-bound"; content is culturally coded (as noted in our examination of plot-action). The cultural codes, then, dominate all the character-types (a term which will be examined further) and allow us to "make sense" of the narrative action. Coyote's aim is to "fix the world," a metaphor signifying the misguided goal of tampering with the natural world in order to improve it. Coyote's predicament is thus set up to parody (a device we will discuss further) the experience of western culture in North America since the coming of the European explorer, to whom specific reference is made. Coyote's actions however can only "mess things up," make matters worse. "The world is pretty good all by itself" (King, 1992, p. 187), Grandmother says, her statement indicating the cultural values posited in the narrative. Yet, Coyote pays no heed to Grandmother's wisdom and ultimately continues on her way to visit Raven (another Trickster variation). And so only by understanding the cultural codes, values and traditions of Native American story-telling and mythology can the reader understand why, after listening so eagerly to Grandmother's story, Coyote simply ignores her advice and says "We going to fix this world for sure" (Ibid, p. 187). Evidently, inherent in Coyote's "role as Trickster," (Petrone, 1990, p. 16) and in her relationship to her Grandmother, is the freedom to do as she pleases (which in turn makes her responsible for her own actions).

Because the narrative does not attempt explicitly to decode culture (specifically to indicate to which culture it is referring), the hermeneutic code operates throughout the narrative — whether or not by authorial intentionality. Beginning with the title, questions immediately arise for anyone unfamiliar

with the culture to which the narrative pertains. First come questions about who Coyote is, who Raven is and, of course, about the narrator, the Grandmother/ Grandfather figure. Referring to the narrator, Coyote says "You are very wise, grandmother." Later she says "Oh grandfather... tell me a story" (King, 1992, p. 181). Why this sudden change in gender? The discourse never fully answers these questions; instead, we are given connotative indications of character. In fact, the narrative plays on the enigma of character in that Coyote appears in both the diegesis and intradiegesis, the levels of discourse interrupting one another to hint that both Coyotes are actually one and the same. Thus it is through the hermeneutic notion of playfulness and trickery that the narrative leads us (the reader) on. Because Coyote is connotatively signified through a cultural code of myth, there is no explanation, for example, why she has the power to create Indians, or heal herself through song, or change the physical characteristics of rivers and mountains. All this we are expected to accept no matter how unbelievable. (This point we will discuss further in our examination of metafiction.) In this regard, much in the narrative remains unexplained and — as with the outrageous characterization of "big mistake" and the "singing butt-hole" — must be simply accepted (or rejected?) as a culturally coded literary convention.

Bearing in mind that the narrative functions as a contemporary version of a Trickster "myth," we can note that the hermeneutic code functions explicitly to emphasize this dimension of the cultural code, which, along with the connotative code, emphasizes characterization. From the outset of the diegesis, Coyote tells Grandmother a "whiteman's" story but gets the story, in particular the names of the European explorers, wrong — a comic scene that undoubtedly indicates playfulness and even intentional trickery. To understand the "meaning" of this scene, we must consider it in terms of the symbolic code, the antithesis that arises from two versions of one story or one history. Both Grandmother and Coyote refer to themselves as "us Indians"; the story or history they tell is European; thus for them their version is correct as they see it; for a European of course it is wrong; this is the antithetical nature of story-telling, of history. As a structuring device, the hermeneutic code functions to set up the course of events that both the diegesis and intradiegesis present. This we see in the manner in which enigma introduces characters and thereby furthers narrative development. For example, Coyote questions Grandmother to find out what Coyote (in the intradiegesis) created, and after an exchange in the form of a riddle, discovers that she created the "big mistake," which introduces the "big mistake" into the intradiegesis. And when Coyote in the intradiegesis attempts to deceive the "big mistake," snare it with a healing song and get it back inside her head; she fails and gets her mouth pulled off, which in turn introduces the singing butt-hole. Likewise, in the last scene of the intradiegesis, Coyote attempts to deceive the ducks into closing their eyes so that she can eat them. The result of this failure leads to the introduction of the "duck-Indians," who in the end literally stomp on Coyote.

In the narrative, the code of actions, like all the codes, operates both on the diegetic and intradiegetic levels. The link between both levels, that which is part of the narrative but not part of the levels of diegesis, is the title. Significantly, it indicates the active state of Coyote, through the present

participle *going*, which takes the object, West. As elsewhere in our analysis, the cultural code is pervasive; it extends throughout the title to include both Coyote and West. This is no ordinary coyote but the mythological figure Trickster; understanding this lets us decode West, which in Anishnawbe culture is Epingishmook, the spirit believed to have sired Trickster (Johnston, 1981, p. 17). Spiritual signification is therefore placed on the word, yet, as Barthes explains, "To interpret a (readerly) text is... to appreciate what plural constitutes it" (Barthes, 1974, p. 5). So even though the West, as evinced in the Aboriginal cultures of the west coast, is the traditional home of Raven, which as the cultural codes reveal is another transformation of Trickster, it is also where Coyote finds materialism. (This we will discuss in reference to symbolic codes.) We must also note that as a topos in western culture, the term West has attained a significance of "mythic proportion." We know, for example, that Europeans came from the East and moved West to the land of "freedom and independence," and that this move was the beginning of "western" literature in America (Wiget, 1985, p. 44).

On the diegetic level, the actions range from those that appear the most insignificant to those that appear the most significant. Yet on a connotative level, even the so-called insignificant actions function to develop characterization and theme. Coyote says she is going to see Raven to fix the world. Immediately, the narrative forces us to acknowledge that this is a Coyote that speaks. Coyote "tricks her nose back in my (the narrator's) tea" (King, 1992, p. 180) — she does not merely drink. She reads history, sings, tells stories and poses the question about the "discovery" of Indians, which, in fact, instigates the intradiegesis. In turn, the narrator tells Coyote to "Pay attention" (Ibid, p. 181). This action, in concert with the connotative and cultural codes, reveals that the narrator possesses a level of authority making him/her superior to Coyote. And, yet, after Grandmother's story is completed, when Coyote "gets going" to visit Raven, Grandmother's authority is undercut by the very fact that Coyote has ignored her advice, behaviour dictated undoubtedly by Coyote's role as Trickster.

On the intradiegetic level, the code of actions along with the connotative code essentially illustrates the theme which we can define as "the harm that comes from tampering with nature." This theme, then, is connoted by the problems that Coyote encounters in her attempt to "fix the world," a phrase that is itself ironically coded — Grandmother (Grandfather) makes this clear in her last statement in the diegesis: "When that Coyote's wandering around looking to fix things, nobody in the world is safe" (King, 1992, p. 187). Because Grandmother tells Coyote her story as a warning, the entire intradiegesis may be seen as an illustration of Coyote's tribulations in her attempt to rectify her "big mistake," which ultimately "flattens" her, an action that results in her "singing butt-hole." Here we must note that Barthes considers denotation as a form of connotation; (Barthes, 1974, p. 9) in this regard, the "big mistake" connotes the error of Coyote's ways. Indeed, the "big mistake" is essentially that part of Coyote which she tries to get back inside her head upon realizing (as opposed to the Coyote of the diegesis) her "mistake" is actually "messing up the world."

Another example of the proairetic code working in concert with the cultural code concerns Coyote's searching in the four directions for the "big mistake." We are told that she eventually finds the "big mistake" reading a "department store catalogue." In decoding this action by reference to the cultural code, we learn that the four directions are "sacred" (Johnston, 1981, p. 27), each having a particular cultural value — each the embodiment of a spiritual entity. This encounter between Coyote and "big mistake" at the fourth direction (which we will discuss further under the rubric of the symbolic code) indicates a secondary thematization of the connotative code which we might identify as the insatiable appetite of the materialistic world. (Subordinate themes are also present in the narrative. We will refer to the theme of story-telling in our discussion of metafiction.)

Connotations, says Barthes, organize themselves around a proper name, a nucleus, to reveal character (Barthes, 1974, p. 88). In King's narrative, there are no proper names and no realistic characters, despite the fact that they are mimetic to the extent that they imitate human attributes, such as speech and behaviour. What we see rather are culturally-coded character types or "actants" (Dupriez, 1991, p. 15). As the title connotes, King's "The One About Coyote is Going West" is merely "one" narrative among many about Coyote; as such, Coyote [along with Grandmother, who in Anishnawbe culture is symbolized by the moon (Johnston, 1981, p. 26)] embodies the collective knowledge of an entire culture and, in doing so, a mythological existence. For this reason, King gives no explanation of who Coyote is. The reader is already supposed to know. As for the characters evolved purely from the author's imagination and not mythologically coded, their existence is signified through numerous codes, though most explicitly through the code of actions and the code of "wit" (Dupriez, 1991, p. 473), which brings simulation, persiflage, word-play, irony, humor, burlesque and nonsense into to the story while still allowing it to pursue a serious theme. (Of course this does not mean that the mythologically-coded actants are not also coded by such devices of wit.)

By examining a few occurrances of wit in the narrative, we note that even the names of these actants indicate elements of humour, nonsense and burlesque — "butt-hole!" "big-mistake!" "duck-Indians!" Simulation, we can see when Coyote asks Grandmother to tell the story about Coyote's discovery of Indians. "Tell me that story. I love those stories about that sneaky one. I don't think I know that story, she says" (King, 1992, p. 181). Yes, she is sneaky. Of course Coyote knows the story because the story is ultimately about herself. We see persiflage in the actions of the ducks; they pretend to be referring to the "big mistake" when actually they are teasing Coyote about his "singing butt-hole." Word-play is certainly evident in the whole notion of Coyote's "fixing the world," which the narrative indicates does not mean "fixing" at all. And again we see words played with and manipulated when Coyote switches the names of the European explorers around. The "code of Irony" we have noted, but certainly it also appears in the actions of "big mistake" when, for example, it refers to the catalogue items and says that "Indians are going to need this stuff" (King, 1992, p. 185). Through the code of "wit," these actants can make us laugh and gasp with surprise yet still raise very important questions.

The symbolic code in the narrative is not concerned with the primal sexual or psychological antithesis. Instead, the opposition is between the material and the spiritual, the former embodied as the "big mistake," the latter as the narrator, Grandmother (Grandfather). This opposition is mediated by Coyote, herself the linking term that moves from the world of the narrator, the diegesis, into the world of "the big mistake," the intradiegesis, and finally back into the diegesis. Like all the codes, the symbolic does not operate in isolation, and so we see this opposition at work in the context of cultural values. Because the narrator (Grandmother/Grandfather) is not present within the intradiegesis, the "spiritual" is connoted through a system of culturally coded signs. Thus, the symbolic opposition is epitomized in the scene in which Coyote travels the four "sacred" directions in search of the "big mistake" and finds it in the "West" among all the material items it has created. Here, the realm of the spiritual has been overtaken by materialism, which is symbolized by the "big mistake" and the numerous catalogue items it has created. Into this "mess" comes Coyote, the mediator, who attempts to stop "big mistake's" excess but whose intervention only leads to more problems. The symbolic codes, through binary opposites, also reveal the "before" and "after" effect of the actions of the "big mistake" and, ultimately, of Coyote. An "artificial" river with its lack of "bumps and twists" contrasts with a normal running river, a perfectly "round" mountain with a natural one with "craggy peaks." At the end of the narrative, however, this notion of antithesis is foregrounded to reveal "meaning" in that what has proceeded in the intradiegesis is set in opposition to the final scene in the diegesis. Even after hearing what has happened to Coyote in the intradiegesis, Coyote in the diegesis is more determined than ever to "fix the world." Despite the wisdom of Grandmother (Grandfather), in the end her/his story is ineffectual in persuading Coyote to give up her trip West.

At the end of Grandmother's story, Coyote continues on her way to visit Raven, leaving the reader with the impression that narrative is powerless to effect any real change. Conversely, Linda Hutcheon (1984), in *Narcissistic Narrative, The Metafictional Paradox*, writes that "If self-reflecting texts can actually lure the reader into participating in the creation of a novelistic universe, perhaps he can also be seduced into action — even direct political action" (Hutcheon, 1984, p. 155). Despite the ostensible contradiction between King's narrative and Hutcheon's theory, we will now consider "The One About Coyote Going West" as metafictional narrative which addresses this and other contemporary issues of both an artistic and political nature. According to Hutcheon "'metafiction,' as it has now been named, is fiction about fiction — that is, fiction that includes within itself a commentary on its own narrative and/or linguistic identity" (Ibid, p. 1). Within these two types — "the diegetically self-conscious" and "the linguistically self-aware" (Ibid, p. 7), Hutcheon observes two possible modes: the overt and the covert. "Overtly narcissistic texts reveal their self-awareness in explicit thematizations or allegorizations of their diegetic or linguistic identity with the text themselves. In the covert form, this process is internalized, actualized; such a text is self-reflective but not necessarily self-conscious" (Ibid, p. 7). She also makes another distinction: "In earlier texts the main interest is in the writing process

and its product. The focus today broadens to include a parallel process of equal importance to the `concretization' of the text — that of reading" (Ibid, p. 154).

As metafiction, King's narrative is overt and diegetically self-conscious. Immediately evident in this respect is that it is essentially a story about a story, and the process of telling this (intradiegetic) story, which as a whole attempts to elicit a response from the reader. This thematization of story and story-telling the author develops in the relationship between the diegetic and intradiegetic levels of the narrative. Succinctly, the diegetic level in which Grandmother tells Coyote her story frames the intradiegetic level, the level at which Coyote acts out the story. The author, in setting up this relationship, creates an elaborate "mise en abime" (Dupriez, 1991, p. 285) which mirrors not only what has happened, for this is a story Grandmother has told before, but moreover what will happen when Coyote finally meets up with Raven. (This notion of mirroring takes on another dimension when we consider that, like Coyote, Raven is another name for the Trickster — thus we have a situation in which the Trickster is going to visit himself/herself or in the least a counterpart.)

Accordingly, the relationship between levels develops most explicitly through Coyote, herself, the central actant. We see Coyote asking Grandmother to tell her a story and then claiming that she has no idea what the story is about when in fact it is about herself. "Tell me that story. I don't think I know that story, she says" (King, 1992, p. 181). In another comment on the intradiegesis, Coyote explicitly says "I have never heard this story" (Ibid, p. 181). Grandmother, however, is wise and knows that what Coyote says is trickery and merely comments "Boy, you got to watch that one all the time" (Ibid, p. 184). The last line of the diegesis, however, erases any possible doubt that both Coyotes are one and the same. In closing, Grandmother's final words warn us that "When that Coyote's wandering around looking to fix things, nobody in the world is safe" (King, 1992, p. 187). This last comment in referring to the diegesis harkens back to the entire intradiegesis in which Coyote has tried to "fix the world," with the effect of finally and fully integrating the two levels. Like Grandmother, we are left knowing exactly what is going to happen because the intradiegesis has already mirrored it for us.

This technique of "narcissistic self-consciousness" is further exemplified in the constant switching back and forth between the two diegetic levels, which allows Grandmother and Coyote in the diegesis to comment on events occurring in the intradiegesis. In this manner, both the story and story-telling process are exposed. As Hutcheon herself says, narcissistic fiction employs several techniques to "shift the focus from the `fiction' to the `narration' by either making the `narration' into the very substance of the novel's content, or by undermining the traditional coherence of the fiction itself" (Hutcheon, 1984, p. 28). Coyote in the intradiegesis changes the river and mountain back to their original state (after the "big mistake has `messed them up'") when suddenly Coyote in the diegesis interrupts Grandmother to ask "Why is that Coyote changing all those good things" (King, 1992, p. 184). She in turn comments "That is a real sly one, ask me that question" (Ibid, p. 184). Not only are we given the impression that Coyote already knows the answer, but that

we, ourselves, as readers, are supposed to know it as well. "Everyone knows what Coyote does next, I (Grandmother) says" (Ibid, p. 184). We can consider Grandmother's comment, directed as much to the reader as to Coyote, as both a reference to the intradiegesis as well as an "intertextual" (Pavel, 1986, p. 8) reference to the body of Coyote stories that already exist (in the Native American oral tradition). At this point, attention to the construction of the narrative is made even more emphatic when Coyote begins suddenly to address Grandmother as Grandfather and later, after what we might call intradiegetic interlude, again as Grandmother. Still, nowhere is the shift of focus from "product to process" (Hutcheon, 1984, p. 154) more evident than when in intradiegesis the ducks suddenly appear out of nowhere. (Again, we can note the "mise en abime" in the comments of Coyote.) Upon hearing about the ducks, Coyote says "Hey... where did them ducks come from?" (King, 1992, p. 183). Grandmother in response says "Calm down.... This story is going to be okay. This story knows where it is going" (Ibid, p. 183). And in the next few sentences, back in the intradiegesis, Coyote again asks "Where did you ducks come from? I didn't make you yet." In response, the ducks simply say "We got tired of waiting. So we did it ourselves" (Ibid, p. 183). The impression we are given here is that Grandmother's story, and by implication the whole narrative, has a life of its own — it knows where its going — and that characters invent themselves in the mind of the story-teller.

Hutcheon points out that much of overt, narcissistic fiction "thematizes and makes conscious, within the work of art, the fact that it is an aesthetic object thanks to reader involvement" (Hutcheon, 1984, p. 148). In creating his metafiction, Thomas King is well aware of both the mythological and narratological codes from which he draws. He therefore does not hesitate to disrupt these codes. As in the scene between Coyote and the "self-creating ducks," one way in which the narrative does this is to focus on artistic creation, which in fact is the narrative itself. [It is this "self-consciousness," Hutcheon says, that "unsettles the reader" (Ibid, p. 139)]. Thus we see Grandmother interrupt her story, the intradiegesis, to tell Coyote that "this story is pretty long and it's getting late and everyone wants to go home" (King, 1992, p. 186). Clearly the reference to "everyone" is an indication that Grandmother is not only referring to her own story but to the whole narrative which we (everyone) are reading. In another disruption of the intradiegesis, Grandmother goes so far as to tell Coyote to "sit down. You may fall on top this story and make it flat" (Ibid, p. 186). In fact, the whole question of what constitutes a narrative and, specifically, what this narrative is about, is foregrounded when Coyote asks "Where are the Indians? This story was about how Coyote found the Indians" (Ibid, p. 186). In her commentary on story-telling, Grandmother concludes that "Some of these stories are flat. That's what happens when you try to fix the world" (Ibid, 187). The implications of this final comment are open-ended, the term "flat" is used metaphorically. If we take "flat" to mean dull and lifeless then to what exactly does it refer? The possibilities include the "self-conscious" story, and/or the story with a message for those, like Coyote, intent on "fixing up the world" — in other words, to the kind of story that King himself is writing. We can consider this comment in the context of Hutcheon's observation that "it would seem best to categorize the parodic model as a

generally overt form of narcissism, self-conscious as much as self-reflecting" (Hutcheon, 1984, p. 34).

If we consider King's narrative as parodic, we gain a new perspective on the content. In a *Theory of Parody*, Hutcheon (1980) says that "Parody is repetition, but repetition that includes difference; it is imitation with critical ironic distance, whose irony can cut both ways... from scornful ridicule to reverential homage" (Hutcheon, 1980, p. 37). As the title "The One About Coyote Going West" indicates, the source for King's narrative is indeed the Native American Trickster myth; however, we should immediately recognize that in (re)creating the character of Coyote based on a rendering of Coyote's fundemental comic characteristics, King essentially moves him/her from mythic archetype to contemporary hero/anti-hero. Under King's gaze, Coyote loses his/her mythic status to become something new, no longer the Trickster of the oral tradition. On the contrary, the Coyote created by King, along with his other "cast of characters," owes much to the influence of contemporary western culture, particularly to the phenomenon of Saturday morning cartoons. If we consider what happens to Coyote, the television images from "The Road Runner Show" immediately spring to mind. Coyote falls in a hole and creates a "big mistake" (King, 1992, p. 181) which outrageously comes to life. The "big mistake" "pulls off her mouth" (Ibid, p. 182) and then "jumps up and down on Coyote until she is flat" (Ibid, p. 182). Coyote tries to heal herself through a healing song (these do exist in Native culture), but instead of healing herself, she ends up with a "singing butt-hole." (This is certainly not to imply that the "bawdy" is not prevalent in Trickster narratives, but only that King (re)creates it anew.) As for plot, in a cartoon anything can happen and so it does. Take the scene with the ducks in which Coyote tries to trick them into closing their eyes so that he can eat them; although this scene originates from the oral tradition, (Dundes, 1964, p. 74) King adds his own incredible "character," the "big mistake" which functions to foil Coyote's plans. In the end, after a dance which seems to parody traditional Native dance, Coyote once again gets stomped on as if she were indeed a character out of "The Road Runner Show" (this time by the ducks who "magically" transform themselves into duck-Indians).

The "parodic" quality of the narrative should not be construed as frivolous. This point is clarified by Hutcheon: "Metafiction parodies and imitates as a way to a new form which is just as serious and valid, as a synthesis, as the form it dialectically attempts to surpass" (Hutcheon, 1980, p. 25). In this respect, we might however consider King's use of parody as a device that works to "familiarize" rather than, as Hutcheon says, "defamiliarize" (Ibid, p. 24.). By employing a form of popular culture (the cartoon) in his narrative, King creates understandable signifieds out of esoteric signifiers — to the extent that they can at least be appreciated (laughed at) if not understood. In writing another "one about Coyote," Thomas King's use of parody allows him to create what we may call a "metafictional fable." As noted by H. J. Blackham (1985) in *The Fable as Literature*, fable is not so much straightforward narrative but "a narrative device." Traditionally, it has relied on personification and drops any pretence to play real life as it appears. "A formal definition might be: a

narrative device, to provoke and aid concrete thinking, focused on some general matter of concern" (Blackham, 1985, p. XVII).

If we consider "The One About Coyote Going West" as a "metafictional fable," we must naturally consider King's metafiction in light of fable's "business... to expose in a particular concrete representation a general `truth.' A fable shows what it has to show, and leaves it open to reflection" (Ibid, p. 176). What King's narrative undoubtedly reveals are the concerns of a Native American — Grandmother, through whom the entire narrative is "focalized" (Genette, 1980, p. 189), to confirm her heritage by referring to "us Indians." And so, through the antics of Coyote, issues pertinent to Native Americans are raised, such as who decides what version of history gets written and how do we interpret it. "I've been reading those books, she (Coyote) says. I been reading about that history.... All about who found us Indians" (King, 1992, p. 180). The response by Grandmother is telling, "Everyone knows those stories.... Whiteman stories. Baby stories you got in your mouth" (Ibid, p. 181). "What could she possibly mean?" we might ask, until we realize that this is Grandmother moon speaking, Nokomis, who has a history in North America since time immemorial. The whole issue of history and subjectivity, we see emphasized by the switching around of names of the European explorers as well as by (re)interpreting events at the time of the European arrival: "Find us Indians in a restaurant in Montreal. Maybe I tell you the one about Jacques Colombus come that river, Indians waiting for him. We all wave and say, here we are, here we are" (Ibid, p. 181). Other issues of contemporary interest are also raised. There are implicit comments about the environment, as in the scene in which Coyote encounters the "river" and the "mountain" which have been "made perfect" by the "big mistake." The issue of society's rampant materialism is raised when Coyote finds "big mistake" reading a catalogue and making things. All the "big mistake" can say is that "Indians are going to need this stuff" (Ibid, p. 185) — which raises even another issue, that of the erosion of traditional Native American values in contemporary society.

In considering these issues in the context of King's narrative as "metafictional fable," we can turn our attention to Hutcheon's observation that in metafiction "the focus today broadens to include the parallel process of equal importance... that of reading" (Hutcheon, 1984, p. 154). This raises the question of whether or not a fictional narrative with an ontology that does not correspond to the real world can have any concrete effect on the reader. In his discussion of the topic, Thomas Pavel refers to what he terms "salient structures, those dual structures in which the primary universe does not enter into an isomorphism with the secondary universe, because the latter includes entities and states of affairs that lack a correspondent in the former" (Pavel, 1986, p. 57). In this regard, we are referring to those fictional realms that arise through the extinction of belief in mythology, in other words, to narratives empty of religious and/or mythological significance. While it is evident that fiction requires of readers "a suspension of belief as well as disbelief" (McHale, 1989, p. 33), and that readers "abandon the actual world and adopt (temporarily) the ontological perspective of the literary work" (Ibid, p. 33.), Hutcheon allows the possiblity for narcissistic narrative to create a "co-operative interpretative experience" (Hutcheon, 1984, p. 154). King's narrative, as we have noted, by its very

nature — the fact that it embraces elements of the "Saturday morning cartoon" — necessarily precludes the reader from identifying with it; on the contrary, we might even say that it is constructed to distance the reader from the text. The metafictional techniques, the narrative's self-awareness and self-consciousness, and its repeated disruption of the narrative codes make us constantly aware of the process of artistic creation. What is more, the product itself demands that the reader fill in the blanks, look outside the narrative for any explanation that is required — to make the connection between cartoon coyote and mythic Coyote. In the last scene of the diegesis, Coyote is long gone and Grandmother suddenly addresses us, the reader. She says, "I can't talk anymore because I got to watch the sky" (King, 1992, p. 187). And so, in the end, we realize that she has not only been telling her story to Coyote but also to us who have been presences in her world, the world of the narrative. The stories that Coyote will tell as she attempts to "fix the world," we know will be "White man stories," "baby stories." However, the story that we have just heard is not a "White man's story," it is a Native American story geared to the contemporary world. Grandmother does not tell us this explicitly, just as she does not tell us that the very act of participating in her world has implicated us, the listener/reader, into considering her history and concerns in North America. This, then, is how King's "metafictional fable," "The One About Coyote Going West," manages to "lure" (Hutcheon, 1984, p. 155) the reader into participation, and in Hutcheon's words: "To read is to act; to act is both to interpret and to create anew — to be revolutionary, perhaps in political as well as literary terms" (Hutcheon, 1984, p. 161).

In conclusion, we can reflect on both the applicability and shortcomings of Structuralism, Post-Structuralism and Metafictional Poetics to recent Native American writing. As Thomas King's narrative makes clear, drawing upon both traditional as well as contemporary sources for inspiration and guidance, no longer can socio-anthropological approaches continue to dominate criticism of Native American literature; these approaches, it is argued (Vizenor, 1990, p. 5), have done more to pigeon-hole and exclude Native literature from the canon of world literature than to open it for serious discussion and critical evaluation. In so much as Native American literature develops, so too must the methodologies of criticism to evaluate it. Still, while we might think it facile to conclude that an obvious place exists for narratological analysis as an alternative to the "traditional" socio-anthropological approaches to Native literature, we cannot help but consider this position in light of Kimberly M. Blaeser's call for "a critical voice and method which moves from the culturally-centered text outward toward the frontier of `border' studies, rather than an external critical voice and method which seeks to penetrate, appropriate, colonize or conquer the cultural centre, and thereby, change the stories or remake the literary meaning" (Blaeser, 1993, p. 53). To insist that reading Native literature by way of Western literary theory "violates the integrity of the work and performs a new act of colonization and conquest" (Ibid, p. 55) is indeed strong language and a strong critical position. In response, we can only ask, "What exactly is she advocating?"

By way of an answer we, like Blaeser herself, can turn to Arnold Krupat's observation of Native texts: "What they teach frequently runs counter to the teaching of Western tradition, and... the ways in which they delight is different from the ways in which the Western tradition has given pleasure" (Krupat, 1989, p. 54). Andrew Wiget considers the consequences of approaching such a literature from the "external" when he says that "Too often our strategy with the unfamiliar is to provide spurious context of Universality or of Otherness; both are merely masks for our own values, the first disguising their positive assertion, the second their projection as exact opposites" (Wiget, 1995, p. 1). In this context, we can further consider Blaeser's call for none other than "an organic native critical language" (Blaeser, 1992, p. 56), emanating from within Native literature and tradition. The problems that arise at this critical junction are complex (of which she is well aware) when we consider that contemporary Native literature, as noted in the work of Thomas King, is in the least bi-cultural, drawing on Native cultural tradition as well as contemporary western culture. The question of aesthetics and ideology is foregrounded when we add to the discourse Okanagan poet and educator Jeannette C. Armstrong's statement that her writing is a "quest for the empowerment of my people" (Armstrong, 1992, p. 209). At this point, we begin to recognize the limitations of the aesthetics of postmodern and semiotic theory. Though it does allow the nucleus of discourse to be culturally coded in terms of the body of knowledge inherent in culture, problems occur at the level of ideology, which in the "life writing" of so many Native writers cannot be separated from aesthetics. (Although King's story may not "technically" be considered "life writing", from a Native perspective it could be argued that in addressing themes such as rampant materialism, the author is indeed drawing on personal experience; that he has drawn on "Trickster" to tell his story; rather than "fictionalize" voice, the form instead serves to "mythologize" it.) The crux of this quandary is further elaborated from the Native perspective through the sentiment of Métis writer Lee Maracle who says "theory is useless outside human application" (Maracle, 1992, p. 90). And so while the application of the narratological approaches of Dundes, Barthes and Hutcheon to Thomas King's "The One About Coyote Going West" does reveal the possibilities that these and other methodologies hold for further study of the growing body of Native literature, much work remains to develop a criticism that is intrinsic to the literature itself.

Bibliography

Armstrong, Jeannette, C. "The Disempowerment of First North American Native Peoples and Empowerment Through Their Writing." *An Anthology of Canadian Native Literature In English.* Eds. Daniel David Moses and Terry Goldie. Toronto: Oxford University Press, 1992.

Barthes, Roland. *S/Z, An Essay.* Translated by Richard Miller. New York: Hill and Wang, 1974.

Barthes, Roland. *The Grain of the Voice 1962-1980.* New York: Hill and Wang, 1986.

Blackham, H.J. *The Fable As Literature.* London: The Athlone Press, 1985.

Blaeser, Kimberley, M. "Native Literature: Seeking A Critical Center." *Looking At The Words Of Our People.* Ed. Jeannette C. Armstrong. Penticton: Theytus Books, 1993.

Dundes, Alan. *The Morphology of the North American Indian Folktale.* Helsinki: Helsingin Liikekirjapaio Oy, 1964.

Dupriez, Bernard. *A Dictionary of Literary Devices.* Translated and adapted by Albert W. Halsall. Toronto: University of Toronto Press, 1991.

Genette, Gérard. *Narrative Discourse, An Essay in Method*. Translated by Jane E. Lewin. Ithaca: Cornell University Press, 1980.

Eco, Umberto. "A Logic of Culture." *The Tell-Tale Sign, A Survey of Semiotics.* Ed. Thomas Sebeak. A. Lisse: The Peter De Ridder Press, 1975.

Eco, Umberto. "How Culture Conditions The Colours We See," *On Signs.* Ed. Marshall Blonsky. Baltimore: The John Hopkins University Press, 1985.

Hutcheon, Linda. *Narcissistic Narrative: The Metafictional Parodox*. New York: Methuen, 1984.

Hutcheon, Linda. *A Theory of Parody*. New York: Methuen, 1980.

Johnston, Basil. *Ojibway Heritage*. Toronto: McCelland and Stewart, reprinted ed., 1981.

King, Thomas. "The One About Coyote Going West," *An Anthology of Native Canadian Literature in English.* Eds. Daniel David Moses and Terry Goldie. Toronto: Oxford University Press, 1992.

Krupat, Arnold. *The Voice In The Margin, Native American Literature and the Canon.* Berkley: University of California Press, 1989.

Maracle, Lee. "Oratory: Coming To Theory," *Give Back, First Nations Perspectives On Cultural Practice*. Ed. Caffyn Kelley. Vancouver: Gallerie Publications, 1992.

McHale, Brian. *Postmodernist Fiction*. Reprint. London: Routledge, 1989.

Pavel, Thomas. *Fictional Worlds*. Boston: Harvard University Press, 1986.

Petrone, Penny. *Native Literature in Canada, From the Oral Tradition to the Present*. Toronto: Oxford University Press, 1990.

Propp, Vladimir. *Morphology of the Folktale*. 2nd ed. Revised and edited by Louis A. Wagner. Introduction by Alan Dundes. Austin: University of Texas, 1988.

Scholes, Robert. *Structuralism in Literature, An Introduction*. New Haven: Yale University Press, 1974.

Tejera, V., *Semiotics From Pierce To Barthes*. Leiden: E.J. Brill, 1988.

Vizenor, Gerald. *Narrative Chance: Postmodern Discourse in Native American Indian Literatures*. Albuquerque: University of New Mexico Press, 1990.

Wiget, Andrew. *Native American Literature*. Boston: Twayne, 1985.

Wiget, Andrew. "A Talk Concerning First Beginnings: Teaching Native American Oral Literature" from the Heath Anthology of American Literature. Albuquerque: New Mexico State University, 1995.

Danielle Schaub

"Trapped. Emiserated. Resigned": Native Women's Lost Social Status in Lee Maracle's "Bertha"*

Abstract

Lee Maracle's narratives highlight the Natives' place in the colonialist order instituted by the whites, and indirectly the latter's response to the former. The most heartfelt story in this regard, "Bertha" alerts us to the pains associated with both acceptance and contestation of the colonizers' imposed new order and its crippling effect on women. The forms of racism experienced by the old protagonist, and by extension by her people, are represented obliquely rather than head-on. The article's purpose is to decode them through a textual exploration of the effects assimilation has on Native women as exemplified in the first story "Bertha."

Résumé

Les nouvelles de Lee Maracle soulignent la place qu'occupent les Autochtones du Canada dans l'ordre colonialiste institué par les Blancs. Le récit le plus poignant à cet égard, «Bertha» attire l'attention sur les souffrances liées tant à l'acceptation qu'à la contestation du nouvel ordre imposé par les colonisateurs et, en particulier, sur leurs effets néfastes sur les femmes. Les formes de racisme vécues par la vieille protagoniste, et par extension par son peuple, sont présentées de façon détournée plutôt qu'aggressive. Le but de cet article est de les décoder par le biais de l'analyse textuelle des effets que l'assimilation a sur les femmes autochtones tels qu'ils sont illustrés dans la nouvelle «Bertha».

> In the writing of these stories I tried very hard to draw the reader into the centre of the story, in just the same way the listener of our oral stories is drawn in. At the same time the reader must remain central to the working out of the drama of life presented. As listener/reader, you become the trickster, the architect of great social transformation at whatever level you choose. (Maracle, *Sojourner's Truth*: 13)

These are the words with which Lee Maracle finishes her preface to *Sojourner's Truth and Other Stories*.[1] They suggest that if we read well we might understand how the First Nations perceive themselves and others, so that we might initiate changes in order to improve the system.[2] The stories thus address aspects of cultural identity, thereby offering interesting insights into the Canadian experience of assimilation and resistance. As a writer committed

to the cause of the Natives, Maracle admits to a bias; as she is affected by the injustice inflicted on her people she will not present a neutral sociological enquiry.[3] In practice, she highlights the Natives' place in the Imperialist order instituted by the whites, and indirectly the latter's response to the former. However, as she does so, she creates a series of images where the views of each group clash with those of the other so that one ends up questioning both. "Bertha," the most heartfelt story in this regard, alerts us to the pains associated with the imposed new order and its crippling effect on women. But contrary to the stories focussing on women "empowering themselves, climbing that mountain ... of racism" (Kelly 87), "Bertha" illustrates how, by succumbing to the stereotypical images of the dominant group, the title character fails to determine the course of her life and therefore gives in to the whites' views of it. However, textual exploration reveals that her alienation results not only from the whites' fixing gaze but also from her own clichés about what Aboriginal life used to be. I therefore propose to stress the story's conflicting versions of urban Aboriginal life—the whites' and the Natives'—and explore the ambivalence of stereotypical thinking[4] while examining the effects new social structures have on Native women.

"Bertha" starts the book on a social note: the protagonist's slow progression back home is punctuated by a lengthy description of the poor conditions in which the workers of a cannery work and live, which Lee Maracle has called "the colonized land and the impoverished people capitalism naturally creates" (conversation with Williamson 168). The intentionally neutral tone of the factual description is punctuated with sarcastic notes that highlight the discrepancy between the Aboriginal workers' precarious lot and their employers' well being:

> The company had more important sources of squander for its profits: new machines had to be bought, larger executive salaries had to be paid—all of which severely limited the company's ability to extend luxuries to the producers of its canned fish. (ST 15)

> Cannery row, where the very fortunate employees of the very harassed and worried businessmen reside, is not what one might call imaginatively designed. (ST 15)[5]

> Each roof enjoyed the same number of unrepaired holes as its neighbour ... a fringe benefit or a curse of unrepaired wear, depending on your humour. (ST 16)

All this seems to imply an external focaliser (Rimmon-Kenan 75), that is, a focaliser not involved in the events as a character, who in this case passes a judgement on social matters. In fact the focaliser intends to convince the reader, the "you" addressed in the previous quotation, to adhere with the view that the workers of the cannery are being exploited. However, as soon as Bertha's "memory retreats to another time" (ST 19), the narrative technique shifts from external to internal focalisation (Rimmon-Kenan 74-76) and the focus of the story changes from class to race, namely from exploited workers to abused Aboriginals. With the shift of focalisation, the narration follows the drunken woman both physically and spiritually; in photographic terms, this would correspond to a close up focussing on the old woman's progression

combined with a scan of the blurred pictures left over from times past. The reminiscences clarify the woman's origins: as she thinks of a past that no longer is, it becomes obvious that she is a Native torn away from her original background and greatly suffering from the contrast afforded between town life and life in the bush. As internal focalisation is at hand, poetic intensity characterises the mental pictures of the past, a far cry from the initial cold, factual descriptions of the locale. This can be read as a nostalgic picture of the past, although the past may not have been as idyllic as portrayed; as she sentimentalises about traditional Aboriginal life, Bertha cherishes positive clichés just as much the whites' minds (particularly the foreman's) harbour only negative clichés. *À chacun sa vérité*.

The contrast between workers and employers finds other counterparts, all essentially encapsulated in the larger, though perhaps reductive, binary opposition between life before and life after the whites' interference seen as a form of colonisation. The story does not engage in a plain harangue against the whites (who are explicitly mentioned only twice, towards the end); instead it exposes the situation without forceful antagonism but in such a way that the problem beneath the particular events can be identified; in other words it lays bare the conflict for who wants to see it.[6] For Maracle's text contrasts two ways of life in the vein of all narratives of contestation which—even when not expressly polemical—always oppose two views, situations, lines of conduct, philosophical approaches. One might claim that the opposition between traditional life in the bush and town life is simplistic in its good/bad polarity but it reproduces the mental picture of nostalgic Aboriginals who denounce the ills of interference.[7] Besides I would argue that the memories of times past is suffused with such poetry that one sympathises with the view, even though or perhaps because the picture misrepresents reality by leaving the hardships out. It might be argued that mere juxtaposition of impressions would be less didactic, and therefore more effective; and though it might be reductive too, the contrast afforded between a dignified Aboriginal upbringing and the loss of values induced by the contact with the white world would speak for itself.[8] But the anger of the author may be too strong for such indirectness.[9] Her approach to the contrast is best summed up in one sentence that exemplifies the transfer of values from the one-time honoured traditional life to its devalued image in the new context: "[s]tories, empowering ceremonies became pagan rituals, pagan rituals full of horrific shame" (ST 20); the reference to the shift leaves no doubt as to Maracle's intention.

The opposition between both life styles reads as a variation on a theme: from the general to the specific, it exposes the differences between home and away, between life in the bush (that is, before the whites' interference) and life in town (so called civilised) through juxtaposition of present and past circumstances. The narration starts in *medias res* with inebriate Bertha struggling back to her shack in the cannery row, fighting against the elements. Rain has turned the ground into a slippery mud path difficult to negotiate for an old, overweight woman under the influence of alcohol. Her slipping in the mud metaphorically alludes to the situation she finds herself in (together with her fellow workers), one in which she is not firmly grounded for want of power, choice and opportunity. Her sense of dignity is hurt by her degrading

appearance so that she seeks refuge in memories of the past. The juxtaposition of her blurred, yet idyllic memories and her present appalling condition leads to a clearer exposition of the antagonistic dichotomy: for the narrator remarks "[n]ow all that remained was the happiness of her childhood memories against the stark emptiness of the years that stretched behind them" (ST 20). Although this opposition corresponds to a familiar pattern, namely the loss of the Garden of Eden, Maracle prevents the reader from dismissing the problem as merely nostalgic because she plays on the duality of focalisation, and stresses the predicament of a whole community beyond the personal instance.

The Natives' structured tribal organisation clashes with what the Aboriginals sense as a loose, futureless life in town owing to a structure that does not fit their attitude to life. "Each girl," Bertha remembers, "was born in the comfort of knowing how she would grow, bear children and age with dignity to become a respected matriarch" (ST 19). But with the enforced separation from the village—"a world rich with social and natural conscience" (Armstrong 27)—when they were taken away to school, Native girls lost touch with their own culture. As they were transplanted into a world whose values were totally different from the ones they had been raised on, they experienced displacement and disempowerment; with the change of values, they had no firm ground to stand on. What was once acceptable becomes unacceptable and vice versa. The split implemented by forceful isolation and disconnection is revealed in Bertha's sense of loss vis-à-vis the experience she could have had:

> The efforts of the village women to nurture her as a keeper of her clan, mother of all youth, had gone to naught.... Motherhood, the re-creation of ancient stories that would instruct the young in the laws of her people and encourage good citizenship from even the babies, had eluded her. (ST 19-20)

This passage fictionally re-creates an issue of *I Am Woman* where Maracle insists on the importance of the matriarchal educational system, its message of love and respect so contrary to the colonial destructiveness and insidious source of self-hate for the colonised (50): without receiving the traditional instillation of "a sense of self and ... importance to the community" (50), without proper grasp of the laws of their community, those displaced and divorced from their past cannot grasp their culture. Of course this view gives a one-sided picture of the whites, turning them all into mere "colonisers" intent on making as much profit as possible without taking basic human values into consideration.

But beyond the emphasis on contrast, Maracle raises questions of agency. Bertha seems incapable of making any choices, of actively taking steps to either restore what was lost ("had gone to naught," "had eluded her") or to re-create a meaningful order. Rather than an agent she is turned into an object of cultural oppression alienating her sense of self. Displaced at a very young age without the support of a structure reinforcing her identity, Bertha ends up with a self that cannot "assert[] its place outside, beside, aside from other clearly configured selves" (Smith 5); it ceases to exist and Bertha loses touch with what would once have been an essential aspect of her identity. What Maracle says in *I Am Woman* about her generation holds for Bertha's too: "[b]eginning

with residential schools, where powerless children ran away rather than face the priesthood with rebellion, most of us have learned to resist passively" (45). Bertha does not even resist, except perhaps in her mental rejection of the world of whites. Social alienation gets translated by psychic alienation, apparent in Bertha's passiveness and inability to draw any strength from her lost cultural heritage.

Moving from Bertha's to the community's sense of loss, the narration sometimes voices the implied author's views, particularly in instances where Bertha cannot understand the effects of a social change for lack of sociopolitical awareness, neither in its positive nor negative aspects. Just after Bertha reflects on "life [being] easier for everyone" (ST 21) thanks to trade providing cash and relieving women of their hard work, an editorial comment reveals that she "could not see that the feelings of anxiety among the youth were rooted in the futureless existence that this transfer of power created" (ST 21). This sociological explication inserted into the text not only emphasises Bertha's lack of understanding but also extends the personal predicament and points to the general sense of loss. As such it gives the story a wider dimension in agreement with Maracle's commitment to denounce the ills of the whites' interference regardless of their positive contribution. In addition, Bertha's inability to fathom the implications of the transfer of power brings to mind a comment of Maracle's in *Telling It* : talking about the residential schools where Native children were sent, she asserts that they "were little better than religious farms in which the students were servants ... but received very little academic instruction" (38). Through this narrative Maracle obviously wants to stress the uselessness of separating the children from their background to go to school and get educated since it has only succeeded in depriving Bertha of her essential role as a keeper of tradition.[10]

True as this may be, Bertha's deprivation raises the problem of her inability to function as an agent; for not all Aboriginals sent to residential schools end up being depersonalised. Nevertheless, as the narrative follows Bertha's mental pictures that highlight the evolution of the village, it exposes the reasons for such a one-sided emphasis on subjection. Conversion brings about such a change of social structure and roles that it jeopardises the existence of the community. Supplanting the matriarchal organisation of life, the intrusion of the priest exerts an influence felt at all levels, though no one realises how detrimental it is. An editorial comment presumably voicing the opinions of the author remarks that "[n]o one connected the stripping of woman-power and its transfer to the priest as the basis for the sudden uselessness all the people felt" (ST 21). This sociological comment again turns the particular case into the general, widening the scope of the story. And indeed the description of the images that go through the mind of the protagonist discloses how the whites regulate the whole village's life. For through the incursions of the whites, the Aboriginals discover an alluring world; they abandon agelong practices in favour of easily gotten goods acquired by trade, succumb to the attraction of financially rewarded jobs and resulting purchasing power, and start indulging in alcohol. All these take the population farther and farther away from their agelong practices, eventually driving Natives to experience "dispossession, objectification, marginalisation, and [the] constant struggle for cultural

survival" (LaRocque xviii) as opposed to the whites' power and status. Deprivation, the reader is made to understand, dates back to the whites' insidious influence, a fact revealed by Bertha's thought that "[s]he had no home. Home was fifty years ago and gone" (ST 22). This feeling of loss results from cultural alienation: "Home was her education forever cut short by Christian well-meaning" (ST 22). This statement ironically opposes meaningful "pagan"[11] education and enforced Christian training, the origins of cultural estrangement: "[h]er education had been cut short when her grandfather took a Christian name" (ST 20). The consequences of conversion weigh not only on Bertha but on all the generations after hers, and in particular on a young woman with whom Bertha ends up drinking before dying, probably of inebriation. Bertha may well have vague memories of the old system of values and behaviour, but as with any believer who has outgrown her religion, she cannot transmit it onto the next generation and feels nostalgic about her inability : "[t]he brutal realization that she, Bertha, once destined to have been this young woman's teacher, had nothing to give but stories—dim, only half-remembered and barely understood—brought her up short" (ST 24). The shock she experiences upon that thought is grounded in her remembrance of "the endless stories told to her, the meanings behind each one, the reasons for their telling" (ST 20). Instead "[s]hort stays ... in [jail] became the basis for a new run of stories, empty of old meaning" (ST 21). Since traditional stories are replaced by empty stories devoid of meaning, the girl cannot relate to Bertha, let alone to her own cultural tradition. As she has not even witnessed the old standing customs nor tasted the old ethos, acculturation means more than a drift; it means a-culturation, the absence of any culture, an unfillable void, which the narrative voice regrets, not to say denounces. Not informed in any way, the youth of the generation after Bertha's pick up whatever information they may gather from the new world they live in and cannot relate to the conventions, practices and educational pattern of forgone times:

> Bertha wanted to tell her about her own unspoiled youth, her hills, the berries, the old women, the stories and a host of things she could not find the words for in the English she inherited. It was all so paralyzing and mean. Instead Bertha whispered her sorrow in the gentle words of their ancestors. They were foreign to the girl. The touch, the words, inspired only fear in her. (ST 22)

Beyond the young woman's problem of relating to Bertha's stories also lies another acute linguistic gap. Native language has been replaced by English, but an English without the appropriate nuances to translate traditional values, hence the use of the adjectives "paralyzing and mean."[12] Yet language mastery and fluency are the key to communication and understanding. Since neither Bertha nor the young woman has gained proper command of English or retained her original language to any degree of competence, proper social intercourse, let alone meaningful exchange of views, cannot be initiated. The story in a way clarifies "what happens when a linguistic structure adapted for specific social and practical ends is superimposed on a quite different culture" (Cribb 147). The young woman has obviously acquired some English but this acquisition reductively affects her knowledge of her mother tongue so that she loses it, thereby becoming a subtractive bilingual (Baker 204). Bertha, on the

other hand, exhibits cognitive and emotive deficits in both languages; hers is a pattern common to semilinguals who, by acquiring a new language, lose their mother tongue while not being capable of developing a satisfactory knowledge of the second language. In fact, Baker's definition of semilingualism applies to Bertha in all respects: "[a] semilingual is considered to exhibit the following profile in both their languages; displays a small vocabulary and incorrect grammar; consciously thinks about language production; is stilted and uncreative with each language and finds it difficult to think and express emotions in either languages"(9). Bertha's inability to fathom old values makes this linguistic poverty clear:

> . . . she could not, after fifty years of speaking crippled English, define where it was all supposed to lead.... She remembered a ripple of bewildered tension for which her language had no words to describe or understand what had gone through the village. The stories had changed and so did the language. No one explained the intimacies of the new feeling in either language. Confusion, a splitting within her, grew alongside the murmur that beset the village.... Now even the stories she had kept tucked away in her memory escaped her. (ST 20)

Reminiscent of Maracle's comment on residential schools that turned Natives into "two-tongue cripples" (*Telling It* 38) because they "robbed [them] of both languages [English and Native]" (Lutz 171), the passage illustrates how traditional language becomes obsolete for want of words to express the new structures. Beyond that, it also implies that the Aboriginals are kept at the stage of the baby's faltering attempts at speech for lack of proper training.

That Maracle relates this linguistic deficiency to the early times of the whites' interference is marked not explicitly, but implicitly by the juxtaposition of Bertha's attempt to remember when she lost her memory and the deeds of the priest "[leaving] no stone unturned" (ST 20). Having thus accepted a plausible origin of the problem of communication, one should address aspects of identity. As "psychological connections among names, identity, and self" (Dion 255) are demonstrated, one wonders what happens to one's sense of self once everything has been renamed, even one's own name. As "[t]he name is ... a kind of monogram for the sum total of a person's memories ... of affective significance" (Fischer 462) and even a "central aspect of the Self-Concept" (Bugental and Zelen 493 and 496), renaming surely affects its perception. Renaming—a process also familiar to Israeli Ethiopians of the 1986 immigration wave who, upon landing, were given Hebrew names for integrative purposes—proves to be traumatising, a blow to selfhood. The personality split ensuing affects one's whole view of the world and the self, causing psychological and relational problems. Renaming hurts Bertha's sense of dignity: "[o]n the hills, basket on her back, Bertha was not called Bertha. She wanted to hear her name again, but she fought against its articulation. In her new state of shame she could not whisper, even to herself, the name she had taken as woman" (ST 19).[13] Indeed as a colonised being, Bertha loses both her dignity and control over her body so that she cannot recall and even fights against recalling her identity associated with her old sense of selfhood; for it no longer exists.[14] Her memories of the initial drift show the psychological effect of being cut off from one's linguistic referents:

"[c]onfusion, a splitting within her, grew alongside the murmur that beset the village. Uncertainty closed over the children. Now even the stories she had kept tucked away in her memory escaped her" (ST 20). Like a neurolinguist, the narrative voice lists uncertainty, confusion, split, oblivion; such are the blurring effects of the schism created by renaming and by relegating one's mother tongue to one of the most inaccessible parts of the brain. Bertha's case illustrates that "in a subtractive environment, the transfer of literacy skills between the two languages may be impeded" (Baker 204), which explains why the stories do not come to the surface.

So linguistic replacement provokes estrangement, causing an unbridgeable gap akin to the shift from traditional social interaction and human care secured by women to "civilised" self-centredness and ensuing isolation. With the establishment of nuclear cells, with one house per family in the restricted sense rather than communal houses, social interaction ceases to exist and human ties fade. Thus, as Bertha eventually reaches the shacks on her hands and knees, she experiences estrangement from the girl who invites her mockingly for more wine. Three passages mark Bertha's awareness that, although they both originate from the same place, they are total strangers:

> The realization that the gulf between them was too great, their difference entrenched by Bertha's own lack of knowledge, saddened Bertha. (ST 22)

> She struggled with how it came to be that this girl from her village was so foreign to her. (ST 23)

> ... the more she drank the more she realized she did not know this woman, this daughter who was not nurtured by her village grandmothers, but who had left as a small child and never returned to her home. (ST 24)

Thus owing to the rejection of traditional practices, women experience estrangement on two counts: as members of a "colonised" group, but also as matriarchs deprived of their realm. We are told that "[t]he old women lost their counsel seats at the fires of their men ... Disempowered, the old ladies ceased to tell stories and lived out their lives without taking the children to the hills again" (ST 20-21). In other words, the old women lose their function as instructors. Without telling stories, they cannot educate their youths; they cannot "recreate a situation ... so that the [inexperienced] listener can benefit directly from the narrator's experience" (Cruikshank 340). Besides this denial of their essential educational role, other realities connected to the new societal structure affect Native women more than Native men; they are sexually harassed and debased by white men. This adds a further source of aggravation and sense of loss, for as Ashcroft, Griffiths and Tiffin remark, even in homogeneous societies "[w]omen ... have been relegated to the position of 'Other,' marginalised and, in a metaphorical sense 'colonized'" (Ashcroft et al 174). "Colonisation" is therefore double, racial and gender-based. The two women, however, reach each other over gender issues. In spite of the generation gap and the cultural drift, Bertha and the young woman confide in each other while drinking wine together. "There had been conversations and moments of silence," we read, "sentimental tears had been shed, laughter, even

rage and indignation at the liberties white-male-bottom-pinchers took with Native women had been expressed" (ST 23).[15]

Paradoxically amplifying and lessening the old woman's distress, alcohol changes her perception of herself and the world. Alcohol seems to offer a balm to all ills; in it Bertha can drown her sorrows. As she was not given a chance to be herself or has not taken the opportunity to fight for her sense of self, Bertha has chosen the only option available to her. Unable or unwilling to resist the implied suicidal impulse, she has taken to drink. Alcohol, the lasting result of the whites' intrusion, helps her cope with the estranging process she experiences (Shaw 21),[16] as witnessed at the beginning of "colonisation" when "[a] wild and painful need for a brief escape from their new life [drives] youth to the arms of whiskey traders" (ST 21). For alcohol deludes one into feeling "power over oneself or one's environment" and thus functions as a "reliever of tension, inhibition and guilt" (Kinney & Leaton 9). Thus the girl drinking with Bertha does so to forget the unpleasant feelings she has:

> The wine instantly returned the young girl's world to its swaying, bleary, much more bearable state. (ST 23)

> Only the wine chased the feeling from the windowless room. (ST 23)

> As the warm liquid jerked to her stomach the feeling floated passively to the ceiling and disappeared. (ST 25)

But it creates a vicious circle: once ashamed of drinking alcohol, one drinks more to drown one's guilt feelings, sometimes until death ensues.

The story inevitably reverberates the whites opinion about the Aboriginals' drinking habits and their worth. As the narrative voice records that "[b]y day's end the jug was wasted and so were the women" (ST 23), the whites' voices are heard in chorus, turning the narrator's regret about a state of affairs into a cliché. Towards the end of the story the position of the whites comes to the fore in the foreman's spiteful consideration of Bertha's absence: "being a prudent and loyal company man he [thinks] of nothing else but [her] absence" (ST 25); however, his silent consideration boils down to matters of productivity, not human concern:

> Bertie is getting old, past her prime, so much so that even her half century of experience compensates little for the disruption of operational smoothness and lost time that her absence gives rise to. Smoothness is essential to any enterprise wishing to make any profit, and time is money. (ST 25)

Having resolved to fire Bertha, he still tries to keep the moral high ground; he is "not totally insensitive to human suffering" (ST 25). The irony though lies in his belying that statement by virtually only showing concern for the other workers' reaction to his decision, not so much Bertha's. He is convinced that "[f]iring her could produce no results other than her continuing to be a souse" (ST 25), a conviction that does not question either the origin of the problem or the role the whites have in encouraging a debilitating process.[17] A "colonial" approach by excellence, it "construe[s] the colonized as a population of degenerate types on the basis of racial origin" (Bhabha 70) in order to justify maltreatment. An undeniable subtext of economic oppression, the foreman's

thoughts prolong the "colonial" discourse that has led to the Natives' downfall; productivity matters more than the workers' well-being as exemplified in a passage surveying the living conditions of the Aboriginals whose huts are flooded by the tide:

> It wasn't such a great bother. After all, the workers spent most of their waking time at the cannery upwards of ten hours a day, sometimes this included Sunday, but not always—and the bunks were sufficiently far from the floor such that sleeping, etc., carried on unencumbered. A good pair of Kingcome slippers was all that was needed to prevent any discomfort the tide caused.... Besides which, the sort of tides that crept into the residence occurred but twice or thrice a season. Indeed the nuisance created was trifling. (ST 18)

Echoing the whites who minimise the situation, the sarcastic narrative voice imitates their inflections to denounce the insalubrious living conditions of the Aboriginal workers. In such a context, the foreman has no problem asserting his power and telling Bertha's nephew to inform the old woman of her dismissal. When the nephew retorts "Can't be done" (ST 26), the voice of authority barks back, belittling the composed young man, although weighing up the economic, not the personal, danger of humiliating "the soberest and most regular worker" (ST 26), yet another cliché that implies that all Natives are drunkards. "The blood of the workers boiled with shame at the tone of this white man," the omniscient narrator informs us. The foreman's forceful, not to say abusive, request for an explanation is met with a short simple statement of indisputable finality: "She's dead" (ST 26). This retort opposes human values to economic benefits, thereby thundering most rightfully and efficiently a protest against oppression; the young man is in a position to oppose the foreman without risking punishment. Shocked by the news, the young woman with whom Bertha spent her last drinking hours mishandles her knife which deprives her "of her left thumb and giggle forever" (ST 26). Her mutilation will no longer allow her to ignore or make fun of the old woman. It could be seen as a shock that could make the young woman want to change things, to react against her subjection and to create different images of herself and the others unless it forces her into a deeper subjection and necessity to resort to the soothing effects of the bottle.

Rather than a bewailing lamentation about the state of affairs, this story points out in its structure how the Aboriginals negotiate the images they have of themselves—dignity, respect, support, empowering rites—and the images the whites have of them—drunkenness, inefficiency, paganism. Bertha is obviously battered by the images the whites create about the Natives in spite of her own images; she cannot negotiate these conflicting images in a manner that allows her to internalise them positively. Far from being a utopian character (that is, a Native escaping the whites' focalisation and subsequent subjectification with images fixing the Natives), Bertha is a human being who is faced with the anxiety of negotiating the images she has of herself and those others have of her. Although Homi Bhabha suggests that the less powerful can possibly escape that kind of subjectification by clinging to those images created for and by themselves (66-84), the story shows that in some circumstances the power of the subjectifying image is too pernicious. In this

case, it causes such a high level of anxiety that it prevents Bertha from emerging as an active element, turning her into a passive being succumbing to the weight of the images created by the dominant group. As such the story could be read as a critique of white clichés and therefore felt as aggressive by whites who feel directly attacked, who take the blame personally for the degradation of Aboriginal values and living conditions. Conversely, it could be read constructively, namely by recognising the criticism as representative of a specific person's position, namely that of the narrator who chooses to speak up for Bertha. In other words, rather than an aggressive accusation, the story could be viewed as an exposition of the reality of Bertha's life seen from her perspective, that is, with its own clichés or misconceptions. The story thus not only alerts the white reader to the alienating situation the Aboriginals may find themselves in, but also questions the right of the powerful to subjectify other less powerful beings whose identity they figure for themselves so as not to feel threatened. However as the story's language highlights positive connotations with respect to the Natives and negative connotations with respect to the whites, it reveals how the Native voice also wants the whites to have clear identities, without taking the complex structure of personality into consideration, that is, by labelling all whites as capitalist slave drivers, as predictably detrimental to the Aboriginals. The complexity of human relations thus comes to the fore. In addition, by unveiling the prejudices on both sides—that is, the images one group has about the other—by exposing their clichés, Maracle unveils a common model. Its very reflexivity allows to write an equation where the variables could be permuted—where the rulers could become the ruled and vice versa—but such an exchange of roles would neither subvert power nor annihilate disempowering focalisation. Subjectification mars human relationships in complex cultural terrains.

Notes

*   I wish to thank both Lynette Hunter and Jeanne Perreault for their careful reading and sharp comments that helped me think through the complex structure of this story.
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1.   All quotations from the collection refer to the 1990 Press Gang edition and will be documented in the text under the abbreviation ST. The daughter of a Métis woman and of a Coast Salish man, Lee Maracle comes from Alberta. She has written two autobiographical volumes with polemical pieces, *Bobbi Lee: Indian Rebel, Struggles of a Native Canadian Woman* (1975) and *I Am Woman* (1985)—the latter produced with her husband as no publisher accepted this manuscript "written expressly for Native People" (Grant 129)—a collection of stories, *Sojourner's Truth and Other Stories* (1990), and two novels, *Ravensong: A Novel* (1993) and *Sundogs* (1993). She has also co-edited with Daphne Marlatt, SKY Lee, and Betsy Warland a most valuable book on multicultural women writing entitled *Telling It: Women and Language Across Cultures* (1990). Besides fiction, she writes poetry and critical articles, and travels much as a poetry reader or guest speaker on Native issues.

2.   The suggestion echoes Agnes Grant's comments about Canadian readers and their (un)willingness to be receptive to forms of literature that do not conform to European literary criteria (124-126). For as Barbara Godard pointfully explains, Native literature offers a "challenge to the Canadian literary institution ... [as it] aims to produce texts in performance that would create truth as interpretation" (184).

3.   Maracle's statement of priorities in her acknowledgements makes it clear that she presents the Aboriginals' position: "I want to thank all those Native people I have met, living or dead,

who helped me to find my voice and provided me with an endless run of stories and deep sense of loyalty to ourselves" (ST np). As Daniel David Moses and Terry Goldie remark, Maracle is never "departing from a Native voice but ranging out in [her] subject matter. She is looking at a variety of cultural interactions ... [, thereby] overcoming limitations in genre" (xix).

4. See Homi K. Bhabha's "The Other Question: Stereotype, Discrimination and the Discourse of Colonialism" (66-84).

5. Echoing the very words or thoughts of the whites convinced of their benevolence, the reversed qualifiers contribute to the sarcastic value of the comment while also enacting the splitting of the subject who sees himself/herself with the eyes of the dominant group.

6. Maracle's non directive approach to fiction is matched by the title of Emma LaRocque's preface to *Writing the Circle* (the anthology of texts by Native women of Western Canada) "here are our voices—who will hear?" (xv).

7. The vocabulary used stresses the binary opposition between traditional life and town life. The former is described in warm and luminous terms with words like "sunlight," "laughter," "glory," "comfort," "dignity," "respect," "careful coaching," "happiness" while the presentation of the latter comprises harsh, oppressive words like "shame," "crippled English," "stark emptiness," "tension," "confusion," "uncertainty." Idyllic pastoral scenes are remembered in long descriptive sentences full of poetry (ST 20) clashing with the much shorter matter-of-fact statements concerning urban drabness and desolation (ST 20-21).

8. In her "Impressions of an Indian Childhood" (863-892), Zitkala-Sa most successfully juxtaposes memories of traditional upbringing and of education amongst the whites without pointing an accusing finger. The juxtaposition accentuates the contrast between the dignified upbringing she had among her kins and the offensive treatment she received amongst the whites, causing the readers to question the white imperialist order.

9. That Maracle forcefully unleashes her anger against the whites in *I Am Woman* and *Bobbi Lee* might imply that indirection does not suit either her temperament or her need for overt criticism, undoubtedly the result of ill-treatment and abuse.

10. Bertha was what Maracle defines as one of "the students of abuse" (Conversation with Williamson 166)

11. Maracle uses this loaded word with respect to the purchasing power that allows the Aboriginals to acquire "the things of life much more swiftly and in greater quantities than did their pagan practices" (ST 21). Her use, however, ironically reflects the opinion of the whites according to whose teachings "[s]tories, empowering ceremonies bec[o]me pagan rituals, pagan rituals full of horrific shame" (ST 20).

12. The use of those adjectives also records Bertha's inability to acquire the English language, raising questions as to her intellectual capacitites and/or the appropriateness of the whites' teaching.

13. Bertha's feelings echo Campbell's statement of the powerlessness experienced by the Halfbreeds, once they had lost their land: "[t]hey felt shame, and with shame the loss of pride and the strength to live each day" (8).

14. The extent of Maracle's outrage can be measured by her statement that "language is sacred. Words represent the accumulated knowledge, the progression of thought of any people. To distort meaning, understanding, in the interest of pacifying a whole population in the face of massive rape and exploitation, is the worst kind of violence" (*Bobbi Lee* 7).

15. This statement echoes the voice of the implied author as neither woman is in a position to problematise the issue; such generalisation incorporates realities beyond the narrative.

16. Her case is reminiscent of other female characters in Native literature. For instance, in Slipperjack's *Honour the Sun*, Owl, a ten-year-old girl, witnesses her mother's succumbing to alcohol, and resulting degradation, to escape her inability to cope with change. As a consequence, the girl loses all support, for her mother can no longer offer her either strength or security. Similarly, in Culleton's *In Search of April Raintree*, the fate of two Métis girls, April and Cheryl, is determined by their parents' addiction to alcohol. If April does not follow their example, Cheryl eventually does, once despair over the predicament of the Native people settles in. She too will neglect her duties as a mother and eventually commit suicide.

17. Numerous passages give the Aboriginals' views of the whites' responsibility in their drinking problem: "[a]s the number of converts increase[s] so [does] the number of drinkers"

(ST 21). And when an epidemic decimates the population because of blankets "riddled with sickness" (ST 22) bought by those who have left to work in town, "[i]n their confusion and great guilt, wine console[s] them" (ST 22).

Bibliography

Armstrong, Jeannette. "Words." Eds. Daphne Marlatt, Lee Maracle, SKY Lee, and Betsy Warland. *Telling it: Women and Language Across Cultures*. Vancouver: Press Gang, 1990: 23-29.

Ashcroft, Bill, Gareth Griffith and Helen Tiffin. *The Empire Writes Back: Theory and Practice in Post-Colonial Literatures*. London and New York: Routledge, 1989.

Bhabha, Homi K. "The Other Question: Stereotype, Discrimination and the Discourse of Colonialism." *The Location of Culture*. London and New York: Routledge, 1994: 66-84.

Bugental, J.F.T. and S.L. Zelen. "Investigations of the `Self-Concept' I: The W-A-Y Technique." *Journal of Personality* 18 (1950): 483-498.

Campbell, Maria. *Halfbreed*. Halifax: Formac (Goodread Biographies), 1973.

Cribb, Tim J. "Transformations in the Fiction of Ben Okri." Ed. Anna Rutherford. *From Commonwealth to Post-Colonial*. Sydney, Mundelstrup and Coventry: Dangaroo Press, 1992: 145-150.

Cruikshank, Julie. "Cultural Constructions of Individual Experience." Ed. Julie Cruikshank. *Life Lived Like a Story*. Vancouver: University of British Columbia Press, 1990: 339-356.

Culleton, Beatrice. *In Search of April Raintree*. 1983; rpt. Winnipeg: Pegis, 1983.

Dion, Kenneth L. "Names, Identity, and Self." *Names* XXXI, 4 (December 1983): 245-257.

Fischer, C. "Amnesic States in War Neuroses." *Psychoanalytic Quarterly* 14 (1945): 437-468.

Godard, Barbara. "The Politics of Representation: Some Native Canadian Women Writers." *Canadian Literature* 124-125 (Spring-Summer 1990): 183-225.

Grant, Agnes. "Contemporary Native Women's Voices in Literature." *Canadian Literature* 124-125 (Spring-Summer 1990): 124-132.

Kinney, M.S.W., and Gwen Leaton. *Understanding Alcohol*. New York : New American Library, 1982.

LaRocque. Emma. Preface. Eds. Jeanne Perreault and Sylvia Vance. *Writing the Circle: Native Women of Western Canada*. Edmonton: NeWest Press, 1990: xv-xxx.

Lutz, Hartmut. Conversation with Lee Maracle. *Contemporary Challenges: Conversations with Canadian Native Authors*. Saskatoon: Fifth House Publishers, 1991: 169-179.

Maracle, Lee. *Bobbi Lee: Indian Rebel, Struggles of a Native Canadian Woman*. Richmond, B.C.: LSM, 1975; rpt. Toronto: Women's Press, 1990.

_____. *I Am Woman*. North-Vancouver: Write-On Press Publ., 1985.

_____. "Just Get in Front of a Typewriter and Bleed." Eds. Daphne Marlatt, Lee Maracle, SKY Lee, and Betsy Warland. *Telling it: Women and Language Across Cultures*. Vancouver: Press Gang, 1990: 37-41.

_____. *Ravensong: A Novel*. Vancouver: Press Gang, 1993.

_____. *Sojourner's Truth and Other Stories*. Vancouver: Press Gang, 1990.

_____. *Sundogs*. Theytus Books, 1993.

_____. "Coming out of the house: a conversation." Interview by Jennifer Kelly. Eds. Jeanne Perreault and Joseph Bruchac. *Ariel: A Journal of International Literature* XXV, no. 1 (January 1994) [Special issue on *Critical Visions: Contemporary North American Writing*]: 73-88.

Maracle, Lee and Daphne Marlatt, SKY Lee, Betsy Warland, eds. *Telling it: Women and Language Across Cultures*. Vancouver: Press Gang, 1990.

Moses, Daniel David and Terrie Goldie, eds. *An Anthology of Canadian Native Literature in English*. Toronto: Oxford University Press, 1992.

Rimmon-Kenan, Shlomith. *Narrative Fiction: Contemporary Poetics*. London: Methuen (New Accents), 1983.

Shaw, Stan. "The Causes of Increasing Drinking Problems amongst Women." *Women and Alcohol*. Ed. Camberwell Council on Alcoholism. London and New York : Tavistock, 1980 :1-40.

Slipperjack, Ruby. *Honour the Sun* (Extracted and Revised from the Diary of the Owl). Winnipeg: Pemmican, 1987.

Smith, Sidonie. *Subjectivity, Identity, and the Body: Women's Autobiographical Practices in the Twentieth Century*. Bloomington and Indianapolis: Indiana University Press, 1993.

Williamson, Janice. *Sounding Differences: Conversations with Seventeen Canadian Women Writers*. Toronto, Buffalo and London: University of Toronto Press, 1993.

Armando E. Jannetta

Métis Autobiography: The Emergence of a Genre amid Alienation, Resistance and Healing in the Context of Maria Campbell's *Halfbreed* (1973)

Abstract

In literary criticism, the autobiographical genre, with its emphasis on writing, egocentricity and difference, has sometimes been regarded as an effective tool in the colonizer's hand to alienate the Native narrator from his or her heritage. This paper argues that Native autobiography is not at all "a contradiction in terms," a fact supported by a number of pre-literate forms of Native "autobiographical" narratives. Rather, due to its "oppositional potential," it is a source of resistance and healing. Autobiography is therefore perceived as congenial to oppressed minorities through its resistance both to textual closure and to the Western reader's purity of genre convention, as well as its ability to bring esthetics and history together. In the context of Maria Campbell's dialogic life-history Halfbreed (1973), which substantiates and expands the above, de-legitimized, "minor" literary forms, such as the anecdote and the folktale, operate as decolonizing "cultural reterritorializations," subverting with the healing power of humor the "grand narrative" of official white Canada. However, only recently has Campbell recovered in her writing a hybrid language, "broken" or "village English," which is not subservient to English. Halfbreed,mirroring its "double-voiced" character, also participates in Western literary traditions, a female tradition in writing and has roots in Quaker introspection. Campbell, time and again, stresses the healing, shamanistic and empowering character of her literary production.

Résumé

Les critiques littéraires ont parfois perçu l'autobiographie, caractérisée par son insistance sur l'écriture, l'égocentrisme et la différence, comme un outil efficace dont disposaient les colonisateurs pour aliéner le(la) narrateur(trice) autochtone de son patrimoine. Comme l'invoque le présent article, l'autobiographie autochtone ne constitue pas une «contradiction dans les termes», ce que corroborent un certain nombre de formes pré-littéraires de narrations autobiographiques autochtones. En raison de son «potentiel d'opposition», l'autobiographie s'avère plutôt une source de résistance et de guérison. Elle est donc perçue comme favorable aux minorités opprimées grâce à sa résistance, tant à la «fermeture textuelle» et à la conformité du lecteur occidental à la pureté du genre qu'à sa capacité de faire le pont entre l'esthétique et l'histoire. Dans le contexte de l'ouvrage dialogique relatant une histoire personnelle, Halfbreed (1973) de Maria Campbell, qui amplifie les formes littéraires considérées mineures et non légitimes—telles que l'anecdote et le conte populaire—constitue des actes de «reterritorialisation

culturelle» décolonisatrice misant sur le pouvoir de guérison de l'humour pour renverser le «grand discours narratif» officiel du monde blanc canadien. Cependant, ce n'est que récemment que Mme Campbell a retrouvé dans ses écrits un langage «hybride» ou «populaire», non asservi à la langue anglaise officielle. Reflet de sa «double voix», l'ouvrage Halfbreed fait également dans la tradition littéraire occidentale, la tradition littéraire féministe et l'introspection Quaker. Mme Campbell insiste constamment sur le caractère guérisseur, chamaniste et habilitant de son œuvre littéraire.

Culturally speaking, Métis writers are members of a "hybrid race." In mirroring this hybridity, Métis textual politics, in the context of cultural liminality or "extra-territoriality," must be perceived as a complex inter-reference of two or more cultural traditions, as "double-voiced."[1] Métis narratives are "half- breed" stories in every respect and, with their overt political aims, examples of what Barbara Harlow (1986) calls "resistance literature." This is especially true of the autobiographical genre employed by Maria Campbell in *Halfbreed*[2], the main focus of the following discussion.

Until the late 1960s, in the case of Métis literature prior to the arrival of Campbell's *Halfbreed* in 1973, Native discourse in North America barely acknowledged any individual "authors": "[T]he notion, 'author,' is ours, not theirs."[3] Therefore, the employment of the autobiographical genre by contemporary Native writers could be perceived as alienating or merely a way of preserving out-moded Western concepts. For example, autobiography, as perceived by George Gusdorf, "expresses a concern peculiar to Western man, a concern that has been of good use in his systematic conquest of the universe and that has communicated to other cultures; but those men will thereby have been annexed by a sort of intellectual colonizing to a mentality that was not their own."[4] However, as this paper will try to show, contemporary notions of Western autobiography and traditional Native modes of personal narration appear to subscribe to similar perceptions regarding the notion of the "authors" of narratives. They refute Gusdorf's perception of autobiography as an effective tool in the colonizer's hand to alienate the Native scriptor from his heritage.

Generally, an autobiography is understood to be an "objective" account of self-exposure of a person's life by the subject. Autobiography in the Western tradition was always associated with: firstly, egocentric individualism and the process of individuation; secondly, the cultivation of originality and difference, and thirdly, notions of linear history and written discourse. It was a means "to secure some sense of order and inner identity" (Abbs 1983:515). For the reader, direct and unmitigated referentiality between the central character, narrator and author of the text, as well as between signifier and signified, distinguished autobiography from other kind of texts (Eakin 1985:185).

But for post-Saussurian deconstructionist criticism, these notions, as well as the chronological order of the narrative entrenched in the conservative mode of realist discourse, proved increasingly self-delusive. Autobiography's apparent claim to "authenticity," "objectivity" and self-exposing "intimacy" with the reader gave way to epistemological relativism and the subversion of

the narrator's "author/ity." Despite autobiography's declaration to the contrary, the distinction between fiction and autobiography has increasingly become blurred and meaningless. The modern critic "reads autobiography as fiction"[5] or "as a kind of symbol of the writer in search of his identity" (Durix 1988:3). The object becomes the subject in autobiography and constructs his/her own "reality" and identity: "Autobiography [...] transforms empirical facts into artifacts," it "is definable as a form of prose fiction."[6] In other words, autobiography, is a carefully-arranged, imaginative work of literature mainly concerned with the narrator's past as perceived through an ultimately unreliable memory. The borders between literature and its others are challenged. With Eakin (1985:5), modern criticism no longer believes:

> that autobiography can offer a faithful and unmediated reconstruction of a historically verifiable past; instead, it expresses the play of the autobiographical act itself, in which the materials of the past are shaped by memory and imagination to serve the needs of present consciousness.

The autobiographical act tells us less about the past, because in an age of postmodernist assumptions the referential dimension of autobiography becomes tainted, than it tells us about the author's present at the moment of creation. Since Roland Barthes' postmodernist proclamation of "The Death of the Author" (1968) and Michael Foucault's claim in "What is an Author?" (1977) that at least some texts (such as a private letter, a contract or a poster) do not have "authors," the central concept of Western autobiography has been challenged. The text is perceived as a "multi-dimensional space" in which all sorts of "unoriginal" texts meet: "The text is a tissue of quotations drawn from the innumerable centres of culture" (Barthes 1987:54). The image of the original and imaginative author gives way to the postmodern imitative "scriptor."

For completely different ontological and epistemological reasons, Native autobiography seems to have anticipated this "modern" development. "Literature" in Native societies had long coincided with oral and performative modes of expression. Whereas literature in literate communities is circulated by means of the written word, "literature" in Native societies was, and often still is, largely a collective or participatory enterprise and disseminated as interpreted and, therefore, subject to changeable performance. According to John Bierhorst:

> [T]he Indian poet does not consider himself the originator of his material but merely the conveyor. Either he has heard it from an elder or he has received it from a supernatural power [...]. Indian poetry, then, is usually attributed not to an individual but to his culture.[7]

Arnold Krupat's assertion that "Indian autobiography is a contradiction in terms" because autobiography is "a European invention of comparatively recent date" and that its principal constituents, "egocentric individualism, historicism, and writing" (1985:30,29), are alien to the oral traditions and collective practices of Indian culture, had to be modified by the recently proven existence of pre-literate forms of Native "autobiographical" narratives and the influence of popular literature (spiritual confessions, missionary

reminisciences, slave narratives)[8] on Native narrative developments. Native "autobiographical" narratives are compatible with certain elements of Western autobiography. However, they do not contain the story of a complete life. Rather, selected stories and deeds of that life are related: "Indians had long told stories about their personal experiences: one thinks, again, of the coup tales and the hunting tales; but they did not tell their lives whole" (Brumble 1988:122). The autobiography of personal history, therefore, is not necessarily alienating to Native concepts of the self but, this time in agreement with Krupat, full of "oppositional potential" (1985:35). Due to these roots in Native modes of narration, the autobiographical genre, despite its origins in European individualism and a written tradition, allows appropriation and "transformation into private property" (Bakhtin 1981:293) by Native writers as a place of mediation and community, but also as a place to constitute difference.

With respect to Maria Campbell, the "oppositional potential" of autobiography lies first of all in the possibilities of subverting and reinterpreting a literary genre that is, according to deconstructionist theory, "exhausted," and secondly in finding one's own voice and identity in written discourse, "[i]nvoking the `natural', oral tradition of the Indian telling coup stories or tall tales" (Krupat 1985:42) of the West and other pre-literate "autobiographical" narratives[9] with their traditional Native conventions. The collaborative and collective aspects of traditionally "intertextual"[10] Native autobiography show that "[t]he role of culture in the construction of the person in autobiography is ordinarily concealed by the individualist assumptions that have shaped the writing of autobiography in the West since Rousseau; these foster a myth of the autonomous self as shaper of its story."[11]

In literary criticism, Métis writing has until recently been marginalized in much the same way as the autobiographical genre. There may be more important factors for the employment of autobiographical modes of expression by marginalized ethnic minorities, female writers and postcolonial literatures (the notion of autobiography as a means of defining a personal and national identity in order to fight oppression, for example), but ultimately this mixed and transgressive genre ought also to be perceived, similarly to the Métis (despite their own distinctive syncretic culture), as a "hybrid/half-breed" or go-between for fiction and historiography, oscillating between an un- or underdefined space, full of creative potential and freedom.

According to Paula Gunn Allen (1990:3), an eminent American Indian writer and critic, tribal literatures are ignored because they do not conform to the Western reader's purity of genre convention: "The dogmatism of the Western literary position has consequences that go well beyond the world of literature, which include the Western abhorrence of mixing races, classes, or genders [...]." Autobiography as a "resistant text" comes to stand "for a kind of freedom of form in both the literary and non-literary worlds"[12] which, like all genres according to Derrida, has lodged within its laws "a law of impurity or a principle of contamination" (1980:204): "Every text participates in one or several genres, there is no genreless text; there is always a genre and genres, yet such participation never amounts to belonging" (Ibid.:212), "genres pass into

each other" (Ibid.:223) and mix. This "principle of contamination" comes close to Bakhtin's principle of polyphony. Especially congenial to oppressed minorities, the autobiographical genre encompasses in Paul de Man's terms "the possible convergence of aesthetics and of history" (1979:919), a permanent potential "to shade off into neighboring or even incompatible genres" (Ibid.:920). In his words, autobiography ultimately "demonstrates in a striking way the impossibility of closure and of totalization (that is the impossibility of coming into being) of all textual systems made up of tropological substitutions" (Ibid.:922).

In *Halfbreed*, Maria Campbell seems to create a continuum between oral and written discursive forms, thereby destabilizing clear-cut boundaries and establishing a third space beyond binary oppositions. She recoups (sic!) oral forms such as the "personal-experience story," which reflects the particular way of knowing epistemological realities in order to establish inter-mediate forms of discourse. In relating a "personal-experience story" the narrator contributes not only to his/her social prestige, but, more importantly, to the prestige of his/her community (although not all Métis would wish to subscribe to certain aspects of Campbell's depiction of modern Métis existence):

> [T]he narrator sees himself or herself as proving that he or she possesses personal knowledge and the ability to achieve what the community requires; the narrator sees the audience as the motive for the action described (the members' continued well-being is the motive and reward for the action described); and the narrator sees the subject matter as an experience that has become part of the group's heritage (Allen 1983b:45).

For example, in an interview (Lutz 1991:42), Campbell maintains that she does not think of herself as a writer, but as a storyteller and as such "a community healer and teacher". Moreover, *Halfbreed* is a collective, as well as an individual narration. Campbell's employment of collective oral forms undercuts the one-sided individualistic and authoritative assumptions of traditional Western autobiography because "it's not my story I'm telling; it's the story of a people" (in Balan 1982:85).

However, in many cases of Native autobiography, the most striking deviation from the conventions of traditional Western autobiography is breaking the rule which Benvenuto Cellini mentioned explicitly in his *Vita* of 1588, namely not to write one's own life story before the age of forty. Campbell's autobiography was published when she was thirty-two years old and other Métis writers have written their life-story even much earlier.[13]

In the wake of the postmodern crisis of legitimization, when, in Lyotard's words, "The grand narrative has lost its credibility, regardless of what mode of unification it uses, regardless of whether it is a speculative narrative or a narrative of emancipation" (1984:37), the "minor" literary forms of folk culture, the anecdote (or, as it is called in French, "la petite histoire") and the folktale, are receiving renewed attention. To the Métis writer, the "mixed-blood," who is rejected as illegitimate and impure by non-Natives, these denigrated forms are easily available and close to the needs, tastes and lived experiences of his/her community (Jannetta 1994). In *Halfbreed*, the anecdote

as a "minor" form and the embodiment of "unofficial" local knowledge tentatively operates as a "cultural reterritorialization." It is the literary remnant of a (semi-) nomadic life-style and, at the same time, the potential seed of a future Métis renaissance in literature. Its employment serves as a marker of cultural identity or difference and as a sign of resistance. The anecdote defines a space for subversive humour[14] and introduces the dialogical dimension of laughter, "its indissoluble and essential relation to freedom" (Bakhtin 1984a:89) and empowerment, to discourse. In the guise of the oral anecdote, the minor and de-legitimized successfully intrudes on the major genres and thus decolonizes narratives.

The creation of orality in the written text also functions as a marker of difference. The anecdote as a specialized discourse associated with the periphery rather than the immobile centre signalizes and generates cultural difference. The individual autobiographical quest for identity turns out to be the revelation and recuperation of multiple voices and culturally disseminated identities. The healing power of oral literature, translated into written discourse, is represented by these enabling and collectively shared histories which validate the community's past and create cultural cohesion. Thus, one might well claim that Campbell's account is to a considerable extent "ghostwritten" by her ancestors, especially her Cree great-grandmother, Cheechum, and her spiritual beliefs. Both help her to achieve a non-Western "author/ity." The boundaries between the individual and collective voice intertwine and cannot be separated again. In Krupat's Bakhtinian terminology on Native American autobiography, *Halfbreed* depicts "dialogic models of the self" in which personal identity "is not constituted by the achievement of a distinctive, special voice that separates it from others, but, rather, by the achievement of a particular placement in relation to the many voices without which it could not exist" (1989:133). Beth Cuthand, a Saskatchewan Native woman, refers also to this spiritual communion, or dialogue, between the generations:

> Often when we are writing, it's not our words that are coming. The grandmothers and the grandfathers come and write through us. There have been instances where I've written a poem or a short story and looked at it after it was written and said to myself, "I don't quite understand this," and then it would take maybe five years to come to an understanding of the content.[15]

The act of writing and reading *Halfbreed* is reminiscent of the initiation rituals in "primitive" societies, in which the function of the communal ritual is "to merge individual identity with group identity so that the part represents the whole, the whole is embodied and personified in the part."[16] The non-Native reader, with his/her sensationalist expectations nurtured by conventional Western autobiography, who assumes that Campbell's text will offer unlimited insights into Métis culture and Campbell's down and out experiences, however, will only be partly satisfied. In the words of Thomas G. Couser (1988:77):

> [T]he assumption of a division between public and private selves, the assumption that Indian autobiography will be confessional, and that

the genre can afford the best insight into tribal culture — all these are disturbing preconceptions.

Linguistic pluralism was once an important part of traditional Métis identity. In the only passage of her autobiography relating to language, Campbell (1982:25) refers to the three main clans of the area, their linguistic distinctions and their specific role in Métis society. Firstly, there were the Arcands, who were half French, half Cree and well known for music-making at all the dances, "[t]hey spoke French mixed with a little Cree." Secondly, the St. Denys, Villeneuves, Morrisettes and Cadieux, small farmers who made all the home brew and "spoke more French than English or Cree." Thirdly:

> The Isbisters, Campbells, and Vandals were our family and were a real mixture of Scottish, French, Cree, English and Irish. We spoke a language completely different from the others. We were a combination of everything: hunters, trappers and ak-ee-top [pretend] farmers.

Maria Campbell's first language is Cree, but mirroring her multicultural ancestry, she speaks a "dialectal voice" at home consisting of "a broken mixture of French, English, Gaelic and Cree" (in Hillis 1988:49). In Campbell's narrative, however, there is a complete absence of the "dialectal voice" and also of the Cree language, apart from a small number of isolated terms. *Halfbreed*, therefore, seems to mirror the result of a far-reaching linguistic alienation.

Although Campbell accepts that "English is slowly becoming our language" (1985: Introduction), she knows that in order to feel at home in a language which does not serve merely basic communicative purposes any more, English has to be adapted to the needs and traditions of Métis experience as it is, in the words of the Métis historian Howard Adams, "basic to white supremacy and inferiorization" (1989:134). "The choice of language and the use to which language is put is central to a people's definition of themselves in relation to their natural and social environment, indeed in relation to the entire universe" (Ngugi 1987:4). In its new role as a Native (m)other-tongue, English has to become a means of communication as well as the carrier of a modern Native culture. The dominant role of English today effects a change of language paradigms which leads to a potentially alienating gulf between the Métis past and its founding texts in French and the present constitution of a Métis literature in Standard English.[17] Whereas Falcon, Dumont and Riel were mainly at home in French and some Indian languages, the present generation of Métis increasingly is monolingual English speaking. Campbell thus not only becomes an interpreter or cultural broker between whites and Natives but also between different regions and generations of Métis. Pragmatically, and in true Métis tradition of responding immediately and adequately to communicative needs,[18] Campbell thus employs the language and style most suited to reach a wide audience and to cross not only the culture gap between whites and Natives, but also between multilingual, rural traditional Métis and monolingual, urban Métis. Her audience consists both of the younger Métis generation, which has lost its ancestral tongues, as well as the white Others, which are addressed directly at the outset as "Your people" (1982:13).

Unable to continue writing after *Little Badger and the Fire Spirit* (1980), Maria Campbell realized that her English language writing "had no spirit in it," that the powerful language of the white "oppressor" was manipulating her. In *The Book of Jessica* (1989:73) Campbell, gives voice to the fear of being silenced by an inadequate knowledge of language:

> I'd feel the conqueror, the oppressor, making me use his language, and I knew I'd never use it as well as him and I'd feel so powerless, and think, "They stole everything, and now we can't just speak any more, the old language is almost gone and we don't know the new language well enough to help each other, heal each other...we're just hanging there in the middle."

This feeling of being torn apart by opposing language systems, their inherent world views and the hegemony of written discourse began for Maria with her first school day: "I was not allowed to speak Cree and I spoke very poor English. [...] At home I could not speak English because my parents and grandmother were very traditional. [...] The only time I could ever be myself was on the piece of land that separated me from school and family."[19] Eventually her attempts to connect to the love and the humour of her community, its past, dialect and oral tradition, and the voice of the land, "put[s] the Mother back in the language" (Lutz 1991:49). Her conviction of the necessity to keep close to the vernacular results in the creation of a new, written, hybrid language which is in no way subservient to English. Campbell (in Lutz 1991:48) refers to this hybrid language, which for her is the most effective tool of communication, as "broken" or "village English":

> I can't write in our language, because who would understand it? So I've ever been using the way that I spoke when I was at home rather than the way I speak today. And the way I spoke when I was at home was what linguists call "village English" — you know very broken English. It's very beautiful, but it took me a long time to realize that. Very lyrical, and I can express myself much better. I can also express my community better than I can in "good" English. It's more like oral tradition, and I am able to work as a storyteller with that.

Métis "mixed-blood" discourse is a mixed language of hybrid simultaneity. Its components are dialogically related to each other. They communicate with each other, but are also contaminated by each other, thereby leading to the displacement of the authority of one single language.

From the above evidence one can observe within Campbell's writings a move from stable language compartmentalization in *Halfbreed* (1973) and the introduction of some Cree vocabulary in her children's book *Little Badger and the Fire Spirit* (1980) to language convergence and hybridity in her more recent, with the exception of her co-authored book *Jessica* (1989) with Linda Griffith, still unpublished writing.[20]

Apart from her affiliation to a Native oral, pre-literate tradition of autobiography, Campbell's "collective autobiography" also constitutes an interface of multiple Native voices from the past and Western literary traditions: "I grew up on Shakespeare, Sir Walter Scott, and Longfellow" (13). Moreover, *Halfbreed* also co-incides with or participates in a Western "female

tradition" (Jelinek 1980) of the autobiographical genre and has important roots in Quaker introspection.

The "male autobiography"[21] likes to view the history of the self in terms of public life. (In this respect it seems to emulate some features of Native traditions.) It is an accumulation of success stories which tend to exclude the subject's closest friends and the family. The narrative is often linear, chronologically organized and stylistically unified. The "female autobiography," on the other hand, concentrates on the "dailiness" of the autobiographer's personal selves: family difficulties, close friends and people who influenced the writer. The "female autobiography" more often includes humorous anecdotes in order to camouflage feelings, to soften a crisis or to divert the reader. The multidimensionality of social roles can be highlighted in a collage of quoted letters, diary entries, portraits of people and vignettes, whereas the narrative tends to be organized in cyclical, repetitive and cumulative structures.

Considering that Maria Campbell is convinced that the orthodox Catholic Church was a major destructive force in her life (her vision seems to be based on a profound Native spiritualism and socialism, rather than on Christian notions of "brotherly" love), it does not come as a complete surprise that the idea of writing a "confessional" account came from another religious "dissenter," a Quaker friend. Western autobiography as a genre, and its topoi of life as journey and revelation, has its main origins in the travel account and religious introspection. Cynthia S. Pomerleau (1980:29), in her article "The Emergence of Women's Autobiography in England," pointed out the importance of Quakerism in the context of female equality and autobiography:

> The intrepid Quaker women preached and traveled extensively. They also wrote numerous autobiographies, a practice encouraged for all Quakers on the premise that since all are children of God, the experiences of even an ordinary person whose life has been touched by God can be profitable to others.

According to Campbell, her Quaker friend "told me at one time, `if things get so bad and you've nobody to talk to write yourself a letter'" (in Hillis 1988:44). Two thousand pages later this "letter" born out of "frustration and a lot of anger" (in Stott 1983:15) found in Jack McClelland a publisher who convinced Campbell of the importance of an edited version for the Métis community. Ever since, Maria Campbell has perceived her writing "as a tool in my work to try to educate people and to make it easier for other women who were still in those kinds of circumstances".

But Campbell's writing has also similar roots in her Cree background: "Cree narratives have had the traditional purpose and function of offering guidance, through the experience of what others have done and what the consequences were, for living one's own life competently and wisely." Campbell denies belonging to an esthetically-oriented Western notion of writing, stressing the healing, shamanistic character of her literary production: "I'm not really a writer. I'm not. I'm really a community worker. And my writing and all these things are what I need to heal my community with [...] to heal myself" (in Hillis 1988:46,56). Campbell constitutes herself as a Native storyteller with a

specific function: "I really don't know what that [a writer] is. I know what a storyteller is. A storyteller is a community healer and teacher" (Lutz 1991:42). With regard to her children's picture-storybook, *Little Badger and the Fire Spirit* (1980), an archetypal fire-quest legend framed by a contemporary Native-family story, Campbell is well aware of and exploits the prestige the written word has in both the white and the Native world of today in order to valorize "Indianness" and "Métism", and to create an alter/Native textual discourse with which her own people can identify. *Little Badger*, with its integration of Cree words, intends to initiate a dialogue between the generations and to lead to a proliferation of shared stories (Stott 1983:18). Similar to *Halfbreed* and *Little Badger*, Campbell sees her television documentary "Edmonton's Unwanted Women" as an attempt "to try and make change [...] not to be a filmmaker" and, in connection with a planned two-act play about a party of Native adolescents and its tragic outcome, she intends to involve the audience together with the actors in a workshop: "I don't want people to go away from the play feeling powerless. I want to energize and empower them before they leave the theatre [...]" (in Hillis 1988:60,62f.). For her, writing is an extension of her former community work as a social worker. Through empathy, it creates a community and is perceived to have a transformative power for white and Native readers alike:

> The act of empathy that arises in attempting to understand the reality of people sometimes very different from ourselves can be a transformative process. Such acts of empathy [...] help us to break down the barriers of ego and identity that give us the illusion of somehow standing separate and apart [...] (Langness and Frank 1988:154).

Notes

1. Métis literature represents a complex inter-reference of a multiplicity of cultural traditions. In addition to possessing a distinctive culture of their own, Métis writers also participate, for example, in European, (Pan-) Indian and, in the case of Métis women writers, in "female" traditions. Despite important differences between and within these groups, even within the Métis community [see, for example, Emma LaRocque in H. Lutz, *Contemporary Challenges* (1991:184)], and, in addition, taking into account that most contemporary Métis writers have access to academic critical discourse, it seems appropriate to refer to all of these traditions in evaluating Métis autobiography. This essay, due to the author's education and origin, provides a European perspective. It is a considerably extended and modified version of a paper given at the *Conference on Biographical Production*, Centre d'Etudes Canadiennes, Université Rennes 2 (France), 22-24 May 1995.
2. Maria Campbell (1982 [1973]), *Halfbreed* (Lincoln and London: University of Nebraska Press; 1st ed. Toronto: McClelland and Stewart). All further references are taken from this edition.
3. Dell Hymnes (1977), "Discovering Oral Performance and Measured Verse in American Indian Narrative," *New Literary History*, 8, pp.431-457, p.443; quoted in Krupat (1985), p.14.
4. George Gusdorf (1988), "Conditions and Limits of Autobiography," in James Olney (ed.), *Autobiography: Essays Theoretical and Critical*, pp.28-48; p.29.
5. Darrel Mandell (1976), "Unsettling the Colonel's Hash: `Fact' in Autobiography," *Modern Language Quarterly*, 37, p.121; quoted in Eakin (1985:19).
6. Louis R. Renza (1977), "The Veto of the Imagination: A Theory of Autobiography", *New Literary History*, Vol.9, No. 1, p.2; quoted in Arnold Krupat (1983:268 and 270, footnote 19).

7. John Bierhorst (1971), "Introduction" to *In the Trail of the Wind: American Indian Poems and Ritual Orations*, ed. J. Bierhorst (New York), pp.4-5; quoted in Krupat (1985:11).

8. See A. LaVonne Brown Ruoff (1986), "George Copway: Nineteenth-Century American-Indian Autobiographer," in Robert J. Payne (ed), *Auto/Biography Studies*. Multicultural American Autobiography Issue, 3 (2), pp.6-17; and Bertha D. Wong (1987), "Pre-literate Native American Autobiography: Forms of Personal Narrative," Special Issue *Ethnic Autobiography*, *Melus*, 14 (1), pp.17-32.

9. H.D. Brumble (1988:23-47) identifies six kinds of pre-literate "autobiographical" narratives: (1) the *coup tales* which function as the warrior's curriculum vitae and establish his place in society, (2) *informal* and more detailed autobiographical *tales of warfare and hunting*, expanding the coup tales, (3) the *self-examinations* similar to Christian confessions and accounting for all kinds of misfortunes, (4) the *self-vindications* to justify oneself, (5) *educational narratives*, and (6) the detailed *stories of the acquisition of power*, which might, according to Brumble, come closest to resembling modern autobiography in so far as these narratives often begin with early childhood memories. They too, however, lack the quest for self-knowledge so essential for Western autobiography.

10. See Paula Gunn Allen (1990:21): "Intertextuality, for Indians, is use of tradition."

11. Foreword by John Paul Eakin, in Arnold Krupat (1985), *For Those Who Come After*, pp.xxi-xxii.

12. Helen M. Buss (1986), "Canadian Women's Autobiography," p.163, referring to James M. Fox's article "Autobiography and Washington," *Sewanee Review* 85, 2 (1977), pp.236-61; p.239.

13. Other Métis who broke Cellini's rule are Lee Maracle (b. 1950) and James Tyman (b. 1963). Maracle, a Métis from British Columbia (or "Pacific Coast Halfbreed"), had her protest autobiography *Bobbi Lee: Indian Rebel — Struggle of a Native Canadian Woman* (Richmond, B.C.: LSM Information Centre; republished Toronto: Women's Press, 1990; foreword by Jeannette Armstrong) published in 1975. It is a hard-hitting, first-person account of her first twenty years in Vancouver and Toronto. At the age of 24, Tyman wrote his best-selling *Inside Out: An Autobiography by a Native Canadian* (Saskatoon, Sask.: Fifth House Publ., 1990 [1989]) in prison after a life of crime and self-destruction.

14. See Armando E. Jannetta, "Anecdotal Humour in Maria Campbell's *Halfbreed,*" forthcoming in *Journal of Canadian Studies / Revue d'études canadiennes*, Winter 1996.

15. Beth Cuthand, "Transmitting Our Identity as Indian Writers," in Dybinkowski, Ann (1985) (ed.), *In the Feminine*, p.53.

16. James Olney (1973), *Tell Me Africa: An Approach to African Literature* (Princeton: Princeton UP), p.67; cited in Paul Eakin (1985:200).

17. The linguistic continuum involving up to five languages and code-systems of varying importance among the Métis clans causes a considerable obstacle to the invention of a coherent Métis tradition in literature. In *The Invention of Tradition* (Cambridge: Cambridge UP), the historian Eric Hobsbawn (1983:1) defines "invented tradition" as:

    > a set of practices, normally governed by overtly or tacitly accepted rules
    > and of a ritual or symbolic nature, which seek to inculcate certain values
    > and norms of behaviour by repetition, which automatically implies
    > continuity with the past.

    The recent re-vision of Canadian history and the position of the Métis in it made the construction of a viable and proud past possible. History, therefore, is an important part in the formation of a Métis identity. In literary terms, however, the few French songs and ballads of the illiterate folk poet Pierre Falcon (1783-1876) and Louis Riel's selected *Poésies religieuses et politiques* (1886), posthumously published by his family to demonstrate his questioned loyalty to the Roman Catholic Church, could not provide such a reference to or continuity with the past to enable a future regeneration of the Métis nation.

18. Patrick Douaud's work on linguistic pluralism with the Mission Métis of Lac La Biche, Alberta, sheds further light on the apparent linguistic "conservatism" of *Halfbreed*. (Interestingly, the blind Indian boy who, in a mythical quest, brings fire to his people in *Little Badger and the Fire Spirit*, lives in Lac La Biche.) Talking mostly about the older generation, Douaud refers to a "total absence of any notion of prestige in the Métis code-switching process," due to the necessity of multilingual proficiency in the survival of erstwhile trappers and traders. Métis language is "not style-bound: it is simply a medium

which, like every item in the bushman's panoply, must be adaptable, tough, and unobstrusive" (1985).

19. Campbell in *Speaking Together* (1975), p.60.

20. According to Pemmican's latest announcements, Campbell's recent publication *The Road Allowance People* (Winnipeg: Pemmican, 1995) seems to be written in "broken" or "village English."

21. The following definition is based on E.C. Jelinek's article "Introduction: Women's Autobiography and the Male Tradition" (1980), pp.1-20. The terms "male" and "female autobiography" intend only to point out tendencies within the genre as made by E.C. Jelinek. These tendencies are not meant to be understood as biologically inherited patterns, but as reflections of social and political conditions.

Bibliography

ABBS, Peter (1983), "Autobiography: Quest for Identity," in *The New Pelican Guide to English Literature*; ed. by Boris Ford, Vol.8: *The Present* (Harmondsworth: Penguin), pp.509-522.

ADAMS, Howard (1989 [1975]), *Prison of Grass: Canada from a Native Point of View* (Saskatoon, Sask.: Fifth House Publishers; Revised and Updated).

ALLEN, Paula Gunn (1983a), "The Sacred Hoop: A Contemporary Perspective," in Paula Gunn Allen (ed.), *Studies in American Indian Literature: Critical Essays and Course Designs* (New York: The Modern Language Association of America), pp. 3-22.

———- (1983b) (ed.), *Studies in American Indian Literature: Critical Essays and Course Designs* (New York: The Modern Language Association, 1983).

———- (1986), *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press).

———- (1990 [1989]) (ed.), *Spider Woman's Granddaughters: Traditional Tales and Contemporary Writing by Native American Women* (London: The Women's Press; 1st ed. Boston: Beacon Press).

BAKHTIN, Michael (1981), *The Dialogic Imagination: Four Essays by Mikhail Bakhtin*. Edited by Michael Holquist (Austin: University of Texas Press).

———- (1984a [1965]), *Rabelais and His World*. Trans. Helene Iswolsky (Bloomington: Indiana UP).

———- (1984), *Problems of Dostoevsky's Poetics*. Edited and translated by Caryl Emerson (Minneapolis: University of Minnesota Press).

BALAN, Jars (1982), *Identifications: Ethnicity and the Writer in Canada* (Edmonton: Canadian Institute of Ukranian Studies).

BARTHES, Roland (1987), "The Death of the Author" (1968), in Peter Barry (ed.), *Issues in Contemporary Critical Theory* (London: Macmillan), pp.53-55.

BRUMBLE, David H. III (1988), *American Indian Autobiography* (Berkeley, Los Angeles, London: University of California Press).

CAMPBELL, Maria (1982 [1973]), *Halfbreed* (Lincoln and London: University of Nebraska Press; 1st ed. Toronto: McClelland & Stewart).

———- (1980), *Little Badger and the Fire Spirit*. Illus. by David Maclagan (Toronto: McClelland & Stewart).

COUSER, Thomas G. (1988), "*Black Elk Speaks with Forked Tongue*," in James Olney (ed.), *Studies of Autobiography* (New York, Oxford: Oxford UP), pp.73-88.

DELEUZE, Gilles and Félix Guattari (1986 [1975]), *Kafka: Toward a Minor Literature*. Trans. Dana Polan. Foreword by Réda Bensmaia (Minneapolis: Univ. of Minnesota Press).

DE MAN, Paul (1979), "Autobiography as De-facement," *MLN*, Vol.94, pp.919-930.

DERRIDA, Jacques (1976 [1967]), *Of Grammatology*. Trans. Gayatri Chakravorty Spivak (Baltimore, London: The Johns Hopkins UP, 1976).

———- (1980), "The Law of Genre," *Glyph* (7), pp.202-232.

DOUAND, Patrick C. (1985), *Ethnolinguistic Profile of the Canadian Métis* (Ottawa: National Museums of Canada; Canadian Ethnology Service Paper No.99).

DURIX, Carole (1988), "Literary Autobiography or Autobiographical Literature?: The Work of Sylvia Ashton-Warner," *ARIEL*, Vol.18, No.2, pp.3-12.

DYBINKOWSKI, Ann, Victoria Freeman, Daphne Marlatt *et alii* (1985) (eds.), *In the Feminine: Women and Words/les femmes et les mots. Conference Proceedings 1983*. (Edmonton: Longspoon).

EAKIN, Paul Thomas (1985), *Fictions in Autobiography: Studies in the Art of Self-Invention* (Princeton: Princeton UP).

GRIFFITH, Linda, Maria Campbell (1989), *The Book of Jessica: A Theatrical Transformation* (Coach House Press).

HILLIS, Doris (1988), *Plainspeaking: Interviews with Saskatchewan Writers* (Regina, Sask.: Cocteau).

JANNETTA, Armando E. (1994), "`Travels through forbidden geography': Métis Trappers and Traders Louis Goulet and Ted Trindell," in *ARIEL: A Review of International English Literature*, Vol.25, No.3, pp.59-74.

JELINEK, Estelle C. (1980), "Introduction: Women's Autobiography and the Male Tradition," in Estelle C. Jelinek (ed.), *Women's Autobiography: Essays in Criticism* (London, Bloomington: Indiana UP), pp.1-20.

KRUPAT, Arnold (1983), "The Indian Autobiography: Origins, Type, and Function," in Brian Swann (ed.), *Smoothing the Ground: Essays on Native Oral Literature* (Berkeley, Los Angeles, London: Univ. of California Press), pp.261-282.

———- (1985), *For Those Who Come After: A Study of Native American Autobiography.* Foreword by Paul John Eakin (Berkeley, Los Angeles, Oxford: Univ. of California Press).

LANGNESS, Lewis L. and Gelya Frank (1988 [1981]), *Lives: An Anthropological Approach to Biography* (Novato, Cal.: Chandler & Sharp).

LUTZ, Hartmut (1991), *Contemporary Challenges: Conversations with Canadian Native Authors* (Saskatoon, Sask.: Fifth House Publishers).

LYOTARD, Jean-François (1984), *The Post-Modern Condition: A Report on Knowledge* (Minnesota: Univ. of Minnesota Press).

NGUGI, wa Thiong'o (1987 [1986]), *Decolonising the Mind: The Politics of Language in African Literature* (London: James Currey).

OLNEY, James (1988)(ed.), *Studies in Autobiography* (New York, London: Oxford UP).

POMERLEAU, Cynthia S. (1980), "The Emergence of Women's Autobiography in England", in Estelle C. Jelinek (ed.), *Women's Autobiography: Essays in Criticism* (London, Bloomington: Indiana UP), pp.21-38.

SPEAKING TOGETHER: Canada's Native Women (Ottawa: Secretary of State Publication, 1975).

STOTT, Jon C. (1983), "A Conversation with Maria Campbell," *Canadian Children's Literature*, Vol. 31/32, pp.15-2.

Sylvie Berbaum

Spiritualité et musique chez les Ojibwa

Résumé

Les phénomènes musicaux qui se présentent dans la culture ojibwa se développent symboliquement, essentiellement dans l'ordre du sacré. L`étude qui en a résulté fait alors se rencontrer dans le terme d'ethnomusicologie, anthropologie religieuse et musicologie. Les paramètres musicaux contenus dans différents secteurs de la mythologie ojibwa ont permis de dégager l'existence de trois ordres musicaux, celui du hochet, du chant et du tambour. Les deux derniers ont été intégrés à des ensembles sémantiques distincts qui organisent la tension entre l'âme et le corps, envisagée surtout sous l'angle du chamanisme. Cette distance se manifeste musicalement dans la présence de tempi différents, ou d'un «rubato» très marqué, au moment de la pratique des chants de powwow, qui donnent au chant et au tambour des temporalités distinctes1.

Abstract

The musical phenomena inherent in the Ojibwa culture evolve symbolically, primarily in a spiritual sense. The resulting study combines religious anthropology and musicology under the term "ethnomusicology." In this article the musical parameters contained in various sectors of Ojibwa mythology reveal the existence of three types of music: rattle, song and drum. The latter two have been incorporated into separate semantic units reflecting the tension between soul and body, particularly viewed from a shamanistic angle. Musically, this division is evident in the use of different tempi, or in the very pronounced "rubato" apparent in pow-wow songs, which invest song and drum music with different temporal qualities.

Comme plusieurs cultures de tradition orale, la culture ojibwa-anishinabe ne possède pas de vocabulaire théorique concernant la musique. La langue ojibwa ne présente d'ailleurs aucun mot pour exprimer l'idée de musique. Dans de semblables situations, la tâche de l'ethnomusicologue consiste alors à trouver quel référent conceptuel organise le discours sur le musical sonore, dans un quelconque autre secteur culturel. Ce sont des musiciens ojibwa qui nous offre une piste en précisant que pour comprendre leur musique, il fallait étudier leur spiritualité. Apparaissait d'emblée la dialectique du visible et de l'invisible, omniprésente dans la culture anishinabe.

L'expérience du sacré est essentiellement individuelle pour les Anishinabe et trouve sa source dans l'obtention de rêves et de visions. Lorsque l'on demande pourquoi tel chant, ou tel tambour, est utilisé dans telle situation, la réponse obtenue dans la quasi totalité des cas est «parce que j'ai rêvé que je devais l'utiliser comme ça». Il est possible, toutefois, de dégager deux grandes

traditions au sein desquelles prend place cette activité onirique : une tradition que l'on peut ranger grossièrement sous l'étiquette de «chamanisme»[2], qui cohabite avec celle du Midewiwin[3]. La première, la plus ancienne, correspond à ce que Hultkrantz nomme le modèle des chasseurs (*Hunting pattern*, 1987 : 14); la deuxième tradition appartient à celle des cultivateurs (*Horticultural pattern*, ibid.). Le Midewiwin fait partie de ce que Mircea Eliade appelle des sociétés à mystère (1968 : 252-253); il précise que la distinction entre les activités spirituelles des profanes, des chamans et des membres de la société du Midewiwin est floue, toutes se rattachant, du point de vue de l'idéologie, à la grande tradition chamanique.

La difficulté à établir la distinction entre monde «profane», chamanisme et Midewiwin en ce qui concerne les activités des aînés se retrouvent lorsqu'il s'agit de déterminer quelle est la tradition sous-jacente dans le discours sur la musique. Malgré le statut de société secrète que le Midewiwin conserve au sein de la société ojibwa, les informations rassemblées durant le travail sur le terrain ont pris sens dans une très large mesure dans le cadre du système de pensée conservé par cette société.

Si la spiritualité *se vit* dans des pratiques cérémonielles et rituelles, les concepts qui ordonnent ces pratiques *se disent* dans les mythes vehiculés par la tradition orale. Cette affirmation se fonde sur une conception qui considère les mythes comme étant des textes sacrés. Cette conception a été illustrée en ethnologie par Tylor, Frazer et Lévy-Bruhl, qui ont tenté de définir la pensée magique à la fin du XIXe siècle et au début du XXe siècle, et développée depuis les années 1950 par M. Eliade et les études sur la mythologie dogon de M. Griaule et G. Dieterlen.

> Pour Mircea Eliade, les mythes ne sont pas des récits fantastiques fondés sur une vision fausse du monde : ils répondent à des interrogations universelles et fondamentales. Les histoires qu'ils racontent décrivent l'irruption du sacré dans le monde, tout comme *la Genèse* ou les récits miraculeux des *Évangiles* (Journet, 1995 : 21).

Les éléments qui ont permis de dégager les concepts organisant le discours sur la musique ont été puisés dans la mythologie ojibwa telle qu'elle est véhiculée par la tradition orale et par celle qui est transmise au sein de la société du Midewiwin. Il suffisait de suivre la recommandation ojibwa de chercher la compréhension de la musique dans l'ordre du spirituel.

Selon Nicolas Journet, les principales critiques adressées à cette conception sont généralement de deux ordres : d'abord, quant au «fait que les mythes [...] puissent conditionner la totalité du champ du savoir. [...] Le deuxième point de la critique porte sur le contenu dogmatique du contenu des mythes» (1995 : 21). Ces critiques ne concernent pas la présente étude, dans la mesure où elle n'envisage pas les mythes comme présentant un ensemble de dogmes proposés à la croyance des membres de la culture concernée, mais comme témoins de modes d'organisation de la pensée et du savoir, sans rapport avec un phénomène de croyance. C'est une observation de ce type que propose Jean Pouillon, pour lequel, «chez les Dangaleat du Tchad, les "mauvais esprits" ou *margaï* ne font pas l'objet d'une croyance : ils sont un fait d'expérience, tout comme la chute des pierres ou le retour des saisons» (*in* Journet, 1995 : 23). De

plus, le type de pensée ou «d'expérience» (selon le terme de Jean Pouillon) auquel renvoient les mythes n'est effectivement pas partagé par tous les membres de la population ojibwa, même si je n'ai pu évaluer dans quelle proportion, ni selon quels groupes sociaux.

L'analyse proposée ici, a permis de mettre en lumière certaines «unités de pensée»[4] (ou associations de concepts ou d'images), dont on trouve des correspondances dans les cultures de l'antiquité européenne et orientale et qui font appartenir la tradition ojibwa à ce que D. Jourdan-Hemmerdinger appelle une tradition de pensée archaïque. Selon cette chercheure, il y a lieu, effectivement, de distinguer entre la pensée antique des philosophes grecs et la pensée archaïque. Ce qui est la pensée abstraite pour les premiers se présente comme une force créatrice dans la Grèce archaïque. En tant qu'ethnomusicologue, on peut observer que, pour qu'une pensée puisse organiser le matériau sonore, c'est à son stade de force créatrice qu'elle est envisagée, et non pas à son stade d'abstraction idéele.

La suite de cet article présentera les éléments de la mythologie du Midewiwin concernant la musique, tout d'abord à l'état «brut», puis proposera une analyse, au cours de laquelle ces éléments seront étayés par des données de la tradition ojibwa n'appartenant pas spécifiquement au Midewiwin. Cette analyse sera conduite selon trois ordres musicaux, celui du hochet, du chant et du tambour. Ces trois ordres musicaux permettront d'expliciter trois «énigmes» livrées durant le travail sur le terrain :

> «Le son de l'univers est statique; c'est le son qu'imite le hochet»
> «Les chants sont vivants, plus vivants que nous»
> «Le tambour est une personne»

Précisons également que, dans l'analyse qui suit, il ne s'agit pas d'observer le sens d'un hochet ou d'un tambour particulier, ni d'un corpus de chant spécifique, mais de tenter de cerner quels sont les concepts et notions auxquels fait appel la compréhension du hochet, du chant et du tambour en tant qu'images sacrées qui représentent trois modes de relation à l'invisible.

Éléments de la mythologie du Midewiwin concernant la musique

Les éléments rapportés ci-dessous sont extraits de l'ouvrage d'Edward Benton-Banai, *,The Mishomis Book* qui raconte toute l'histoire du peuple anishinabe telle qu'elle a été conservée par la tradition du Midewiwin. Des divergences de point de vue existent au sein de cette dernière, cependant, l'enseignement du *Mishomis Book* présente la structure mythologique la plus courante, selon l'analyse faite par Vecsey (1984), des 26 sources qu'il a trouvées au sujet des mythes d'origine du Mide.

La Création

> Au commencement, l'univers était vide. Seul un son remplissait ce vide. «Ce son était comme celui du *she-she-gwun* (le hochet)» (p.15).

> «La terre est considérée comme étant une femme. Ainsi, on comprend que la femme précéda l'homme sur la terre. Elle est appelée Terre-Mère» (p.2).

Toute chose existe dans l'ordre du physique et du spirituel.

«Le Créateur envoya sur la terre ses chanteurs sous la forme d'oiseaux pour porter les graines de vie dans les quatre directions. De cette façon, la vie fut répandue sur toute la terre» (p.2).

L'homme arrive en dernier sur la terre, après les roches, les plantes et les animaux.

L'homme parcourt la terre

Le premier homme, qui n'a pas de nom, est chargé par le Créateur de parcourir la terre et de tout *nommer*, plantes, animaux, eaux (rivières, fleuves, océans, lacs), parties du corps humain (visibles et invisibles). Il remarque l'existence des saisons, apprend l'usage des plantes et parle avec les animaux.

Il part à la recherche du feu et découvre le sentiment amoureux pour la fille du gardien du feu. Le feu qu'il obtient est celui dont le Créateur a fait le soleil, celui également qu'il a placé au cœur de la terre.

Le premier homme reçoit son nom : Anishinabe. Anishinabe apprend que sa mère habite à l'Est et son père à l'Ouest. Il part à la recherche de son père, mais renonce à son voyage vers l'Ouest en entendant le chant de la fille du gardien du feu qui l'attire vers l'Est. Ils se marient et ont quatre fils qui fondent la première humanité, en épousant les filles de chacun des gardiens des portes des quatre directions cardinales.

Le Déluge

À partir du déluge, le nom du premier homme change : Anishinabe s'appelle alors Waynaboozhoo.

Pour échapper au déluge, Waynaboozhoo s'installe sur un gigantesque tronc d'arbre. Il plonge pour essayer de rapporter de la terre du fond de l'eau, et ainsi recréer un espace sur lequel tous puissent habiter, mais il échoue. Ce sont alors des animaux qui plongent. Tous échouent également, mais finalement, le rat musqué revient mort à la surface avec une petite boule de terre dans l'une de ses pattes.

Waynaboozhoo met cette terre sur le dos de la tortue. Les vents se mettent à souffler des quatre directions et le petit morceau de terre grandit peu à peu jusqu'à former une île. Durant la formation de l'île, Waynaboozhoo chante et les animaux dansent en cercle; les vents cessent de souffler et les eaux se calment.

Dans le nouvel espace post-diluvien

Le voyage de Waynaboozhoo :

Il voyage selon la course du soleil.

Il reçoit un enseignement de valeurs morales par des animaux qui représentent ces valeurs.

Il rencontre son frère qui décrit l'espace de la terre comme étant un espace quadruple. Ce frère lui apprend que tout être est à la fois ombre et lumière.

Il rencontre son père; un combat s'engage, qui a lieu dans le monde des forces de la nature (éclairs, tonnerre).

> À l'issue du combat, le père donne à Waynaboozhoo une pipe en terre rouge, entourée de sauge.

Durant le retour de ce voyage :

> Waynaboozhoo sent une pulsation dans l'univers des étoiles et se rend compte que cette même pulsation habite également son propre cœur.

> Un matin, il se réveille avec le chant des oiseaux qui reviennent de leur séjour d'hiver dans le Sud.

> Il apprend que les fraises, qui sont des «baies en forme de cœur» (*oday'-min*), sont de puissantes «médecines».

Malgré l'aide de Waynaboozhoo, le peuple post-diluvien a une vie difficile, ce qui nécessite l'intervention d'une nouvelle aide : celle des Sept Grands-Pères.

Le voyage du petit garçon chez les Sept Grands-Pères :

> Le monde des Sept Grands-Pères est celui des étoiles.

> Le petit garçon rencontre les Grands-Pères dans leur loge. Le premier lui montre un contenant recouvert d'un tissu rouge, noir, blanc et jaune, les quatre couleurs qui représentent le Sud, l'Ouest, le Nord et l'Est, ainsi que les quatre races humaines. Chaque Grand-Père fait un cadeau au jeune garçon en sortant du contenant une substance avec laquelle il touche le corps de celui-ci.

> L'espace de ce voyage est septuple (les Grands-Pères sont sept), c'est un monde de couleurs (l'espace du premier voyage était quadruple, et le frère de Waynaboozhoo avait défini l'être humain en termes d'ombre et de lumière)[5]; les dons des Grands-Pères sont également des valeurs morales, enseignées ici sous leur forme abstraite : la sagesse, l'amour, le respect, le courage, l'honnêteté, l'humilité et la vérité (durant le voyage de Waynaboozhoo, il n'était question que de rencontres avec des animaux; on sait par ailleurs que ces derniers sont les symboles des valeurs morales mentionnées ici).

> Durant le retour de ce voyage, le petit garçon trouve des coquillages qui «représentent le coquillage que le Créateur a utilisé pour envoyer son souffle sur les quatre éléments sacrés et donner vie à l'Homme originel» (p. 65). La loutre, qui accompagne le petit garçon, donne quatre nouvelles directions sacrées pour organiser le monde.

> À son retour, le petit garçon, qui est devenu un vieillard, donne la Quête de la Vision[6] à son peuple.

Le tambour d'eau de la première cérémonie de Midewiwin

Une fois la loge de Midewiwin construite, le vieil homme se rend compte qu'il manque quelque chose d'essentiel. Regardant vers l'Est au moment du coucher du soleil, le vieillard voit s'approcher une sorte d'arbre gigantesque qui se transforme en un contenant identique à celui duquel les Sept Grands-Pères ont extrait leurs dons pour le petit garçon qu'il était alors. Le vieillard construit le premier tambour d'eau d'après cette image. Le corps de bois du tambour représente le monde végétal, la peau (provenant du cerf), celui des animaux à quatre pattes. Cette peau confère paix et gentillesse au tambour d'eau; elle est fixée grâce à un cercle qui représente celui dans lequel se meut

toute chose naturelle. Ce cercle représente également les saisons de la terre et le lien sacré entre l'homme et la femme. La peau est aussi parfois attachée en liant sept petites pierres rondes dans celle-ci. Ces pierres représentent les sept enseignements originels donnés au petit garçon. La partie de la peau de cerf qui dépasse en dessous du cercle ou des petites pierres représente les cheveux du tambour.

Analyse : mythes et musique

Le hochet

Au commencement de toute chose se situe un son. Le son du hochet appartient à un monde incréé, un monde dans lequel ne s'est pas encore manifestée toute la dynamique de la création. C'est ce monde dont parle un musicien-peintre de renom de l'île Manitoulin : «Le son de l'univers est statique, c'est le son du hochet» (Octobre 1991). C'est pour recevoir ce son que la loge du Midewiwin n'avait pas de toit fermé : «The lodge was open at the top, free to receive life, light, and the sound of the whole world and the universe» (Johnston, 1976 : 85). Au cours des étapes de la création, ce son révélera sa composition et son fonctionnement, ce dont il est fait et comment il agit.

Johnston nous dit à propos du hochet : «[...] rattles were shaken to dispel the spirit of suffering and ill health» (1976 : 84). Ici, le hochet est comparé au tambour qui a une fonction de rassemblement : «Drums were sounded in the ceremony to summon the spirit of well being» (ibid.). Le hochet «dissipe» les mauvais esprits, le tambour «rassemble» les bons esprits. On pourrait dire aussi que le hochet a une fonction «excarnante» et le tambour «incarnante» (on verra plus loin le très fort rapport entre le tambour et la terre). Fonction «excarnante» à l'endroit des mauvais esprits, de par son lien avec l'origine, le son du hochet rappelle l'Un premier et renvoie à la source, à un commencement sans maladies et sans mauvais esprits. Il est, par excellence, la présence sonore des situations thérapeutiques[7].

Le chant

Chant, air et âme

Avec l'activité du Créateur, le son se manifeste par l'image des oiseaux. Le son perd son unicité, les oiseaux sont nombreux, Benton-Banai parle de chanteurs au pluriel. Dans la version de la création donnée par Basil Johnston, le Créateur donne certaines propriétés à chacun des quatre éléments :

> To the sun, Kitche Manitou gave the powers of light and heat. To the earth he gave growth and healing; to waters purity and renewal; *to the wind music and the breath of life itself* (je souligne) (1976 : 12).

L'image des oiseaux est explicitée ici par celle du vent. Les oiseaux constituent des formes de chants en tant qu'animaux de l'air. Il ne s'agit pas d'un air statique, mais du vent et un vent auquel est donné également le souffle de vie. Selon Benton-Banai, les oiseaux étaient allés «porter les graines de vie dans les quatre directions». La musique chantée vit donc dans l'air et est, elle-même, porteuse de vie. Un des doyens de la nation ojibwa-anishinabe (décédé au

printemps 1994), déclarait en octobre 1991 : «les chants sont vivants, plus vivants que nous».

La fin du voyage de Waynaboozhoo nous donne une indication supplémentaire sur les oiseaux : ils sont présentés comme marqueurs du temps (les changements de saisons) et de l'espace (ils viennent du sud).

Le chant marqueur du temps (saisons, vie et mort) :

Le mythe de l'oiseau plongeur (*the diver*) met en scène ce lien avec le changement de saison. À force de chanter l'oiseau arrive à vaincre l'hiver et à faire revenir l'été. Le récit dit que *Bebon* (l'esprit de l'hiver, qui possède une force terrible, cause des maladies et cherche à faire peur à toutes les créatures) est défié par *Shingibis*, l'oiseau plongeur, qui ne change en rien son mode de vie en présence de l'hiver. Plus *Bebon* est terrifiant, plus *Shingibis* s'active et chante. Finalement, *Bebon*, qui a épuisé tous ses pouvoirs, se retire vers le nord[8].

L'activité particulière de l'oiseau *Shingibis*, il est plongeur, et le résultat de son activité, le changement de saison, placent le chant dans le contexte d'un dualisme général du monde; dualisme entre le dessus et le dessous, entre l'hiver et l'été. Par cette transformation à laquelle il participe, le chant se voit accueilli dans la famille des médiateurs (autant dans le sens de «terme intermédiaire» entre deux états ou deux moments, que de «moyen» pour réaliser quelque chose). Le dualisme entre la Vie et la Mort se superpose à ce dualisme des saisons, d'une façon tout à fait prévisible, étant donné le caractère vivant des chants.

C'est autour du mot désignant la voie lactée en ojibwa, qu'une indication particulièrement importante nous est donnée au sujet des oiseaux. La voie lactée, rapporte Speck, se dit *Bine'si.wi.mi'k'an* et signifie le «chemin des oiseaux» (*birds'path*, 1915 : 79); il ajoute : «la voie lactée est considérée comme étant le guide des oiseaux dans leurs migrations printanière et automnale» (ibid.). Mais une autre source donne pour «voie lactée», le sens de «chemin des âmes après la mort» (Johnston, 1976 : 103). Il s'agit du titre d'un mythe qui raconte le voyage au pays des morts réalisé par un jeune homme qui souhaite revoir une dernière fois la jeune femme dont il est épris et qui est décédée avant leur mariage. Il est à noter ici la dimension chamanique de cette association entre l'âme et les oiseaux d'après Eliade, le chaman arborant un costume dont les plumes lui confèrent le pouvoir d'effectuer son «vol magique» (1968 : 152-153).

Cette association entre l'âme et les oiseaux apparaît dans un autre type de mythe, qui met en scène la transformation d'un personnage qui jeûne.

> Forever-Bird began fasting by small degrees and at an early age. In time he was able to go four days at a strech. Then he began to gain insight into the mysteries. After he could fast eight days, he began to learn of things still more profound. By fasting he gained the knowledge that was of help to him in afterlife (Jones, 1916 : 385).

> A man urged his son to fast too much, and the boy was transformed into a robin[9]. By his song he now forebodes future events.

A man urged his son to fast too long, and the boy was changed into a bird.

Forever-Bird fasted till he was able to go eight days without eating. Fasting up to that point, he was given knowledge of all things on earth, in the sea, and up in the sky. He was taught to soothsay. He had a vison of long life, and a vision of his chieftainship» (ibid. : 388).

(La transformation peut aussi conduire à une forme de bison; la notion d'âme revêt alors une forme plus personnelle, le bison étant certainement l'animal tutélaire du «jeûneur».)

Le dernier de ces mythes renvoie à l'image du plongeur, par l'évocation d'une capacité de faire le lien entre le dessous et le dessus. Mais, de plus, la mise en scène explicite des divers étages du monde (la mer, la terre et le ciel) fait apparaître l'image de l'axe cosmique et donc de l'activité qui permet d'y avoir accès, à savoir l'activité chamanique. La famille des médiateurs (qui sont ici explicitement chamaniques), mentionné plus haut, se voit ainsi attribuer le jeûne parmi ses membres.

Par le réseau sémantique auquel il appartient, le chant se définit donc de la façon suivante : le chant est oiseau-âme vivant et outil de médiation chamanique, s'apparentant par ce dernier aspect au jeûne et à la danse (cette dernière apparaît par le sens que l'on peut donner à l'activité débordante du plongeur). En outre, au travers de l'association entre l'oiseau et l'âme, on peut dire que, pour les Ojibwa, l'âme est en elle-même fondamentalement musicale[10].

Nous pouvons ainsi comprendre que, souvent, le don d'un chant aille de paire avec l'attribution d'un nom. Pour les Ojibwa, chaque personne détient un chant (connu ou non). Un chant de ce type, qui est en quelque sorte une «carte d'identité sonore», ne saurait en aucun cas être utilisé par un autre, à moins d'une indication spéciale. Dans ce sens, un chant est une possession, plus «réelle» qu'une voiture ou un cheval.

Le chant marqueur d'espace :

Le chant organise la spacialisation. Le chant de la fille du gardien du feu guide Anishinabe vers l'Est pour la rejoindre. Mais il se pourrait que la dimension spatiale ne soit pas ici la plus importante. Effectivement, cet épisode introduisant la question des rapports entre hommes et femmes, laisse percevoir une extension du chant à l'activité de cours qui nous conduirait à introduire les éléments concernant la flûte (ce qui ne sera pas le cas dans le présent article).

Le tambour

Métaphore de l'axe et du centre

L'arbre et la terre

Par le moyen d'une vision, le tambour est donné au vieil homme qu'est devenu le petit garçon lors de son voyage chez les Sept Grands-Pères. Au cours de celle-ci un arbre gigantesque avance vers le vieil homme et se transforme en tambour d'eau. L'arbre, image par excellence de l'axe cosmique, du Centre du Monde, est aussi appelé arbre sacré, ou arbre de vie. Cette association du

tambour avec l'arbre cosmique est typiquement chamanique. Eliade en parle dans les termes suivants :

> [...] plusieurs des rêves initiatiques de futurs chamans comportaient un voyage au «Centre du Monde», au siège de l'Arbre cosmique et du Seigneur Universel. C'est d'une des branches de cet arbre, que le Seigneur laisse tomber à cet effet, que le chaman façonne la caisse de son tambour (1968 : 145).

Il précise plus loin, au sujet du monde que parcourt le chaman : «Les légendes des Yakoutes racontent longuement comment le chaman vole avec son tambour à travers les sept cieux» (ibid. : 149). On se rappelle la structure également septuple du monde dans lequel voyage le petit garçon. Parmi les caractéristiques chamaniques du tambour d'eau, retenons encore qu'il est recouvert de la peau d'un cerf. À ce propos, Eliade rapporte que «dans certaines tribus mongoles, le tambour chamanique est appelé cerf noir» (ibid.).

Le lien entre l'arbre et le tambour est exprimé dans un mythe que rapporte Ruth Landes (celui-ci comporte également les éléments du mythe d'origine de l'organisation des degrés du Midewiwin), concernant la «fabrication du tambour» (1968 : 104) :

> Now he turns [a number up to four varying with the grade]. Then at the site in the middle of Earth he crawled out [in his first large drum-appearance]. The Spirits talked low : «I'd guess the Indian will not be able to handle it easily». Then he spun around [to make the drum small, upon manito advice; the number of times corresponds with the grade]. Then one [drum] sliver our Grandfather [Bear] took. Then far, far above [from the bottom layer of Earth to the top, fourth layer of Sky] he [the drum man] streched himself, so that he reached the Sky. Halfway up the Sky he spread four limbs [now the sliver had turned into a tree, Grandmother Cedar]. To the end of the Sky he spread his four limbs. Four [or any lesser number corresponding to the grade] holes did our Grandfather [Bear] make [through the drum] and said, «Here is where the Indian will state his wants». Four [or lesser number] times, he [the drum] streched his legs [now, roots] to the ends of Earth : «From here [i.e., universally] they will attend to the Indian's wants» (ibid.).

L'image de l'axe est présente par l'arbre, mais également par le mouvement que fait l'homme tambour; celui-ci s'étire et traverse les différents «étages» qui constituent la terre et le ciel, il parcourt ainsi les degrés de «l'échelle» du monde, autre image chamanique par excellence («Une ascension céleste par escalade cérémonielle faisait probablement partie de l'initiation orphique», «On a rencontré d'innombrables exemples d'ascensions chamaniques au ciel par le truchement d'une échelle» — Eliade, 1968 : 378-79). Dans un mythe rapporté par Johnston (1976 : 103), qui présente le scénario d'une descente aux Enfers orphique, le jeune homme qui fait le voyage au pays des âmes s'appelle Geezhig, ce qui veut dire «le Cèdre». Qu'un homme-cèdre apparaisse dans le récit de R. Landes précise la nature de la transformation qui s'opère au sujet du tambour. Geezhig, par son voyage au pays des morts, fait le lien entre la vie et la mort. Le tambour possède donc une capacité de médiateur entre vie et mort,

et, partant, il maîtrise ces deux états, d'où son rôle central dans les cérémonies de guérison[11].

Notons aussi la forte relation du tambour avec la terre.

L'homme-tambour du mythe rapporté par Landes émerge du centre de la terre. Par ailleurs, le lien du tambour avec la terre est indiqué par la participation des animaux à sa fabrication. Effectivement, la classification animale ojibwa distingue entre les volatiles du ciel et les animaux de la terre (Landes, 1968 : 90-91). Ceux qui interviennent dans la composition du tambour sont des animaux de la terre. Il s'agit du cerf ou de la loutre pour la peau, et du serpent pour le cercle servant à fixer celle-ci. (Landes, ibid. : 101-102; Benton-Banai, 1988 : 70). En ce qui concerne la baguette du tambour, par contre, ce sont le huard ou la grue, qui interviennent.

Les éléments du tambour qui sont mis en exergue sont la peau, la baguette et le cercle. À propos des deux derniers éléments, quelques données à titre d'orientation de recherche sont :

> Durant le chant à tambour inuit, le musicien qui joue du tambour ne frappe que le cercle du tambour (son cadre en bois) avec sa baguette.

> Dans l'épopée de Gilgames, cette légende sumérienne du XVIIIe siècle av. J.C., le cercle et la baguette sont mentionnés comme étant des insignes de pouvoir du roi Gilgames (le huard et la grue desquels apparaît la baguette de tambour sont les symboles des clans anishinabe chargés d'exercer les fonctions de dirigeants, Benton-Banai, 1988 : 75); ces insignes tombent en Enfer, ce qui oblige son compagnon à y effectuer un voyage. D'une façon d'ailleurs assez frappante, l'enchaînement des événements qui conduisent à la fabrication de ces insignes montre une similitude avec tout le contexte chamanique qui apparaît dans la mythologie du Midewiwin. Jean Bottéro, dans sa présentation de l'épopée de Gilgames, nous dit en parlant d'un arbre, un huluppu :

>> Déraciné par le vent du sud[12], la déesse Inanna l'avait recueilli et transplanté dans son jardin, espérant en utiliser plus tard le bois pour s'en faire un siège et un lit. Mais un redoutable Serpent s'était niché entre ses racines; un Aigle géant à sa cime, et une maléfique Démone[13] entre eux. Inanna avait vainement recouru, pour les déloger, à Utu, le dieu du Soleil, «son frère». Appelé au secours, Gilgames, à qui, pour l'amadouer, Inanna donnait pareillement du «frère», avait coupé l'arbre, tué le Serpent, chassé l'Aigle à la montagne, et la Diablesse au désert, avant de remettre à Inanna le bois du *huluppu*. Reconnaissante, elle lui en avait aussitôt cédé de quoi se confectionner *un Cerceau et une Baguette* (je souligne), lesquels semblent avoir joué, dans l'imaginaire local, le rôle d'emblèmes et talismans du pouvoir souverain. Sur quoi, le roi d'Uruk s'était mis à – ou peut-être avait continué de – tyranniser ses sujets. Sur leur plainte, Baguette et Cerceau étaient tombés en Enfer, sans que Gilgames parvînt à les y repêcher. Enkidu, encore son «serviteur», s'était offert à les aller reprendre [...] (1992 : 31-32).

> Un musicien de la réserve de Wabigoon a présenté les quatre chants de son tambour, et parmi eux se trouvait un chant qu'il a indiqué comme étant celui pour le tour du tambour, en faisant un geste de la main qui suivait la circonférence de l'instrument (Wabigoon, 3-IX-1992, 3e chant).

> Enfin, Eliade parle d'une cérémonie de «l'animation du tambour», au cours de laquelle, lorsque le chaman arrose son tambour avec de la bière, le cerceau s'anime et «par le truchement du chaman, raconte comment il a été coupé, apporté dans le village, etc.» (1968 : 146)

Notons surtout, en ce qui concerne le lien du tambour et de la terre, que la façon systématique d'entendre décrire le tambour, de la part de tous les musiciens, consiste à dire que cet instrument est «le battement de cœur de la Terre-Mère» («the heart beat of Mother Earth»). C'est ici le rappel constant de la terre et de la féminité, mais de plus apparaît la métaphore du cœur. «Le tambour, c'est le cœur de la terre; quand on touche la terre, on peut le sentir. [...] Si le tambour s'arrête, la vie s'arrête» (Wabigoon, 3-IX-93).

Le feu et le cœur

Durant son séjour chez sa Grand-Mère, le premier homme part à la quête du feu. C'est au moment de cette quête que se produit la découverte du sentiment amoureux, donc de l'existence en l'homme d'un lieu d'émotions, découverte du cœur. Le gardien du feu précise que ce feu est celui du soleil et que le même feu se trouve également au cœur de la terre. Dès la présentation de la généalogie de la terre, le soleil est masculin et la terre, féminine. On pourrait parler ici d'une connotation sexuelle associée au feu; on ne ferait ainsi que rejoindre Eliade, lorsqu'il constate que la majorité des mythes sur l'origine du feu «mettent en vedette l'activité sexuelle» (1976 : I : 37).

Mais ce caractère proprement sexuel ne semble pas être le plus important. Le feu constitue un élément qui se manifeste en trois endroits : le soleil, le cœur de l'homme et la terre. On voit ainsi se dessiner un axe, le feu étant ce qui est commun, ce qui relie l'un à l'autre, le ciel et la terre, en passant par le cœur de l'homme; par cette image de l'axe, le feu prend également la place d'un *centre*. Cette communauté cosmique est exprimée par Waynaboozhoo durant son retour de voyage, lorsqu'il ressent que son cœur bat à l'unisson du rythme de l'univers.

La métaphore du cœur est prééminente en ce qui concerne le tambour et se manifeste d'une façon particulièrement riche :

> La définition du tambour comme rapportée plus haut est celle qui est appliquée au tambour de powwow. Mais le Midewiwin a sa propre façon de montrer le lien du cœur avec le tambour. Lorsque la tente de sudation (*sweat lodge*) des cérémonies de Midewiwin est décrite selon la métaphore de l'ours, la tente de sudation devient elle-même le corps de l'ours, l'armature en constitue les pattes arrières, la baguette de tambour les pattes avant (Landes, 1968 : 122-23). De plus, les paroles d'un chant de Midewiwin rapporté par Reagan sont les suivantes : «The little medecine bag is the bear's foot; the little medicine *drum is the bear's heart*» (je souligne) (1912 : 42). S'il y a une relation d'influence, de cette association entre le cœur et le tambour au sein du Midewiwin, sur le discours «populaire» des musiciens de powwow, aucun élément d'analyse semble exister, d'autant plus que s'opère ici, le passage de l'ours à la terre. Il suffit donc de proposer cette homogénéité de pensée comme une constatation.

> Le mot ojibwa qui sert à désigner le tambour de powwow est *dewe'igan*. La traduction de ce terme pourrait être «copie du cœur» (*ode* est le cœur).

Le cœur devient une métaphore qui s'inscrirait jusque dans le langage. Interrogé à propos de cette traduction, un conseiller linguistique a donné la réponse suivante : «Du point de vue linguistique ce n'est pas une traduction juste, mais on peut le comprendre comme cela» (Wabigoon, septembre 1993).

Une interprétation de la définition du tambour en tant que «battement de cœur de la Terre-Mère» s'effectue également dans le cadre des relations humaines. Le battement du tambour rappelle le battement de cœur de la mère, et lorsqu'un enfant qui pleure entend le tambour, il se calme tout de suite.

Il faut retenir d'une manière générale que cette métaphore du cœur définit le tambour comme un élément appartenant au domaine du vivant, rappelant cette même notion d'un sonore vivant présentée plus haut au sujet du chant. De même que le Créateur a soufflé sur les éléments au travers d'un coquillage Megis pour créer l'homme, le chaman souffle dans le tambour par un trou effectué dans la caisse du tambour; le musicien chargé de lier la peau sur le corps du tambour peut également souffler sur un coquillage Megis qu'il dépose dans le tambour.

Le rapport temporel entre le chant et le tambour

De même que le chant était lié à l'élément air dont la vie se montrait au travers de l'image de l'oiseau-âme, le tambour est lié à l'élément terre et est vivant par la métaphore du cœur-corps. C'est-à-dire, lorsque l'on se place du point de vue de l'être humain : de même que le chant et l'oiseau constituent des métaphores de la vie de l'âme, le tambour et le cœur sont des métaphores de la vie du corps.

Deux ensembles symboliques distincts apparaissent alors, qui peuvent trouver un parallèle dans la présence de tempi différents entre le chant et le tambour. Effectivement, il est courant d'entendre des débuts de chants ou des séquences en cours de chant, durant lesquels les parties vocale et instrumentale suivent chacune leur chemin métronomique. (J'ai personnellement entendu des phénomènes de ce genre durant les powwow). F. Densmore, au début du siècle, donne généralement deux indications de tempo différentes dans ses transcriptions, l'une pour le chant, l'autre pour le tambour (1910, 1913); elle précise : «The drum appears to be an independent expression, as in a large majority of instances the metric unit of the drum is different from that of the voice» (1910 : 15).

En situant cette dualité entre le corps et l'âme dans le champ du chamanisme, on comprend qu'une transe chamanique nécessiterait deux composantes : d'une part, le chaman aurait besoin d'un élément qui le «retienne» à la terre et à son corps, d'autre part, il lui faudrait un élément qui favorise et supporte son voyage chamanique (ou son «vol» chamanique, comme l'appelle parfois Eliade). D'une manière théorique, le premier rôle serait alors tenu par le tambour et le second par le chant. Mais rien n'empêche que le chant soit remplacé par la prière, la concentration, la méditation, la danse ou par le son du tambour lui-même. On pourrait donc proposer comme hypothèse d'interprétation, que non seulement il n'est pas surprenant si le chant n'a pas exactement le même tempo que celui du tambour, mais cela pourrait même être

l'objectif, que le chant se «décolle» du tambour. En référence à un contexte chamanique, cette dualité sémantique permet alors d'interpréter la différence d'attitude vis-à-vis du chant et du tambour au moment de l'apprentissage. Effectivement, une très grande exigence apparaît pour la régularité de la battue du tempo, alors que plus de liberté est laissée pour la partie vocale, qui peut être apprise parfois au moment même de l'exécution du chant durant les powwow. Par ailleurs, lorsque les enfants apprennent à danser, on leur recommande d'écouter la battue du tambour avec laquelle ils doivent évoluer, et non la voix. Au moment des powwow, le Maître de Cérémonie remercie les chanteurs et les joueurs de tambours («Thank you singers, thank you drummers»), bien que ce soient les mêmes personnes qui remplissent simultanément ces deux rôles.

Il faut préciser cependant que cette interprétation semble perdre de son efficacité dès que l'on s'écarte de la technique chamanique proprement dite. Effectivement, si par l'intermédiaire de l'association âme/oiseau, le chant est mis en relation avec l'élément air, Johnston nous présente le vent comme étant porteur de musique en général, donc le tambour, dans sa dimension sonore, pourrait également être considéré comme fils du vent. De même pour le feu/cœur, on a vu que, s'il est légitime de l'associer particulièrement au tambour à cause de la métaphore du «battement de cœur», le chant est également un «indicateur d'amour» dans le chant de la fille du Gardien du feu. Ainsi, même si la pensée anishinabe distingue les constituants humains de corps et d'âme, distinction particulièrement nécessaire à la technique chamanique qui se fonde sur la maîtrise de cette dissociation, elle leur reconnaît en même temps une unité de nature, au travers des éléments qui leurs sont associés symboliquement en commun, ce qui rend possible du même fait la conception de leur cœxistence dans l'élaboration de l'individualité humaine. On peut donc s'attendre à ce que, en fonction du point de vue adopté, celui du chamanisme ou celui d'une observation plus générale de l'humain, le discours anishinabe présente différents modes de tension au sein de son réseau symbolique.

Ces dernières observations constituent l'objet même de cet article, à savoir l'analyse des liens entre des données conceptuelles et l'organisation de paramètres musicaux dans leur aspect de réalisation concrète. La mythologie ojibwa nous a montré une âme humaine sonore, de par l'assimilation de celle-ci au vent porteur de musique; le corps lui-même, voyant son essence exprimée par le cœur et le tambour, est présenté comme un corps sonore. En étudiant les éléments culturels liés à la spiritualité et en cherchant ainsi *où* et *comment* la musique est conceptualisée, on a finalement découvert *qui* conceptualise. Le but de passer par les signes et les significations n'est pas d'établir un modèle de communication sociale, mais de découvrir l'homme anishinabe, cet homme qui se trouve être intimement sonore. La question n'est donc pas tant de savoir quels concepts ou quelles images se traduisent par quelle musique, ou inversement, quelle musique renvoie à quels concepts, mais quels concepts et quelle musique indiquent la présence de quel être humain; en d'autres termes, l'objectif est de saisir quelle conscience ou quelles «qualités d'esprit» (celles-ci se manifestant particulièrement au cours de l'activité onirique) sont à l'œuvre dans le dire et le faire musical. On pourrait appeler l'étude de ces qualités d'esprit, une herméneutique du sacré.

Tambour et communication

La fonction communicante du tambour est évidente, de par l'association avec l'arbre. Sa relation avec le feu, en tant que battement de cœur, lui attribue également une telle capacité. Le gardien du feu précise au premier homme : «Tu peux utiliser ce feu pour communiquer avec le Créateur» (Benton-Banai, 1988 : 17).

Éloignons-nous un instant du tambour pour observer davantage la fonction communicante du cœur : cette place du cœur dans la communication se retrouve dans l'enseignement du Midewiwin. À propos d'un pictogramme représentant un personnage, Hoffman donne l'explication suivante :

> No. 5a, a Mide priest, the one who holds the migis while chanting the Mide song in the Mide wigan. He is inspired, as indicated by the line extending from the heart to the mouth (1891 : 186).

Et pour un autre personnage :

> The figure no. 27 has his left hand elevated, denoting that his conversation pertains to Kitshi Manido, while in his right hand he holds his Mide drum (ibid. :181).

Benton-Banai décrit le salut tel qu'il est pratiqué par Waynaboozhoo avec les autres hommes à son retour de voyage :

> Waynaboozhoo accepted the hand shake and placed his left hand on his brother's shoulder. His brother, in turn, placed his own left hand on Waynaboozhoo's shoulder and greeted him with much joy (1988: 59).

Ces diverses indications montrent une communication qui se fait sous le couvert de Dieu et vient du cœur. La main gauche levée, d'après le sens du pictogramme nᵒ 27, indique l'origine divine du discours. Lorsque les mots qui sortent de la bouche viennent du cœur (ce qui est indiqué sur le pictogramme nᵒ 5), l'officiant témoigne de son lien avec le monde divin. On pourrait ajouter, à titre de comparaison, que le sentiment de joie, dont la présence est mentionnée au sujet du salut adressé à Waynaboozhoo, est associé symboliquement au cœur dans le système des cinq éléments de la médecine chinoise. D'une manière générale, il y a lieu de souligner que ce mode de communication apparaît comme une constante des traditions antiques. On la rencontre encore à l'heure actuelle dans le salut oriental qui fait s'arrêter les mains jointes sur le cœur, la bouche et le front, indiquant ainsi qu'une communication profonde, s'établissant en cœur et en esprit, est recherchée entre les interlocuteurs. La métaphore du feu et du cœur à l'endroit du tambour, laisse comprendre que c'est également un tel type de communication que permet d'établir le tambour.

Anthropomorphisme du tambour

Il n'est pas surprenant, dans ce contexte, de voir apparaître une anthropomorphisation du tambour. Benton-Banai décrit celui-ci comme ayant un corps et des cheveux. Les tambours de powwow ont également des «jambes» représentées par les piquets figurant les quatre directions cardinales; ces piquets servent à suspendre le tambour au moment de jouer. Un musicien de Wabigoon parlait des extrémités de ces piquets comme étant des poignets et

des chevilles. Un jeune musicien, qui avait été instruit par une vieille femme, a précisé que le tambour est une femme, ayant une tête représentée par le piquet de l'Est; les pieds sont alors à l'Ouest.

La façon la plus explicite dont on ait indiqué cet anthropomorphisme est venu de la part d'une femme qui a dit : «Le tambour est une personne» (Sioux Lookout, 16-XI-1993). Cette petite phrase mérite notre attention.

La signification la plus courante consiste à dire qu'il s'agit là d'une pensée animiste qui s'applique au tambour. On considère alors que des caractéristiques humaines sont attribuées au tambour. Divers témoignages reçus au sujet du tambour corroborent cette observation. Par exemple, on raconte qu'il existe un tambour autour duquel apparaît régulièrement un personnage lorsque ce tambour est joué. C'est toujours le même homme, que certains musiciens peuvent voir. Il est considéré comme l'esprit du tambour. Certains musiciens anishinabe disent qu'un ancêtre a donné le tambour à son détenteur en rêve et cet instrument est alors appelé Grand-Mère ou Grand-Père. L'usage montre effectivement, qu'il peut y avoir des tambours masculins ou féminins[14].

Cependant, on peut essayer de se détacher de ce type de compréhension qui est d'une certaine façon induite par l'ordre dans lequel la syntaxe de cette phrase présente les mots : «Le tambour est une personne»; la personne a la position d'attribut. Essayons alors de «penser à l'envers» et non plus d'attribuer une dimension humaine au tambour, non plus de projeter une image sur le tambour, mais de voir ce que le tambour projette sur l'humain, de voir en quoi il éclaire la compréhension et la connaissance de l'humain (ce qui correspondrait à une syntaxe inverse : «La personne est un tambour» ou nécessiterait une langue «circulaire» qui permette de regarder les objets de l'avant et de l'arrière!). Observer le tambour de cette façon là, c'est observer en quoi sa source révèle l'humain, c'est voir que le tambour est une résultante, c'est dire que le tambour est l'image de la réalité invisible de l'être humain, de sa réalité spirituelle.

On peut alors comprendre que certains musiciens disent : «[l]e tambour est un enseignement»; «[r]ecevoir un tambour, c'est tout un travail, c'est comme aller à l'université»; et «[e]n rêve, on peut recevoir les différents éléments du tambour séparément, le tambour seul, et par la suite les quatre "jambes", puis ses couleurs, etc. Recevoir tout cela nécessite une transformation intérieure, tant que l'on n'est pas prêt, on ne le reçoit pas». Certaines personnes reçoivent le tambour complet, mais non les chants. Il ne s'agit plus ici d'animisme, le tambour est une forme visible du parcours invisible de la connaissance (dans le sens étymologique de con-naissance, «naître avec») du détenteur du tambour[15]. Le concept d'animisme ne semble plus être alors suffisant pour penser le sacré.

Si l'on peut comprendre tout cela d'un point de vue psychologique, la pensée anishinabe va plus loin. Un chant de Midewiwin dit : «Fire is my spirit body» (Hoffman, 1891 : 270). On se souvient que le cœur et le feu sont associés; on peut donc dire que le feu ici est également cœur, et s'il devient possible d'énoncer alors «Heart is my spirit body», il ne reste qu'un pas à faire pour remplacer le cœur par le tambour et dire : «Le tambour est mon corps

spirituel». Rappelons alors ce que dit Benton-Banai au sujet du tambour d'eau :

> The first Grandfather reached into the vessel and brought out a substance on his hand. He then reached over and rubbed this substance *on* the boy (je souligne). «I give you this gift!» he said. Then he passed the vessel to the next Grandfather who also reached inside and rubbed a new and beautiful gift *on* the boy (1988 : 64).

Les Grands-Pères, chacun à leur tour, touchent le corps du jeune garçon avec ce qui sort du tambour. Etant donnée la nature des Grands-Pères, ce qui est touché ne peut être que la dimension sacrée du corps du petit garçon. Ils sont sept. Une personne ojibwa a confirmé dans une communication personnelle du 31 mars 1994, que ces sept «cadeaux» correspondent à ce que la tradition indienne d'Inde appelle des shakra. Ainsi donc, dire «le tambour est une personne», c'est dire que le tambour est l'image spirituelle de l'être humain, l'image de la personne en esprit, (l'image du niveau spirituel d'évolution que le détenteur du tambour a atteint), jusque dans la dimension sacrée de son corps.

Si l'on peut comprendre les dons des Grands-Pères dans leur sens moral, car ces sept cadeaux sont aussi les enseignements de sagesse, amour, respect, courage, honnêteté, humilité et vérité, recevoir un tambour, dans la dimension ultime de ce processus, c'est pour le musicien, recevoir la conscience de son corps sacré. Quand un musicien dit : «le tambour, c'est le battement de cœur de la Terre-Mère», il dit alors aussi, «le tambour, c'est mon corps tel qu'il est lié spirituellement à la terre».

***

Au travers du mythe, sont donc apparus trois ordres musicaux, celui du hochet, celui du chant et celui du tambour. Avec le hochet, le son est premier. Donner au son la place des origines, c'est voir en lui la mémoire de toute l'histoire de l'univers. À l'endroit du feu se retrouvent le chant, celui de la fille du gardien du feu et le tambour dans le cœur du premier homme qui aime. Le chant et le tambour occupent ainsi une place centrale dans l'économie du vivant.

Le présent article constitue un premier essai de compréhension de la pensée musicale anishinabe, observée surtout sous l'angle du chamanisme et de quelques données propres aux conceptions antiques du sacré. Cette étude ne s'est voulue avant tout qu'un moyen de constituer un ensemble de données d'analyse permettant d'observer quels sont les concepts, dont une culture non cartésienne a besoin pour être comprise. Il y aurait lieu également d'effectuer une analyse philosophique de ces données. On pourrait se demander, par exemple, si la temporalité du chant s'oppose à une intemporalité du hochet. Du point de vue théologique, les notions d'âme et de corps restent à définir plus précisément.

Notes

1. Cet article est extrait de ma thèse de doctorat intitulée «Autour d'un powwow ojibwa : analyse musicale et mythologie», de mars 1995, rédigée d'après les données rassemblées au

cours de neuf mois de terrain passés dans la Région du Traité n° 3 (Nord-Ouest de l'Ontario), entre octobre 1991 et juin 1994, essentiellement dans la réserve de Wabigoon. Les liens qui s'établissent entre l'activité visionnaire et la pratique musicale, ainsi qu'une analyse des cérémonies de powwow contemporains et de la musique qui s'y pratique, accompagnent ces éléments dans la thèse.

2. Celle-ci comprend les éléments de cosmologie véhiculés par la tradition orale dans les mythes et les activités de vision (rituelle ou non), ainsi que les pratiques de guérison et de sorcellerie.

3. Selon Ruth Landes, *Mide* signifie «mystique», la société du Midewiwin voulant dire littéralement «actions mystiques» (*mystic doings*, 1968 : 4). Pour Basil Johnston, Midewiwin est une contraction des mots *mino* et *daewewin*, signifiant respectivement «bon» et «qui a un cœur». Midewiwin pourrait signifier également «le son» ou «sonnant» (1976 : 84). La société du Midewiwin est une société secrète qui comprend un corps de prêtres hiérarchisé. Elle est organisée selon une succession de degrés — généralement quatre, se situant entre le ciel et la terre — sanctionnés chacun par une initiation. Elle délivre une connaissance secrète au cours de cérémonies durant lesquelles le néophyte traverse une mort rituelle. Ces connaissances concernent les plantes et les animaux; il s'agit également d'acquérir des capacités suprasensorielles.

4. Selon les termes de Mme Denise Jourdan-Hemmerdinger, helléniste, chercheure au C.N.R.S. à Paris, (Communication personnelle du 16-VII-1995).

5. Toute la spiritualité ojibwa est organisée «en quatre et en sept» («All our spirituality is in four and seven», Wabigoon, automne 1993).

6. Retraite rituelle accompagnée de jeûne, pratiquée au moment de la puberté et destinée à «interroger» les Sept Grands-Pères (ou à rencontrer son esprit protecteur) quant aux dons reçus avant la naissance, qui serviront de fil conducteur durant l'existence future de l'adolescent(e).

7. Cette unité de pensée, qui associe hochet, maladie et retour à l'ordre primordial grâce au fait d'agiter le hochet, se rencontre également en Égypte ancienne autour de la déesse Hathor. Dans son aspect colérique, la déesse Hathor est une lionne qui s'appelle Sekhnet, forme féminine du nom du sistre sekhem. Ce sont les médecins qui sont appelés prêtres de Sekhnet. Un second sistre (ou hochet, selon le terme générique), le sechechet, appartient également au culte de Hathor. On agite le sechechet lorsque Hathor est en colère afin de ramener l'ordre dans le monde. Dans sa forme même, une partie du sechechet représente la porte solaire ou porte des dieux, qui permet l'accès au monde céleste; le sechechet est agité devant les morts pour leur ouvrir cette porte et leur permettre ainsi le retour au monde des origines. (Communication personnelle de Mme M. E. Colin, docteure en égyptologie, 20-VII-1995).

8. Voir Johnston, 1976 : 161.

9. Robin : rouge-gorge.

10. Il y a lieu de souligner ici d'autres unités de pensée que l'on rencontre également en Grèce ancienne, selon Mme D. Jourdan-Hemmerdinger. Mentionnons-les sans expliciter la forme qu'elles prennent dans cette ancienne culture. Il s'agit de la présentation des oiseaux comme formes de chants, de la voie lactée comme lieu de rassemblement des âmes des morts et du chant comme médiateur ou moyen. Cette dernière unité se manifeste par le lien linguistique entre *odos*, le chemin, et *ôdê,* le chant. (Communication personnelle du 16-VII-1995).

11. Le Midewiwin est parfois appelé «Société de la Grande Médecine»; les pratiques médicales enseignées constituent une part importante des activités du Midewiwin, et le tambour intervient de façon essentielle au cours des cérémonies de guérison.

12. Un des fils d'Anishinabe voyage dans la direction du Sud : celle du pays du cèdre et des chants d'oiseaux. On se souvient, par ailleurs, de la signification musicale du vent pour les Anishinabe.

13. On aura noté le sexe féminin de l'esprit qui habite l'arbre, ce qui s'apparente à la féminité du cèdre anishinabe.

14. Précisons que, dans le texte de Benton-Banai, si le tambour est présenté comme étant lui-même féminin («the waterdrum [...] is said to speak to those who handle *her* in a respectful way – 1988 : 71), cet instrument provient du monde masculin des Sept Grands-Pères. Apparaît ainsi une androgynie des origines qui ne surprend pas, dans le cadre de cette étude. L'androgynie dans le monde des ancêtres peut prendre la forme de manifestations diversement sexuées dans l'ordre du visible.

15. Ce processus de connaissance qui se construit essentiellement grâce à l'activité onirique est à comprendre comme un développement de la connaissance de soi.

Bibliographie

Benton-Banai, E., 1988, *The Mishomis Book. The Voice of the Ojibwa,* Red School House, Saint Paul, Minnesota, 114 p.

Bottéro, J., 1992, *L'épopée de Gilgames*. Le grand homme qui ne voulait pas mourir, Paris, Gallimard, 295 p.

Densmore, F., 1910, «Chippewa Music», *Bureau of American Ethnology, Bulletin 45,* Washington, Smithsonian Institution.

Eliade, M., 1968, *Le chamanisme et les techniques archaïques de l'extase*, Paris, Payot, 405 pp.

——— , 1963, *Aspects du mythe*, Paris, Gallimard.

Hoffman, W.J., 1891, «The Mide'wiwin or Grand Medicine Society of the Ojibwa», *Seventh Annual Report of the Bureau of Ethnology* to the Secretary of the Smithsonian Institution 1885-86, Washington, pp. 149-300.

Hultkrantz, A., 1957, *The North American Orpheus Tradition*, Stokholm, The Ethnographical Museum of Sweden, Monograph Series Publication no. 2, 337 p.

——-—— , 1987, *Native Religions of North America. The Power of Visions and Fertility,* San Francisco, Harper and Row, 114 p.

Johnston, B., 1976, *Ojibway Heritage,* Toronto, Ed. Mc Clelland and Stewart Limited, 171 p.

Jones, W., 1916, «Ojibwa Tales of the North Shore of Lake Superior», *Journal of American Folk-Lore*, 29 : pp. 368-391.

Journet, N., 1995, «A-t-on jamais cru aux mythes?» *Sciences Humaines* 53 : 20-23.

Landes, R., 1968, *Ojibwa Religion and the Midewiwin*, Madison, The University of Wisconsin Press, 250 p.

Lévy-Bruhl, L., 1935, *La mythologie primitive*, Paris, Payot.

Pouillon, J., 1993, *Le cru et le su*, Paris, Seuil.

Radin, P., 1948, *Winnebago Hero Cycles: A Study in Aboriginal Litterature*, Indiana University Publications in Anthropology and Linguistics, Ed. C. F. Voeelin, Memoir 1, Baltimore, Waverly Press Inc., 168 p.

Reagan, A.B., 1912, *Twenty-five Ojibwa Songs sung by Ne-ba-day-ke-shi-go-kay (George Farmer*), Nett Lake, Minn., Ottawa, National Museum of Canada Archives, 62 p. (Typewritten).

Speck, F.G., 1915, «Myths and Folk-lore of the Timiskaming Algonquin and Timigami Ojibwa», *Geological Survey of Canada, Anthropological Series*, no. 9, Memoir 71, 87 p.

——- , 1935, *Naskapi,* Norman, University of Oklahoma Press, 257 p.

Vecsey, C., 1984, «Midewiwin Myths of Origin», *Paper of the fifteenth Algonquian Conference*, Ottawa, Carleton University, pp. 445-467.

Vennum, Th., 1982, *The Ojibwa Dance Drum : it's history and construction,* Washington, Smithsonian Institution Press.

Karl Neuenfeldt

First Nations and Métis Songs As Identity Narratives*

Abstract

Songs, the combination of musical and poetic texts, have always acted as important transmitters of culture for indigenous peoples. They chronicle the human condition and create culturally useful meaning. As popular culture forms, they now move within the global cultural economy and have become an ubiquitous, affirming and anti-nihilistic ingredient in the rhetorical repertoire of indigenous peoples, especially as identity narratives in the genre of "ethno-pop" music. Their poetic texts (lyrics) contain trenchant cultural criticism and can be analyzed as one way in which Canadian First Nations and Métis peoples construct and mediate a particular range of conditions and experiences of Western colonialism subsumable under the rubric of issues of social justice. Ethno-pop songs combine artistic expression, ethnopolitics and notions of identity-authenticity and have come to be used widely in ethnogenesis for several reasons: they deal with pertinent concerns; are relatively inexpensive to produce, reproduce and disseminate; and can serve variously as entertainment, education and empowerment.

Résumé

La chanson, cette combinaison de musique et de textes poétiques, a toujours été un important mode de diffusion de la culture chez les peuples autochtones. Elle relate la condition humaine et génère un sens salutaire à la culture. À mesure qu'évolue la culture populaire, la chanson devient partie intégrante de l'économie culturelle mondiale et constitue un élément très répandu, affirmatif et anti-nihiliste du répertoire rhétorique des peuples autochtones, en particulier le récit d'identité du genre «musique ethnopopulaire». Les textes poétiques (paroles) renferment une critique culturelle acerbe et peuvent être analysés comme une façon dont les Premières Nations canadiennes et les Métis construisent et transmettent une gamme particulière de conditions et d'expériences du colonialisme classables dans la catégorie des questions de justice sociale. Combinant l'expression artistique, l'ethnopolitique et les notions d'identité et d'authenticité, les chansons ethnopopulaires sont devenues un élément largement répandu de l'ethnogenèse pour plusieurs raisons : elles abordent des préoccupations pertinentes; elles sont relativement peu coûteuses à produire, à reproduire et à diffuser; et elles peuvent servir à diverses fins (p. ex. loisirs, éducation, habilitation).

> For the oppressed, music is a way of speaking. To create a unique musical "voice" or "sound" or style is to create a potential instrument of power (Pratt 1986, p. 58).

> What unifies Canadian aboriginal music is its lyric content,
> which is often focused on community issues (LeBlanc 1994,
> p. 55).

This paper begins by posing three questions that move from the general to the more specific and encompass the major concerns of this article: In what ways are songs imbricated in ethnogenesis? In what ways do their poetic texts (lyrics) express and encapsulate indigenous peoples' experience of Western colonialism? In what ways have they come to be culturally produced and used by First Nations and Métis peoples in Canada? An analysis of poetic texts extracted from the corpus of a transnational musical genre here termed "ethno-pop music"[1] addresses these questions.

Songs, the combination of musical and poetic texts, have always acted as important transmitters of culture for indigenous peoples. As popular culture forms, they now exist within the global cultural economy (Appadurai 1990) and have become an ubiquitous, affirming and anti-nihilistic ingredient in the rhetorical repertoire of indigenous peoples, especially as "identity narratives" (Martin 1995).[2] An analysis of this nature is worthwhile because ethno-pop songs often contain trenchant cultural criticism and are increasingly used by indigenous peoples worldwide for a range of purposes. One such purpose is to enunciate through the poetic text concerns for issues of social justice such as human rights, land rights and freedom of movement, action and association.[3] Overtly or covertly, issues of social justice inform, and in a sense authenticate, indigenous peoples' identity narratives. This is because many indigenous peoples experience discrimination, disadvantage and degradation which permeate dominant cultures' practices and discourses concerning indigeneity (Hall 1992). When viewed comparatively, the poetic texts of ethno-pop songs provide cogent examples of similarities in indigenous peoples' experience of and reaction to not only Western colonialism, but also the contingent and politicized nature of contemporary indigeneity within Western liberal-democratic nation states.[4]

There are several caveats to this analysis. Firstly, it concerns expressions, not essences, and therefore is non-essentialist, working from the assumption that adaptive strategies and tactics occur within the parameters of material circumstance and world view.[5] It does not propose that the poetic texts of ethno-pop music reflect unproblematically a particular reality, but that as self-representations they literally express experience. In that sense, they are manifestations of the ways in which indigenous peoples as individuals and groups experience a particular range of circumstances and then artistically express those encounters to and for themselves and others through a popular music genre.[6] And finally, while the poetic texts of ethno-pop music help mediate life in complex, pluralistic societies such as Canada, they are mediated in turn by the apparatus and demands of the international entertainment industry, which has a recurrent but not necessarily inevitable tendency to transform and sometimes even to reduce distinctive cultural productions into merchandise for the marketplace (Lipsitz 1994, p. 11).

Ethno-pop Music

Ethno-pop music is a particular socio-cultural, political, economic and musical practice which combines elements of artistic expression, ethnopolitics and notions of identity-authenticity. It is a phenomenon which helps shape, and is shaped by, the relations of indigenous peoples to a dominant culture, helps mediate that encounter and encourages self-representations. Although colonized indigenous peoples have always been musically active, eclectic and self-sustaining, only relatively recently have their musical cultural productions become more readily available to, accepted by and incorporated within the esthetic and mercantile domains of dominant cultures.[7]

The term ethno-pop itself requires further explanation because both constituent components are multi-faceted. In the context of this analysis, "ethno" is used to highlight the salience of ethnicity, which is a transactional process of and for social production, reproduction and transformation, reinvented and reinterpreted by each generation (Barth 1969). Ethnicity also acknowledges "the place of history, language and culture in the construction of subjectivity and identity" (Hall 1988, p. 29).[8] An integral component of ethnicity is ethnogenesis: "the process whereby a 'common culture' comes about and the manner by which it is defined" (Jones and Hill-Burnett 1982, p. 216). In this particular instance, ethnogenesis is "an attempt to read the present in terms of the past by writing the past in terms of the present" (Lindstrom 1982, p. 317). The use of "ethno" is not intended to suggest that, in contrast to indigenous peoples, non-indigenous peoples possess no "ethno," "pop" or otherwise, because notions of ethnicity are customary and often compelling in the contemporary world. Collaterally, what is "ethno" is in no way connected, *a priori*, to inferiority or subordination.

"Pop" is used to highlight the importance of the concept of "popular music," even though what makes music popular is open to speculation and alteration (Stratton 1983). For the purpose of this analysis, the popular music of First Nations and Métis indigenous peoples is considered to be contemporary music that adopts and adapts a mixture of both indigenous and non-indigenous conventions (and inventions) of musical and poetic paradigms, presentation and production. It also has considerable, on-going application, availability and esthetic value both for indigenous and non-indigenous peoples. "Ethno-pop" music deals generally with ethnicity, ethnogenesis and some sense of popularity. In this instance, these interwoven factors are dynamically informed by the process of colonization because "the reformulation of ethnicity often takes place as a response to changing external circumstances, particularly those that result in major structural modifications in the society at large. Colonialism represents just such an event" (Kurien 1994, p. 390).

Ethno-pop music has other more specific features that need mention. It is a potential site of social mediation and serves variously as entertainment, education and a form of empowerment.[9] Ethno-pop music also can be a site of resistance, although open to commoditization as well as what Wallis and Malm (1984) term "mediaization," that is, "the process in which a music is changed through interaction with the mass media system" (Malm 1993, p. 344). As a genre and as "music at the margins" (Robinson, Buck and Cuthbert

1991), it is in the process of changing from mostly localized, "hidden" transcripts to increasingly national and even transnational "revealed" ones.[10] As such, ethno-pop music is part of indigenous peoples' outspoken and explicit socio-cultural and political engagement with dominant cultures through various indigenous, and non-indigenous, media (Ginsburg 1994/1991; Fitzgerald 1991). As Flohil (1994, p. 12) observes in the Canadian context: "... music — at once providing healing, inspiration, energy and entertainment — is playing a special role as more and more [indigenous] people express their heritage, their spirit, their aspirations and their anger."

The Use of Poetic-Texts in Social Analysis

While poetic texts are open to a range of interpretations by audiences, this author disagrees with earlier characterizations of them as too one-dimensional to be a valid research tool in social analysis or too problematic to provide useful data (Denisoff and Levine 1971; Denisoff and Peterson 1972). Such characterizations miss the mark on several levels.[11] They are: 1) reductive; 2) overly simplistic; 3) dismissive of individual or group agency; and 4) guilty of privileging commercial considerations or the moment of consumption over the plethora of functions and uses music can and does serve.[12]

Ethno-pop poetic texts can be a valid research tool and can provide useful data if adequately contextualized and comprehended as identity narratives. They can be constructively considered to be ethnogenic "counter-discourses" in Best and Kellner's sense of "provid[ing] a lever of political resistance by encapsulating a popular memory of previous forms of oppression and struggle and a means of articulating needs and demands" (1991, p. 57). They also can be constructively considered to be ethnogenic "discourse politics" in a Foucauldian sense of a point of contact and contestation where "power and knowledge are joined together" (Foucault 1979, p. 101) in power-knowledge relations (Foucault, 1980).

The songwriters themselves enact dual roles as both conveyors and shapers of individual and group experiences, and the ethno-pop songs they create fall within the broader framework of reference of potentially resistive artistic expressions. Pickering (1986, p. 75) observes that it is important to appreciate song, and by inference songwriters, as: "always in some sense a mediation and construction of social reality." In this instance, the social reality is that of marginalized, stigmatized indigenous peoples resisting by refusing to remain silent and instead endeavouring to enunciate an indigenous perspective through songs.[13]

Socio-cultural, Political and Demographic Contextual Data

The poetic texts of indigenous peoples are culturally produced and used within crucial socio-cultural, political and economic contexts. Notwithstanding that indigenous peoples worldwide have been subjected to a wide range of political and social systems under Western colonialism,[14] Dyck (1985, p. 21) notes that: "... there [exist] certain striking parallels... regardless of their national surroundings.... The persistent oppositional processes by which [they] distinguish themselves from the majority population may prove to be

remarkably widespread... and similar in purpose, if not always in form and particulars."

The First Nations and Métis peoples whose poetic texts are analyzed here share four important characteristics: they are minorities, different, disadvantaged and desire distinct political status (Dyck 1985). These similarities belie separate histories, geographies, cultures and socialization and suggest some parallels.[15] However, they are not monolithic; as individuals and groups they contain a range of interpretations and applications of socio-cultural attitudes, beliefs and values. Musically, First Nations and Métis peoples produce a wide range of styles in record, cassette and compact disk formats that are available locally, nationally and transnationally, in the latter instance especially in "world music."[16] Aside from the individuals whose poetic texts are analyzed later, indigenous Canadian singer-songwriters such as Buffy St. Marie, Robbie Robertson and Kashtin have established profiles internationally, while soloists such as Lawrence Martin, Winston Wuttunee and Murray Porter and groups such as Seventh Fire, The Stoney Park Singers and the C-Weed Band have carved out niches for themselves nationally and locally. While some soloists and groups record for transnational recording labels, indigenous labels such as First Nations Music and Sunshine Records boast sizeable and diverse catalogues. Indigenous radio and television stations and programs also feature indigenous music and videos.

As to more specific socio-cultural, political and demographic data, the indigenous peoples of Canada comprise a small minority of the general population (estimated at between 2-8%). They are divided into several distinct categories: "treaty" and "non-treaty" First Nations peoples; Inuit; and Métis.[17] First Nations peoples have a wide range of distinct socio-cultural affiliations and are scattered across Canada's sparsely populated provinces and territories. Over fifty percent are urbanized while the rest live on often isolated and economically un-viable "reserves." Rates of incarceration, morbidity and mortality are disproportionate compared to the rest of the population, and First Nations peoples comprise far and away the most disadvantaged segment of Canadian society (Boldt 1993). Historically, Métis have not been accorded the same rights as First Nations peoples due to the vagaries of history and Canada's idiosyncratic classifications of indigeneity (Sawchuck 1978). While they suffer the same range and degree of disadvantage, they have fallen outside many governmental provisions to supposedly assuage disadvantage among indigenous peoples; their claims have been not only degraded but often dismissed outright as "unauthentic" by both indigenous and non-indigenous groups. However, the Métis are now increasingly active in ethnopolitics and vocal in their claims to classification as indigenous peoples on moral if not historical-legal grounds (Brown 1987).

Recent environmental controversies, initiatives toward self-government and attempted constitutional reforms in Canada have lead to an increased national and international profile for Canada's indigenous peoples and the nature of the "Indian [Metis] Problem" (Dyck 1991). Specific reforms aimed at a level of self-rule faltered in 1992, caught up in the defeat of the national referendum on constitutional reform of which it was a part. However, despite set-backs, there

have also been gains for Canada's indigenous peoples; for example, the Inuit have attained a measure of self-rule over a vast, resource-rich northern homeland called Nunavut. These political events have been catalytic or coincidental vis-à-vis a recent cultural renaissance in segments of Canada's indigenous population and in various artistic media (film, art, theatre, dance) and follow a long and involved history of accommodation of and resistance to the colonial project.[18]

The preceding, specific, socio-cultural, political and demographic data exhibit a range of similarities noted by Dyck (1985). This is consistent with the analogous cultural logics, worldviews and systemic strictures of Western colonizers based on the assumptions, rationales and trajectories of European and Euro-North American colonial expansion, both internal and external (Hall 1992). Nevertheless, while the power-knowledge relations of contemporary political practice may still expose the asymmetricality of colonization, there has been a shift. Contemporary power-knowledge relations are also influenced by the changing methods and media, such as ethno-pop music, by which indigenous peoples strive to exercise a level of agency in order to transform their situations by means of artistic expression, ethnopolitics and notions of identity-authenticity. These elements combine in complex concoctions of "politicized aesthetics and aesthetified politics" (Camnitzer, 1994 p. 38) in groups' and individuals' "quest for an acceptable autobiography" (Gunew 1993 citing Fox-Genovese, p. 456). An inescapable chapter in many Canadian indigenous peoples' autobiography is the nexus where the experience of Western colonialism and issues of social justice converge.

Social Justice and the Five Faces of Oppression

Indigenous peoples repeatedly enunciate vital concerns that centre around the notion of social justice which entails fundamental concepts enshrined or implied in the constitutions, bills of rights, public rhetoric and political philosophies of Western liberal-democratic nation-states.[19] Young (1990) considers social justice to be the degree to which a society provides the institutional conditions needed for the realization of values that permit the evolution of individuals' abilities and aspirations, as well as their involvement in defining actions and the conditions of actions. Underlying this is a Western liberal assumption of universalist values predicated on the equal worth of all persons and thus their equal access to justice within society. This assumption is complicated in the case of indigenous peoples by divergent and at times contentious views on the relative rights and obligations of individuals and groups (Crawford 1993).

The poetic texts of ethno-pop music repeatedly note experiences which indigenous peoples perceive as lacking in social justice, in part because of the demands of the colonial project. In a sense, however, concerns for social justice can only be brought into the public forum when indigenous peoples have been "ethnocized" to a certain degree. One example is what Weaver (1985) terms "public ethnicity," the conspicuous, and often cliched, symbolic displays of ethnicity encouraged in events such as "multicultural" festivals. In spite of the danger of sliding into ineffectual caricature or enervating

essentialism, a tactic of taking on-board some Western notions of ethnicity can help to legitimize claims in pursuit of partisan agenda, such as asserting that indigenous peoples are not just another ethnic group but possess a unique relationship to the nation-state because of pre-colonial occupancy. Ethno-pop music poetic texts themselves can provide individuals and groups with a forum to argue forcefully for social justice, even within the context of asymmetrical power-knowledge relations and minority status.

To help reinforce the significance of this routine, albeit provisional, interrelationship between social justice and ethnogenesis, this analysis of specific poetic texts is framed and informed in a general sense by Young's (1990) theoretical taxonomy of "the five faces of oppression": exploitation, violence, marginalization, powerlessness and cultural imperialism. Each of these seeks to delineate more precisely the nature of domination and oppression.[20] It must be noted that these are categorizations only and that oppression could just as readily have seven or eight faces. Of importance here is not their number or individual nature but how they assist in framing and informing the analysis.

To understand better the complexity and inter-relationships of the issues raised here, we will analyze select poetic texts from the large corpus of First Nations and Métis ethno-pop music, a corpus that draws upon most contemporary musical genres and a range of textual and rhetorical strategies. They are broadly representative of the topics and diversity available to cater to different audiences and agendas. They also are broadly representative of the types of identity narratives appertaining to Young's (1990) five faces of oppression. The analyses are conducted with two primary and separated foci, although the poetic texts may contain elements of both: 1) poetic texts that reactively relate experiences of domination via exploitation and violence, and 2) poetic texts that relate experiences of oppression via marginalization, powerlessness and cultural imperialism, but which invert the dominant culture's degradations of indigeneity by means of a kind of "reverse" Orientalism (Said 1978) used by indigenous peoples to valorize what is often degraded.

Poetic Texts of Exploitation and Violence

The first focus of the Western colonialism experience can be categorized as exploitation and violence in the context of Young's (1990) first and second faces of oppression. The experience of exploitation and violence arises out of the dominant culture's worldview and cultural logic of inherent material, cultural and racial superiority. These poetic texts as identity narratives exhibit a level of agency and respond to a requisite concomitant of exploitation and violence — degradation — an habitual strategy of Western colonizers that has contributed to a chronic denial of social justice (Hall 1992, pp. 306-307).[21]

A Chronicle of Exploitation

One site of exploitation in asymmetrical power-knowledge relations is the body itself, which provides an example of Foucault's notion of the "political technology" of the body into which the "micro-physics" of power penetrates (1979, pp. 28-29). Control over the bodies of the colonized ranged from

relatively impersonal surveillance and supervision of groups, such as labourers or displaced populations, to highly personal intervention and interdiction in the lives of individuals, such as concubines or prisoners. Power is not always abstract or anonymous; it can literally enter the body.

The exploitation of sexuality is not an uncommon aspect of the experience of Western colonialism by indigenous peoples in Canada. Historically, indigenous females experienced sexual exploitation (Frideres 1988) as have males more recently in religious and secular residential schools (Bell 1991). A chronicle of sexual exploitation is "Indian Women" by Jeannette Armstrong, a First Nations poet, sculptor and educator of the Okanagan people. She recites the poetic text to the accompaniment of her sister Delphine (Derrickson) Armstrong's traditional song voice and the accompaniment of sparse flute, guitar and synthesizer.

The song appears on a compilation album entitled "Till the Bars Break" which features artists identified in the liner notes as having indigenous, European, Afro-Canadian, and Afro-Caribbean heritages, joined together to chronicle experiences of Western colonialism. It boasts several "firsts" such as "... the first time that a Dub poet of African descent has recorded to accompaniment of Native drum beats" and "the first recording released of Natives performing poetry with reggae music." These types of collaborations exemplify tactical alliances among dominated peoples but also the ambivalent role of governmentalities in indigenous cultural productions in that some of the recordings were funded by Exploration Canada Council. Stylistically, the album encompasses reggae, rap, dub, poetry readings, samples of Martin Luther King's speeches, a 1967 interview with Che Guevara and recitations such as "Indian Women," which the liner notes characterize as "an earnestly satirical rejection of stereotypes of Indian women." The arrangement skillfully combines traditions of orality and musicality.

"Indian Women"

I am a squaw, a heathen, a savage, basically a mammal. I am female only in the ability to breed and bear papooses to be carried quaintly on a board or lost to welfare.

I have no feelings, the sinuous plain of my brown body carries no hint of the need to be caressed, desired, loved. It's only use to be raped, beaten, and bludgeoned in some B-grade western.

I have no beauty, the lines cut deep into my aged face are not from bitterness or despair at seeing my clan destroyed one by one. They are here to be painted or photographed, sold and hung on lawyers' walls.

I have no emotions, the husky laughter, the brush of wings behind eyes soft and searching lightly touching others, is not from caring but from the ravaged beat of black wings rattling against the bars of an insanity that tells me "something is wrong here, someone is lying."

I am an Indian women, where I walk beauty surrounds me, grasses bend and blossom over valleys and hills vast and multicoloured in star-quilt glory.

> I am the keeper of generations, I caress the lover gently, croon as I wrap the baby, with quietness I talk to the old ones and carefully lay to rest loved ones.
>
> I am the strength of nations, I sing to the whispering autumn winds, in the snow I dance slowly filling my body with power, feeling it, knowing it.
>
> I am the giver of life to whole tribes, I carry the seeds carefully through dangerous wastelands, give them life, scattered among cold and towering concrete, watch them grow battered and crippled under all the lies.
>
> I teach them the songs. I help them to hear. I give them truth. I am a sacred trust. I am Indian women. (Jeannette Armstrong)

In "Indian Women" an important, potentially empowering effect of poetic texts as identity narratives can be discerned because Armstrong transforms the negative thrust of the experience of sexual exploitation into an affirming, anti-nihilistic celebration of resistance, and cultural persistence, against the push of power and the stigma of stereotyping. This is a vital step on the road to healing the wounds inflicted through this denial of social justice, particularly pernicious because of being intensely private and yet inescapably public. These "worst-case scenarios" have become ethnopolitical rallying-points for some indigenous peoples in Canada with groups striving to prevent recurrence, individuals striving to gain recompense, and both striving to achieve acknowledgment of the denial of social justice.

A Chronicle of Violence

The next aspect of Western colonialism experienced by indigenous peoples can be categorized as violence in the context of Young's (1990) second face of oppression. The experience of violence also arises as a result of the worldview and cultural logic of the dominant culture which presumes the superiority to impose its will via its control over supposedly legitimate yet still coercive power. The following poetic text recounts an overt act of violence in contrast to the more covert violence underlying the previous poetic text involving exploitation. The type of pitched-battle often presented in popular media such as Hollywood films was not the rule in Canada. The movement of settlers and the displacement of indigenous peoples took place over a prolonged time and varied from area to area. As well, European disease may have preceded the actual onset of contact so that indigenous groups may already have been weakened. Nevertheless, large-scale, pitched-battles did occur.

The up-tempo country-styled "The Battle of Batoche" is a chronicle of violence written and sung by the Métis singer-songwriter Joanne Myrol. It appears on a compilation album entitled "The Best of the Native Perspective" produced by the Aboriginal Multi Media Society of Alberta. Stylistically, the album is mostly country, supporting suggestions that indigenous peoples in Canada have a particular affinity for this style of popular music. Keillor (1995) suggests that one historical reason is that early country music radio broadcasts, especially out of the United States of America, reached both rural and urban indigenous communities. Another is that country could be performed to the

accompaniment of a guitar, which was portable, relatively easy to play, and readily bought. Whidden (1984) suggests that certain themes in country (family, prison, religion, etc.) are consonant with indigenous peoples' worldviews and life experiences. Whereas the poetic texts of the songs on the album "The Best of the Native Perspective" address commonplace country themes such as romantic love, dreams of being a country music star and alcohol, they also address the less common theme of politicized assertions of indigeneity tied up in notions of identity-authenticity.

Myrol's "The Battle of Batoche" is one such politicized assertion. It relates the experience of a large-scale clash between Métis and colonial military forces in Western Canada in 1885. After the Battle of Batoche, the Métis were effectively eliminated as serious competition to arriving European settlers for the rich prairie farm lands being opened up.[22] After the decimation of the buffalo herds, they were pushed onto marginal lands on the fringes of European settlement (Sprenger 1987).

"The Battle of Batoche"

Well, the legend says four hundred years ago a nation was born upon this land. They were proud and free and their children lived to see a man named Riel take a stand. For they were forced to change their way of life: Red River carts, pemmican and trade. Leaving deep two-lanes they roamed all their lives, the Métis wanted to stay.

Today we sing "Try to see my anger. Try to touch my pain." "I'm a child that's lost in my homeland and the child is found in my name."

They sent for Louie Riel, a learned man, to uphold the Métis list of rights. The people took a stand to fight peacefully for their land and they had justice in their sights. [Pained] by this old Sir John A. [MacDonald] sent troops out west to take Riel away. Fearing again that their leader would be lost they stood by him in Batoche.

Three hundred Métis battled four long days and held off a thousand soldier men. They were warriors true but in their hearts knew it was only a matter of lead. For the fire power of the Métis was no match for the Gatling gun. And on May 15th 1885 Riel's battle was done.

And he sang "Try to see my anger, try to touch my pain." "In one hundred years I can see now my people shall rise again".

So we sing "Try to see my anger, try to touch my pain." "I'm a child that's lost in my homeland and the child is found in my name".

I'm a child who's found in my name. (Joanne Myrol)

Myrol's shifting perspective of "he," "they," "we," and "I" underlines the complexity of the construction of identity narratives, especially individual and group notions of identity-authenticity as they evolve in ethnogenesis over time, place and situation and come to be exemplified by songwriters. Notions of identity-authenticity are crucial to Métis because of the aforementioned vagaries of Canadian categorizations of indigeneity. Regardless of whether or not the dominant culture deems Métis as an indigenous people, the poetic text has ethnopolitical relevance as a chronicle of the shared experience of the

violence of Western colonialism. Similar to "Indian Women," "The Battle of Batoche" reacts against degradation and a shortfall of social justice. Although in one way they chronicle humiliation and defeat, in another important way they celebrate survival.

Poetic Texts of Marginalization Inverted into Centring, Powerlessness Inverted into Powerfulness and Cultural Imperialism Inverted into Cultural Autonomy

The third focus of the Western colonialism experience can be categorized as marginalization, powerlessness and cultural imperialism in the context of Young's (1990) third, fourth and fifth faces of oppression. From poetic texts that are direct reactions, we proceed to poetic texts that are indirect reactions by way of inversion. These identity narratives may take a slightly different tack, but they also exhibit a level of agency. The poetic texts of First Nations and Métis ethno-pop music can intentionally invert negative caricatures by employing "reverse" Orientalism (Said 1978). Accordingly, marginalization becomes the centering of aspects of identity and claims to authenticity; powerlessness becomes powerfulness over specific aspects of socio-cultural life; and cultural imperialism becomes the privileging of an indigenous worldview and cultural logic. As a result, lack becomes plenitude and shortfall becomes surfeit; it represents the antithesis of the dominant culture's general disinclination to prioritize issues of social justice that impact profoundly on indigenous peoples in Canada.

A Chronicle of Marginalization Inverted into Centring

Marginalization is Young's (1990) third face of oppression and, like exploitation and violence, emanates from the dominant society's worldview and the cultural logic of inherent superiority. It is likewise a concomitant of degradation. As exhibited in "Battle of Batoche," an important consideration in ethno-pop music is the forging of notions of identity-authenticity. As Gilroy observes, an integral, paradoxical drive exists within Euro-American modernity for some sense of a "supposedly authentic, natural and stable identity" (1991, p. 4) while individuals and groups may increasingly experience a range of choices of identity (Martin 1995) and nomadic subjectivities (Ang 1992). Notions of identity for indigenous peoples are inextricably interwoven with those of authenticity as coeval components of ethnogenesis, which extensively and repeatedly draws upon popular culture forms arising from artistic expression to identify authenticity and authenticate identity in the service of ethnopolitics.

An example of ethno-pop music as a site for the forging and mediation of notions of identity-authenticity is "Proud Indian," a chronicle of marginalization inverted into centering. It is written and sung by First Nations singer-songwriter Chucky Beaver, a Cree who is also chief of his tribe. Similar to Myrol's "The Battle of Batoche," it is a politicized assertion of identity-authenticity notions. Beaver addresses the dilemma of political loyalty and citizenship for indigenous peoples in Canada. First Nations peoples have historically occupied an ambiguous place within the nation-state, singled out both for special status and special vilification so that, for example, military

veterans, even decorated ones, could face discrimination after returning to the society they had fought to defend. Beaver inverts the stereotype of First Nation peoples as having little cause for pride into a declaration of pride in adversities overcome and a sense of self and group. "Proud Indian" appears on the same country-ish compilation album as "The Battle of Batoche" and the accompaniment is a straight-forward acoustic guitar played in a minor key with a simple pulsating drum beat and chanting. These latter common sonic markers of indigeneity are not at all doleful but rather blithe in their blending of musical heritages.

<div align="center">"Proud Indian"</div>

> Together we'll walk hand in hand, heads held high, proud and tall. United we will stand, divided we may fall.
>
> Oh brother, let your voice be heard that here you're meant to stay. And make them listen to every word. Don't be afraid, be proud and say,
>
> "I'm proud to be a Canadian but more proud to be an Indian. Under god's golden sun I am the true native-son."
>
> They made promises they couldn't keep, they tried to change our simple ways. And we fought for what we believed and still survive to this day.   (Chucky Beaver)

Identity narratives such as "Proud Indian" suggest that indigenous peoples possess authoritative notions of identity-authenticity, even though belonging to a stereotyped social group. The marginalization experience is a crucial issue of social justice to which the poetic texts of ethno-pop draw attention by employing the rhetorical tactic of inversion to position indigeneity at the center, rather than at the margins, and thus at the core, and not at the periphery of ethnogenesis. Whatever the ethnic group, a routine tactic employed within ethnogenesis is to use not only what one is "being" but also what one sees oneself as "becoming" to one's advantage, even if the musical means to do so incorporate conventions culled from the dominant culture and the symbolic means to do so entail inventions formed from fragmented or improvised traditions.

A Chronicle of Powerlessness Inverted into Powerfulness

Another aspect of the Western colonialism experienced by indigenous peoples can be categorized as powerlessness in the context of Young's (1990) fourth face of oppression. The experience of powerlessness, springing from a lack of authority, status and sense of self, is inverted into powerfulness by emphasizing what indigenous peoples feel they have affinity for or some level of control over. Again, as in the inversion of marginalization, this process can contribute to affirming notions of identity-authenticity and may have ethnopolitical implications.

Stewardship of the natural environment is one such example. It is a common, transnational component of the ecumenical message that some indigenous songwriters direct at non-indigenous peoples and each other. They chronicle how the land itself, often personified and feminized as "Mother Earth," has

been the victim of ecological exploitation and violence by dominant cultures and how indigenous peoples are not powerless or superfluous but offer a potentially powerful alternative ecological epistemology that emanates from the heart of their very being and becoming.[23]

First Nation singer-songwriter Shingoose (Curtis Johnny) is an Ojibwa who, aside from his eclectic musical tastes and abilities as a singer-songwriter, is also an educator, political activist and television producer. In "Mother Earth" he refers directly to the earth as a mother and combines that typification with First Nations peoples' notions of a "Great Spirit." It is an ode to his "people" as part of, not separate from, an encompassing environment that presumes the social world to be co-terminus with the natural world, not its master. Stylistically, "Mother Earth" features a full production with a musically sophisticated arrangement comprising keyboards, rhythm section and vocal chorus. It combines a heartfelt religiosity and dramatic intensity that culminates in an instrumental "alleluia" refrain which also concludes the album. As another example of the ambivalent role of governmentalities in indigenous cultural productions, the album on which "Mother Earth" appears (Natural Tan) was produced with the assistance of the Canada-Manitoba Cultural Industries Development Office and the Native Economic Development Program.

<div align="center">"Mother Earth"</div>

> If I close my eyes and shut them very tight I can see the shadow of my people like the shadow of the night. Blowing over me, growing over me, leading me to a different light. And it's a long ago day that's just begun. Like the rising of another sun I can see my people bathing in its rays. I can hear the voices lifted in a song of praise.

> Mother Earth you give me all that I need Your Sweet fertile life abounding. The spirit in you, is the spirit in me. The Great Spirit is all surrounding.

> My heart draws nearer, their words grow clearer I feel the truth and I join them to sing their song of celebration I move to their vibration. And I dance to the sun and the rain. We're all one in this mystery. I'm part of you, you're a part of me. I see the glory in your sky, the glory in your land and I give thanks that I'm in your hands. (Shingoose/ Poitras, Headband Music)

In its hymn-like reverence, "Mother Earth" provides an example of an identity narrative that conflates the ethos of indigenous peoples and an alternative ecological epistemology and goes some way to offer an alternative to the egoism and alienation of nihilistic or liberal-democratic philosophies. Shingoose inverts powerlessness to powerfulness not only through the particular poetic text but also through the whole corpus of his songwriting. He exhibits that indigenous peoples have some power to choose and fashion not only an identity but also the particular secular and sacred icons by which it is constructed. The experience of powerlessness is a crucial issue of social justice to which the poetic texts of ethno-pop draw attention and then proceed to invert into powerfulness over matters in which indigenous peoples feel they have some control or affinity, in this instance stewardship of the natural

environment. Regardless that large percentages of First Nations and Métis are urbanized and that confrontation between indigenous peoples and environmental organizations is not unheard of, the process of self-representation serves as an ethnogenic tactic both for encouraging positive notions of identity-authenticity and as an ethnopolitical rallying point and call for unity among disparate indigenous and non-indigenous groups who ultimately inhabit the same natural and social environments.

A Chronicle of Cultural Imperialism Inverted into Cultural Autonomy

The final aspect of the First Nations and Métis experience of Western colonialism can be categorized as cultural imperialism in the context of Young's (1990) fifth face of oppression. Cultural imperialism, that is, the universalization and normalization of the dominant culture's worldview and cultural logic, often through media, is inverted and subverted in ethno-pop music's artistic expressions in two ways that are to some extent exhibited in all the poetic texts analyzed. One way is to "re-invent" history by fashioning a new regime of truth and, in the process, to reveal and centre what had been silenced and hence hidden and peripheralized. Another way is to lionize the very icons or facets of indigeneity that dominant cultures subject to degradation.

In the latter case, Shingoose's "Natural Tan" takes a phenotypic icon of Western culture, a suntan, and inverts it to chronicle the discrepancy between non-indigenous people, who claim status for having the disposable income to afford the leisure time to get a tan, and yet who discriminate against indigenous people who have a "natural" one. Perhaps the paradox Shingoose inverts is rooted in the oft-expressed, underlying, stereotyped opinion that a non-indigenous person has to work to gain a day of leisure while an indigenous person never has to work for anything at all, they get it free on government handouts. There are many layers of meaning, personal and socio-cultural, in the poetic text, partly because Shingoose himself was adopted out as a child and raised by non-indigenous missionaries, and partly because he is skilled at humorous parody of the dominant culture's iconography. In the latter case, in "Natural Tan," he plays with visual icons of the dominant culture, such as getting a tan and lounging around drinking margaritas, and uses sonic icons such as synthesized steel drums and a Caribbean-like rhythm. All of these are icons that the dominant culture associates with leisure and languor, but which arise from hard work, not governmental largesse. As Keillor (1995, p. 118) notes: "humour — a highly valued strategy in aboriginal cultures — can enable [indigenous singers and songwriters] to express emotionally charged issues in a way that is accessible to all audiences." A means of intra- and inter-cultural communication that may serve to subvert and resist, it is hard to censure because of its liminality. Shingoose exhibits lyrically and musically that successful humorous parody requires mastery of both forms and foibles.

<div align="center">"Natural Tan"</div>

> When I was young I wanted to be a cowboy so I could be on the winning side. But drinking milk and eating tons of white bread didn't change the colour of my hide. Now as I grew up I made an

observation, everybody wanted to be brown. Telling me without a reservation I was the envy of the town. 'Cuz...

I got a natural tan, I'm a natural human. I've got a natural tan, I'm a natural man. Wouldn't change the way I am, Oh, I got a natural tan.

Actually, I'm glad I'm aboriginal, it's such a popular minority. I don't have no use for suntan lotion, I never have to lie on a crowded beach. Frying in the sun and roasting ain't my idea of fun. Give me some shade and a margarita and don't stay in the sun too long.

When I was young I didn't want to be an Indian. But that's what I turned out to be. Growing up and living in the white world didn't wipe out my identity. It took a while to surface, but it was there all along. Waiting to be discovered, to show up in this song. (Shingoose, Headband Music)

Whatever the humorous and parodic intentions, as an identity narrative, "Natural Tan" addresses notions of identity-authenticity by pointing out the confusion and potentially debilitating devaluing of self-worth that can accompany cultural imperialism, especially when dominant cultures themselves send out confusing or contradictory messages regarding their own notions of identity-authenticity.

The poetic texts of ethno-pop draw attention to the crucial social justice issue of cultural imperialism and consciously invert it into expressions of some level of cultural autonomy. The ability of indigenous peoples to understand and to orchestrate cultural imperialism as an offensive tactic is a front-line defence against on-going oppression by the dominant culture. The adage that one must know one's enemy to defeat it, applies to First Nations and Métis songwriters. They use media implicated in cultural imperialism, such as popular music, to address the dominant culture directly in order to subvert hegemony and invert disadvantage into advantage in pursuit of individual and group agendas.

Conclusion

Overall, this paper provides an example of how the poetic texts of ethno-pop music can be used in social analysis. Through the use of select and broadly representative poetic texts, its analysis shows that the ethno-pop songs of First Nations and Métis peoples are expressions of their experience of Western colonialism. They are one way in which indigenous peoples construct and mediate a particular range of conditions and experiences that can be subsumed under the rubric of social justice issues. As identity narratives that combine artistic expression, ethnopolitics and notions of identity-authenticity, they are potentially an effectual ingredient in ethnogenesis. Importantly, they also contribute to the poly-ethnogenesis of Canada as a multicultural, liberal-democratic nation-state that sometimes degrades and sometimes celebrates difference, but increasingly tolerates and occasionally even applauds expressions of those differences.

The paradox remains, however, that through the extensive use of Western musical and poetic conventions (mixed with their own traditions and inventions), First Nations and Métis ethno-pop music exhibits the complex

dialectic of dominated groups that Genovese (1975, p. 598) characterizes as "resistance in accommodation and accommodation in resistance". To give a personalized observation on this inherent but not insurmountable paradox, it is fitting to end with comments from First Nations Mohawk singer-songwriter Murray Porter (1991) as one informed perspective on the interplay of agency, popular music and poetic texts in the artistic expression, ethnopolitics and notions of identity-authenticity of ethno-pop music: "We have a voice now in politicized music. A voice that can be heard through the mass media and that's where I like to think I can play a part and put down in words and music the feelings of what it is like to grow up on a reserve, what it's like to go to a residential school, what it's like to be looked down upon as a second-class [Canadian] citizen. And if I can portray that in such a way that's pleasing to the ear but still get the message through, then my job will be accomplished."

Notes

*   This article has profited from the suggestions of the Editorial Board, the anonymous reviewers and Rob Irvine.

1.   "Ethno-pop" is a neologism that conveys the salience of notions of ethnicity and popular music in this analysis. Other somewhat analogous terms for local or "micromusics" (Slobin 1992) now being marketed globally are world music, world beat and transcultural music. Coincidently, Goodwin and Gore (1990, p. 66) note the existence of a "world music/beat" company called Ethno-Pop.

2.   Martin (1995 p. 5) characterizes identity as polysemous and perplexing in that it "implies both uniqueness and sameness... identity is an ambiguous notion" and proposes that identity narratives exhibit a level of agency and choice because they "are produced in order to create and mobilize certain groups towards attainment of particular political goals." As well, Martin suggests "there are always several identity narratives in competition on the same political marketplace and... citizens can choose among them" (1995, p. 5). Narrative is used in the sense of "a form of discourse the principal purpose of which is to relate an event or series of events" (Shaw 1972, p. 69).

3.   I use enunciation in Bhabha's (1988) notion of a style of writing that resists the hegemony of the dominant culture and points out the constructed nature of its domination.

4.   My concept of politics and the process of politicization is based on Young's (1990, p. 34) broad sense of: "all aspects of institutional organization, public action, social practices and habits, and cultural meanings insofar as they are potentially subject to collective evaluation and decision making."

5.   De Certeau (1984) distinguishes between tactics and strategies with the former being the purview of the dominated and the latter of the dominant.

6.   Not all researchers perceive indigenous peoples' music as necessarily covertly or overtly politicized or politicizable. Whidden (1991) notes in her research among the northern Cree, Dakota and Inuit in Canada: "the *absence* of politicized music... [Although] of course the sound of powwow is a political statement; there's an attempt to exaggerate what is Indian" (emphasis in original). As well, non-indigenous Canadian singer-songwriters such as Bruce Cockburn embrace indigenous themes.

7.   LeBlanc (1994, p. 1) suggests that there remain challenges for indigenous popular musics: "A stumbling block to widespread sales of contemporary aboriginal music is its lack of a defining sound, further complicated by the divergent languages".
     See Keillor (1995) on the efflorescence and politicization of Canadian indigenous peoples' post-colonial music and Flohill (1994) on the inclusion of indigenous songwriters within the Canadian music industry through recognition such as the Juno Award category for "Aboriginal Recording of the Year." See Stubington and Dunbar-Hall (1994), Shoemaker (1994) and Neuenfeldt (1993) for comparable developments in Australian indigenous peoples' popular music.

8. There is no suggestion here that ethnicity is uni-dimensional or operates in isolation. For example, Hall (1988, p. 28) in commenting about "new" ethnicities and the politics of representation observes that: "the central issues of race always appear... and are crossed and recrossed by the categories of class, of gender and ethnicity."

9. Wicke (1990, pp. 148-149) stresses the importance of an equal emphasis on popular music's medial as well as textual qualities. See Neuenfeldt (1991) for a discussion of ethno-pop music as one means of mediating the categorization and depiction of indigenous peoples as "public problems."

10. Scott defines a hidden transcript as a "discourse that takes place `off-stage' beyond direct observation by powerholders" (1990, p. 4).

11. This position is in line with more recent analyses that make use of poetic texts (Lipsitz 1994; Cohen 1991; Walser 1993). See Pratt (1990) and Garafalo (1992) for explorations of the political uses of popular music that acknowledge implicitly the salience of poetic texts as sites of social mediation.

12. Merriam (1964, p. 21) distinguishes between music's uses and functions: "`Use'... refers to the situation in which music is employed in human action; `function' concerns the reasons for its employment and particularly the broader purpose that it serves".

13. See Stubington and Dunbar-Hall (1994), Hayward (1993) and Ryan (1994) for analyses that utilize Australian Aboriginal poetic texts, which exhibit similarities with those of Canadian First Nations and Métis peoples.

14. Colonialism and colonization are used in Gartrell's sense of "formal political control of a territory and population by a state, usually through some form of specialized administrative apparatus, with an ideology justifying such control" (1986, p. 4). However, Gartrell (1986, p. 3) cautions that lumping all experiences of colonization under rubrics such as settler colony, post-colonial, internal or external colony, etc., is reductive and elides "the colonizing power's changing demands for land and labour, the changing nature of the state, and the role of ideologies defining appropriate treatment of the colonized."

15. Mitchell (1983, pp. 206-207) labels this process "logical inference" in that emphasis is placed on the "theoretically necessary linkages among the features of... case studies."

16. Ethno-pop can be situated within the rubric of world music in Feld's sense that world music refers not only to non-Western musics that are available commercially as "product" within the West, but also refers to "*all musics of dominated ethnic minorities within the Western world*" [emphasis added] (Feld 1992, p. 167).

17. Chartrand (1991) addresses these classifications in depth, as well as noting some of the historical and political circumstances and socio-cultural and legal impacts of "outside-naming" on indigenous peoples in Canada. Chartrand explains the difference between the terms "status" and "non-status" that derives from the Indian Act as follows: "Essentially the Indian Act system has focused its definition on a kinship system based on the male head of family, and the descendants of those who were recognized in the early days of the system, in the 1870s, as members of Indian communities... Those individuals caught by the Indian Act definition have been popularly know as "status Indians" and those who have been excluded have been known as "non-status Indians" (1991, p. 18). The term Inuit refers to "the aboriginal people of the far northern regions of Canada" (1991, p. 20). The term Métis has been used "in reference to the largely Francophone, Catholic people descended from aboriginal and eastern Francophone parentage... and loosely applied also, however, to designate the largely Anglophone, Protestant group in western Canada, the offspring of Hudson's Bay employees and aboriginal people" (1991, p. 12). Chartrand considers "insider-naming" to be a facet of the general effort by Canadian indigenous peoples "to rid themselves of outside domination, including the insistence on the use of inappropriate labels" (1991, p. 20).
    Ethno-pop music poetic texts as identity narratives are not strictly part of the current project of insider-driven re-naming, such as the replacement of "Native Indians" with "First Nations" or of "Eskimo" with "Inuit," but rather a collateral move toward self-definition. However, the replaced terms still appear in both indigenous and non-indigenous poetic texts, perhaps out of habit or perceived likability, singability or rhymability.

18. There have been several catalysts fuelling the cultural renaissance of Canadian indigenous peoples over the last decades such as the American Indian Movement (A.I.S.), the general focusing on heritage in multiculturalism and the support of government media like the

Canadian Broadcasting Commission. One specific catalyst for First Nations peoples is the Toronto-based Canadian Native Arts Foundation which, since 1988, has dispensed over one million dollars in grants and has been involved in several high profile projects such as the *In the Land of Spirits* ballet. Conductor, composer and mentor John Kim Bell, a Mohawk from the Kahawake reserve and first "Red Indian" to guest conduct the London Royal Philharmonic Orchestra, says that "you've got to do positive things to acquire leverage... We've got to break the stereotype and show we're not all alcoholics." As to the ballet's affirming, anti-nihilistic thrust and political context during heightened controversy in the wake of the Oka crisis, he assesses, "[the ballet] is a statement of self-determination and pride. It's a political statement, yes, but it's something all Canadians can enjoy. You leave the theatre feeling good" (*The Georgia Straight* 1992, p. 23).

19. Appadurai (1990) suggests there are a bundle of "ideas" arising from an Enlightenment worldview that form the "ideoscape" of the global cultural economy. Some of the ideas that circulate in it include: freedom, welfare, rights, sovereignty, representation and the master-term democracy. Appadurai posits these may undergo considerable transformation when inserted into new contexts.

20. Two components of social justice are the concepts of oppression and domination, which overlap to some extent. Young (1990, pp. 37-38) suggests it is necessary to delineate them because while oppression is often interchangeable with domination in the sense of someone being constrained by someone else's rules, not all instances of domination qualify as oppression.

21. For an example of the use of popular culture forms such as songs to depict sexual relations between indigenous and non-indigenous peoples, see Thompson (1989).

22. For a literary treatment of the Battle of Batoche and the lives of contemporary Métis and musical performers, see Laurence's *The Diviners* (1974).

23. See Knudtson and Suzuki (1992) for a discussion of the relationship of indigenous peoples to the natural environment and to environmental movements.

Bibliography

Ang, I. (1992). "Migrations of Chineseness." *SPAN*, (34/35) pp. 3-15.

Appadurai, A. (1990). "Disjuncture and Difference in the Global Cultural Economy." *Public Culture*, 2(2) pp. 1-24.

Barth, F. (1969). *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*. Little and Brown, Boston.

Bell, S. (1991). "Vatican Must Open Vaults to Help Indians." *Vancouver Sun*, June 20, 1991 p. 7.

Best, S. and Kellner, D. (1991). *Post Modern Theory*. Macmillan, London.

Bhabha, H. (1990). "Interrogating Identity: The Post Colonial Prerogative," in Goldberg, D. (ed.) *The Anatomy of Racism*. University of Minnesota Press, Minneapolis.

Boldt, M. (1993). *Surviving as Indians: The Challenge of Self-Government*. University of Toronto Press, Toronto.

Brown, J. (1987). "The Metis: Genesis and Rebirth," in B. Cox (ed.) *Native People, Native Land*, pp. 136-147. Carleton University Press, Ottawa.

Camnitzer, L. (1994). "Art and Politics: The Aesthetics of Resistance." *NACLA Report on the Americas*. 28(2) pp. 38-45.

Chartrand, P. (1991). "Terms of Division: Problem of `Outside-naming' for Aboriginal People in Canada." *The Journal of Indigenous Studies*. 2(2) pp. 1-22.

Cohen, S. (1991). *Rock Culture in Liverpool: Popular Music in the Making*. Oxford University Press, Oxford.

Crawford, J. (1993). *The Rights of People*. Oxford University Press, Melbourne.

De Certeau, M. (1984). *The Practice of Everyday Life*. University of California Press, Berkeley.

Denisoff, S. and Levine, M. (1971). "The One-Dimensional Approach to Popular Music: A Research Note." *Journal of Popular Culture*, 4(3) pp. 911-919.

Denisoff, S. and Peterson, R. (1972). (eds.) *The Sounds of Social Change*. Rand McNally, Chicago.

Dyck, N. (1985). *Indigenous Peoples and the Nation-State: "Fourth World" Politics in Canada, Australia and Norway*. Social and Economic Papers #14. Memorial University of Newfoundland, St. John's.

_____ (1991). *What is the Indian "Problem": Tutelage and Resistance in Canadian Indian Administration*. Memorial University of Newfoundland, St. John's.

Feld, S. (1992). "Voices of the Rainforest: Politics of Music." *Arena*, (99/100) pp. 164-177.

Fitzgerald, T. (1991). "Media and Changing Metaphors of Ethnicity and Identity." *Media, Culture and Society*, 13 pp. 193-214.

Flohil, R. (1994). "Native Writes." *Words & Music*, 1(1) pp. 12-14.

Foucault, M. (1979). "Power, Truth, Strategy," in Morris, M. and Patton, P. (eds.) *Michel Foucault: Power, Truth and Strategy*. Feral Publications, Sydney.

_____ (1980). *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Gordon, C. (ed.) Harvester Press, Brighton.

Frideres, J. (1988). *Native Peoples in Canada*. Prentice-Hall, Scarborough, Ontario.

Gartrell, B. (1986). "Colonialism and the Fourth World: Notes on Variations in Colonial Situations." *Culture*, 6(1) pp. 3-17.

Genovese, E. (1975). *Roll, Jordan, Roll*. Andre Deitsch, London.

_____ *Georgia Straight*. (1992). "Native Spirits Challenge Phantom." Vancouver, Canada. September 25-October 2, 1992 p. 23.

Gilroy, P. (1991). "It Ain't Where You're From, It's Where You're at...: The Dialectics of Diasporic Identification." *Third Text*, 13 pp. 3-16.

Ginsburg, F. (1994). "Production Values: Indigenous Media and the Rhetoric of Self-Determination," in Battaglia, D. (ed), *The Rhetoric of Self-Making*. University of California Press, Berkeley.

_____ (1991). "Indigenous Media: Faustian Contract or Global Villages?" *Cultural Anthropology*, 16(1) pp. 92-111.

Goodwin, A. and Gore, J. (1990). "World Beat and the Cultural Imperialism Debate." *Socialist Review*, 20(3) pp. 63-80.

Gunew, S. (1993). "Multicultural Multiplicities: US, Canada, Australia." *Meanjin*, 3 pp. 447-461.

Hall, S. (1992). "The West and the Rest: Discourse and Power," in Hall, S. and Gieben, B. *Formations of Modernity*, pp. 275-331. Polity Press, London.

_____ (1988). New Ethnicities, in Mercer, K. (ed.) *Black Film, British Cinema*, pp. 27-31. ICA Documents. Institute of Contemporary Arts, London.

Hayward, P. (1993). "Safe, Exotic and Somewhere Else: Yothu Yindi, `Treaty' and the Mediation of Aboriginality." *Perfect Beat*. 1(2) pp. 33-42.

Jones, D. and Hill-Burnett, J. (1982). "The Political Context of Ethnogenesis, An Australian Example," in Howard, M. (ed.) *Aboriginal Power in Society*, pp. 214-246. University of Queensland Press, St. Lucia, Queensland.

Keillor, E. (1995). "The Emergence of Postcolonial Musical Expressions of Aboriginal Peoples Within Canada." *Cultural Studies*. 9(1) pp. 106-124.

Knudtson, P. and Suzuki, D. (1992). *Wisdom of the Elders*. Allen and Unwin, Sydney. Kurien, P. (1994). "Colonialism and Ethnogenesis: A Study of Kerala, India." *Theory and Society*. 23 pp. 385-417.

Laurence, M. (1974). *The Diviners*. Bantam, Toronto.

LeBlanc, L. (1994). "Canada's Aboriginal Musicians Seek Mainstream Recognition." *Billboard*. September 3 pp. 1+55.

Lindstrom, L. (1982). "Leftamap Kastom: The Political History of Tradition on Tanna, Vanuata." *.Mankind*, 13 pp. 316-329.

Lipsitz, G. (1994). *Dangerous Crossroads*. Verso, London.

Malm, K. (1993). "Music on the Move: Traditions and Mass Media." *Ethnomusicology*, 37(3) pp. 339-352.

Martin, D-C. (1995). "The Choices of Identity." *Social Identities*, 1(1) pp. 5-20.

Merriam, A. (1964). *The Anthropology of Music*. Northwestern University Press, Evanston, Illinois.

Mitchell, C. J. (1983). "Case and Situational Analysis." *The Sociological Review*, 31 pp. 187-211.

Neuenfeldt, K. (1991). "To Sing a Song of Otherness: Anthros, Ethno-pop and the Mediation of `Public Problems.'" *Canadian Ethnic Studies*, 23(3) pp. 92-118.

_____ (1993). "Yothu Yindi and Ganma: The Cultural Transposition of Aboriginal Agenda Through Metaphor and Music." *Journal of Australian Studies*, 38 pp. 1-11.

Pickering, M. (1986). "Song and Social Context," in Russell, I. (ed.) *Singer, Song and Scholar*, pp. 73-93. Sheffield Academic Press, Sheffield, U.K.

Porter, M. (1991). "First Nations Musician." Interview on Six Nations Indian Reserve, Brantford, Ontario, Canada. July.

Pratt, R. (1990). *Rhythm and Resistance: Explorations in the Political Uses of Popular Music*. Praeger, New York.

_____ (1986). "The Politics of Authenticity in Popular Music: The Case of the Blues." *Popular Music and Society*, 10(3) pp. 55-78.

Robinson, D., Buck, E., and Cuthbert, M. (1991). *Music at the Margins: Popular Music and Global Cultural Diversity*. Sage, Newbury Park.

Ryan, R. (1994). "Tracing Urban Songlines: Contemporary Koori Music in Melbourne." *Perfect Beat*, 2(1) pp. 20-37.

Said, E. (1978). *Orientalism*. Pantheon, New York.

Sawchuck, J. (1978). *The Metis of Manitoba: Reformulation of an Ethnic Identity*. Peter Martin Associates, Toronto.

Scott, J. (1990). *Domination and the Arts of Resistance*. Yale University Press, London.

Shaw, H. (1972). *Concise Dictionary of Literary Terms*. McGraw-Hill, Sydney.

Shoemaker, A. (1994). The Politics of Yothu Yindi. *Working Papers in Australian Studies*, #88-96. K. Darian-Smith (ed.) pp. 19-37. Institute of Commonwealth Studies, London.

Slobin, M. (1992). "Micromusics of the West: A Comparative Approach." *Ethnomusicology*, 36(1) pp. 1-87.

Stratton, J. (1983). "What is Popular Music?" *Sociological Review*, 31(2) pp. 293-309.

Sprenger, H. (1987). "The Metis Nation: Buffalo Hunting versus Agriculture in the Red River Settlement, 1810-1870," in B. Cox (ed.) *Native People, Native Land,*, pp. 120-135. Carleton University Press, Ottawa.

Stubington, J. and Dunbar-Hall, P. (1994). "Yothu Yindi's `Treaty': *Ganma* in Music." *Popular Music*. 13(3) pp. 243-259.

Thompson, S. (1989). "Forbidden Fruit: Interracial Love Affairs in Country Music." *Popular Music and Society*. 13(2).

Wallis, R. and Malm, K. (1984). *Big Sounds from Small Peoples: The Music Industry in Small Countries*. Constable, London.

Walser, R. (1993). *Running with the Devil: Power, Gender and Madness in Heavy Metal Music*. Wesleyan University Press/University Press of New England, Middleton, U.S.A.

Weaver, Sally. (1985). "Political Representivity and Indigenous Minorities in Canada and Australia," in Dyck, N. (ed.) *Indigenous Peoples and the Nation-State: `Fourth World' Politics in Canada, Australia and Norway*, pp. 113-150. Memorial University of Newfoundland, St. John's.

Whidden, L. (1991). Personal Correspondence. June.

_____ (1984). "How Can You Dance to Beethoven?: Native People and Country Music." *Canadian University Music Review*. 5 pp. 87-103.

Wicke, P. (1990). "Rock Music: Dimensions of a Mass Medium — Meaning Production Through Popular Music." *Canadian University Music Review*, 10(2) pp. 137-156.

Young, I. (1990). *Justice and the Politics of Difference*. Princeton University Press, Princeton.

Discography

Songs:

Jeannette Armstrong. "Indian Women." *Till the Bars Break*.

Joanne Myrol. "Battle of Batoche." *The Best of Native Perspective*.

Chucky Beaver. "Proud Indian." *The Best of Native Perspective*.

Shingoose. "Mother Earth" and "Natural Tan." *Natural Tan*.

Albums:

The Best of Native Perspective. WRC4-5986. c/o Aboriginal Multi Media Society of Alberta, Box 2250 Lac La Biche, Alberta P0A 2C0. (n.d.) [possibly 1991] Canada.

Natural Tan. Headband Records. HC-8801. C/o Don Marks NMP Inc. Box 2850, Winnipeg, Manitoba, R3C 4B4. 1988. Canada.

Till the Bars Break. Cargo Records. IMR014. (n.d) [possibly 1991] Canada.

William Hamley

The Nunavut Settlement: A Critical Appraisal

Abstract

Current land claim activities in northern Canada are considered and the provisions of the Nunavut settlement are outlined. While the agreement could bring many benefits to the Inuit people involved, problems could arise from its implementation, not least those of continuing high unemployment, low educational standards and heavy reliance on the federal government. The settlement offers challenges, opportunities and problems. The extent and effectiveness of Inuit self- government is seen as crucial to the success of this comprehensive settlement.

Résumé

Dans cet article, l'auteur examine les revendications territoriales actuelles visant le Nord canadien et expose à grands traits les dispositions du règlement du Nunavut. Bien que l'entente pourrait donner lieu à de nombreux avantages pour les peuples inuit intéressés, elle pourrait également créer des problèmes engendrés par sa mise en œuvre, notamment un taux de chômage élevé et endémique, un faible taux de scolarité et une dépendance extrême envers le gouvernement fédéral. Le règlement présente des défis, des occasions et des problèmes. La portée et l'efficacité de la structure autogouvernementale inuit sont perçues comme les éléments essentiels d'une mise en œuvre réussie de ce vaste règlement.

May 25, 1993 was hailed as an historic day by Canada's Inuit peoples when the comprehensive Nunavut land claim settlement was signed in Iqaluit by representatives of the federal and Northwest Territories' governments and Inuit leaders. The following month, two bills were passed in the federal Parliament ratifying the agreement and creating the new territory of Nunavut, meaning "our land," by April 1, 1999. This treaty illustrates many of the current problems and opportunities arising from the settlement of land claims in the Canadian North. Using published and unpublished government and consultants' reports and interview data from interested parties, this paper, after outlining the background to the signing and considering the agreement's main features, will reassess the main assumptions concerning the possible future of Nunavut, with critical appraisals of some current forecasts concerning the outcome of the settlement's provisions.

Land Claims and Settlements in Canada

At the arrival of the European colonizers, the Aboriginal peoples of what is now Canada had developed a tenure system of communally owned land with loose but generally accepted boundaries based on tribal territorial units and

sized in some relation to the territory's resource base. The colonizers, with a different system of private property and clearly defined and delimited land ownership title, set out to clarify land rights in a series of declarations and treaties, securing formal and, in European eyes, legal title to Aboriginal land. A succession of treaties, from the Royal Proclamation in 1763 to the eleven numbered treaties made between 1871 and 1921, marked the westward expansion of European settlement in Canada. By 1930, about half of Canada had been covered by treaties, the exceptions being Labrador, Northwest Territories (NWT), Yukon and northern parts of British Columbia and Quebec. The situation remained largely unaltered until the late 1960s when the extent of the mineral and power resources in the Canadian North grew increasingly apparent. At the same time, Aboriginal rights and environmental preservation issues were leading to increasing political activity, not least by Native peoples themselves.

In 1973, the federal government announced its readiness to negotiate two types of Native claims: specific and comprehensive (Hamley, W., 1993, 98). Specific claims arise where, it is argued, the provisions of previous treaties and formal agreements have not been fulfilled and where specific submissions have to be resolved. Comprehensive land claims occur where Aboriginal title has not previously been dealt with by treaty or agreement, which includes most of northern Canada, though even in parts of southern Ontario and southern Quebec, no valid treaty nor agreement currently exists (Plain, F., 1985, 31). Claims are comprehensive in scope when covering land title, hunting and fishing rights, financial compensation, other rights and benefits and, in the case of the Nunavut claim, a degree of political autonomy. The Constitution Act of 1982 gave wide recognition of Aboriginal rights and included clauses acknowledging that unresolved land claims, based on Aboriginal title, should go to settlement by negotiation.

By their nature, the specific claims now forthcoming affect only small groups and limited tracts of land and are confined mainly to southern Canada (Miller, J.R. (ed.), 1991, 415). Negotiations on more than twenty comprehensive claims, mostly in the North, have become protracted. The first to be signed in 1975 and 1978 were the James Bay agreements in northern Quebec (Hamley, W., 1987, 257). These were followed by the Inuvialuit agreement in the western Arctic in 1984. Agreements were reached with the Yukon Indians and with the Dene/Métis of NWT, though the future of this latter settlement is uncertain (Crowe, K.J., 1990, 23). Other treaties are in the process of negotiation, notably those covering much of Labrador and Quebec, affecting the Inuit, Attikamek, Montagnais and Naskape peoples. However, the Nunavut agreement, while covering many of the same issues as other comprehensive claims, is particularly significant because the establishment of a new territory where the Inuit are to enjoy a considerable degree of self-government is central to its purpose.

Background to the Negotiations

Proposals to divide the NWT appeared in 1962 when, because of the possibilities of exploiting the non-renewable resources of the western Arctic

and Mackenzie Valley, non-Aboriginal support was strong for a bill creating a western portion (Mackenzie Territory) and an eastern portion (Nunatsiaq) divided along the 105th meridian (Dickerson, M., 1992, 85). Because of the federal election of 1963 the bill did not pass. The issue did not arise again until 1973 when the Inuit Tapirisat of Canada (ITC) began discussions with the federal government on hunting rights and land claims. By 1976, ITC had made the first proposal to create the new Inuit territory of Nunavut. The imminence of oil and gas development in the western Arctic prompted the Inuvialuit of the region to withdraw from the Nunavut proposal and to eventually sign their own land claim agreement in 1984.

A territory-wide plebiscite on dividing the NWT to create a new eastern territory of Nunavut was held in 1982. Large abstentions, especially among white voters, led to a mere 51 percent turn out. Of these 56 percent, or some 28 percent of the total electorate voted for division, the only areas of overwhelming support being the Inuit regions of Baffin and Keewatin (Dacks, G., 1986, 205). The Tungavik Federation of Nunavut (TFN) took over from ITC and made steady progress towards an agreement until the Dene and Métis of the MacKenzie Valley refused to ratify the proposed land claim boundary in February 1987. Problems continued as internal disagreements within the Dene Nation eventually led to the breakdown of its land claim negotiations with the federal government in 1990, thus threatening the overall settlement of the division of NWT. However, the TFN pressed ahead with its claims and, by putting aside the problems of a boundary agreement with the Dene, was able to reach a Land Claim Agreement in principle by December 1989. A new boundary was suggested in 1991, but despite a gain of some 50,000 sq km of land over the old proposal, the Dene and Métis rejected it on the grounds that the proposed boundary intruded into disputed hunting grounds, arguing that the boundary should be placed further east. Before the Nunavut agreement could be presented to the Inuit of the new region for ratification, a boundary plebiscite was necessary as was a political accord with the federal and territorial governments. The political accord was signed on April 27, 1992. The boundary plebiscite was held on May 4, 1992 resulting in acceptance of the present boundaries by the NWT electorate on a 54 to 46 percent vote in which the Inuit overwhelmingly voted "yes" and the Dene and Métis overwhelmingly, "no". The boundary issue isolated the Inuit within the Native community; apart from the Dene and Métis, Indian groups from the northern Prairie provinces and the Assembly of First Nations all called for rejection of the boundary. The signing in 1993 of the claim agreement was hailed with a sense of triumph and relief by the Inuit leaders.

The Nunavut Land Claims Settlement

The new territory covers the eastern part of the NWT mainland and most of the Arctic islands (see Figure 1 on page 4) — an area of some 1,900,000 sq km or nearly eight times the size of the United Kingdom. Of Canada's 25,000 Inuit, some 17,500 live in Nunavut where they make up eighty percent of the total population of approximately 22,000. Iqaluit (3,500), the probable capital is the only community of any size, and population density in this vast northern wilderness is only 0.01 per sq km. Apart from a relatively narrow forest belt in

Figure 1. Map of Nunavut

the south, the territory consists of tundra and arctic climate zones, impossible to farm but containing a variety of renewable and non-renewable resources. With a mere 20 km of highway (Nunavut, 1993, 7) and the coast ice bound for much of the year, transportation is mainly restricted to expensive air travel.

The 41 articles of the agreement (Agreement 1993) establish clear rules of ownership and control over land and resources in an area covering one-fifth of Canada. In exchange for surrender to the Crown of their Aboriginal title to the lands, waters and adjacent offshore of the new territory, the Inuit of Nunavut will receive a variety of rights and benefits. Briefly, these include title to 350,000 sq km of land of which 35,250 sq km in some 1,500 parcels will include mineral rights; representational rights on management boards for land, water, wildlife, environment and resources development; capital transfer

payments over fourteen years totalling $1.148b; and other economic rights including a share of royalties from oil, gas and minerals on land to which the Inuit hold surface rights. Three new federally-funded national parks will be established and the Inuit will be given priority in setting up sport and commercial wildlife ventures. In addition, Inuit will be guaranteed, subject to the principles of conservation, the right to harvest marine and territorial wildlife throughout the new territory sufficient to meet their consumption needs and will be given special consideration in the allocation of commercial fishing licences in Hudson Bay and Davis Strait adjacent to, though outside, Nunavut's boundaries. The two bills passed in June 1993, the Nunavut Land Claims Agreement and the Nunavut Act, are to be implemented by two separate bodies: the Nunavut Tunngavik Incorporated (NTI) implementing the land claims settlement and the Nunavut Implementation Commission (NIC) implementing the political agreement. In essence, the NTI will concern itself with proprietary rights concerning land title, hunting and fishing rights and financial entitlements, while the NIC's responsibilities will cover the whole gambit of activities concerning the establishment and operation of the new government and all its bodies and responsibilities. The two separate and distinctive bodies emphasize the agreement's political dimension not only as a land claims settlement but also a clear commitment to Inuit self-government. This sets it apart from other northern agreements which have been predominantly land claim settlements with some limited, local political autonomy. The implementation of the Nunavut land claims by the NTI is now proceeding apace while an array of policies and recommendations is forthcoming from the NIC (NIC, 1995).

The federal government will have to provide the bulk of the funding for the new territory while continuing to finance what remains of NWT. The current NWT government which will oversee much of the initial division has estimated the "one time" costs of the exercise at $5.7m for the west and between $560.8m and $632.6m for the east or Nunavut (Government of NWT, 1990, 8). Using a different approach in calculating costs, the Department of Indian Affairs and Northern Development (DIAND) estimated "one time" costs of $333.9m prior to full operations, then operating costs rising incrementally from $9.6m per annum in 1992 to $11.6m per annum by 1999 and growing to $84.6m per annum by 2008 (DIAND, 1992, 4). A recent estimate on behalf of the NIC gives a more sanguine picture of the costings at some $359m (NIC, 1995, A 16.8). The NWT government will cease to have responsibility for both territories in 1999. When the Nunavut government is completely in place, in 2008, the total cost is estimated by DIAND to be between $1,250m and $1,400m (Personal Communication with DIAND). This is more than three times the current NIC estimate of a total cost of some $400m. Even if the latter estimate proves to be the more realistic, the federal government will still have to cover 95 percent of the eventual cost.

Existing revenue/taxation regimes and the federal cost-sharing/funding agreements between the current NWT government and the federal government, as well as levies in the communities, will have to be adjusted with the setting up of two new governments. Fears in the west of NWT were assuaged by assurances that the federal government would take charge of the

additional costs entailed in setting up Nunavut and that there would be no diminution of services in a properly planned transition. The inhabitants of the west would not have to pay for Nunavut (Fenge, T., 1992, 126). Nevertheless, the total costs of the settlement will be considerable and will require the Canadian tax-payer to contribute between ten and twenty percent more per annum over the present costs of government in NWT (Hamley, W., 1993, 277). These costs have to be placed in the political context of a treaty establishing a new territorial government which is intended to give, de facto, self-government to a majority of Canada's Inuit and which settles a major comprehensive land claim.

Anticipated Benefits

Although undoubtedly a major achievement for the Inuit, the establishment of Nunavut does not represent complete autonomy. Rather, it will lead to a form of self-government which appears to be the most innovative and extensive yet devised by government and Native representatives. The transition process, involving both Nunavut and the NWT, will have to be carefully staged not only for the benefit of the former, but also to ease the stresses on the latter; it would appear that preparations have been exemplary with the transition plan firmly in place. Nunavut will have its own legislative assembly by 1999 with full assumption of all territorial government responsibilities, generally consistent with those in the present NWT legislature, by 2008.

Already, the area designated as Nunavut experiences some degree of local autonomy under the current NWT government though this is necessitated, to a certain extent, by the area's sparse population, vast distances and limited infrastructure. This autonomy will act as a base for the intended devolution of power by the government. Nunavut's 28 communities will be divided into three distinct regions — Baffin, Keewatin and Kitikmeot. The aim is to further decentralize government by setting up government departments and agencies throughout the territory. Government will be dispersed downwards from territorial to regional to municipal or local levels, and tribal councils will continue to operate. This further devolution of government is intended to better address local needs and to try to ensure that social and economic benefits are more democratically shared and evenly distributed. The need to end the dependency on Yellowknife and Ottawa and to take more control of their own affairs has been a major factor in the Inuit drive for greater autonomy.

An important economic benefit will be an increase in employment in the government sector. The NWT's best estimate is for 1,126 new jobs in the government sector, 136 in other agencies and a further 300 in regional support services (Government of NWT, 1990, 9). Similar figures are projected by DIAND with a further 622 employment opportunities occurring shortly after the transition is completed in 2008 (DIAND, 1992, 4). Some increase in the service sector will undoubtedly occur, but employment in the extra construction activities would be short term. Market conditions will determine the number of new jobs in the non-renewable resource area. A more stable area of employment will be tourism and craft sectors. The number of the new jobs in this new territory filled by outsiders will depend on the outcome of the

proposed quota system. The DIAND 1992 estimate of a population influx of 4,453 by 2008 attracted by the new opportunities has been revised down to 1031 by the NIC in view of the intention of the Act directed at having Inuit employed in 85 percent of all jobs at all levels. Similarly, all tenders for jobs and contracts must now give preference to Inuit applicants and Inuit-owned companies. Clearly, the intention is that the new employment opportunities arising through the creation of Nunavut should benefit its Inuit population in direct proportion to their population component.

The Inuit are to be involved in the management of Nunavut's renewable and non-renewable resources. Quasi-judicial boards, on which both the federal government and Inuit will have equal representation, are planned. Resources are to be managed in an integrated and comprehensive manner with land use and marine planning, environmental assessments and social impacts under the purview of the relevant boards. Such democratic control should have significant effects on the scale, pace, timing and location of most of the future socio-economic developments in the new territory, not least in the exploitation of oil, gas and mineral deposits. Apart from the Sverdrup Basin, the Agreement gave the Inuit the opportunity to select areas important for renewable and non-renewable resources, including several areas of known or potential mineral deposits, in particular the uranium resources in Keewatin, lead, zinc and gold reserves in North Baffin and Kitimeot, and diamond fields in Keewatin and Baffin Island. Other potential sites are found throughout Inuit owned land ready for development as and when market conditions are favourable.

With sub-surface rights to some 18 percent of Nunavut and a share in royalties from non-renewable resources on Crown land, the new government should have sufficient financial assets to enable it to "encourage self-reliance and economic development as well as cultural and social well being" (DIAND, 1986, 7). However, the agreement barely mentions social and cultural issues such as education, health and justice. These are policy areas which will be more fully addressed as the new government's powers are implemented and so present a great opportunity to fashion the new territory into a distinctive and singular Inuit homeland.

Central to Inuit cultural and social traditions is the use of non- renewable resources on land and water. Harvesting rights for the Inuit and non-Inuit are defined, with due emphasis on Inuit social, economic and cultural needs within the constraints of careful wildlife management and conservation, providing for periodic reviews to assess changing needs. Apart from a few limited areas mainly under military control, Inuit "shall have the free and unrestricted right of access for the purpose of harvesting to all lands, waters and marine areas within the Nunavut Settlement Area" (Agreement 1993, 5.7.18). Non renewable resources, surplus to Inuit requirements and within the quota system, will be used for sport and commercial operations.

The latter could form the basis of some limited economic activity; although hunting, trapping and fishing rights will help preserve Inuit life-styles and can be regarded as an income supplement in terms of country food, the fact remains that, apart from jobs in the government area, employment prospects are limited

in other sectors of the northern economy. Inuit employment in the extractive industries, for which they are seldom trained and which is alien to traditional life-styles, would seem unlikely to be of any great significance in the immediate future even though wage employment opportunities in many communities are likely to remain limited during the period of transition. A large percentage of Native inhabitants throughout the NWT currently subsist on hunting, trapping and fishing activities supplemented by government transfer payments (Hamley, W., 1993, 267). The Nunavut Agreement offers an escape from this particular morass as the Inuit become more involved in economic development and management.

Potential to increase Native involvement in the tourist industry exists. The industry is sustainable and by using local skills and community- based development policies, the industry, although remaining small scale, could provide seasonal employment and a cash supplement to traditional life-styles. Many of the skills involved, such as guiding and cooking, arise from traditional practices and, because many of the Inuit are likely to own boats, motors, tents etc., small firms needing little new capital equipment could easily enter the industry (Hamley, W., 1991, 396). Capable of similar expansion is the associated arts and crafts sector; this cottage industry provides a winter complement to summer tourism. Inuit arts and crafts enjoy a growing market elsewhere in North America as well as Europe and Asia. Nunavut's remote location makes the tourism market more limited, attracting mainly the affluent, educated, adventure-traveller who enjoys unique cultural and natural environments. In this context, the part of the agreement concerning National Parks in Nunavut is significant.

The Green Plan of 1990 had recognized Auyuittuq and Ellesmere Island as National Park Reserves and identified North Baffin Island, Bluenose Lake and Wager Bay as the future sites of National Parks (Fenge, 1993, 29). Under the Nunavut Agreement, Auyuittuq, Ellesmere and North Baffin would become National Parks, but the future status of the other two was left undecided. As elsewhere, the Inuit were to enjoy unrestricted harvesting rights within the Parks and would help monitor and decide future developments through joint management boards. Of particular significance to the future is the fact that Inuit organizations will be given first refusal of any work or business opportunities occurring in the Parks — an important factor in the development of local tourism — related activities.

At first sight, it would appear that initial Inuit enthusiasm for the Nunavut Settlement is justified, having extracted one of the most lucrative and extensive land deals in the world. They have their own homeland and de facto self-government. Job opportunities ought to rise, they can expect royalty payments for non-renewable resources and they have established title to some mineral resources outright while their traditional uses of renewable resources seem well covered by the relevant articles of the agreement. Opportunities exist for sustainable economic development, and the Inuit appear to have achieved a fair amount of control over resource use and environmental preservation. Of all the land claim treaties negotiated lately, the Nunavut Agreement seems, on the face of it, to have been the most accommodating of

Native aspirations, the most promising in the opportunities it offers and the most generous in its provisions. Yet, to the detached observer, the agreement is not without its shortcomings.

Some Critical Assessments

Since the agreement will not be fully operational until 2008, predictions of its success are extremely premature. Some reappraisal of the initial optimism is in order and a valid case can be made for more pessimistic forecasts of the settlement's outcome. Much caution is advised in trying to assess the probable social, economic and political consequences of what amounts to an act of faith by all involved.

Clear examination of employment opportunities reveals some cause for concern. During the 30 years from 1986 to 2016, the population of Nunavut is projected to grow by 130 percent ((DIAND, 1992, 7). According to these estimates, the employable age groups, i.e. the population between 15 and 64 years of age, is expected to increase by 137 percent but the Native population, largely responsible for this rise, is unlikely to increase its share of the jobs fast enough to keep pace with the population increase. Only 27 percent of non-government jobs will be held by Natives in 2016 compared to 38 percent in 1986. Even including jobs in the government sector, the best projection for 2016 indicates native unemployment near the 40 percent mark (DIAND, 1992, 2). Although the number of jobs will increase in Nunavut, the problems of Inuit unemployment are likely to remain. In fact, they could be exacerbated in the early stages when most of the government jobs will go to non-Natives. Local hiring for these jobs is a mere 6 percent in 1994, rising slowly to 15 percent by 2001 and projected to reach 27 percent by 2008 (DIAND, 1992, E.5.1).

Furthermore, the NIC states in its report "there is good reason to fear that some of the economic problems already starkly apparent in Nunavut may become more troubling in the future" and that a shortfall in training could lead to a supply of management services from outside Nunavut after 1999 (NIC, 1995, 6.39). Nevertheless, the NIC is much more optimistic than the earlier DIAND report because, based on the 85 percent quota system, the current high rates of unemployment among the Inuit should fall sharply by 2008. Whether the pessimistic or optimistic projection comes to fruition depends directly on the new territory's education system. If 85 percent of the full range of jobs is to be held by the Inuit by 2008, then education standards and training will have to improve. Currently, less than half the population of Nunavut has received a secondary education; between 1985 and 1991, high school graduation rates dropped from 10 to 6 percent. Many of the older people view education as the passing down of traditional skills, though this is often lost by a younger generation subject to rising rates of suicide and substance abuse. Greg Coleman, former editor of *Nunatsiaq News*, paints an extremely depressing picture of education in Nunavut with very low graduation rates, high drop out rates and an alarming lack of motivation by both parents and children (Coleman, G., 1993). However, the current training program is ambitious and wide ranging and, if successful, could supply the necessary range of skills to allow the Inuit to successfully run Nunavut's economy and at the same time

drastically reduce the unemployment rate. Significantly, the Nunavut Agreement does not fix a target date for attaining a representative level of Inuit employment. While recent enrolment figures have been encouraging, school and continuing education drop out rates are still high; it remains to be seen whether the educational training programs now appearing will be able to provide a sufficiently skilled Inuit workforce in time to fulfil the aims of the agreement. Currently, Nunavut reports the lowest literacy rates of the three territories (NIC, 1995, 74); much needs to be done, and quickly, if the optimists are to triumph.

This is particularly the case in occupations not directly under government control. The resource industries, requiring a fair percentage of highly-trained personnel, will offer high salaries attractive to outsiders. Indeed, should there be a noticeable expansion in the resource sector, it is possible that an influx of workers from outside the territory may become inevitable even if sufficiently skilled Inuit are available. It is just conceivable that the Inuit population of Nunavut could lose their political majority. As a result of the Klondike gold rush, the Native peoples of the Yukon are now a minority in their own land. A similar influx could alter the demographic composition of Nunavut. Despite the growth projections for the Inuit, the actual numbers remain small. Even a projected 40,000 Inuit by 2016 will comprise a minority if this vast territory's resource base undergoes substantial development. At best, such development would strengthen the territory's financial base; at worst, under a democratic system, the Inuit could lose control of the territorial government.

Additionally, it has been argued that the control of non-renewable resource development will not necessarily be entirely under Inuit control (Merritt, J. and Fenge, T., 1990). The Inuit do not have a veto over the activities of the resource management boards on which they will have to share power with representatives of the federal government. Many funding, personnel and informational problems are foreseen for these boards (Fenge, T., 1992, 129). Differences over planning, allocating and managing resources, even when compromises are made, could gradually erode Inuit influence, especially if the likely centralizing and departmentalizing tendencies of civil servants begin to obstruct the decision making processes and obscure original intentions. When faced with such organized power, Inuit representatives could well find themselves disadvantaged if they persist with their slower, albeit more thorough, methods of arriving at decisions acceptable to all their community.

Although gaining sub-surface title to some promising mineral deposits, the Inuit could well have lost considerably in this part of the settlement. Much of Nunavut remains to be fully mapped and explored geologically. Despite their local knowledge, the Inuit negotiators did not have the degree of input concerning sub-surface deposits available to government agencies, and many of the known deposits of minerals, oil and gas were already under lease, claim or permit to commercial enterprises. The federal government retained overall control of much of these known reserves, allowing the Inuit to obtain only a fraction of the resource-rich land permitted to third parties. With only one opportunity to select land and with a limited knowledge of sub-surface potential deposits, the Inuit have been forced to gamble. Even if the gamble is

successful, exploitation will depend on market forces; consequently, the Nunavut economy is likely to experience the severe fluctuates in resource income that have so hindered stable economic growth in the NWT. Claim payments and short-term booms in resource income have often been of little benefit locally to northern communities. Lack of local investment opportunities force Native groups to invest their windfalls elsewhere and much capital is leaving the North (Hamley, W., 1993, 277). Faced with similar problems, the Nunavut economy could also falter, at least in its initial phases.

It would appear that this situation could be alleviated somewhat if other economic sectors were developed. Traditional pursuits are a means of supplementing some food and goods but a growing number of young people are indifferent to, or not properly versed in, the skills involved. While preserving a culture, traditional ways of using renewable resources would make little contribution to meeting growing economic expectations among the Inuit. Although the development of the tourist and arts and crafts industries would be compatible with traditional skills, the prospects for these activities are limited. Remote from the usual tourist areas, Nunavut is unlikely to attract the lucrative package sector. Its tourist season would cover only a brief summer and its severely limited transport network would make access difficult and costly. Hotels and camp sites are few and far between, and the labour force is often untrained and is unskilled in the management and marketing techniques necessary to the industry. Although having an impact in some communities the industry could only offer limited seasonal employment and its overall contribution to employment prospects in the new territory would be marginal. The same is true of the arts and crafts sector. With the fur markets destroyed by changing fashions and environmental groups, the only other sector which could provide employment is commercial fishing. The disadvantage of distance from markets could be overcome by setting up canning and fishing factories in selected communities, though such employment would be far removed from the traditional life-styles which Nunavut's creation is intended to foster.

Broader political issues are often overlooked by enthusiasts for the new homeland. Nunavut will not be a homeland for all the Inuit — it excludes Inuit communities in the western Arctic, Labrador, northern Quebec and Greenland, and will be just one segment in the geo-politics of the Canadian North where matters of defence and sovereignty remain a major federal concern. The lack of a unified Inuit state could subjugate Inuit interests to the strategic needs and sovereignty interests of the federal government. The removal of some Quebec Inuit to the uninhabited High Arctic in the 1950s, when Canadian sovereignty was at stake, comes readily to mind. The inhabitants of Nunavut could face a dichotomy of interest over defence. On the one hand, their wish to appear as good Canadians should lead to strong support for the defence of Canada, but specific defence activities could harm livelihoods, wildlife resources and communities. Detailed consideration of such issues was avoided during the Nunavut discussions, yet the new territorial government will need to take a strong line on defence because of its possible impacts on vital Inuit interests (Merritt, J. et. al., 1989, 112). This would lead to some difficult future relationships with the federal government.

Outside Nunavut there remains a distinct lack of enthusiasm for dividing up the NWT (Devine, M., 1992, 18). Resources needed for development throughout the NWT are seen as being dissipated on transfer costs, the duplication of many government activities and a variety of other financial commitments. Nearly all developed communities are in the west which contains most of the skilled workforce, all the current and planned roads and the major service centres. Yet even in an undivided NWT, the spread of services and economic opportunities is extremely thin in such a vast area with a mere 55,000 inhabitants. If the existing territory, with such a small population total, has failed to achieve provincial status, then the chances of Nunavut, with less than half the total inhabitants, of ever achieving such a status is remote. The division could well result in two smaller, politically-weaker territories. The creation of Nunavut is a form of secession from a territory which contained an ethno-cultural mix of whites, Indians, Métis and Inuit. In the context of Canada's current constitutional difficulties, the division of NWT could be viewed as an unwelcome precursor to weaker federal forms of government in a unified, though ethnically-diverse nation. A political backlash is becoming discernible as the Reform Party questions whether the comprehensive land claim process should be continued and suggests that government has become beholden to politically-correct thinking.

Yet the on-going commitment of the federal government to full implementation of comprehensive agreements has to be questioned as exemplified by the Inuvialuit and James Bay agreements, and by its vacillating policies over National Parks in the North. Although the Inuvialuit agreement did not include a political accord to establish a new territory, in other respects it was similar to the Nunavut agreement as a comprehensive land claims treaty. A decade later, many of the Inuvialuit have experienced no benefits from the deal. Despite some success in the co-management of resources and in the protection of traditional subsistence activities, unemployment rates remain high, educational standards remain low and many Inuvialuit continue to live in poverty. It has been suggested that implementing the agreement has turned out to be a much lower priority for the federal government than signing it (Zellen, B., 1993). Nearly twenty years after its signing, the James Bay agreement has left much discontent among the Native peoples of northern Quebec (Hamley, W., 1993). Both federal and provincial governments have been reluctant to properly finance many of the programs, few employment opportunities have been created and much dissatisfaction surrounds the implementation of environmental protection processes, as with the current Great Whale project, which should not be proceeding at all according to Cree and Inuit understanding of the James Bay agreement. Currently, the NWT Inuit enjoy a comparable, if not superior, level of material well being to their Quebec counterparts, who should now be reaping the benefits of their agreement. Further doubts arise over the federal government's commitment to the northern environment by its refusal to implement the Cabinet-approved Green Plan to establish five National Parks in the Arctic. Despite Inuit wishes, the Nunavut agreement allows for only three of the parks to be established. These examples serve as a timely reminder of the gap which has too often arisen between the intentions and implementation of comprehensive land claim

settlements in the Canadian North. It seems that benefits proffered with one hand are often taken away with the other (Merritt, J. et. al., 1989, 34).

Conclusions

To its opponents, Nunavut represents an opportunity lost. Preserving the NWT intact and implementing proposals for more regional autonomy could have taken account of ethnic and cultural differences within the Territories; the territorial government could have been broadened and strengthened with some of the finance being expended on Nunavut. This could have offered an attractive alternative to dividing NWT whose economy was at best immature and which is now to be placed under the further strains of what many regard as an unnecessary and unwelcome separation.

Regrets over what might have been, however, must give way to speculations as to what might well be. If a distinctive culture is to be sustained along with improved in living standards, then the Inuit will have to make full use of the powers granted them in the agreement, especially in the economic and political spheres. Educational standards will have to improve rapidly if Inuit inventiveness and adaptability are to be properly harnessed to the wealth-generating opportunities available in their new homeland and if unemployment levels are to be reduced. The appropriate payments received through the settlement must be properly used for developing Nunavut's infrastructure and promoting those industries, such as tourism, which are compatible with Inuit life-styles or are capable of sustainable development in the renewable resource area. Particularly important is the need for the Inuit to retain full control over royalty payments, which are likely to fluctuate with the market changes, necessitating provident investment policies. Similarly, the Inuit should continually assert their position on the management boards which will control so much of Nunavut's resource development and environmental planning. Because the Nunavut settlement provides much stronger political powers than previous comprehensive treaties, the opportunity for meaningful self-government is present and must not be allowed to gradually dissipate. In particular, the new government should constantly ensure that the federal government continues to carry out its responsibilities fully and properly, provided that this remains possible now that the political situation in Canada is becoming increasingly volatile.

That such cautionary comments and qualifying remarks are necessary in trying to assess the possible consequences of establishing this new territory indicates that its inhabitants and supporters will need to be continually alert to the possible pitfalls as well as the obvious opportunities inherent in this settlement. While there is cause for optimism, the concerns outlined above emphasize the need for objective assessments and even a certain amount of scepticism when attempting to evaluate the possibilities of a successful future for Nunavut — a future which — according to one young Inuit, is both exciting and frightening (Zellen, 1993).

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Bibliography

Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada. Indian and Northern Affairs. Ottawa. 1993.

Bell, J. 1992 "Nunavut: the Quiet Revolution." *Arctic Circle*. 2.4. 12-21.

Coleman, G. 1993 "The Inherited Dream." *Arctic Circle*. Spring 1993. 14-19.

Crowe, K.J. 1990 "Claims on the Land." *Arctic Circle*. 1.3. 14-23.

Dacks, G. 1986 "The case against dividing the Northwest Territories." *Canadian Public Policy*. 12(1) 202-213.

Department of Indian Affairs and Northern Development (DIAND). 1992 *An Estimate of Costs-Creating and Operating the Government of Nunavut*. Ottawa.

Devine, M. 1992 "Goodbye to the Three-legged Polar Bear." *Arctic Circle* 2 (4) 18-19.

Dickerson, M. O. 1992 *Whose North: Political Change, Political Development and Self Government in the Northwest Territories*. Vancouver.

Fenge, T. 1992 "Political Development and Environmental Management in Northern Canada." The Case of the Nanavut Agreement. *Études/Inuit/Studies*. 16. 115-141.

Fenge, T. 1993 "National Parks in the Canadian Arctic: The Case of the Nunavut Land Claim Agreement' Environments." 22(1) 21-36.

Government of Northwest Territories 1990. *Financial Impact of Division*. Yellowknife.

Hamley, W. 1987 "Some Aspects and Consequences of the Development of the James Bay Hydro-Electric Complex." *British Journal of Canadian Studies*. 2(2) 250-262.

Hamley, W. 1991 "Tourism in the Northwest Territories." *Geographical Review*. 81.(4) 389-399.

Hamley, W. 1993a "Problems and Challenges in Canada's Northwest Territories." *Geography*. 78(3) 267-280.

Hamley, W. 1993b "Native Land Claims in Quebec considered in a Canadian Context." *Geografiska Annaler*. 75B 93-109.

Merritt, J. and Fenge, T. 1990 "The Nunavut Land Claims Settlement: Emerging Issues in Law and Public Administration." *Queen's Law Journal*. 15(2) 255-277.

Merritt, J., Fenge, T., Ames, R. and Jull, P. 1989 *Nunavut: Political Choices and Manifest Destiny*. C.A.R.C. Ottawa.

Miller, J. R. (Ed) 1991 *Sweet Promises: A Reader on Indian-White Relations in Canada*. Toronto.

Nunavut Implementation Commission (NIC) 1995 "Footprints in New Snow." Iqaluit.

Nunavut Tunnguvik Inc. 1993 *Our Land, Our People*.

Plain, F. 1985 "A Treatise on the Rights of the Aboriginal Peoples of the Continent of North America," in Boldt Maud Long, J.A. *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*. Toronto. 31-40.

Zellen, B. 1993 "Risks and Promises in the New North." Toronto *Globe and Mail*. May 28th 1993. A25.

Nicholas P. Lovrich, John C. Pierce, Brent S. Steel, Mary Ann E. Steger and John Tennert

Native Claims and Public Attitudes: The Politics of Context and Culture in British Columbia and Washington State*

Abstract

A comparison of the distribution and correlates of citizen attitudes concerning Native American rights and claims reveals the importance of contextual effects in structuring value and demographic influences on these attitudes. A comparison of findings from "matched pairs" of U.S. and Canadian cities—Seattle and Vancouver, Spokane and Prince George—indicates at least as much variation in attitudes and in patterns of correlates of those attitudes among Canadian cities as between Canadian and American cities. Attitudes regarding the appropriateness of special protection for Native Americans, the legitimacy of their land claims and the advisability of granting additional lands to aboriginals reflect a combination of personal attributes and value orientations, with that "mix" being greatly affected by the geographic context of the citizens. The lesson gained from this work is that studies in comparative public policy likely require a greater sensitivity to subnational contextual effects.

Résumé

Une comparaison de la répartition et des corrélations des attitudes des citoyens et des citoyennes à l'égard des droits et des revendications des autochtones américains fait ressortir l'importance des effets contextuels dans l'organisation des valeurs et des influences démographiques sur ces attitudes. Une étude comparative des résultats de «paires appariées» de villes américaines et canadiennes, c'est-à-dire Seattle et Vancouver ou Spokane et Prince George, indique au moins autant de fluctuation de ces attitudes et des modèles de corrélations de ces attitudes au sein des villes canadiennes qu'entre les villes canadiennes et américaines. Les attitudes face au bien-fondé d'une protection spéciale des autochtones américains, à la légitimité de leurs revendications territoriales et à l'opportunité de céder davantage de terres aux autochtones reflètent une combinaison d'attitudes personnelles et d'échelles de valeurs, ce «mélange» étant grandement affecté par le contexte géographique des citoyens concernés. La leçon tirée de ces travaux est que les études en politique publique comparative exigent probablement une plus grande sensibilité aux effets contextuels subnationaux.

Introduction

In both Canada and the United States, Native land claims comprise a significant source of public policy conflict (Fleras and Elliot, 1992). Public attitudes about those claims, and the correlates of those attitudes, may reveal much about the nature of that longstanding conflict and its potential for eventual resolution. Although significant recent research offers insight into public attitudes about Native claims in Canada (Langford and Ponting, 1992), little is known about the differences of opinions among Americans and Canadians on Native claims issues, and whether those opinions stem from the same cultural, contextual and personal sources in the two countries. Langford and Ponting, for example, conclude that prejudice, economic conservatism and perceived competing group interests account for most of the variation in responses to Aboriginal issues (1992). Yet, it remains unknown whether those conclusions apply across multiple locations with different cultural contexts, or whether apparently relevant cultural differences between Canada and the United States account for cross-national differences. Given this lack of comparative evidence, this paper investigates public attitudes about Native claims in neighbouring locations in neighbouring countries, to ascertain the degree to which personal attributes, context itself (either within a country or across countries), and political values account for those attitudes.

Background

While ongoing conflict over Native claims stands high on the contemporary political agenda in both Canada and the United States, and while many similarities appear in the substantive content of the disputes, that conflict exists within quite different historical and cultural contexts. In the U.S., contemporary Native claims usually arise out of the enforcement, or lack thereof, of rights **retained** by pre-existing, sovereign, indigenous nations codified in treaties with the United States government. In Canada, on the other hand, Native claims emerge from a different historical context, at least in the eyes of the Canadian government. In the Canadian context, indigenous peoples were not accorded as full a claim to pre-existing sovereign status over land or resources as Native Americans in the United States (Tennant, 1990:36, 51; Cassidy, 1992:24). The title and access to land now held by Aboriginals are more typically the result of the Crown (or the government) granting them **to** the First Nations peoples than the result of any recognition of rights arising from Indian activities prior to the arrival of Europeans (although this grounds for award has been recognized in some cases). If this historical difference were the only influence, one might expect different sets of attitudes among general publics about the relative *legitimacy* of Native claims in the two countries. American publics might be more inclined to recognize those once-negotiated claims and to protect them, given their treaty-generated foundations and given the recognized **sovereign status** (Deloria and Lytle, 1984) of the Native peoples. In contrast, with no explicit recognition of pre-existing sovereign status or pre-existing ownership of the lands (and resources), one might expect the Canadian publics to be less supportive and more critical of the adverse impact of recognizing Native claims than the American. In the particular instance of British Columbia, the provincial government has adamantly

refused to recognize Aboriginal title until quite recently (Finkel and Conrad, 1993:217).

The controversies over the legitimacy of Native claims in Canada and the U.S. also relate to the two countries' *core* political cultures, which themselves are inextricably linked to the fundamental beliefs and values of the nations' citizens. Canada and the United States are thought by many to have distinct political cultures in certain respects, although both are categorized as modern, western, electoral democracies in the post-industrial stage of development (Presthus, 1974; Lipset, 1990; Merelman, 1991). In particular, the Canadian culture has been described as more organic, holistic, communal, collectivistic, particularistic and deferential in its conception of society and politics, while the American political culture is seen as participative, egalitarian, competitive and individualistic (Kornberg and Clarke, 1994).

Of particular interest to this analysis is the observation that in Canada distinct social groups are seen as integral components of society (the "particularism" concept) with special status and rights. In contrast, the egalitarian and individualistic nature of American society tends to recognize no special rights for groups, and indeed generally rejects them as anything other than aggregations of individuals with shared individual interests (Kritzer et al., 1990). The affirmative action "backlash" phenomenon manifests this deep and abiding mistrust of any special legal structure for categories of citizens. What is important in the contrast of the two political cultures in a policy context is two-fold. First, the incidence of certain fundamental beliefs may differ in the two countries, such as particularism in Canada, which may lead to a greater incidence of certain types of policy preferences, including greater support for Native claims in the particular case in point. Second, the cultural dimensions said to be distinctive in a specific country may stand out *not* in their relative prevalence, but rather in their relative engagement with the particular policy question. The particularist orientation to society and culture may be no more prevalent in Canada than in the United States, but for those Canadians who hold to that orientation, it may have a much more determinative influence on their Native claims policy orientations than for their American particularist counterparts.

In addition to the **core** cultural dimensions emphasized by the Canadian/American comparative literature, other important dimensions of cultural values also may affect public attitudes about Native claims. In particular, several "new politics" values produced by the post-industrial development of advanced industrial countries are said to be forces of cross-national cultural convergence (Inglehart, 1977, 1990; Nevitte, 1991; Inglehart et al., 1991). These "new politics" values produce greater sociotropic, other-regarding tendencies in politics, particularly with regard to the role and status of the disadvantaged, minorities and the natural environment. In the case of Native claims, it might be expected that the relative presence of individuals with those values would structure the Canadian and American response to Aboriginal claims and level cross-national differences. However, the U.S. may be a more proto-typical, post-industrial democracy, while Canada may retain more of its traditional character; as a consequence, "new politics" values may structure

policy debate in the U.S. more than in Canada. One possibility is that core value differences between Canadians and Americans have a greater influence on Native claims opinions in Canada than in the U.S., while the "new politics" values carry greater impact in the American than in the Canada setting (Steel et al., 1992).

In addition, certain "traditional" values seen as underlying the "civic culture" metaphor developed by Almond and Verba (1964) may be relevant. The traditional, democratic, civic culture in question is open, participatory, features efficacious citizens and, in modern times, has supported a collective responsibility for dealing with the challenges facing a polity over the course of its history (see Putnam, 1993). Canada and the U.S. would both be characterized as civic cultures featuring solid levels of the traditional democratic political orientations, albeit shaded by the distinctive components of either the Canadian particularistic, deferential society or the American individualistic, egalitarian culture (Paehlke, 1991).

The value-based dimensions characterizing contemporary, democratic, civic cultures would also include the ideological content of the conflict around which politics is organized. In particular, the primary ideological organizing principle of contemporary western democracies is traditionally described as left/right or liberal/conservative. While much of the conflict between liberals and conservatives has focused on the role of central governments in managing the economy and the context of individual benefits and entitlements provided by governments, in recent years, those ideological concepts have become identified with particular positions on social issues, including gender, race and minority rights. Given these known associations, there is reason to suspect that variations in individual positions on the liberal/conservative continuum may act to organize opinions about Native claims in both the American and Canadian settings. There also is the possibility that the role of liberal or conservative identification may differ between the two countries, depending on the degree to which the Native claims issue has been generalized to that ideological level.

To this point, the discussion of potential differences in public attitudes about Native claims in Canada and the U.S. has focused on the content of political culture as reflected in political values in three different areas: historic core values, traditional democratic and civic culture values, and new politics values. In our subsequent analyses we consider two other sets of varibles: the demographic or background attributes of the individual, and the context (or location) in which the individual lives.

Background attributes—such as age, income or education—may reflect one's position in the social structure of society, thereby producing distinctive opinions about the rights of individuals in other social locations, such as Native peoples. This role of background attributes may surface powerfully if people perceive themselves and Native peoples to be in competitive locations. By context we mean the particular geographic location in which the individual resides. That context may contain a particular political culture over and above the composition of the value structures of the individuals as we discussed above (Garreau, 1981). Smith, for example, cites commentaries suggesting as

many as five different contexts or cultures in British Columbia (1994:307). The unique character of a location may generate distinctive attitudes about public policy issues. That contextual effect may relate to the historical culture of a community, or to the unique relationship of the geographic context to the issue at hand. The settlement of Native claims issues may be more relevant to individuals in some communities than in others, either because any settlement may entail nearby lands or bear some connection to the economic, social or environmental values of the persons residing in a given locality. For example, if a community were timber dependent and the granting of a Native claim changed the community's access to timber resources, a strong contextual effect could be expected. The analysis of how citizens across the state of Washington differed in their reaction to the spotted owl protection measures presented by Dietrich (1993) serves as a good example of the contextual effects addressed here.

This paper will assess variations in support of Native claims in Washington State and the province of British Columbia. Over 1,000 citizens in the two countries completed mail survey questionnaires in the Fall and Winter of 1991-92. Along with traditional demographic items, this survey assessed: 1) attitudes central to hypothesized differences in Canadian and American political cultures (communalism, particularism and egalitarianism); 2) indications of new politics values (post-materialism and libertarianism); 3) traditional civic/political values (participation, efficacy and liberalism); and, 4) a series of opinions about major public policy issues, including Native claims. The surveys were conducted in the major coastal cities (Vancouver and Seattle) and the major inland cities (Prince George and Spokane) of the respective state and province.

The data analysis will begin with a comparison of Canadian and American opinions about Native claims. The opinions with regard to Native claims reflect: 1) the relative seriousness of the Native claims issue; 2) whether Native peoples should enjoy the same protection as other citizens or whether they are entitled to additional protections; 3) whether additional Native claims are justified; and 4) the perceived impact of upholding Native claims on: a) the health of the economy; b) the quality of life; c) social justice; d) community cohesiveness; and e) protection of the environment. The remainder of the analysis will focus on whether those opinions are affected by the demographic attributes of individuals and their various core, traditional and new politics values, whether those effects differ among the locations, and whether their effect remains when controlling for the impact of location itself.

We turn now to a relatively brief overview of the Native claims issues in the two countries. This overview is intended to provide a basic background and general policy context for an investigation of the public attitudes in question. Native claims represent an important and salient item on the public policy agenda in both British Columbia and Washington, and thus one about which opinions may be rooted in fundamental value orientations. After the short introduction to the policy area, we describe in more detail the data gathering, and then present the study's findings. Our description of the conceptual basis

of the various value measures, as well as the content of the measures themselves, is included in the findings section of the paper.

Native Claims Issues

Conflict over the legitimacy of Native claims in Canada and the United States has both a long history and a contemporary prominence nearly unparalleled in either Washington State or British Columbia. While other parts of the respective countries may contain long-standing issues of greater intensity (e.g., bilingualism or racial issues), in the West, nothing seems to strike more at the roots of culture and the political psyche than questions of whether Native peoples should have their claims for historic lands and resource rights legally recognized (Cassidy, 1992:11). The list of issues affected by these claims and their resolution is long: the harvest of anadromous fisheries, access to the harvesting of shellfish, the right to timber resources, the control of water resources, the independence of criminal justice principles and processes, the right to establish gaming casinos, financial reparation for long lost lands, and the definition of historic hunting and fishing territories. As noted above, the two countries have very different legal traditions with regard to the standing of those claims. While obviously modified over time in various decisions (Coates, 1992; Scott, 1993), the historical stance of the Canadian government is best depicted by the phrase "At the Please of the Crown." In a recent discussion of the *Delgamuukw* decision, the following analysis was presented:

> "It is the law," the Chief Justice asserted, "that aboriginal rights exist 'at the pleasure of the Crown,' and they may be extinguished whenever the intention of the Crown to do so is clear and plain." The Crown had done just this, he declared, when it enacted a number of laws providing for the establishment of its authority and a land regime which would give an unburdened title to settlers. This "unilateral extinguishment" had been accompanied by a promise and a general obligation of the Crown "to care for its aboriginal peoples." This promise, the Chief Justice maintained, created "a legally enforceable fiduciary, a trust-like duty or obligation upon the Crown to ensure there will be no arbitrary interference with aboriginal subsistence practices." (Cassidy, "Rethinking British Columbia: The Challenge of Delgamuukw" in Frank W. Cassidy, editor *Aboriginal Title in British Columbia: Delgamuukw v. The Queen*.)

While the 1991 *Delgamuukw* decision was substantially modified in a 1993 appeal before the British Columbia Supreme Court, the general observation still holds that the question of Aboriginal title receives far less *prima facie* recognition in Canada than in the U.S. In 1991 the provincial government recognized the concept of pre-existing Aboriginal rights and the inherent right to self-government. The Harcourt government, in cooperation with tribal groups and the federal government, established the British Columbia Treaty Commission and began accepting claims for review and reconciliation in December of 1993. Currently reviewing 43 claims, many of which overlap, the province faces negotiations with First Nations bands for most of the province, including virtually all of Vancouver (Wood, 1994:12).

While there is greater public support for claims than ever before, not everyone is enthusiastic. Many in British Columbia feel uninformed about what the results of these negotiations will entail:

> "This uncertainty is unsettling to many people, especially in BC's resource dependent communities. They fear the government favors giving Indians more control over the land instead of big cash buy-outs that could anger urban voters." (*Vancouver Sun*, December 15, 1994:A1).

These regional disparities could pose significant roadblocks to resolving the British Columbia land question.

In Washington State, Native issues have matured in many respects (Cornell, 1988). Currently, issues center around interpretation and enforcement of treaties (*Spokesman-Review*, March 6, 1994). Recently, the federal government settled a claim with the Colville Confederated Tribes (located in the vicinity of Spokane) for destruction of lands caused by construction of the Grand Coulee Dam. After 43 years, the tribes were awarded $53 million, plus at least $15.25 million annually from the Bonneville Power Administration (*Spokesman-Review*, November 23, 1994:B5).

In addition, many other issues have emerged involving the interpretation of existing treaties. Issues surrounding licensing of fishing rights by the Spokane Indian Tribes on Lake Roosevelt recently went to court. While the state rejected assertions by the tribal governments to a right to regulate the use of natural resources in this area, the broader issue of tribal government regulatory powers remains far from resolved (*Spokesman-Review*, January 12, 1994).

Similarly, issues regarding the gambling rights of tribes on reservation lands have gained attention in the courts, in the legislature, and in the media (*Spokesman-Review*, January 12, 1994). And in large urban centers such as Seattle, the number of non-reservation Natives in need of social and health services is also on the rise. This has become a significant concern in this era of spending cuts and growing criticism of the way these services are provided (*Spokesman-Review*, March 3, 1994).

The Study

A mail survey (with telephone follow-up) conducted during the Fall and Winter of 1991-92 was used to compile public attitudes on Native claims issues, political value orientations and background attributes from four random samples drawn from two cities in British Columbia and two comparable cities in Washington State. The issues in question remain salient and constant on the public policy agenda, but our primary focus is less on the distribution of opinions with regard to Native claims than on a fuller assessment of significant predictors of those opinions in these Canadian and American settings.

A three-wave mailing process was used, employing a commercially produced mailing list compiled from telephone listings. After eliminating non-deliverable mailings, deceased addressees, and those persons incapacitated or ill from our original sample, a response rate of over 50 percent was obtained in

both countries. The resulting sample sizes ranged from between 376 and 555 respondents. In each city, respondents slightly over-represent better educated, higher income and higher status occupation citizens as is customarily the case in mail survey-based studies.

The two cities in British Columbia are Vancouver and Prince George, and the two cities in Washington State are Seattle and Spokane. Seattle and Vancouver obviously are the respective coastal metropolitan centers. Spokane and Prince George are the main inland cities for Washington State and British Columbia, respectively. Spokane and Prince George traditionally are more conservative than their coastal counterparts. While bands or tribes and their recognized or claimed lands are distributed throughout both Washington State and British Columbia, Prince George in particular has been threatened by the extraordinary size of the Native land claims (22,000 square miles in the case of the Delgamuukw claim described above). In significant ways, the nature of the Native claims differ in the two countries, partly as a consequence of their two histories. The U.S. Native claims more predominantly take the form of rights to collective action rather than land (e.g., fishing rights, hunting access, gaming operations and enforcement powers on reservation lands, etc.), while in Canada, land title is a primary focus.

In some respects, Prince George may differ from all of the other cities, including Vancouver, because it confronts both the claims for land and claims for rights to historic resources. Spokane, while sharing Prince George's inland location and generally more conservative posture, may be less **directly affected** and at the same time more experienced with the presence of Native claims and their consequences. The reservations of the Colville Confederated Tribes and the Spokane Tribe are close by and of very long standing, but have rarely entered in direct conflict with the dominant commercial and social interests of Spokane. Spokanites are, of course, as constrained by the Boldt and Boldt II decisions of the U.S. Federal District Court for Western Washington (Lurie, 1970) with regard to the 50%/50% sharing of salmon fisheries between Native Americans and non-Native Americans as other residents of Washington, but salmon and shellfish harvesting are not integral facets of contemporary Spokane. (Historically, Spokane did enjoy a very significant Chinook Salmon fishery before the damming of the Columbia River.) Seattle, of course, is in a highly urbanized area. While many tribes and reservations exist in Western Washington, and occasional land claims are made (e.g., the Puyallups), their outcome has not measurably affected the predominant elements of the Seattle population (American Friends Service Commission, 1970). Again, the consequences of Boldt and post-Boldt judicial decisions are broadly sensed in Seattle, but directly felt by only a small portion of the population. Vancouver's situation is more akin to that of Seattle, although within the distinctive British Columbian context of a long history of provincial antipathy toward Native claims only recently modified to provide for formal discussions on an equitable settlement of aboriginal claims.

Methods and Measures

Dependent Variables: Several indicators are used to assess public orientations toward Native American claims. These include a question concerning additional protection for Native Americans, support for additional Native American claims and an additive scale assessing the perceived impact of Native claims on the economy, quality of life, social justice, community cohesiveness and the natural environment (see Tables 1, 2 and 3).

Independent Variables: As noted above, four sets of independent variables are used to assess variations in responses to Native American claims questions: socio-demographic characteristics, core and civic values relating to political culture, new politics values reflecting post-industrial society, and contextual (geographic location) variables. Descriptions and coding information for these measures are reported in Table 3.

The *socio-demographic* factors examined as potential predictors of value orientations concerning Native American claims include gender, age in years, level of formal education, subjective class identification and a series of dummy variables for sector of employment. A recurring theme in the analysis of attitudes about social issues is the effect of individual demographic characteristics. One's position in the social structure may influence his or her opinions about related social structural issues. Native claims clearly constitute such a potential, derivative, social structural issue because they affect identifiable groups of citizens and have the potential to alter the distribution of property and influence. Some scholars have even suggested that certain socio-demographic attributes may be taken as surrogates for attitudinal indicators of prejudice or intolerance (Lanford and Ponting, 1992). In looking at the effects of occupation, dummy variables were created for the service sector (e.g., professional or white-collar employment vs. other), the manufacturing and agricultural sectors and all remaining occupational categories (e.g., homemaker, unemployed, student, etc.). Because multivariate statistical procedures require that one dummy variable category be omitted in computing a regression equation, the dummy variable for the third category (miscellaneous work) is omitted in the forthcoming analyses.

The indicators used to assess the *core value orientations* included measures of communal, particularistic and egalitarian sentiments. This dimension of the analysis examines the effect on Native claims attitudes of support for various deeply-rooted and historical components of political culture said to distinguish Canada from the United States. These components reflect an attempt to measure many recent observers' varying senses of the central aspects differentiating the Canadian political culture from the American political culture. Canadian political culture is said to be more organic, deferential, holistic, inclusive, particularistic, communalistic and collectivistic (Lipset, 1990; Presthus, 1974; Merelman, 1991). (For a contrary view, see Valpy, 1993.) Given these hypothesized differences between the political cultures of the U.S. and Canada, we would expect individuals who are more group-oriented (particularistic) and more likely to view the broader society as an interdependent whole of distinctive groups (communitarian) to be more supportive of Native rights and Native claims than others (see Bochnev, 1994).

Our survey contained seven questions designed to assess support for value statements reflecting the often hypothesized differences between the American and Canadian political cultures. Again, as noted earlier, these distinguishing cultural dimensions may play a dual role. First, if the core cultural orientations are relatively unique to a particular location, they may result in unique policy orientations there, but their co-location may result in the absence of a strong relationship within the sub-sample. Second, the distinctive role of particular aspects of a specific culture may relate to their salience in organizing political orientations in such a way that they become the dominant organizing principles for other opinions.

A principal components factor analysis produced three distinct dimensions among the seven cultural items in question. The first dimension includes three of the items and appears to represent *communitarian* concerns. The three items reflecting support for communitarian values include: 1) whether all persons should earn about the same amount; 2) whether the use of private property should be decided by the community; and 3) whether competition is often wasteful and destructive. Two questions reflected a particularistic view of society: 1) whether society is a collection of groups or a collection of individuals; and 2) whether interest groups are necessary. The final two items represent an egalitarian view of society: 1) whether people of great responsibility should be treated with special respect; and 2) whether some groups should have privileges in some cases.

The items included in the survey to assess the *traditional civic values* of citizens were designed to establish the degree of attachment among Canadian and American residents of the four cities to conventional democratic norms. The values of a "civic culture" feature an emphasis upon citizens' positive feelings about their capacity to exercise influence in political life, a sense of open access to authority and involvement in the communications systems of politics and the broader society, and a belief in the capacity of collective action to solve social problems. These values are said to provide the foundation for healthy democratic societies, including the bases for high-quality institutional performance in solving important social problems (Putnam, 1993). In particular, individuals in these societies are said to be less protective of their own parochial group interests because they are less threatened by the advances of others in society. In a general sense, we would expect respondents who are more highly efficacious, more involved in politics generally, and more open to active government action to address society's problems to be more supportive of the political positions represented by the advocates of Native claims.

Our study contains indicators of these civic culture values. Political efficacy — the perception of one's ability to influence government — is indexed here by responses to the question: "How much attention do you think government pays to what people like you think?" The response positions on this question range from "not much" (1) to "a good deal" (7). The liberalism to conservatism self-identification continuum question reads as follows: "Where would you place yourself on the following scale of political outlook?" The low end of the seven-point scale is "very liberal or left" and the high end of the scale is "very conservative or right." In the data analysis, for methodological reasons, the

index was reversed to place liberal identification at the high end of the scale. Langford and Ponting (1992) have found conservatism to be a source of opposition to Native rights, so we would expect similar results here. The participation index was simply a count of the number of types of activities in which the individual engaged as a "means of expressing...views on public issues": the activities listed included having written to a public official, having joined an advocacy group, having contributed time and/or money to a political campaign, having attended a public meeting or hearing, having signed a petition, or having supported a candidate for public office by actively campaigning.

Under the rubric of *new politics values*, the survey questionnaire contained items from two widely used scales. The substantial cumulative social, economic and technological changes of the post-war decades are argued to have produced a fundamental change in the values underlying the public policy attitudes of democratic citizenries (Inglehart, 1990). Indicators of two of those "new politics" values are included in this study — libertarianism, a seventeen-item scale developed by Flanagan (1982) focusing on support for individual liberties and freedoms, and post-materialism, a four-item index developed by Inglehart (1977) focusing on "higher order" goals such as protecting freedom of speech and giving people more say in government as opposed to pursuing economic expansion and strengthening the forces of law and order.

These new politics values are included in the study because they represent trans-national forces common to post-industrial countries. The common presence of new politics values may generate convergence in the response of post-industrial polities to similar issues and policy problems. In the case of the policy area being examined here, the potential of the new politics values to act as forces for convergence in Canada and the United States might be presumed to exist. First, Canada and the United States are both prototypical post-industrial nations. Second, the policy question confronted here is salient in both countries. And, lastly, the Native claims issue seems directly linked to the post-industrial society goals of affirming social and political equality and broadening access and opportunity for the less advantaged.

The final set of variables incorporated into the forthcoming multivariate analyses pertain to the *geographical location* of the survey respondent. A set of dummy variables was created for each city so that the independent effects of context could be assessed while all of the other variables were being controlled for simultaneously. As in all such dummy variable analyses, one of the series of dummy variables must be excluded and serve as a base against which the other dummy variables are assessed. In this case, we chose Prince George, being the most conservative location, as the contrasting base location for the other three sites. This selection maximizes whatever contrasts in contextual effects might be present; the choice of a more middle-range site would obscure these contrasts.

Findings: Univariate Results

The first question to be addressed is the extent to which residents of the four cities differ in their feelings about the importance of Native claims in their area. The survey results are set forth in Table 1.

Table 1

Perceived Seriousness of Native American Claims

Question: Compared to other issues and concerns facing the residents of your province/state (for example, unemployment, inflation, crime, and the like) how would you rate the seriousness of Native American Claims? [1=Not a serious issue to 7=One of the most serious issues]

	Vancouver	Prince George	Seattle	Spokane
mean =	4.55	4.29	4.01	3.66
(s.d.) =	(1.68)	(1.68)	(1.85)	(1.90)
n =	368	508	401	381

F-test = 17.808***

*** Significant at *p* <.001.

Table 1 reports mean statistics on the opinions of respondents in each of the four cities, along with an analysis of variance of the differences among those four groups. The average perceptions of the seriousness of Native claims issues generally fall around the middle of the seven-point scale, but significant differences clearly exist among the citizens of different cities. The two Canadian cities' mean response (4.55 and 4.29) tends more toward the "serious" end than the American scores (4.01 and 3.66). Thus, there is a clear country difference which itself may reflect the more "mature" stage of conflict over Native claims in Washington State than in British Columbia. In the Canadian setting, some of the fundamental dimensions of the claims and the relationships of Native peoples to the state and the Crown are part of the dispute. Moreover, the range from the highest to the lowest average is quite large—3.61 in Spokane to 4.51 in Vancouver, reflected in the statistical significance of the analysis of variance (p <.001). At this point, some preliminary evidence suggests that the contexts differ in the importance of the Native claims issues. That differential status may result from differences in other attitudes about Native claims, and itself may structure the kinds of variables that produce variations in those attitudes.

Significant differences also emerge in the other general attitudinal issues pertaining to the Native claims issue. Table 2 presents findings for two of the three dependent variables using the same format of mean statistics for each city and an analysis of variance to assess the degree to which the cities differ among themselves.

Table 2

Citizen Orientations Toward Native Claims

Protect

Question: People differ considerably in their view of how the status of the descendents of the original inhabitants (Native Americans) of British Columbia and Washington ought to be viewed in contemporary society. Where would you locate yourself on the following continuum? [1=Native Americans should enjoy the same protections as other citizens to 7=Native Americans are entitled to additional protections.]

	Vancouver	Prince George	Seattle	Spokane
mean =	2.82	2.33	3.43	3.01
(s.d.) =	(2.09)	(1.89)	(2.21)	(2.17)
n =	366	547	407	385

F-test $= 22.632$***

Additional

Question: Native Americans assert ancestral claims to fishing rights, water and mineral access, and forest lands. What is your viewpoint on these claims? [1=Claims already have been settled fairly to 7=Additional claims are fully justified.]

	Vancouver	Prince George	Seattle	Spokane
mean =	3.91	3.12	4.08	3.49
(s.d.) =	(1.97)	(2.01)	(2.00)	(1.91)
n =	368	541	404	392

F-test $= 22.078$***

*** Significant at $p < .001$.

Differences once more arise between the two countries: both Canadian cities show lower support for Native claims than the American cities, with Prince George giving the least support to claims and Seattle the most. In all cases, though, extending rights to Native peoples over and above those given to other individuals receives rather little support in these samples. A somewhat different pattern results with regard to whether claims for additional fishing rights, water and mineral rights and forest lands by aboriginal people are justified. Seattle residents are most likely to believe those claims are justified, but they are followed by Vancouver rather than by their Spokane-based fellow citizens. Overall, the support for Native claims is the lowest in Prince George

and the greatest in Seattle, with Vancouver and Spokane alternating in the middle locations.

While the city contexts clearly differ in terms of the more general issue questions, do those differences combine differing perceptions about the likely impacts of those claims upon the broader society? Table 3 reports the mean evaluations of citizens across the five measures of perceived impact, using the same format employed in Tables 1 and 2 with analysis of variance statistics reported along with mean scores for each of the five social impact areas. These figures can be viewed in two different ways, either within each city or across cities.

Table 3

Perceived Impact of Native American Tribal Claims

Question: In general, what is your assessment of the likely impact of upholding Native American tribal claims on each area listed below? [1=Negative impact to 5=Positive impact.]

	Vancouver Mean (s.d.)	Prince George Mean (s.d.)	Seattle Mean (s.d.)	Spokane Mean (s.d.)
Health of economy	2.56 (1.20)	2.16 (1.22)	2.83 (1.26)	2.58 (1.21)
F-test= 23.069*				
Quality of life	3.03 (1.15)	2.56 (1.24)	3.43 (1.25)	2.96 (1.26)
F-test= 36.355*				
Social justice	3.32 (1.30)	2.69 (1.41)	3.71 (1.30)	3.25 (1.33)
F-test= 43.770*				
Community cohesiveness	2.75 (1.25)	2.25 (1.19)	3.04 (1.27)	2.66 (1.17)
F-test= 31.527*				
Protection of the environment	3.34 (1.26)	2.98 (1.39)	3.25 (1.40)	3.15 (1.37)
F-test= 6.51*				
Additive scale mean = (s.d.) =	14.91 (4.99)	12.54 (5.42)	16.28 (5.36)	14.53 (5.41)
n =	349	476	379	349
Cronbach's alpha =	.89	.84	.91	.86
F-test= 36.38*				

*** Significant at $p < .001$.

In each city, the economic impact of Native claims is seen as the most potentially harmful impact, followed by damage to community cohesion. In contrast, there is considerably less uniformity in the relative scores for the most postive impact of Native claims. In Seattle and Spokane, the most positive impact is seen as the promotion of social justice. In Seattle, that is followed by enhancement of the overall quality of life, while in Spokane it is followed by protecting the natural environment. In both Prince George and Vancouver, protection of the environment is seen as the most likely positive impact from Native claims, again followed by the enhancement of social justice. Overall, the relative ordering of the perceived impact of Native claims is reasonably similar across the cities, but the social justice issue dominates in the American case. In fact, across all samples, Seattle respondents consider social justice as the most positive impact of upholding Native claims.

Differences among the four city samples are significant for each of the perceived consequences of upholding Native claims. In each case, the Prince George respondents are clearly the most negative, although the difference is less significant on protecting the environment. The lowest rating for the impact of upholding Native claims is for economic health by the Prince George respondents. Vancouver and Spokane generally rank between Prince George and Seattle (which gives Native claims their most positive evaluations).

In summary, significant differences exist among the four locations in public support for and evaluation of Native claims. Generally, support for Native claims and positive evaluations of their impact are more prominent in Seattle than in any of the other locations. On the other hand, opposition to Native claims and the expression of negative expectations regarding their likely social impact are most prominent in Prince George. An additive scale of perceived impact was created from the five items considered here for use as a third dependent variable in the multivariate analyses to be reported. As with the individual items comprising the scale, a substantial range of scale values exists across the four cities, with Seattle having the most positive outlook, Vancouver the next most favorable, followed by Spokane and Prince George.

Table 4 reports the variable names, coding information, measures of central tendency (and standard deviations) and number of valid observations for the independent variables to be used in the forthcoming multivariate analyses. An inspection of the socio-demographic characterisitcs of the samples from the four cities reveals little difference among the respondents in these four cities, suggesting that the many attitudinal and value differences observed across these sites are more a reflection of cultural and contextual effects than of any intervening socio-demographic influences. About half of all respondents are women, the average age is 50 (only adults were surveyed) and the average level of formal education for each sample is a high school diploma or "some college." Approximately 52 percent of survey respondents work in the service sector, while 16 percent work in the manufacturing or agricultural sectors.

Table 4

Independent Variable Descriptions and Coding Information

Variable:	Description and Coding Information:	Mean (s.d.)	N
Socio-demographic:			
Gender	Sex of respondent 1=Female 0=Male	.49	1717
Age	Respondent age in years	50.13 (16.14)	1675
Education	Years of formal education 1 = Never attended school to 9 = An advanced degree	5.54 (1.76)	1713
Class	Subjective social class 1=Lower class to 4=Upper class	2.62 (0.62)	1716
Service	Dummy variable for occupation 1 = Service sector employment 0 = Else	.52	1747
Worker	Dummy variable for occupation 1 = Manual/blue-collar/farmer 0 = Else	.16	1747
Misc-Work	Dummy variable for occupation 1 = Non-service/manual employment 0 = Else	.32	1747
Core Values:			
Communal	Orientation toward communal values 1 = Strongly individualistic to 7 = Strongly communalistic	4.01 (1.96)	1659
Particular	Orientation toward particularlism 1 = Opposition to particularlism to 7 = Support for particularism	3.45 (2.14)	1648
Egalitarian	Orientation toward economic egalitarianism 1 = Strongly merit-oriented to (1.42) 7 = Strongly egalitarian	5.46	1661
Civic Values:			
Efficacy	Degree of attention government pays to people 1 = Not much to 7 = A good deal	2.53 (1.54)	1700
Participation	Level of political participation last year 0 = No political activities to 6 = Engaged in six different activities	2.24 (1.49)	1747

Table 4 *(contd)*

Independent Variable Descriptions and Coding Information

Variable:	Description and Coding Information:	Mean (s.d.)	N
Ideology	Subjective ideological orientation 1 = Very left/liberal to 7 = Very right/conservative	3.97 (1.28)	1681
New Politics Values:			
Post-material	Dummy variable for post-material values (Inglehart) 1 = Postmaterialist 0 = Mixed or materialist values	.23	1495
Libertarian	Support for "new values" (Flanagan) 0 = Strongly authoritarian to 17 = Strongly libertarian	4.84 (3.34)	1492
Context:			
Vancouver	Dummy variable for city 1 = Vancouver, B.C. 0 = Else	.21	1747
Prince George	Dummy variable for city 1 = Prince George, B.C. 0 = Else	.24	1747
Seattle	Dummy variable for city 1 = Seattle, WA 0 = Else	.32	1747
Spokane	Dummy variable for city 1 = Spokane, WA 0 = Else	.23	1747

Findings: Multivariate Results

Ordinary least squares estimates are reported for three separate dependent variables in Tables 5, 6 and 7. Central to our investigation of citizen attitudes concerning Native American claims are the effects of the specified socio-demographic characteristics, core and civic value orientations, "new politics" values and geographic context. Consequently, the regression analyses presented in Tables 5 to 7 begin with a baseline model which features the socio-demographic variables alone. Next, a second model is estimated with the core and civic value orientations added to the first set of predictors to assess the additional impact of these independent variables. A third model is estimated which adds in the new politics values to assess their independent contribution to predicting attitudes toward Native claims. Finally, a fourth model is estimated which includes all of the preceding measures plus the dummy variables for the city of the respondent (with Prince George as the excluded base location). The multivariate analysis results allow the

assessment of how much additional explanation is achieved with each successive battery of measures (the Adjusted R Squared statistic can be read as a proportion of variance in the dependent variable being explained in each model), and they permit a reasoned judgment on the relative impact of independent variables (the b and beta statistics) in accounting for variance in the dependent variable.

The findings reported in Table 5 pertain to the prediction of support for the idea that Native Americans are entitled to "additional protection" above and beyond those provided to other citizens because of their special circumstances. The findings for Model I indicate that such attitudes are strongly affected by age, education and sector of employment. Older cohorts, the highly educated and service sector workers (professionals and white-collar occupations) are more inclined to support this idea than younger, less well educated and blue-collar occupational groups. While noteworthy effects are present, only 5 percent of the variance in these attitudes can be attributed to these effects, however.

Model II entails the addition of the core and civic values measures to the baseline model. The inclusion of these variables significantly improves the variance explained, with the model now accounting for 15 percent of the variance. Four individual measures are particularly noteworthy — liberalism (leftism), sense of political efficacy, particularism (support for groups and group formation) and communitarianism — all significantly associated with pro-Native claims attitudes.

Model III adds the new politics measures to the previous model, and once more significantly strengthens the overall power of the prediction equation. Model III can account for nearly 20 percent of the variance in this pro-Native claims attitude, and the addition of both the post-materialist scale and the libertarian scale provide important insight into the sources of support for Native claims.

The final model adds the geographical context variables to the previous model, with a marginal improvement of the overall power of the prediction equation (moving from 19 to 20 percent of the variance explained). But it is important to note that while the Vancouver dummy variable is NOT significant vis-à-vis the Prince George excluded dummy, once the effects of the other variables are taken into account, BOTH the Seattle and the Spokane dummy variables show statistically significant effects after controlling for all other differences. This finding suggests important cross-national effects, with Americans being more supportive of Native claims than their Canadian counterparts.

Table 5

OLS Estimates of Support for Native Special Status Claims
(Protect)

VARIABLES:	MODEL I		MODEL II		MODEL III		MODEL IV	
	b	*B*	b	*B*	b	*B*	b	*B*
Socio-demographic:								
Gender	.08	.02	.01	.01	.07	.02	.06	.02
Age	.02***	.14	.02***	.16	.03***	.21	.02***	.20
Education	.14***	.12	.05	.04	.05	.04	.03	.02
Class	-.15	-.04	-.15	-.04	-.08	-.03	-.08	-.03
Service	.34**	.08	.27*	.06	.29*	.07	.29*	.07
Worker	.08	.01	.12	.02	.14	.02	.15	.03
Core values:								
Communal			.14***	.13	.10***	.09	.10***	.09
Particular			.09***	.09	.09***	.09	.09***	.09
Egalitarian			.02	.01	.01	.01	.05	.01
Civic values:								
Efficacy			.19***	.14	.25***	.19	.25***	.18
Participation			.09*	.06	.03	.02	.02	.01
Ideology			-.32***	-.20	-.20***	-.12	-.20***	-.12
New Politics Values:								
Post-material					.54***	.11	.53***	.11
Libertarian					.11***	.18	.11***	.18
Context:								
Vancouver							.24	.04
Seattle							.26*	.05
Spokane							.29*	.06

R2 =	.05	.15	.20	.21
Adjusted R2 =	.05	.15	.19	.20
F =	9.661***	18.019***	21.026***	22.781***

* Significance at p <.05
** Significance at p <.01
*** Significance at p <.001

The findings reported in Model IV, Table 5 indicate that, when all of the variables are considered simultaneously, several measures in each of the areas hypothesized to affect Native claims attitudes emerge as important predictors. Age and service area (white-collar) occupation are significant socio-demographic factors, support for communitarian and particularistic values are both imporant core value orientations, and liberalism (leftism) and sense of political efficacy are important civic values. Both of the new politics measures of post-materialism and libertarianism are salient, and the independent effects of place for Seattle and Spokane are in evidence. These findings would suggest

that we have included pertinent measures in the analysis of sources of support for Native claims, at least with respect to the issue of according some degree of special consideration to aboriginal peoples in British Columbia and Washington. What can be said of the recognition of additional claims to control over natural resources? Findings on this issue are reported in Table 6.

Table 6

OLS Estimates of Support for Native Claims on Additional Natural Resources (Additional)

	MODEL I		MODEL II		MODEL III		MODEL IV	
	b	*B*	b	*B*	b	*B*	b	*B*
VARIABLES:								
Socio-demographic:								
Gender	.08	.02	.01	.01	.03	.01	.08	.02
Age	.07*	.06	.01***	.09	.02***	.15	.02***	.16
Education	.20***	.17	.12***	.10	.12***	.10	.13***	.12
Class	-.03	-.01	-.01	-.01	-.06	-.01	-.06	-.02
Service	.33**	.08	.27*	.07	.28*	.07	.29*	.07
Worker	-.14	-.02	-.13	-.02	-.13	-.02	-.04	-.01
Core values:								
Communal			.11***	.10	.07**	.07	.06**	.06
Particular			.03	.03	.03	.03	.03	.03
Egalitarian			.03	.02	.01	.01	.01	.01
Civic values:								
Efficacy			.13***	.10	.19***	.15	.20***	.15
Participation			.10**	.07	.04	.03	.05	.04
Ideology			-.36***	-.23	-.23***	-.15	-.21***	-.13
New Values:								
Post-material					.35**	.07	.29**	.07
Libertarian					.14***	.23	.16***	.26
Context:								
Vancouver							.56***	.11
Seattle							-.07	-.01
Spokane							-.13	-.03
R2 =	.05		.15		.20		.21	
Adjusted R2 =	.04		.14		.19		.20	
F =	10.339***		17.379***		21.102***		19.198***	

* Significance at p <.05
** Significance at p <.01
*** Significance at p <.001

The progression from Model I to Model IV in Table 6 displays much the same overall pattern as that found in Table 5. In explaining variance in the degree to

which citizens support the recognition of additional Native claims to control over natural resources, the progressive addition of value and context measures shows an increase in variance explained from a socio-demographic baseline of 4 percent to an overall figure of 20 percent in the most comprehensive model. Again, when all of the areas of hypothesized, predicted effect are viewed simultaneously, each category shows evidence of statistically significant impact. In this area of citizen attitudes, both age and education are important, communitarian values are telling, political efficacy and liberal (left) ideology are salient, and both post-materialist and libertarian values are predictive of support for Native claims for additional control over natural resources. As for context effects, residence in Vancouver stands out, as might be expected given the degree of uncertainty surrounding Native claims in metropolitan Vancouver.

The final set of multivariate analyses is presented in Table 7, wherein the dependent variable being predicted is an additive index of the five "predicted social impacts" of recognizing Native claims for legal status and control over natural resources. The additive scale tends in the direction of higher index values representing more favorable outcomes and lower index values representing unfavorable social consequences. Once more, the overall pattern of effects and the relative importance of variables resembles what was observed in the previous two tables. With respect to the amount of variance explained, substantial improvement again occurs over a socio-demographic baseline (9 percent for Model I) as one adds the core values, civic values, new politics values and locational context variable sets (overall equation explains 20 percent of the variance). Similar to the findings reported in the previous two tables, variables which produce statistically significant regression coefficients are found in each category of hypothesized effects when the influence of all variables is considered simultaneously. Among the socio-demographic measures investigated, age and service-sector occupation again produce evidence of significant impact. Among the core values thought to separate the respective political cultures of Canada and the United States, communitarianism once more stands out as key to our understanding. Among the civic values measures, sense of political efficacy and liberal (left) ideological viewpoint again emerge as particularly noteworthy. In the area of new politics values, again both the Inglehart and Flanagan measures are important to some degree, though the effect of libertarian values is substantially stronger than that of post-material values. Finally, the context effects — controlling for all other variables — of the two coastal, major urban centers are in evidence. Being a resident of Vancouver or Seattle, apart from one's personal background or value orientations, is an important factor in anticipating favorable outcomes from a fuller recognition of Native claims.

Table 7

OLS Estimates for Perceived Social Impact of Recognizing Additional Native Claims (Impact)[a]

	MODEL I		MODEL II		MODEL III		MODEL IV	
	b	B	b	B	b	B	b	B
VARIABLES:								
Socio-demographic:								
Gender	.65	.06	.41	.04	.49	.04	.51	.04
Age	.06***	.20	.07***	.20	.09***	.25	.08***	.24
Education	.41***	.13	.38***	.12	.19*	.06	.13	.04
Class	-.44	-.04	-.45	-.04	-.44	-.04	-.73	-.04
Service	1.37***	.12	1.30***	.12	1.24***	.11	1.16***	.11
Worker	.17	.01	.21	.01	.22	.01	.39	.02
Core values:								
Communal			.44***	.16	.23***	.08	.22***	.08
Particular			.06	.02	.05	.02	.03	.01
Egalitarian			.23*	.06	.04	.01	.02	.01
Civic values:								
Efficacy			.28**	.08	.41***	.12	.37***	.10
Participation			.30**	.08	.18*	.05	.17*	.05
Ideology			-.88***	-.21	-.60***	-.14	-.57***	-.13
New Politics Values:								
Post-material					.83*	.06	.73*	.06
Libertarian					.27***	.17	.27***	.16
Context:								
Vancouver							1.78***	.14
Seattle							1.36***	.11
Spokane							.62	.04
R2 =	.09		.17		.20		.21	
Adjusted R2 = .09			.16		.19		.20	
F =	18.145***		20.728***		20.983***		19.074***	

* Significance at p <.05
** Significance at p <.01
*** Significance at p <.001
[a]Dependent variable is an additive scale composed of the items listed in Table 3.

Conclusion

The results presented here suggest considerable structure in the attitudes of Americans and Canadians toward Native claims. At the individual level, attitudes about Native claims are predictable to some extent by knowing one's personal background, fundamental values, perceptions of the consequences of Native claims and place of residence. Attitudes about Native claims policies

unquestionably relate to one's positions on fundamental values often used to define political culture. Clearly, a cultural dimension affects the response of general publics to Native claims. That cultural dimension surfaces in the two ways outlined earlier in the paper. That is, not only are positions on Native claims issues a reflection of particular value orientations , but they play a more important role in some locations than in others in structuring those positions, as noted by the significance of the dummy variables for geographic location in each of the multivariate analyses.

Significantly, the cultural dimension of political values spans the range of value types — from core cultural values, to traditional civic culture values, to the new politics values of contemporary post-industrial political life. Understanding and responding to the conflict over the Native claims issues is not simply a task of bringing the past to the future, but of understanding how the past, the present and the future intermingle with the individual attributes of citizens and the context within which they live. These findings suggest that Inglehart may be right in warning against the tendency to understate the importance of cultural effects: "Since the late 1960s, rational choice models based on economic variables have become the dominant mode of analysis, while cultural factors have been deemphasized to an unrealistic degree" (1990:6).

Context, as indexed by geographic location, does have a noteworthy effect on Native claims attitudes as well. The primary consequence of context is likely a reflection of the way in which other variables, particularly political values and perceived impact, conjoin in a manner that constitutes the unique *ambience* of that particular location. Baer and his associates (1991) are likely correct to emphasize the importance of *regional* subcultures in the conduct of Canadian/American comparative studies. The fact that the perceived consequences of Native claims opinions are so powerful suggests much more than a simple prejudicial response to the claims of Native peoples. To be sure, those consequences can be perceived through a cloud produced by fundamental prejudices and values, but that connection provides a lever for change as well.

What, then, can be said about the role of culture and context in the structuring of Native claims attitudes and beliefs? The evidence set forth here suggests that culture and context intersect with perceived policy impact to produce distinctive attitudes about Native claims in particular cities and regions. Culture is partly context, and the impact of context is influenced by its cultural content. The Native claims policy area strongly emphasizes the implications of political values and leads citizens to define clearly their perceptions of that policy and its impact on their lives. Those connections emerge not only through the immediate environment in which they live and the effects of the policy on that environment's quality, cohesion, and economics, but also refer back to the core structure of the political culture, the values associated with that culture, and the changing dimensions around which public policy is organized. The fact that the differences between how Native claims attitudes are structured and related to attitudes are as great or greater between Canadian and

American cities as they are across U.S./Canadian comparisons highlights the importance of studying contextual effects in comparative policy studies.

Notes

Acknowledgement

Bibliography

Almond, Gabriel and Sidney Verba. 1963. *The Civic Culture*. Princeton: Princeton University Press.

American Friends Service Commission. 1970. *Uncommon Controversy: Fishing Rights of the Muckleshoot, Puyallup, and Nisqually Indians. Report prepared for the AFSC.* Seattle: University of Washington Press.

Baer, Douglas, Edward Grabb and William Johnson. 1991. "National Character, Regional Culture and the Values of Canadians and Americans." Unpublished paper, Department of Sociology, University of Western Ontario.

Bochner, Stephen. 1994. "Cross-Cultural Differences in the Self Concept: A Test of Hofstede's Individualism/Collectivism Distinction." *Journal of Cross-Cultural Psychology*. 25:273-283.

Cassidy, Frank. 1992. "Aboriginal Land Claims in British Columbia." In Ken Coates, ed. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman, Ltd.

Coates, Ken, 1992. "Introduction." In Ken Coates, ed., *Aboriginal Land Claims in Canada.* Toronto: Copp Clark Pitman, Ltd.

Cornell, Stephen. 1988. *The Return of the Native: American Indian Political Resurgence.* New York: Oxford University Press.

Deloria, Vine and Clifford Lytle. 1984. *The Nations Within: The Past and Future of American Indian Sovereignty*. New York: Pantheon Books.

Dietrich, William. 1992. *The Final Forest: The Battle for the Last Great Trees of the Pacific Northwest.* New York: Simon and Schuster.

Dunlap, Riley E. and Kent D. VanLiere. 1978. "The New Environmental Paradigm." *Journal of Environmental Education*. 9:10-19.

Finkel, Alvin and Margaret Conrad (with Veronica Strong-Boag). 1993. *History of the Canadian Peoples, 1867 to the Present.* Toronto: Copp Clark Pitman, Ltd.

Flanagan, Scott C. 1982. "Changing Values in Advanced Industrial Societies." *Comparative Political Studies*. 14:403-444.

Fleras, Augei and Jean Leonard Elliot. 1992. *The Nations Within: Aboriginal State Relations in Canada, the United States, and New Zealand*. Toronto: Oxford University Press.

Garreau, J. 1981. *The Nine Nations of North America*. Boston: Houghton Mifflin.

Inglehart, Ronald. 1977. *The Silent Revolution: Changing Values and Political Styles Among Western Publics*. Princeton: Princeton University Press.

Inglehart, Ronald. 1990. *Culture Shift in Advanced Industrial Society*. Princeton: Princeton University Press.

Inglehart, Ronald, Neil Nevitte and M. Basanez. 1991. *North American Dilemmas*. Ann Arbor: Institute for Social Research, University of Michigan.

Kornberg, Allan and Harold D. Clarke. 1994. "Beliefs About Democracy and Satisfaction with Democratic Government: The Canadian Case." *Political Research Quarterly*. 43:537-563.

Kritzer, Herbert, W. A. Bogart and Neil Vidmar. 1990. *The Aftermath of Injury: Compensation Seeking in Canada and the United States.* Madison: Institute for Legal Studies, University of Wisconsin Law School.

Langford, Tom and J. Rick Ponting. 1992. "Canadians' Responses to Aboriginal Issues: The Roles of Prejudice, Perceived Group Conflict and Economic Conservatism." *Canadian Review of Sociology and Anthropology*. 29:140-166.

Lipset, Seymour Martin. 1990. *Continental Divide: The Values and Institutions of the United States and Canada*. New York: Routledge, Chapman and Hall.

Lurie, Nancy O. 1970. "Historical Background." In S. Levine and Nancy O Lurie, eds. *The American Indian Today*. Baltimore: Penguin.

McCloskey, Herbert and John Zaller. 1984. *The American Ethos: Public Attitudes Toward Capitalism and Democracy*. Cambridge: Harvard University Press.

Merelman, Richard M. 1991. *Partial Visions: Culture and Politics in Britain, Canada and the United States*. Madison: University of Wisconsin Press.

Nevitte, Neil. 1991. "North American Continental Integration and Value Change: Cross-National Evidence." Paper presented at the American Political Science Association, Washington, D.C., Aug. 29-Sept. 1.

Paehlke, Robert. 1991. "Government Regulating Itself: A Canadian-American Comparison." *Administration and Society*. 22:424-450.

Presthus, Robert. 1974. *Elites in the Policy Process*. London: Cambridge University Press.

Putnam, Robert D. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.

Scott, Collin H. 1993. "Customs, Tradition and The Politics of Culture: Aboriginal Self-Government in Canada." In Noel Dyck and James B. Waldram, eds., *Anthropology, Public Policy and Native Peoples in Canada*. Montreal: McGill-Queen's University Press.

Scott-Brown, Joan. 1991. "Native Land Claims." In John W. Friesen, ed. *The Cultural Maze: Complex Questions on Native Destiny in Western Canada*. Calgary: Detselig Enterprises.

Smith, Allan. 1994. *Canada—An American Nation? Essays on Continentalism, Identity, and the Canadian Frame of Mind*. Montreal: McGill-Queens University Press.

Smith, Joel, Neil Nevitte and Allan Kornberg. 1990. "National Images of Canada and the United States: Their Structure, Coherence, and Meaning." *American Review of Canadian Studies*. 20:327-355.

Spokesman Review. 1994. "The Trouble with Treaties." Tim Giago. March 6. [Spokane metropolitan area daily newspaper.]

Spokesman Review. 1994. "Angler Prevails in Fishing Rights Case." Rich Landers. January 12.

Spokesman Review. 1994. "Colvilles Want Dam Settlement Distributed Equally, Quickly." November 23.

Spokesman Review. 1994. "Tribes Call Anti-Gambling Proposals Racist." January 12.

Spokesman Review. 1994. "Infant Mortality Up for Urban Indians." March 3.

Steel, Brent L., Rebecca L. Warner, Nicholas P. Lovrich and John C. Pierce. 1992. "The Inglehart-Flanagan Debate Over Postmaterialist Values: Some Evidence from a Canadian-American Case Study." *Political Psychology*. 13:61-77.

Tennant, Paul. 1990. *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1939*. Vancouver: University of British Columbia Press.

Valpy, Michael. 1993. "The Myth of Canadian Compassion." In Michael Valpy, ed. *Family Security in Insecure Times*. Totonto: National Forum on Family Security.

Vancouver Sun. 1994. "Native Claims May be Right, Victoria Believes." Gordon Hamilton and Stewart Bell. December 15.

Verba, Sidney, Norman H. Nie and Jae-on Kim. 1978. *Participation and Political Equality: A Seven-Nation Comparison*. Chicago: University of Chicago Press.

Wood, Chris. 1994. "Up for Grabs: Native Groups Press Their Claim to Most of B.C." *Maclean's*. (October 10).

Joseph Mensah

Geography, Aboriginal Land Claims and Self-government in Canada

Abstract

Little is known about the spatial implications of Aboriginal issues in Canada. Drawing from several geographic themes and techniques, this paper explores the role of geography in Native land claims and self-government, and identifies some ongoing challenges for contemporary geographic discourse. More specifically, the paper highlights the relevance of geography in land use and land occupancy analyses, resource evaluation, and boundary delimitation regarding Aboriginal land claims and self-government. Undoubtedly, since matters of human group territoriality and resource control constitute the crux of Native issues across Canada, geographers have a lot to contribute in this area of research.

Résumé

Plusieurs d'entre nous ignorons ce que signifie l'espace eu égard à la question autochtone au Canada. À partir de nombreux thèmes et techniques géographiques, l'auteur examine le rôle de la géographie dans les revendications territoriales et dans les démarches vers l'autodétermination des Autochtones. L'auteur identifie également certains défis actuels que le discours géographique doit relever. Plus précisément, l'auteur souligne le rapport de la géographie à l'utilisation de l'espace et à l'analyse de l'occupation des terres, l'évaluation des ressources et la délimitation des frontières en ce qui a trait aux revendications territoriales et à l'autodétermination des Autochtones. Indubitablement, puisque l'attachement territorial des groupes humains et le contrôle des ressources sont au centre de la question autochtone au Canada, les géographes peuvent grandement contribuer à ce domaine de recherches.

The issue of Aboriginal[1] land claims and self-government poses momentous challenges to researchers, policy-makers and Native groups across Canada. It presents a complex array of socio-economic and geographical questions mediated by culture and history. The issue has received considerable research attention in several disciplines including sociology, psychology and law. Their studies include the evaluation of the links between Aboriginal rights, natural rights and sovereignty (Gormley 1984, Clarke 1990, LaForme 1991, Asch and Macklem 1991); the analysis of social processes that lead to Aboriginal self-government (Etkin 1988, Cassidy and Bish 1989); and the examination of public perceptions and attitudes toward Aboriginal self-government in Canada (Wells and Berry 1992). However, as Duerden (1990) and Coates (1992) point

out, few studies in the increasingly diverse and voluminous literature address the geographic dimensions of the issue. In the words of Duerden (1990):

> Although involvement in land claims should be an area of legitimate pursuit for geographers, in reality there is a relative paucity of professional geographers involved with land claims...and much of the spatial analysis that has been done has been undertaken by those who would not view themselves primarily as geographers (p. 38).

Indeed, concerns about the relative lack of attention to Aboriginal matters by geographers are not new. In a 1982 editorial to *The Canadian Geographer*, Peter Usher challenged geographers to take Aboriginal issues seriously in their academic work. In his words: "we still have much unfinished business on our northern frontier" (Usher 1982, 190). In recognition of Usher's challenge, a special edition of the *Canadian Geographer* dealing with the "Geographic Perspectives on Aboriginal People in Canada" (Peters and Wolfe-Keddie 1995, 98) was recently published (see vol. 39, no. 2, 1995). This edition covers a wide range of Aboriginal issues including the historical geography of the Cordilleran fur trade (Harris 1995), the environmental knowledge of the Wendaban Stewardship Authority (Shute and Knight 1995), and the role of cartography in the territorial dispossession of Natives in British Columbia (Brealey 1995). However, none of the articles deals with Aboriginal land claims and self-government; and, as the guest editors rightly point out: "Land claims issues have not disappeared, and Usher's challenge to geographers is as important now as it was in 1982" (Peters and Wolfe-Keddie 1995, 99).

As a contribution to the realignment of geography towards Aboriginal matters, this paper explores the spatial aspects of Native land claims and self-government in Canada, and identifies relevant areas for future research. The study is based on the premise that space is not a passive medium in which Native and non-Native cultures interact to deal with these issues. It reasons that Aboriginal demands on land claims and self-government are played out in distinctive geographical circumstances. As Peters and Wolfe-Keddie (1995, 99) aptly put it: "Self-government [and land claim] arrangements have to be implemented 'on the ground,' in particular locales, over particular territories."

The works of Bartlett (1990) and Coates (1992) point to enormous locational diversity in Aboriginal issues across Canada. For instance, estimates by Bartlett (1990) show that the size of land reserved for Aboriginal people varies provincially, ranging from a low of 0.06 percent (of provincial land) in Newfoundland to a high of 2 percent in Alberta. Equally diverse are the degrees of control exercised by provincial governments on Native territories; the size and resource base of contested areas; the pressure on resources from outside interests; and the way resources are viewed by Aboriginal groups across Canada (Bartlett 1990, Coates 1992, Shute and Knight 1995). These variations have a direct bearing on the geography of Aboriginal land claims and self-government in Canada. Geographers can provide new insights into Aboriginal matters by addressing these important space-related issues generally overlooked by other social scientists.

Following a brief description of the recurring themes of geography, the paper provides an overview of Aboriginal land claims and self-government in

Canada. This is followed by a discussion of the geographic dimensions of this multifarious issue. The concluding section highlights potential areas for future geographic research.

Central Themes of Geographic Thought

To facilitate our subsequent exploration of the role of geography in Aboriginal land claims and self-government, we must identify the central themes of geography as a scientific discipline. Geography provides a rational description and interpretation of the earth's surface as the space within which the human population lives (Hartshorne 1959, Getis et al. 1988). The discipline has a broad consistency of spirit and purpose achieved through the recognition of four major unifying themes or traditions: the earth-science tradition, the human- environment tradition, the locational or spatial variation tradition, and the regional tradition (Pattison 1964, Robinson 1976).

The earth-science tradition constitutes the core of physical geography. This tradition prepares the geographer to interpret the natural landscape, analyze it, and predict how it changes over time (Norton 1992, de Blij 1993). A closely related theme is the human-environment tradition which explores the connections between human activities and environmental circumstances. As Haggett (1986) points out, the link here is two-way: the impact of humans on the environment, and vice versa. Another theme that underlies nearly all geographic inquiries is the locational or spatial variation tradition. This theme is concerned with the spatial pattern of cultural and physical phenomena, and examines why things are where they are. Quantitative, cartographic and modelling techniques, as well as various theoretical paradigms (e.g., positivism, Marxism, post-modernism and feminism) are frequently used in this tradition to examine the spatial dimensions of socio-economic issues such as poverty, unemployment, homelessness and Aboriginal land claims (Harvey 1973, Peet 1977, Dear and Wolch 1993, Mensah 1995).

The fourth major theme of geographic analysis is the regional tradition. In geography, any segment of the earth's surface possessing some form of homogeneity based on a set of attributes is considered a region. Using the "region" as an intellectual framework, geographers are able to separate into recognizable components the otherwise overwhelming complexity of phenomena on the earth's surface, and explore existing inter- and intra-regional relationships (Wittlessey 1954, Gregory 1986a, Getis et al. 1988). What are the implications and usefulness of these geographic themes, if any, in addressing Native land claims and self-government? Before addressing this question, the next section examines the historical background of Native land claims and self-government in Canada, and identifies the main features of relevant federal policies over the years.

Aboriginal Land Claims and Self-government: A Background

Prior to the arrival of Europeans, the Aboriginal people of Canada "...roamed all over the territory from the Atlantic to the Pacific, and from the Great Lakes to the Arctic coast...every part of the country was claimed by one or other of the numerous tribes of Indians" (Jenness 1977, 1-2). They had a common

belongingness to the land, and considered themselves as an integral part of the sacred geography of the physical environment (Knudtson and Suzuki 1992). From the Aboriginal standpoint, land is a substance endowed with sacred meaning, embedded with social relations, and fundamental to the comprehension of Native culture.

The settlement and development of land by Europeans in Canada have occurred primarily through a series of treaties. With the Royal Proclamation of 1763, the British entered into the first of many treaties in which the Natives surrendered their rights to land in return for various kinds of compensation and promises from the Canadian government (Asch 1988, Bartlett 1990). The promises included the right to hunt, fish and trap on unoccupied Crown lands (Cassidy and Bish 1989, Bone 1992). Some treaties required that, in return for vast tracts of land, the Crown set aside reserve land for the local Aboriginal population on a per capita basis, and grant special privileges including tax exemptions and free government services to Native claimants (Bone 1992).

The Royal Proclamation acknowledged the concept of Aboriginal rights and initiated the principle of exclusive Crown acquisition of Aboriginal lands (Wolfe 1994). Aboriginal rights are property rights which inure to Natives by virtue of their original occupancy and usage of land (Cumming and Mickenberg 1972). On the whole, the relationships between Natives and the Canadian government have reflected the recognition of these rights and the necessity of extinguishing them by treaties (Cumming and Mickenberg 1972). The notion of Aboriginal rights was reaffirmed in the Canadian Constitution of 1982; subsection 35 (1) stipulates that: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (*Constitution Act, 1982*). The problem, however, is that these rights were not precisely defined, which has resulted in uncertainties and conflicts between Canadian governments and Native groups.

The attendant impasse has surfaced in several court cases including the Calder case of 1973 and the Sparrow case of 1984. In the former (*Calder v. Attorney General of British Columbia*) the Nisga'a people of the British Columbia asked for a declaration that they had Aboriginal rights on their traditional lands. The Supreme Court of Canada affirmed that Aboriginal title existed in common law, but the court was split on whether or not Aboriginal title had extinguished in British Columbia (Bartlett 1990). In the latter case, Ronald Sparrow, a member of British Columbia Musqueam Indian Band, was charged under the Federal Fisheries Act for using an illegally-sized drift net (*R. v. Sparrow*). Sparrow forcefully argued that his Aboriginal right to fish is guaranteed in the 1982 Constitution. In 1990, the Supreme Court of Canada accepted his defence and dropped the original conviction (Isaac 1991, 1992).

Contemporary Federal Policy on Aboriginal Land Claims

The development of modern federal policy on Native land claims has been closely tied to court decisions. Indeed, it is believed that the first federal policy statement of 1973 was prompted by the Calder case (Indian and Northern Affairs Canada 1993). To address the ambiguities created by the courts' recognition of Aboriginal title in Canadian law, the federal government,

through various policy statements, proclaimed its intention to negotiate Aboriginal land claim settlements. As the federal policy evolved, claims were divided into two broad categories: comprehensive claims and specific claims (Bartlett 1990, Indian and Northern Affairs Canada 1993).

Comprehensive Claims

These claims deal with parts of Canada where Native rights were never surrendered. The purpose of these claims is to conclude agreements with Native groups in the hope of resolving the legal ambiguities surrounding Aboriginal rights and title. Comprehensive claims involve a wide range of issues including financial compensation, land ownership, land use rights and political rights. For a comprehensive claim to be accepted for negotiation, the Aboriginal claimants must, among other things, demonstrate that:

- They have occupied the specific territory over which they assert Aboriginal title since time immemorial.

- Their occupancy of the land was to the exclusion of other organized societies.

- They continue to occupy and use the land for some traditional purposes.

- Their Aboriginal rights and title to the land and its resources have never been dealt with by treaty.

- Their Aboriginal title has not been eliminated by any other legal means (Indian and Northern Affairs Canada 1993, 5-6).

Over the years, several observers and Native groups have criticized different aspects of the federal comprehensive policy. The 1973 (and 1981) policy initiative that required a blanket extinguishment of Aboriginal rights in exchange for treaty rights was particularly reproved by critics (Assembly of First Nations 1991, LaForme 1991, Wolfe 1994). While the federal government saw the initiative as a significant impetus for the finalization of land claims, critics argued that "the blanket surrender and extinguishment of their (Aboriginal) rights suggest assimilation and cultural destruction" (Coolican 1985, 40). Some of these concerns were addressed by policy amendments introduced in 1986. For example, Native groups are now permitted to retain their Aboriginal rights to the land they hold following a comprehensive claim agreement, as long as these rights are consistent with the final settlement. Furthermore, Natives are now allowed to negotiate for self-government in a comprehensive claim; this was not allowed prior to 1986 (Indian and Northern Affairs Canada 1993).

Four comprehensive claims have been settled between 1973 and 1993. These include the James Bay and Northern Quebec Agreement, the Northeastern Quebec Agreement, the Inuvialut Agreement and the Gwich'in Comprehensive Land Claim Agreement (Indian and Northern Affairs Canada 1993). Table 1 summarizes the main features of these agreements.

Specific Claims

Specific land claims deal with perceived or real breaches of federal treaty obligations regarding Aboriginal land claims (Bone 1992, Wolfe 1994). If a Native band feels that the terms of an existing treaty have not been fully discharged, it can initiate a specific claim (Bone 1992). The Specific Claim Branch of the Department of Indian Affairs reviews all such claims and submits them to the Department of Justice for its opinion on the legal merits of the claims. The views of the Justice Department are then sent to the Minister of Indian Affairs who makes the final determination concerning the validity of the claims (Townshend 1992).

Critics contend that the specific claim process is restrictive and inherently unfair. It is argued that by acting as the trustee of the Indian people, the defender of the Crown's interest and the judge of each claim, the federal government is inevitably entangled in a conflict of interest (Townshend 1992, Indian and Northern Affairs Canada 1993). Another criticism concerns the amount of time involved; often it takes more than four years to settle one specific claim (Townshend 1992). For instance, it took the Lower Kootenay Indian Band of British Columbia five years, from 1984 to 1989, to settle their specific claim in which they asserted that a 972-hectare land promised to them in 1908 by the federal government was never set aside as a reserve. The claim was settled for a 4.7-million-dollar compensation (Indian and Northern Affairs Canada 1993). Also, a 1973 specific claim by the Big Cove Indian Band of New Brunswick over the sale of 202 hectares of reserved land by the federal government was settled as late as 1988. The Band was awarded a total compensation of $3.2 million (Indian and Northern Affairs Canada 1993).

As of the end of the 1991/92 fiscal year, 682 specific claims had been submitted to the Department of Indian Affairs, of which 266 (or 39%) had been concluded (Indian and Northern Affairs 1993). In what follows, we draw out the major areas of disagreement between the federal government and Aboriginal groups on Native self-government in particular.

Aboriginal Self-government: The Enduring Impasse

Over the years, the federal government has attempted to limit, alter and, at times, eradicate Aboriginal governments. But as Asch (1988) points out, it has never been able to ignore them. Several Native groups continue to assert their proclivities toward self-government. And since the events of Oka in the summer of 1990, many Canadians are openly curious about what Aboriginal self-government actually entails (LaForme 1991). Does it imply the creation of Aboriginal states within Canada? Does it involve the establishment of a different legal system for Aboriginal people? And what are the existing or expected relationships between Canada and Aboriginal governments? These are some of the questions being asked (Hall 1986, LaForme 1991).

From the Native perspective, self-government implies the inherent right to determine their own forms of government including the right to establish their own laws and institutions (Asch 1991). This conception of self-government is intertwined with the notion of Aboriginal right which, in turn, relates to

Table 1

Comprehensive Land Claims in Canada, 1973-1993

Agreement	Date Signed	Participants	# of Native Beneficiaries	Dollar Compensation[1]	Total Land[2]
James Bay & N. Quebec Agreement	Nov. 11, 1975	• Cree & Inuit of N. Quebec • Governments of Canada & Quebec • Hydro-Québec	15,932	$225 million	5,542 sq.km
N.E. Quebec Agreement	Jan. 12, 1978	• Naskapi Indian Band of N.E. Quebec • Governments of Canada & Quebec • Hydro-Québec	465	$9 million	8,150 sq. km
Inuvialuit Final Agreement	June 5, 1984	• Inuvialuit of Western Arctic • Governments of Canada, NWT & Yukon	2,500	$152 million	91,000 sq.km
Gwich'in Claim Agreement	April 22, 1992	• Gwich'in of Mackenzie Delta • Governments of Canada & NWT	2,200	$75 million	23,970 sq.km

1   These figures do not include other minor financial payments made to Natives to cover things like social development programs and resource royalties.

2   The figures represent the total land over which Aboriginal people have both surface and sub-surface rights under the agreement.

Sources: Crowe 1990, 20-21; Bone 1992, 236; Indian and Northern Affairs Canada 1993, 11-12.

Aboriginal spirituality. The following observation by Ahenakew (1985) captures these relationships:

> The Creator gave each people the right to govern its own affairs, as well as land on which to live and which to sustain their lives. These Creator-given rights cannot be taken away by other human beings (p. 24).

A similar view was expressed by the Assembly of First Nations in December 1980 as follows:

> We the original people of this Land know the Creator put us here. The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind...The Creator has given us the right to govern ourselves and the right to self-determination (Quoted in Asch 1988,125).

While the Canadian government appears, at least rhetorically (Asch 1988, LaForme 1991), to agree that Aboriginal people should have some form of self-government, it is reluctant to make the necessary constitutional specification in that regard. Several reasons explain the federal government's stance. Among other things, there is a concern that any specification of Aboriginal self-government in the Canadian constitution might entice other ethnic groups to make a homologous demand (Asch 1988). Native groups and the Canadian government are at loggerheads on other related issues including the nature of self-government for Natives and the ultimate source of Aboriginal political power. While the Natives contend that their political power is conferred by the Creator from time immemorial, the federal government disclaims this, and argues that Aboriginal political power is delegated from federal authorities as a privilege, and must conform to the laws of Canada (Cassidy and Bish 1989, Fleras and Elliott 1992). Furthermore, while several Aboriginal groups seek self-government with provincial-like powers, the federal government is offering only a municipal model under provincial control (Etkin 1988, Asch 1988, Fleras and Elliott 1992).

Geography and Aboriginal Land Claims and Self-government

As noted earlier, geographers have a strong interest in analyzing information on the relationships of people to the land they occupy. And because control over land constitutes the crux of Native land claims and self-government, geographers have a lot to contribute to this area (Duerden 1990). Indeed, several of the issues frequently raised in Aboriginal land claims and self-government, including those on the size, location and quality of land, as well as boundary delimitation, are inherently geographic (Keller 1986, Duerden 1990). The following discourse identifies the contribution of geographic research on Aboriginal land claims and self-government, and highlights the techniques relevant in supporting this area of research.

Land Use and Occupancy Mapping

Mapping, the most fundamental tool of geography, is exceptionally effective in recording and presenting information about the environment. Maps can reveal the locational attributes of the environment and help unravel the relationships of human beings to features of the earth's surface. To legitimize a land claim, Natives need to prove that they have occupied and utilized the land over which they assert Aboriginal title since time immemorial. Arguably, there can be nothing more convincing in this undertaking than comprehensive maps depicting present and historical Aboriginal activity space such as hunting and fishing grounds, ceremonial sites and routeways. The works of Freeman and Associate (1976) in the eastern Arctic, Duerden and Associates (1986) in southern Yukon and Riewe (1988) in the Nunavut region are good examples of land-use mapping projects associated with Aboriginal land claims in Canada.

Studies (e.g., Nahanni 1977, Brody 1981) suggest that fundamental differences exist between the environmental knowledge of Natives and non-Natives in Canada. Consequently, in tracing the history of Aboriginal land use and occupancy, conscious efforts should be made to incorporate the

environmental perceptions and views of Native people. This can be accomplished by combining the techniques of "real" mapping (e.g., planimetric maps, topographic maps and thematic maps) with those of "virtual" mapping (e.g., mental or cognitive maps). Recent work by Shute and Knight (1995) in Temagami, Ontario demonstrates the effectiveness of mental maps in capturing the environmental knowledge of both Natives and non-Natives in Canada. Their findings suggest that the environmental knowledge of indigenous people is far more comprehensive and sophisticated than that of non-indigenous people.

Also, given the acute dearth of formal data on Aboriginal environmental knowledge, the geographer may have to rely rather heavily on toponymy, oral history and mental maps in capturing the relevant historical dimensions of Aboriginal land use and occupancy (Duerden 1990). Some of the ideas and images in the minds of Aboriginal people may be vague or ill-formed, and this will require systematic analyses and a great deal of imagination on the part of the geographer.

The geographer can also rely on the tools of remote sensing (e.g., aerial photography and satellite imagery), digital cartography and Geographic Information Systems (GIS) in designing maps to authenticate Native land claims. Geographic Information Systems can add several advantages to the mapping process. These include speedier, easier and more accurate map design and production (Campbell 1991). They can also facilitate the entry and storage of relevant text and symbols, and assist in linking textual and attribute information to cartographic data (Duerden and Keller 1992). With the aid of a GIS package, the School of Applied Geography at Ryerson Polytechnical Institute was able to identify various land selection scenarios for the Teslin Band of southern Yukon, and provide atlases of land-based activities for the Council of Yukon Indians in the 1980s (Banting and Duerden 1988).

Two related geographic concepts—sequent occupance and settlement continuity[2]—are particularly important in designing maps for Aboriginal land claims. These concepts highlight the succession of human occupance of a particular landscape over time (Gregory 1986b, Hardwick and Holtgrieve 1990). Against the background of these concepts, some geographers (e.g., Freeman and Associates 1975, and Duerden and Associates 1986) have been able to trace the land use history of different Aboriginal groups in Canada.

Resource Evaluation and Appraisal

Within the framework of land claim negotiations, Aboriginal people are expected to surrender their right to land in return for various compensations from the federal government. For the process to be fair to both parties, there should be a comprehensive evaluation of the resource potential of the land under negotiation. This will help in determining the appropriate compensation due, and in identifying parcels of land to be reserved for Natives as part of the land claim. "Resources are not, they become; they are not static but expand and contract in response to human wants and human actions" (Zimmermann 1951, 15). Consequently, resource evaluation of any kind is difficult, and involves several subjective questions: What aspects of the land constitute resources? In

what quantity and quality do these resources exist? How are they spatially distributed? What are their relative value in social and economic terms? And what are the possible environmental and social consequences of future resource development projects?

Geographers use two main procedures to determine the quantity and quality of land resources. The first assesses resource availability in a purely physical sense, and relies on land capability and land use surveys to estimate several environmental attributes including geological structure, soil fertility, water availability and vegetative cover (Stamp 1958, Rhind and Hudson 1980). The second method evaluates land resources from a human perspective, and relates supply to technology, culture, carrying capacity, management goals and various perceptual and social indicators (McRae and Burnham 1981, Rees 1986, Mitchell 1989). Ideally, any geographic appraisal of land resources for Native claims should combine these two methods to capture both the physical base of the land, regarded as unchangeable in the short-run (White 1986), and the ever-changing social and economic controls. The Yukon Indian Land Mapping Project conducted by Duerden and Associates (1986) and the Tungavik Federation of Nunavut's project (Riewe 1988) are notable examples of such land resource identification and evaluation exercises in the context of Aboriginal Canada.

Furthermore, given the inherent subjectivity involved in this exercise, a basic understanding of Aboriginal *topophilia*[3] is required to appreciate the relative importance of different environmental attributes to Aboriginal people. As with all cultures, Native Canadians express their *topophilia* not only in economic terms, but also in nostalgic and emotional terms; and the geography of Aboriginal environmental perception and spatial preferences is particularly significant in this context.

Moreover, as part of the evaluation process, the geographer may explore the possible environmental and social consequences of future resource projects on the Native population. This information can be used in determining what constitutes a fair compensation in a land claim. The information can also be utilized to reduce future disruption to the environment caused by resource projects. A wide range of questions needs to be considered in assessing the possible effects of resource projects on Aboriginal land: What are the positive and negative features of the proposed projects? What are the spatio- temporal dimensions of the anticipated impacts of the project? And which of these impacts are discordant with Aboriginal traditions and culture? Unless these questions are addressed in land claims, litigations and Native blockades, such as the Oka and James Bay crises, will continue to be an integral part of resource development in Canada.

Regionalization and Boundary Delimitation

The main political goal of Native people is to control the administration of Aboriginal resources and services on Native land. Nearly all the major Aboriginal initiatives including the original Nunavut proposal of 1976[4], the *Cree-Naskapi Act* of 1984, and the *Sechelt-Indian Band Self-government Act* of 1986 express this desire (Cassidy and Bish 1989, Morrison 1992). From the

geographic perspective, this raises the issue of territoriality[5] and boundary delimitation—an issue that determines the spatial extent of Aboriginal government. Boundaries serve as symbols of cultural inviolability. They help develop the emotional bond that distinguishes between members of different cultures (de Blij 1993). Without a well-defined boundary, Aboriginal people may have difficulties in regulating social interaction and group membership within their territory.

Using the techniques of regionalization, surveying and locational analysis, geographers can help identify coherent spatial units for effective boundary delimitations and political districting. Boundary delimitation raises several questions that are primarily geographic: What are the consequences of boundary changes on Aboriginal culture? What are the appropriate surface and subsurface boundaries for Aboriginal land claims and self-government? Which of the existing administrative structures and geographical units need to be maintained for a meaningful Native self-government? Using the distance between political constituents and new capital centers as a surrogate of accessibility, Keller (1986) has addressed some of these geographical questions with respect to Native self-government in the Northwest Territories.

Conclusion: Future Challenges

Drawing from a variety of geographic themes and techniques, this paper has examined the role of geography in Native land claims and self-government. The preceding analysis suggests that geographic information about land is invaluable to Native land claims and self-government. Among other things, such information can assist in the identification of areas of claim interest, and provide a mechanism for managing the land after claims have been settled (Banting and Duerden 1988). In this concluding segment, the paper identifies other space-related matters concerning Aboriginal Canada for future geographic research. Some of the issues raised here are highly speculative and exceed the limits of the context established above.

The first issue concerns devolution and regionalism. The transfer of political responsibility and authority from federal and provincial governments to Native groups inevitably generates regional consciousness. Names like Nunavut (meaning "Our Land") underscore the intense feeling of collective identity and regionalism associated with Aboriginal land claims and self-government in Canada. Regionalism has many positive aspects; it can help in the identification and resolution of territorial predicaments (Smith 1986, Harris 1987). However, in its extreme form, regionalism can create a deep sense of mistrust between Aboriginal and federal governments. Regional analysts need to investigate the extent of regionalism in Native land claims and self-government, and offer possible solutions to curtail its negative dimensions. A related matter is whether Aboriginal self-government ultimately leads to regional (development) convergence or divergence. Some analysts (e.g., Weller 1990) argue that Aboriginal self-government can reduce regional disparities and help bridge the socio-economic gap between Natives and non-Natives in Canada. To what extent is this true? This issue requires

further probing to unravel the distributive effects of various social and economic development projects in Aboriginal communities.

Another geographic matter that requires more research is the issue of Aboriginal self-government without a land base. To some observers (e.g., Weinstein 1986, Peters 1992, Peters and Wolfe-Keddie 1995), it is possible for Natives to maintain an independent culture and tradition without a territorial base. To others (e.g., Bartlett 1990), however, this is extremely difficult given the historical attachment of Aboriginal people to the land. While a large body of literature exists on Aboriginal self-government with a land base, research on Native self-government off a land base suffers from an acute dearth (Peters 1992). The challenge is to examine the locational preferences, migration patterns and political aspirations of Aboriginal people to produce feasible models of Native self-government off a land base.

Another area that deserves research attention is the application of federal, provincial and Native laws to non-Aboriginal people living on Aboriginal land, and to Aboriginal groups away from their land base. Analyses of these issues will not be easy. They require a wide range of empirical data, analytical techniques and theoretical paradigms. Nonetheless, geographers cannot continue to maintain a low profile in the study of Aboriginal land claims and self-government. After all, space is not a mute variable in matters of human group territoriality.

Acknowledgments

Notes

1. Under the *Constitution Act of 1982*, Section 35 (a), the term "Aboriginal" refers to "Indians, Inuits, and Métis people of Canada." The term "Native" is used interchangeably with "Aboriginal" in this study.
2. Sequent occupance is a perspective that sees geography as a succession of stages of human occupance of land, and establishes the genetics of each stage on the basis of its predecessor (Whittlessey 1929). Settlement continuity is a related concept that views geography as the maintenance of settlement sites or structures across a period of major societal transformation (Darby 1964).
3. *Topophilia* refers to the affective ties people have with the physical environment, particularly with specific places (Tuan 1974).
4. This proposal was put forward on behalf of the Inuit of the central and eastern Arctic by the Inuit Taparisat of Canada. Its main feature was the creation of a new territory with the same powers as those of the Yukon and the Northwest Territories.
5. Territoriality refers to the attempt by a group to establish control over a clearly demarcated region.

Cases cited

Calder v. Attorney General of British Columbia [1973] S.C.R. 313, [1973]4 W.W.R.1, 34 D.L.R. (3d) 145, 7 C.N.L.C. 91.
R. v. Sparrow, Supreme Court of Canada [1990] 3, *Canadian Native Law Reporter* 160-188.

Bibliography

Ahenakew, D. (1985) 'Aboriginal title and Aboriginal rights: the impossible and unnecessary task of identification and definition.' In *The Quest for Justice* (eds) M. Boldt and J.A. Long (Toronto: University of Toronto Press) 24-30.

Asch, M. (1988) *Home and Native Land: Aboriginal Rights and the Canadian Constitution* (Scarborough, Ont.: Nelson Canada).

Asch, M. and Macklem, P. (1991) 'Aboriginal rights and Canadian sovereignty: An essay on R. v. Sparrow.' Alberta Law Review 29, 498-517.

Assembly of First Nations (1991) 'The land claim and Nunavut: One without the other isn't enough.' In *Aboriginal Self- Determination* (ed) F. Cassidy (Lantzville, B.C.: Oolichan Books and the Institute for Research on Public Policy) 232-49.

Banting, D. and Duerden, F. (1988) 'Geographic Information Systems and their application to the Yukon land claim.' In *Polar Science, Technology and Information*. (Ottawa: Association of Canadian Universities for Northern Studies) 76-80.

Bartlett, R.H (1990) *Indian Reserves and Aboriginal Lands in Canada: A Homeland* (Saskatoon: University of Saskatchewan Native Law Centre).

Bone, M.R. (1992) *Geography of the Canadian North* (Toronto: Oxford University Press).

Brealey, K.G. (1995) "Mapping them 'out': Euro-Canadian cartography and the appropriation of the Nuxalk and Ts'ilhqot'in First Nations' territories, 1793-1916" *The Canadian Geographer* 39, no. 2, 140-56.

Brody, H. (1981) *Maps and Dreams* (Vancouver: Douglas and McIntyre).

Campbell, J. (1991) *Map Use and Analysis* (Dubuque, Iowa: Wm. C. Brown Publishers).

Cassidy, F. and Bish, R.L. (1989) *Indian Government: Its Meaning in Practice* (Halifax: Institute for Research on Public Policy).

Clarke, B. (1990) *Native Liberty, Native Sovereignty: The Existing Rights of Aboriginal Self-government in Canada* (Montreal and Kingston: McGill-Queens University Press).

Coates, K. (1992) 'Introduction.' In *Aboriginal Land Claims in Canada: A Regional Perspective*, (ed) K. Coates (Toronto: Copp Clark Pitman Ltd.) 1-10.

Coolican, M. (1985) *Living Treaties: Lasting Agreements*. Report of the Task Force to Revise Comprehensive Claims Policy (Ottawa: DIAND).

Crowe, K.J (1990) 'Claims on the land.' *Arctic Circle* 1 (3) 20-21.

Cumming, P.A. and Mickenberg, N.H. (1972) *Native Rights in Canada* (Toronto: The Indian-Eskimo Association of Canada).

Darby, H.C. (1964) 'Historical geography: from the coming of the Anglo-Saxon to the Industrial Revolution.' In *The British Isles: A Systematic Geography* (ed) J. W. Watson (London: Nelson) 198-220.

Dear, M.J. and Wolch, J. (1993) 'Homelessness.' In *The Changing Social Geography of Canadian Cities* (eds) L.S. Bourne and D. Ley (Montreal and Kingston: McGill-Queen's University Press) 298-308.

de Blij, H.J. (1993) *Human Geography: Culture, Society, and Space* (Toronto: John Wiley & Sons, Inc.).

Duerden, F. (1990) 'The geographer and land claims: A critical appraisal.' *Operational Geographer* 8 (2) 35-37.

Duerden, F. and Associates (1986) *Yukon Indian Lands Potential Atlas* (Whitehorse: Council for Yukon Indians).

Duerden, F. and Keller C.P. (1992) 'GIS and land selection for Native claims.' *Operational Geographer* 10 (4), 11-14.

Etkin, E.C. (1988) 'The Sechelt Indian Band: An analysis of a new form of native self-government.' *The Canadian Journal of Native Studies* VII, 73-105.

Freeman, M. and Associates (1976) *Inuit Land Use and Occupancy Project* (Ottawa: Department of Indian and Northern Affairs).

Fleras, A. and Elliott, L.J. (1992) *The Nations Within: Aboriginal State Relations in Canada, the United States, and New Zealand* (Toronto: Oxford University Press).

Getis, A., Getis, J., and Fellmann, J. (1988) *Introduction to Geography* (Dubuque: Wm. C. Brown Publishers).

Gormley, J.D. (1984) 'Aboriginal rights as natural rights.' *The Canadian Journal of Native Studies* IV (1) 29-49.

Gregory, D. (1986a) 'Regional geography.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) 396-98.

——————- (1986b) `Settlement continuity.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) 426-27.

Haggett, P. (1986) 'Geography.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) 175-78.

Hall, T. (1986) 'Self-government or self-delusion? Brian Mulroney and aboriginal rights.' *The Canadian Journal of Native Studies* VI (1) 77-89.

Hardwick, S.W. and Holtgrieve, D.G. (1990) *Patterns on our Planet: Concepts and Themes in Geography* (Toronto: Collier Macmillan Canada, Inc.).

Harris, C. (1995) 'Towards a geography of white power in the Cordilleran fur trade.' *The Canadian Geographer* 39, no. 2, 131-40.

Harris, R. C. (1987) 'Regionalism and the Canadian archipelago.' In *Heartland and Hinterland: A Geography of Canada* (ed) L.D. McCann (Scarborough, Ontario: Prentice-Hall Canada Inc.) 533-60.

Hartshorne, R. (1959) *Perspectives on the Nature of Geography* (Chicago: Rand McNally).

Harvey, D. (1973) *Social Justice and the City* (London: Edward Arnold).

Indian and Northern Affairs Canada (1993) *Federal Policy for the Settlement of Native Claims* (Ottawa: Indian and Northern Affairs Canada).

Isaac, T. (1991) 'Understanding the Sparrow decision: Just the beginning.' *Queen's Law Journal*, 377-79.

——————— (1992) 'The B.C. court and aboriginal rights.' *Policy Options* (March) 16-18.

Jenness, D. (1977) *Indians in Canada* (Toronto: University of Toronto Press).

Keller, C.P. (1986) 'Accessibility and areal organizational units: Geographical considerations for dividing Canada's Northwest territories.' *The Canadian Geographer* 30 (1), 71-9.

Knudtson, P. and Suzuki, D. (1992) *Wisdom of the Elders* (Toronto: Stoddart Publishing Co.).

LaForme, S.H. (1991) 'Indian sovereignty: What does it mean?' *The Canadian Journal of Native Studies* XI (2) 253-266.

McRae, S.G. and Burnham, C.P. (1981) *Land Evaluation* (Oxford and New York: Oxford University Press).

Mensah, J. (1995) 'Journey to work and job search characteristics of the urban poor: A gender analysis of a survey data from Edmonton.' *Transportation* 22, 1-19.

Mitchell, B. (1989) *Geography and Resource Analysis* (Essex: Longman Scientific & Technical).

Morrison, W.R. (1992) 'Aboriginal land claims in the Canadian North.' In *Aboriginal Land Claims in Canada* (ed) K. Coates (Toronto: Coops Clack Pitman Ltd) 167-94.

Nahanni, P. (1977) 'The mapping project.' In *Dene Nation, the Colony Within* (ed) M. Watkins (Toronto: University of Toronto Press).

Norton, W. (1992) *Human Geography* (Toronto: Oxford University Press).

Pattison, W.D. (1964) 'The four traditions of geography.' *Journal of Geography* 63, 211-16.

Peet, R. (1977) `The development of radical geography in the United States.' *Progress in Human Geography* 1, 240-63.

Peters, J.E. (1992) 'Self-government for Aboriginal people in urban areas: A literature review and suggestions for research.' *The Canadian Journal of Native Studies* XII (1), 51-74.

Peters, E. and Wolfe-Keddie, J. (1995) 'Geographical perspectives on Aboriginal people.' *The Canadian Geographer* 39, no. 2, 98-100.

Rees, J.A. (1986) 'Resource evaluation.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) p. 409.

Rhind, D. and Hudson, R. (1980) *Land use* (London and New York: Menthuen).

Riewe, R. (1988) 'Land use mapping and regional variations within Nunavut.' In *Polar Science, Technology and Information.* (Ottawa: Association of Canadian Universities for Northern Studies) 80-85.

Robinson, L.J. (1976) 'A new look at the four traditions of geography.' *Journal of Geography* 75, 520-30.

Shute, J.J. and Knight, D.B. (1995) 'Obtaining an understanding of environmental knowledge: Wendaban Stewardship Authority.' *The Canadian Geographer* 39, no. 2, 101-111.

Smith, G. (1986) 'Regionalism.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) 400-401.

Stamp, L.D. (1958) 'Measurement of land resources.' *Geographical Review*, 48, 1-15.

Townshend, R.T. (1992) `Specific claims policy: Too little too late.' In *Nation to Nation: Aboriginal Sovereignty and the Future of Canada* (eds) D. Engelstad and J. Bird (Concord, Ont.: House of Anansi Press Limited) 60-66.

Tuan, Y. F. (1974) *Topophilia: A Study of Environmental Perception, Attitudes and Values* (Englewood Cliffs, NJ and London: Prentice-Hall).

Usher, P.J. (1982) 'Unfinished business on the frontier.' *The Canadian Geographer* XXVI, 3, 187-90.

Weinstein, J. 1986 *Aboriginal Self-Determination off a Land Base* (Kingston: Queen's University Press).

Wells, M. and Berry, J.W. (1992) 'Attitudes towards Aboriginal self-government: The influence of knowledge, and cultural and economic security.' *The Canadian Journal of Native Studies* XII (1), 75-93.

Weller, G. (1990) 'Devolution, regionalism and division of the Northwest Territories.' In *Devolution and Constitutional Development in the Canadian North*, (ed) G. Dacks (Ottawa: Carleton University Press) 317-332.

White, P. (1986) 'Land classification.' In *The Dictionary of Human Geography* (eds) R.J. Johnston, D. Gregory, and D.M. Smith (London: Blackwell) 247.

Whittlessey, D. (1929) 'Sequent occupance.' *Annals of the Association of American Geographers* 19, 162-166
———— *(1954)* '*The regional concept and the regional method*' *In American Geography: Inventory and Prospect* (eds) P. James and C.F. Jones (Syracuse, N.Y: Syracuse University Press) 19-68.

Wolfe, J. (1994) 'First Nations' strategies for reintegrating people, land resources and government.' In *Public Issues: A Geographical Perspective* (ed) J. Andrey and G. Nelson (Waterloo: University of Waterloo Press) 239-270.

Zimmermann, E.W. (1951) *World Resources and Industries* (New York: Harper and Brothers).

Peter H. Russell*

The Research Program of the Royal Commission on Aboriginal Peoples

Abstract

As with other Canadian commissions of inquiry on major policy issues, the research program of the Royal Commission on Aboriginal Peoples will comprise an important part of its long-term legacy. Not only has this Commission's research program engaged university-based scholars from a wide range of disciplines, it has provided unprecedented scope for Aboriginal learning and perspectives. It will be a great pity if fiscal constraints prevent the full publication of the products of this research.

Résumé

Comme pour la plupart des commissions royales d'enquête sur des questions politiques d'envergure, le programme de recherche de la Commission royale d'enquête sur les peuples autochtones constituera une partie importante de son héritage. Le programme de recherche de cette commission a non seulement obtenu la collaboration d'universitaires d'une grande variété de disciplines, mais offre aussi une occasion sans précédent de développer de nouvelles perspectives et d'ouvrir de nouveaux champs de connaissances sur la question autochtone. Il serait regrettable que des contraintes fiscales empêchent la publication complète des résultats de cette recherche.

A major product of many Canadian Royal Commissions is their research program. This is especially the case when the Commission is concerned with significant policy matters confronting the country for some time and on which informed guidance is sought. The research programs of such Royal Commissions enlist the services of leading scholars and practitioners from the field in question, asking them to both develop practical proposals for change and to examine the deeper, underlying issues. Along with public hearings and the submissions of interested parties, this research provides ideas and insights which Commissioners can use in writing their report and shaping their recommendations. In the longer term, the Royal Commission's research product offers a pool of knowledge which can be drawn on over time not only by Canadians but by citizens, scholars and governments in other countries concerned with the same general problem. In the words of Alan Cairns, "Major policy-oriented royal commissions typically leave a double legacy—a report and published volumes of research" (Cairns 1990, 88).

With some Royal Commissions, the longer-term value of published research has proven at least as significant as the immediate impact of the Commission's report. The Royal Commission on Aboriginal Peoples (RCAP) may well be

such a commission. Since its establishment in the fall of 1991, it has commissioned over 350 studies covering every dimension of its comprehensive mandate.[1] Most of these studies are now completed and ready for some form of publication.

Unlike the research programs of other Royal Commissions, primarily aimed at applying "state of the art" knowledge and paradigms from the academic community to practical policy problems, the RCAP's research program has focused more on the accumulation and dissemination of new knowledge (RCAP 1993a). With regard to some of the most fundamental aspects of Canada's Aboriginal peoples, there were enormous knowledge gaps. These included basic demographic facts about the size, location and mobility of populations, full accounts of seminal events affecting the circumstances of Aboriginal peoples in the past and in-depth information about contemporary changes in Aboriginal societies and their relationship with Canada.

In seeking to fill this knowledge gap, the Commission has taken a broad, bi-cultural view of knowledge. Its research program has included a great deal of traditional academic research conducted by university-based scholars. The disciplines of anthropology, economics, geography, history, law, political science and sociology have been well represented. But it has also recognized the value of knowledge garnered by Aboriginal people—individually and collectively—through research and reflection unbound to the epistemological paradigms and methodologies of the university academy. This is undoubtedly the most distinctive feature of the Commission's research program—the extent to which it has accommodated the Aboriginal voice and perspective. It is doubtful that any public inquiry in a society dominated by white settlers has ever provided its indigenous peoples an opportunity on this scale for recording their own understanding of their conditions and their prospects.

In this respect, the research program embodies the central, operative principle of the Commission as a whole. From its earliest publications, the Commission has emphasized that a proper relationship between Aboriginal peoples and the larger Canadian society must be based on mutual respect and reciprocity rather than domination or exclusion, assimilation or separation. The Commission's quest for knowledge, like the fundamental relationship it calls for, has been one of partnership (RCAP 1993b).

Such a partnership is manifest in the personnel and structure of the Commission. The seven Commissioners (carefully selected by a retired Chief Justice of Canada after extensive country-wide consultations) include four Aboriginals and three non-Aboriginals. The co-chairs, George Erasmus, former National Chief of the Assembly of First Nations, and René Dussault, a justice of Quebec's Court of Appeal, reflect this reciprocity. A similar balance has been maintained in the staffing and commissioning of research by the Commission's Research Directorate led by two co-directors, both leading scholars in the field: one, Marlene Brent-Castellano, with an Aboriginal background and the other, David Hawkes, with a non-Aboriginal background. A Research Advisory Committee constituted by Aboriginal and non-Aboriginal experts drafted a set of ethical guidelines to ensure that the research program met the standards of validity and propriety required both by

university-based disciplines and by Aboriginal communities.[2] The Committee also developed a peer-review process requiring that every study be reviewed by at least one Aboriginal and one non-Aboriginal reviewer.

Rather than being organized on the basis of academic disciplines, the research program has proceeded in "an integrated holistic way" centered on four themes: governance, land and resources, social/cultural affairs, and the North (RCAP 1993a). Cross-cutting these four theme areas are four perspectives: history, Aboriginal people living in urban settings, women and youth. The aim is to ensure that research in each theme area pays proper attention to concerns emanating from these four perspectives. Research in all four theme areas has also taken into account the distinctive interests of the three main components of the peoples who, together, constitute Canada's Aboriginal peoples: the First Nations (or to use the European term—"Indian" nations), the Inuit and the Métis.

Recognition of the Aboriginal peoples' inherent right to self-government was an important component in the package of constitutional proposals contained in the Charlottetown Accord. Commitment to recognition of that right did not die with the Accord. Currently, considerable momentum at the federal, provincial and territorial levels tends toward giving effect to Aboriginal self-government. Given that momentum, the commissioned research on governance should generate a good deal of interest. One of the most interesting sets of studies in this area consists of eighteen studies on Aboriginal government in specific communities. These include Métis and Inuit peoples as well as a number of First Nations. All involved the participation of Aboriginal citizens and researchers. These studies should greatly enhance the empirical grounding of a discussion of Aboriginal self-government.

Another set of studies will provide the first systematic and comprehensive account of the flip side of Aboriginal governance: the activities of non-Aboriginal governments in relation to indigenous peoples. Included in this set are historical and analytical accounts of the policies and structures adopted by each of Canada's ten provinces, two territories and the federal government in dealing with Native peoples. These accounts were produced by leading political scientists and historians in the field of Aboriginal studies. In the governance area, a wide range of research papers covers special dimensions of Aboriginal governance, including such topics as fiscal arrangements, citizenship, identification and enumeration. Alongside these Canadian studies, a series of international studies provides a basis for comparative analysis by assessing approaches to the governance of indigenous peoples in several other countries.

In the land/economy area, one of the biggest knowledge gaps addressed by the Commission's research program has been treaties. In the past, treaties were the primary instruments for regulating the sharing of land and resources between First Nations and new settler populations. Since the 1970s, treaties ("comprehensive land claim agreements") have regained their prominence as the principal method of re-building consensual relationships with all of Canada's Native peoples. Yet very little in-depth, systematic knowledge about treaties has been available. The treaty research sponsored by the Commission

—over twenty-five separate studies—will go along way towards filling this gap. Much of it was conducted through a partnership of lawyers and professional historians with Aboriginal scholars drawing on their own peoples' knowledge of their treaty experience. This treaty research embraces not only the historic treaties with First Nations, but also the treatment of Métis land rights and the modern treaty process.

A set of case studies on the land/economics theme parallel the community case studies on self-government. In these studies, Native communities—Inuit, Métis and Indian, in all parts of the country—examine their experience with various forms of economic development. Economic research of a more analytic and statistical nature was carried out on a variety of topics including the extent of poverty, employment patterns, education and training, economic rent yielded by Aboriginal lands and the role of tradition in economic development.

The research program in the socio-cultural theme area was equally wide-ranging. Research focused on all levels of education, language instruction (including the conditions for survival of Aboriginal languages) and new modes of delivering education to populations spread over vast distances. Research in the health and welfare field has, among other things, documented the conditions of Native health, both physical and mental, examined the continuing relevance of traditional medicine as well as new delivery systems, and conducted studies on substance abuse, family violence and various aspects of child welfare. The achievements and aspirations of Aboriginal peoples in the creative and performing arts, sports and recreation were also the subject of research studies. A further area of study was the experience of Aboriginal women, men and youth with criminal justice. Some of the work in this field has already been published in the report of the Commission's National Round Table on *Aboriginal Peoples and the Justice System* (RCAP 1993c).

As in the governance and land/economy areas, the research program in the socio-cultural area includes a set of community case studies on different aspects of social and cultural experience. These collective reports were augmented by fourteen autobiographical life histories of single families or individuals. The life histories cover virtually all of the major settings in which Aboriginal peoples have lived in Canada. They provide vivid portraits of how Aboriginal people have experienced the changing conditions of their relationship with Canada.

In the fourth theme area, the North, most of the research has focused on the territorial North, although several studies have concerned developments in Northern provincial areas, particularly Labrador. Research in this area has embraced virtually every dimension of northern life, from country food to the potential of the mining industry, from environmental protection to the relocation of communities. A number of these studies consider the international implications of the development of Aboriginal peoples in the Canadian North.

The Commission and its Research Directorate have ever recognized the danger of overly concentrating on the conditions and prospects of indigenous

peoples in the more remote, less urbanized parts of the country where they constitute either the majority or a significant minority of the local population. Although the urban scene was not itself designated as a theme area in the research program, a series of studies were commissioned on the circumstances of indigenous people who have been migrating in increasing numbers into the large Canadian cities. These studies include research on cultural identity, street kids, the delivery of services and participation in urban government. Statistical studies undertaken for the Commission will demonstrate the extent of the urban migration.

Commissioners and Commission staff have already drawn extensively from this corpus of research in preparing the Commission's final report. Already, the research program has provided material for the Commission's interim reports. The first of these, entitled *The Right of Aboriginal Self-Government and the Constitution*, was issued in February 1992 to provide an informed commentary for governments and Aboriginal organizations involved in deliberations on the constitutional proposals that ultimately became the Charlottetown Accord (RCAP 1992). Following the failure of the Charlottetown Accord, in the summer of 1993, the Commission published a further paper on the Constitution. This paper, entitled *Partners in Confederation*, set out the basis for the Aboriginal right to self-government in Canada's constitutional history and suggested various means whereby that right might be implemented (RCAP 1993b). In February of 1995, the Commission issued *Treaty Making in the Spirit of Co-existence: An Alternative to Extinguishment*, a third interim report designed to assist the on-going process of negotiating a new relationship with Aboriginal peoples (RCAP 1995). This paper put forward a way of obtaining certainty in land claim agreements without insisting on the blanket extinguishment of Native title. In 1994, the Commission reported on two more specialized topics, the relocation of Inuit people in the High Arctic (RCAP 1994a) and suicide among Aboriginal people (RCAP 1994b).

A few of the Commission's research studies have already been published. First released were three parts of a four-volume summary of previous Canadian reports on Aboriginal affairs (Carleton University 1993, 1994a and 1994b).[3] This work was carried out by the School of Public Administration at Carleton University and covers reports issued by federal, provincial, territorial and Aboriginal bodies between 1965 and 1992. More recently, the Commission published two collections of papers by leading Canadian and international legal scholars on *Canada's Fiduciary Obligation to Aboriginal Peoples in the Context of Accession to Sovereignty by Quebec*. The first volume deals with the international dimensions of this issue (Anaya, Falk and Pharand 1995), and the second with its domestic dimensions (Dupuis and McNeil 1995). A further collection of essays on another set of constitutional and legal issues was recently released (Macklem, Moss et al 1995). It covers normative aspects of the right to self-government, Inuit perspectives on self-government, the constitutional status of the Métis and the jurisdictional division of powers in a system of Canadian federalism that accommodates Aboriginal self-government. The authors include both outstanding practitioners in the field,

such as Wendy Moss and John Giokas, and leading scholars, such as Peter Hogg, Patrick Macklem, Bradford Morse and Mary Ellen Turpel.

The research studies mentioned above may be the last to appear in print by the Commission through the federal government's publishing arm, the Canada Communication Group. All of the studies that have passed peer review —between 200 and 250—will, at the very least, be available on CD ROM. However, the government has made no commitment to provide the funds needed to ensure the publication in print of the research studies which have passed peer review and which contain new knowledge and insights. Several of the series will be published by university presses, and some of the community-based studies may be published by Aboriginal presses. However, without some additional funding, it would appear that many of the studies will never be available in print form.

If that is so, it will be a great pity. One can well understand the budgetary constraints on government in this period of deficit reduction. But having invested so much in the Commission's research program, it would surely be a case of "penny wise and pound foolish" to withhold the funds needed to make the product of that research widely available. The CD ROM cannot provide this kind of accessibility. It remains a medium for the professional researcher.

In the first part of 1996, the Royal Commission will submit its final report. This report will synthesize all that it has learned and apply this learning to a comprehensive set of recommendations on building a more satisfactory relationship with all of Canada's Aboriginal peoples. Clearly, this report will be of great importance for those in Canada—and abroad—who are currently engaged with these issues. However significant this report may be, it is unlikely to overshadow the long-term value of the Commission. Like other Royal Commissions in the past that have marked historic milestones in the country's development, this Commission's research product will be a major part of its enduring legacy. Let us hope that legacy is accessible to all who might learn from it.

Notes

*   Peter Russell chaired the Royal Commission on Aboriginal Peoples' Research Advisory Committee.
1.   The Commission's terms of reference are printed in a number of its publications, including RCAP 1992 and RCAP 1993a.
2.   The ethical guidelines are included as Appendix B in RCAP 1993a.
3.   The volume not yet released is volume 1 which will be an overview of major trends in public policy relating to Aboriginal peoples.

Bibliography

Anaya, S. James, Falk, Richard and Pharand, Donat (1995). *Canada's Fiduciary Obligation to Aboriginal Peoples in the Context of Accession to Sovereignty by Quebec*. Vol. 1, International Dimensions. Ottawa: Canada Communication Group.
Cairns, Alan C. (1990). "Reflections on Commission Research," in Paul Pross *et al* (eds.) *Commissions of Inquiry*. Agincourt: Carswells.
Carleton University, School of Public Administration (1993). *Public Policy and Aboriginal Peoples 1965-1992*. Vol. 4, Bibliography. Ottawa: Canada Communication Group.

Carleton University, School of Public Administration (1994a). *Public Policy and Aboriginal Peoples 1965-1992*. Vol. 2, Summaries of Reports by Federal Bodies and Aboriginal Organizations. Ottawa: Canada Communication Group.

Carleton University, School of Public Administration (1994b). *Public Policy and Aboriginal Peoples 1965-1992*. Vol. 3, Summaries of Reports by Provincial and Territorial Bodies and Other Organizations. Ottawa: Canada Communication Group.

Dupuis, Renée and McNeil, Kent (1995). *Canada's Fiduciary Obligation to Aboriginal Peoples in the Context of Accession to Sovereignty by Quebec*. Vol. 2, Domestic Dimensions. Ottawa: Canada Communication Group.

Macklem, Patrick, Moss, Wendy *et al* (1995). *Aboriginal Self-Government: Legal and Constitutional Issues*. Ottawa: Canada Communication Group.

Royal Commission on Aboriginal Peoples (RCAP 1992). *The Right of Aboriginal Self-Government and the Constitution: A Commentary*. Royal Commission on Aboriginal Peoples, P.O. Box 1993, Station B, Ottawa, K1P 1B2.

Royal Commission on Aboriginal Peoples (RCAP 1993a). *Integrated Research Plan*. Royal Commission on Aboriginal Peoples, P.O. Box 1993, Station B, Ottawa, K1P 1B2.

Royal Commission on Aboriginal Peoples (RCAP 1993b). *Partners in Confederation: Aboriginal Peoples, Self-Government and the Constitution*. Ottawa: Canada Communication Group.

Royal Commission on Aboriginal Peoples (RCAP 1993c). *Aboriginal Peoples and the Justice System*. Ottawa: Canada Communication Group.

Royal Commission on Aboriginal Peoples (RCAP 1994a). *The High Arctic Relocation: A Report on the 1953-55 Relocation*. (With two volumes of summary of supportimg information). Ottawa: Canada Communication Group.

Royal Commission on Aboriginal Peoples (RCAP 1994b). *Choosing Life: Special Report on Suicide Among Aboriginal People*. Ottawa: Canada Communication Group.

Royal Commission on Aboriginal Peoples (RCAP 1995). *Treaty Making in the Spirit of Co-existence: An Alternative to Extinguishment*. Ottawa: Canada Communication Group.

Alan Cairns

Citizens, Scholars and the Canadian Constitution*

Abstract

This paper discusses the development of our unhappy realization that we cannot achieve major, formal constitutional change; the emergence of a citizen role in constitutional reform and its contribution to our present constitutional stalemate; and how constitutional scholarship fits into the constitutional existence of a democratic people and the division of labour between politicians and scholars.

Résumé

Cet article aborde trois aspects du débat constitutionnel : le constat douleureux de notre incapacité d'en arriver à une réforme significative de la constitution; l'émergence du citoyen dans le processus de réforme constitutionnelle et sa contribution au blocage actuel; et comment la réflexion universitaire sur la question constitutionnelle cadre dans une société démocratique et s'inscrit dans la division du travail entre politiciens et universitaires.

Your Excellency, members of the international community of Canadianists, and honoured guests at this splendid banquet, I am humbled by this recognition of my contribution to Canadian Studies. I, like most people, recognize the weaknesses in what I write, in the same way as I recognize the shortcomings in the way I live. The knowledge that I could have done a better job in scholarship, as in life, never goes away. So I am surprised, and a little troubled, when my contributions receive any praise. I am also, of course, delighted, but I cannot entirely shake the feeling that if the adjudication committee had read some critical review of a recent publication, in a fortunately obscure journal, I would have been in the audience, not on the stage. As Trudeau said, when all but Quebec had approved the constitutional package in 1981, he thought he should take the agreement and run before the signers changed their minds. I understand his apprehensions, but since I am on the program I will stay and deliver a brief talk.

According to Napoleon, the best constitution is short and obscure. Had the Charlottetown Accord been implemented, our revised constitution would have satisfied the obscurity requirement whilst repudiating the shortness criterion. Given the instructions I have received from Alain Guimont, Executive Director of the International Council for Canadian Studies, about the appropriate length of this talk, short and to the point, and the possibility that some members of the audience might think that Napoleon's aphorism also applies to lectures about the constitution, I hereby declare my half agreement

with Napoleon and my full agreement with our Executive Director. My lecture will be short, but not, I hope, obscure.

The Canadian pursuit of the holy grail of constitutional reform in the past one-third of a century has gone through several stages. In the sixties, it was believed by some that constitutional change was a fairly simple task and that the dead hand of the past could rather easily be swept aside and quickly replaced by that generation's agreement on who we were and how we should constitute ourselves. In the seventies, Trudeau complacently asserted, "In Canada constitutional analysis and review is a highly developed science and a widely practiced art.'[1] He spoke with more truth, if less elegance, on an earlier occasion, when he stated that to open up the constitution was to open a can of worms. In the eighties, we learned to our chagrin that even a constitutional package that commenced with the unanimous agreement of all governments could be derailed three years later by the citizens. Now in the nineties, with the Charlottetown Accord relegated to the category of "might-have-beens," our constitutional soothsayers are virtually unanimous that major change by formal amendment is virtually unattainable. We now have a stalemate constitution. This has led the PQ to modify the adage "If it ain't broke, don't fix it" to "If it can't be fixed, let's break it."

I have no desire to allocate blame for our present constitutional malaise. Rather, I will comment on the tension between two of the major players in the constitutional reform process. Then, in conclusion, I will briefly discuss the contribution of constitutional scholars, viewed as a specific category of constitutional actors, to the overall constitutional process.

My title, "Citizens, Scholars and the Canadian Constitution," is somewhat misleading if it is interpreted as encompassing all the major players in the game of constitutional politics. Obviously, the most important actors are now, always have been, and always will be, governments. In stable times, they administer the constitutional status quo within which they operate. They know that in a federal system of divided jurisdictions any change to the division of powers either restricts or enhances their manoeuverability. They also know that changes in citizen-state relations, such as a charter introduces, may complicate their pursuit of future goals. In other words, individual governments are acutely conscious of the significance of constitutional change.

Until recently, it was taken for granted that constitutional reform was a matter for governments. The overwhelming assumption that governed the search for a Canadian amending formula up to the seventies was that the only issue was how much inter-governmental agreement was necessary before a constitutional amendment could pass. As recently as 1980-81, the Gang of Eight provinces that produced the amending proposals that, in a slightly modified form are now in our constitution, were virtually oblivious to the possibility that a role for the public might be appropriate. Further, and appropriately consonant with their proposals their amending formula was itself fashioned in secret with no public input.

Fifteen years later, a major role for the public is now assumed to be an inescapable requirement of major constitutional change. In some sense, therefore, we have moved from a governments' constitution to a citizens' constitution—or, more accurately, to an uneasy coexistence between two competing views about whose interests the constitution is supposed to serve, and accordingly, who should be the key players in its transformation. Perhaps the fundamental reason for our constitutional stalemate, is that governments and citizens give different answers to what a desirable constitutional package would look like. Both the Meech Lake and Charlottetown Accords gained the unanimous agreement of governments but were defeated by the people. Further, it is plausible, if debatable, to assert that a constitutional referendum on the l981 constitutional package would have gained majority support in every province.[2]

There is a third, often unnoticed, actor in constitutional politics to which I now wish to turn—the scholar, particularly the constitutional scholar. The scholar's role varies from explicit involvement to constitutional scholarship undertaken on the sidelines. The former is self-evident, and includes the key role of the fledgling academic community of the thirties in producing the Rowell Sirois report. It extends to explicit roles as key players inside governments (Patrick Monahan, Daniel Latouche, Peter Meekison), to the less obtrusive but frequent role as advisors, to the recurring role as research directors of major inquiries (Michael Oliver, David Cameron, Ivan Bernier), to participation as commissioners (Frank Scott, Albert Breton, Ron Watts, Peter Meekison, Paul Chartrand) in major inquiries.

Somewhat more subtle is the contribution of scholars to the evolutionary understanding of the contemporary meaning of the constitution. When we speak of constitutional law as the product of judge and company, the latter refers to the input of legal argument by the attorneys in the case. Another version of this understanding, is that sovereignty, in the United States, resides in the Harvard Law School — in the reviews law professors write of Supreme Court decisions. The phrase "judge and company," however, refers only to one facet of a more generous conception of the "company" that attends the constitution — that engages in exegesis of constitutional terms, that pushes the meaning of particular clauses in preferred directions, and that challenges governing elites to live up to their constitutional obligations.

In other words, the spare document that begins life as a constitutional statute, with somewhat indeterminate meaning, is often initially interpreted in the light of the intentions of the founders. The latter, however, quickly gives ground to succeeding generations. Within only a few years of the Charter's implementation it was almost impossible to see how it might have appeared when it was newly minted, so encrusted had it already become with a profusion of literature addressing its meaning. When it was barely six years old, a bibliography of Charter writings listed about l,400 items.[3] The irresistible pressure to bend ambiguous phrases in preferred directions was strikingly evident for the Aboriginal constitutional clauses in the l982 Constitution Act, especially s.35, which sympathetic scholars rushed to fill with an expansive interpretation of Aboriginal rights.

This role is not new. It has a proud history. The controversy over the "real" nature of the 1867 BNA Act was not confined to governments, but also generated a passionate academic controversy in which Donald Creighton and nationalist Quebec academics confronted each other. The extent to which the compact theory was a valid description of the process that led to Confederation by and large divided the scholarly community along French-English lines. The debate over whether the decisions of the JCPC were either faithful to the original text, or appropriate to the subsequent world the constitution encountered, was a confused and polemical debate that engaged some of the best Canadian legal minds of the first half of the twentieth century. Similarly, the constitutional issue of whether and when Canada should cut its ties to the Mother country was hotly contested within the scholarly community.

None of the above is a revelation that will astonish students of constitutional matters. Yet sometimes we know things automatically, so to speak, and as a result we do not know them deeply. We should not think of these debates as being "about" the constitution, as if the debates were one thing and the constitution another. These debates are essential parts of the constitution. The constitution is a debate, or more gently put, a never-ending discussion.

The central question is how does (or should) constitutional scholarship fit into the constitutional existence of a democratic people. A comprehensive answer begins by recognizing the profoundly significant division of labour between politicians and scholars. The difference is summed up in a host of antitheses — rhetoric vs logic, involved vs removed, a short-time versus a long-time horizon, the insecurity of political life vs the security of tenure, control by party competition policed by the electorate vs control by academic colleagues, the adversarial exaggerations of political opponents vs the more constrained exchanges of academe, the Speaker of the House of Commons vs the academic journal editor.

These contrasts are, of course, simplifications. Real world academics and politicians evade these crude dichotomies. Roles are not straitjackets. There is always something open-ended about them. At the extreme, we all know of scholarly politicians and very political scholars.

Yet there is something valuable in underlining the desirability of preserving the division of labour. The danger, of course, is not that politicians will become academics, but that academics will stray into an excessive partisanship, and thus undermine their social utility.

To state that academics can be disinterested, entirely dispassionate analysts of crises in their own society would, quite properly, be treated with incredulity. It does not, however, follow that the division of labour between scholars and politicians should be collapsed. Constitutions, *inter alia*, are intellectual constructs. Their health, when they have it, and cures for their ailments when they do not, both require the assistance of dispassionate scholarship that seeks truth while recognizing its elusiveness.

In a way, our role is analogous to that of the bureaucracy in refining the knowledge base available to decision-makers in governments. The difference is that we do not act under instructions; we do not give direct advice, and our

constituency is everyone affected by the constitution. What we offer is talk. The American political scientist, David Apter, recently wrote: "I began my career firmly dedicated to the proposition that philosophers only interpreted the world when the job was to change it. I now believe that the only way to change the world is to interpret it."[4]

The community of constitutional scholars, therefore, should be thought of as an essential component of a healthy constitutional order. They have special roles to play in the tripartite division of labour they share with citizens and governments. They have been given the privilege of time to think, and a certain quasi-outsider status that should foster a more autonomous perspective than is possible for those more directly involved in the fray. What they can, and should, do is neither better nor worse than the contributions of a host of others—citizens, politicians, judges, interest groups, and bureaucrats. It is simply different, and therein resides its value and our *raison d'être*.

At this troubled time in our history, three central questions vie for our scholarly attention:

1) How can the constitutional amending process be adapted so that the stalemate born of the competing constitutional visions of citizens and governments can be overcome?

2) How can we accommodate our multinational reality and our federal system to suit each other?

3) What can we legitimately expect a constitution to do for us? Have we been asking too much?

In conclusion, may I take the liberty of assuming that in honouring me you are really honouring the larger scholarly community of constitutionalists to which I belong. On their behalf I gratefully accept the Governor General's International Award for Canadian Studies.

Notes

* Delivered May 31, 1995 at the Banquet of the International Council for Canadian Studies, Ottawa, on the occasion of receiving the Governor General's International Award for Canadian Studies.

1. Pierre Elliott Trudeau, "A Time for Action: Toward the Renewal of the Canadian Federation," (Ottawa, 1978), p. 20.

2. See the reminder by Stéphane Dion that Trudeau's constitutional package was reasonably well accepted in Quebec at the time of patriation in 1982, with 49 percent viewing the Constitution Act of April of that year as a "good thing," versus only 16 percent who believed the contrary. Stéphane Dion, "Les avantages d'un Québec fédéré," *Choix, série Québec-Canada*, IRPP, Vol. 1, n° 7, mai, 1995, p. 24, n2. Given the massive support for the Charter outside of Quebec, the possibility of a successful referendum was, at a minimum, plausible.

3. Bibliography in Gérald-A. Beaudoin and Ed Ratushny, eds., *The Canadian Charter of Rights and Freedoms*, 2nd ed. (Toronto, 1989), p. 843-921.

4. David E. Apter, "The Passing of Development Studies – Over the Shoulder with a Backward Glance," *Government and Opposition*, Vol. 15, 1980, p. 275.